



# DEPARTMENT OF CITY PLANNING

## APPEAL STAFF REPORT



### South Valley Area Planning Commission

**Date:** Thursday, October 22, 2015  
**Time:** After 4:30 p.m.\*  
**Place:** Marvin Braude Constituent Service Center  
First Floor Conference Room  
6262 Van Nuys Bl.  
Van Nuys, CA 91401

**Public Hearing:** Required  
**Appeal Status:** Further appealable to City Council  
**Per Ordinance 177,103 effective December 18, 2005**

**Case No.:** VTT-72932-SL-1A  
**CEQA No.:** ENV-2014-2444-MND  
**Incidental Cases:** N/A  
**Related Cases:** DIR-2014-2446-SPP-1A  
**Council No.:** 2  
**Plan Area:** North Hollywood – Valley Village  
**Specific Plan:** Valley Village  
**Certified NC:** Valley Village  
**GPLU:** Medium  
**Zone:** [Q]R3-1

**Applicant:** Irvine Riverside V V LLC (O)

**Representative:** Frank Lawrence (R)

**Appellants:** (1) Glenn Block & Nickie Bryar;  
(2) William Syndelar; (3) Francis Pereira; (4)  
Babette Wilk; (5) Steven Brisk & Ria M. Brisk

**PROJECT LOCATION:** 11580 – 11594 West Riverside Drive & 4748-4752 North Irvine Avenue

**PROJECT:** VTT-72932-SL of an approved 16 Lots, pursuant to the Small Lot Subdivision Ordinance No. 176,354 on a 20,792 square-foot parcel.

**REQUESTED ACTION:** The Deputy Advisory Agency's determination letter was appealed in its entirety to address the following key concerns: 1) Density, 2) Height, 3) Parking, 4) Yard & Passageway, 5) Access, 6) Traffic congestion, and 7) Walls

#### **Note to SVAPC:**

- ***Any appeal items or issues of concerns to the projects Valley Village Specific Plans will be addressed in a separate appeal report under Case No. DIR-2014-2446-SPP-A1.***
- ***All appeal items with respect to the Vesting Tentative Tract Map No. 72932-SL and all related Environmental ENV-2014-2444-MND issues raised by the appellant will be addressed under this staff appeal report.***

**RECOMMENDATION:**

1. DENY the appeal's;
2. SUSTAIN the findings and conditions of the Deputy Advisory Agency including the Environmental; and
3. ADOPT ENV-2014-2444-MND

MICHAEL J. LOGRANDE  
Director of Planning

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Robert Z. Duenas, Deputy Advisory Agency

**Exhibits**

- A. Vicinity
- B. Radius Map
- C. Revised Tract Map date-stamped June 22, 2015
- D. Plans (Exhibit A)
- E. Appeal Application's
- F. Tract Map Determination
- G. Transportation Study
- H. Air Quality Analysis
- I. ENV-2014-2444-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 July 22, 2015, the Deputy Advisory Agency (DAA) approved VTT-72932-SL, located at 11580 – 11594 West Riverside Drive & 4748-4752 North Irvine Avenue for a maximum 16 Lots, Small Lot Subdivision as shown on revised map stamp-dated June 22, 2015.

On July 27, 2015, the Director of Planning approved a Valley Village Project Permit Compliance for a 16 Lot, Small Lot Subdivision development.

On August 3, 2015, the DAA's approval for VTT-72932-SL was appealed to the South Valley Area Planning Commission.

### **General Comments**

#### *Site Description and Project Location*

The subject site is flat, rectangular-shaped corner parcel of land with frontages of 174 feet on the southerly side of Riverside Drive, and a secondary frontage of 100 feet on the easterly side of Irvine Avenue. All three existing lots have a uniform lot depth of approximately 120 feet from the Riverside Drive frontage. The southerly rear portion of the lot has an existing alley adjoining the subdivision. The alley will not be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code.

The site is currently developed with a three (4) unit multiple-family building. The three units will be removed for the construction of the proposed project. The subject site is designated for Medium residential land use with a corresponding zone of R3 in the North Hollywood Valley Village Community Plan area. The property is currently zoned R3 and is located within the boundaries of the Valley Village Specific Plan.

### **The Appeal**

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

#### **Appellant 1 – Glen Block & Nickie Bryar**

##### **Point 1**

The proposed development is a multiple-family residential development because it seeks to construct 16 residences on 3 existing lots – said lots to be further subdivided into 16 lots. That single-family residential lots will ultimately be created does not negate the obvious multi-family nature and character of this development as proposed.

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

This is a Small Lot Subdivision request added by Ordinance No. 176,354 effective January 31, 2005. A Small Lot Subdivision is only allowed in a multiple-family residential zone. While the project is located in the R3 multiple family zone, it is a single family home project because each home is located on its own lot. The approved 16 lots under VTT-72932-SL satisfies said Ordinance as written in the Los Angeles Municipal Code Section 12.22-C.27(a thru j).

**Point 2**

The subdivider/developer proposes to construct an entire neighborhood block of single family residences (16) on nearly the same land area (about 20,000 square feet) as two existing neighborhood houses. The project proposes to nearly triple the existing population on the lots (from approximately 15 people, to at least 40 people).

**Staff response:**

The project site is approximately 0.48 net-acres (20,792 sq. ft.). The property has an existing [Q] limitation, established by Ordinance No. 165,108 (SA6890) limiting the maximum density allowed for this site to 1,200 dwelling units and a maximum building height of 30 feet. Based on the project site net area, the maximum units allowed is 17 units. This Small Lot project, approved for 16 Lots, is below the maximum density threshold imposed by the [Q] limitation.

**Point 3**

The project proposes to construct 16 three-story, 30-foot tall structures nearly triple the height of most existing structures in the in the immediate single family neighborhood. This development is out of character with the nature of the neighborhood and surrounding developments, particularly the single-family homes.

**Staff response:**

The existing [Q] limitation, established by Ordinance No. 165,108 (SA6890) limits the maximum building height to 30 feet. The project does not exceed the 30 feet height limit. Furthermore, the immediate single-family neighborhood is zoned R1-1 which permits a maximum building height of 33 feet for a by-right two-story residence. The 30 feet height limitation imposed by the [Q] produces a reduced building height than that allowed under neighboring R1-1 zoning lots. Therefore, the 30-foot building height is in character with the nature of the R1-1 single-family home neighborhood.

**Point 4**

Section 10 of the Valley Village Specific Plan requires that "at least" one-half the width of any street or alley abutting a development must be dedicated. The only required dedication here is a 2-foot dedication along Riverside Drive, and no dedication along the alley is required. Without full compliance with requirements, approval of the proposed Tentative Tract Map and adoption of the Mitigated Negative Declaration is in error and/or constitutes an abuse of discretion.

**Staff response:**

Section 10 of the Valley Village Specific Plan requires that any dedication must comply with the standards set forth in Los Angeles Municipal Code Section 17.05 to the satisfaction of the City Engineer. The revised map stamp dated June 22, 2015 was distributed to the City Engineer for written comment. The City Engineer is the City expert on public street standards including public alley ways. The Deputy Advisory Agency relies on their recommendation report to ensure minimum width and improvement standards for all classes of public streets and alleys including such minimum width standards as it determines are necessary for the safe and adequate movement of traffic, installation of necessary utilities and reasonable and proper access to abutting property. The 2-foot wide strip of land dedication along Riverside Drive adjoining the tract is necessary to complete a 52-foot wide right-of-way in accordance with Major Highway Standards including a 20-foot radius property line return at the intersection with Irvine to satisfy the City's Highways and Freeways Element of the General Plan. A 20-foot alley is standard and does not require further dedication based on City Engineering standards.

**Point 5**

None of the “adjustments” sought by the developer in Case ZA-2014-2446-ZAA-SPP are justified. Moreover, approval of the project when the developer is seeking adjustments that are not justified and not in compliance with the Valley Village Specific Plan constitutes error and an abuse of discretion.

**Staff response:**

The case referred to is not a ZA case but, rather a DIR case, and ensures compliance with the Valley Village Specific Plan. The Valley Village Specific Plan Case DIR-2014-2446-SPP does not have an action to approve any “adjustments” because the subdivider did not seek any relief from either the Zone Code or from the Valley Village Specific Plan. The Director’s determination is only for the Valley Village Specific Plan project permit compliance, not for variances.

**Point 6**

The developer seeks numerous “early start adjustments” which if approved, would violate the Valley Village Specific Plan with respect to front, side yard, and rear yard setback requirements. This is a violation of the Valley Village Specific Plan Section 6(D)(2)(a,b,& c). Thus the developer is seeking extraordinary reductions in setback areas, exacerbating the impacts of the project rather than attempting to minimize the impacts on the adjoining single-family residential neighborhood.

**Staff response:**

There are no “early start adjustments” being requested at this time. The City Council adopted Ordinance 183,165 to allow a Small Lot Subdivision project to begin construction prior to Map recordation. The early start adjustments with respect to front, side, and rear yard setback as observed under Section 12.10 governing the R3 multiple dwelling zone are no longer applicable and the Small Lot Subdivision regulations under Section 12.22(C).27 (a thru j) prevail.

The Valley Village Specific Plan Section 6(D)(2)(a,b & c) only applies to multiple family residential projects, not to a 16 Lot, Small Lot single-family subdivision all to be single family homes to be recorded as fee simple lots.

**Point 7**

The developer seeks an adjustment allowing no building separation, eliminating the 12-foot separation Code requirement and reduce passageways to 3’-6” from the 12-foot requirement.

**Staff response:**

The developer has not requested any adjustments to building separation, or passageway reductions. The Small Lot Subdivision permits no passageways (see Section 12.22(C).27(f). Moreover, the Small Lot Subdivision allows no side yards (see Section 12.22(C).27(e). This proposed subdivision has a zero side yard setback which is permitted for a Small Lot Subdivision project.

**Point 8**

The developer is also seeking a reduction in the required garage door width to less than 16 feet such that 2 cars cannot fit (LAMC Section 12.21(A)(4)(a), the opening is required to allow for both cars to access simultaneously.

**Staff response:**

The required garage door width can be less than 16 feet provided that the vehicular back up space dimension is increased satisfactory to the Department of Building and Safety, Zoning. The Small Lot Subdivision does require a minimum of 2 parking spaces per lot for each dwelling unit. Since the Code is silent on the type of spaces so one (1) of the two required parking space can be a compact space. This project is providing an additional four (4) guest parking spaces. The guest parking space are regular sized spaces and are not to be compact.

**Point 9**

The developer also seeks a density adjustment in excess of the density (portion of lot occupied by structure) allowed by Code in excess of the 80% maximum.

**Staff response:**

It is unclear what is meant by "density adjustment". The subdivider is not seeking a "density adjustment" and is complying with the existing [Q] limitation, established by Ordinance No. 165,108 (SA6890) limiting the maximum density allowed for this site to 1,200 square feet of land area per dwelling unit. Based on the project site net area of 20,792 square feet, the maximum number of units allowed is 17 units. This Small Lot project, approved for 16 Lots, is below the maximum density allowed by the [Q] limitation.

Example:  $1,200 / 20,792 = 17.32$  maximum dwelling units

Furthermore, Section 12.22(C).27(d) requires that all structures on a lot which includes one or more dwelling units, may, taken together, occupy no more than 80% of the lot area, unless the tract or parcel map provides common open space equivalent to 20% of the lot area of each lot not meeting this provision. The project does not appear to exceed the 80% lot area requirement as noted above.

**Point 10**

The proposed plan does not comply with the minimum front, side or rear yard requirements.

**Staff response:**

Section 12.22(C).27(e) that establishes Small Lot Subdivision standards has no front, or side yard requirements. However, a five-foot setback shall be provided where a lot abuts a lot that is not part of a small lot subdivision. The approved subdivision Map meets the front, side and rear yard requirements as required by the Small Lot Subdivision regulations.

**Point 11**

The proposed project does not comply with the minimum common access strip open to the sky Code requirement.

**Staff response:**

A minimum width of 20 feet open to the sky is a standard requirement for double loaded driveways. Any proposed reductions to this standard shall be requested at the time of filing and will be considered by the Advisory Agency at the public hearing on a case-by-case basis. Condition 21 of the July 22, 2015 subdivision approval letter approves variations to the LAMC as it applies to this small lot subdivision and proposed development on the site. The building line above the first floor for Lots 1 through 12 can project leaving the driveway aisle open to the sky by 16'-8". This request was made by the applicant and their project meets the following

minimum requirement of a minimum common access width of 16 feet (their project being 16'-8") clear to the sky. The common access easement for this project incorporates the code required back up space to ensure light and air.

**Point 12**

The proposed plan does not meet the driveway width requirement of 30 feet.

**Staff response:**

As addressed under staff response Point 11 above, a minimum width of 20 feet open to the sky is a standard requirement for double loaded driveways. Legal frontage for small lots are served by common access driveways based on the private street standard of 20-feet and open to the sky. Any proposed reductions to this standard shall be requested at the time of filing and will be considered by the Advisory Agency at the public hearing on a case-by-case basis.

The July 22, 2015 subdivision approval letter includes Condition 21 approving variations to the LAMC as it applies to this small lot subdivision and proposed development on the site. The building line above the first floor for Lots 1 through 12 can project leaving the driveway aisle open to the sky by 16'-8" which is acceptable for a small lot subdivision project.

**Point 13**

Access from Riverside Drive is prohibited. Shifting access from the neighborhood (Irvine) to Riverside Drive would preserve a buffer between the neighborhood and the new development.

**Staff response:**

Riverside Drive is a Major Highway generating a lot of vehicular movement. The Department of Transportation (DOT) allows access on a Major Highway only when no other access is available such as is the case for interior lots. This is a corner lot with two available street frontages. Access off of Irvine Street is safer than from a Major Highway because there is less vehicular traffic on a local street than what is observed on a Major Highway. The City prefers projects to direct their access not from a Major Highway.

**Point 14**

The development is a maximum of 16 units. The full impact of a 16 lot development over a lot totaling about 20,000 square feet. Such density will cause significant environmental impacts none of which is not mitigated in any respect to a less than significant level.

**Staff response:**

The Deputy Advisory Agency issued Mitigated Negative Declaration, ENV-2014-2444-MND on February 11, 2015. For this infill project, staff found that potential negative impacts could occur from the projects implementation due to the following:

Aesthetics (Landscape Plan, Vandalism, Signage, Construction Barriers, Light/Glare)  
Air Pollution (Demolition, Grading & Construction Activities)  
Tree Removal (Non-Protected Trees)  
Cultural Resources (Archeological, Paleontological, Human Remains)  
Geology & Soils (Seismic, Liquefaction)  
Explosion/Release (Existing Toxic/Hazardous Construction Materials)  
Noise (Demolition, Grading and Construction Activities, Parking Structure Ramp, and Residential Adjacent to Freeway)

The above reflects the independent judgment of the lead agency and determined that the project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition No's 23 and 24 as written in the Vesting Tract Map approval letter dated July 22, 2015.

The project site is approximately 0.48 net-acres (20,792 sq. ft.). The property has an existing [Q] limitation, established by Ordinance No. 165,108 (SA6890) limiting the maximum density allowed for this site to 1,200 square feet per dwelling unit. The infill project is permitted to build a 16 Lot Small Lot Subdivision which is below the maximum 17-lots permitted by the [Q]. The existing R3 zoning also permits by-right apartment uses that are approved over the counter and do not require environmental review. Since the project is a subdivision request for sale, leasing and financing purposes, this Map was required an environmental review.

**Point 15**

The 2 covered parking spaces per dwelling unit and 4 guest parking spaces are to be provided, but doesn't comply with the requirements of the Valley Village Specific Plan as to guest parking (See Section 8(A)(1,2, and 3)).

**Staff response:**

This project is neither a multiple family or condominium development. Specifically, the Valley Village Specific Plan parking Section 8(A) defines guest parking for multiple family to be ¼ guest space per unit and a ½ guest space per condominium unit. The policy on a Small Lot Subdivision is to require ¼ guest space for any Small Lot project exceeding 10 Lots. Since this project is for a 16 Lot Small Lot Subdivision, the 4 additional guest satisfies the parking policy requirement for a Small Lot Subdivision project. Furthermore, a Small Lot Subdivision is for the purpose of establishing individual lots with one dwelling unit for each lot.

**Point 16**

A minimum 6-foot high wall shall be constructed adjacent to neighboring residences. The Valley Village Specific Plan requires that a 6-foot high wall as noted under Section 9(B)(2). The required wall should be depicted on the map, ensuring compliance with the Code and Valley Village Specific Plan.

**Staff response:**

Section 9(B)(2) regulates perimeter walls under the Valley Village Specific Plan for either a new multiple family or commercial development, not for a Small Lot Subdivision project. The Small Lot Subdivision does include the standard condition to construct a minimum 6-foot high slumpstone or decorative masonry wall adjacent to neighboring residences (See Condition 15c). This condition is standard to provide a physical barrier to promote privacy between residences and noise reduction.

**Point 17**

States that developer should execute covenant and agreement to provide private sign to "discourage right turn lane egress from the development to Irvine Avenue. This appears to be a typographical error. The sign should be worded to discourage left turns, to direct traffic away from the neighborhood and toward Riverside Drive.

**Staff response:**

Condition 16 was added because it was a strong request from the Council Office. The condition however, is erroneously written because it isn't to discourage a "right" turn lane egress from the

development to Irvine, but rather should be corrected to discourage a “left” turn lane egress. The purpose for discouraging a left turn lane from the development to Irvine is to discourage additional traffic onto the single family neighborhood fronting Irvine Avenue. The condition was never intended to increase unwanted traffic on residential streets. The correction to this condition should alleviate unwanted traffic onto Irvine Avenue.

**Point 18**

The developer should establish full and complete compliance with any and all [Q] conditions.

**Staff response:**

The project is in full compliance with the [Q] limitation by building a project to only 16-Lots and 30 feet in height.

**Point 19**

The developer must establish full and complete compliance with any and all provisions of the Valley Village Specific Plan.

**Staff response:**

Any appeal items or issues of compliance with the Valley Village Specific Plan will be addressed in a separate appeal report under Case No. DIR-2014-2446-SPP-A1.

All other appeal items with respect to the Vesting Tentative Tract Map No. 72932-SL and ENV-2014-2444-MND will be addressed herein.

Condition 18 of the Map decision letter requires that the subdivider record and execute a Covenant and Agreement to comply with the Valley Village Specific Plan prior to the issuance of a building permit, grading permit, and the recordation of the final tract map.

**Point 20**

Approval and reductions in the Code required setbacks and allowing building line projections within the driveway are not justified, create significant environmental impacts, and are in violation of the Valley Village Specific Plan.

**Staff response:**

The July 22, 2015 subdivision approval letter includes a condition approving variations to the LAMC as it applies to this small lot subdivision and proposed development on the site. The building line above the first floor for Lots 1 through 12 can project leaving the driveway aisle open to the sky by 16'-8". This request was made by the applicant and their project meets the following minimum requirement of a minimum common access width of 16 feet (their project being 16'-8") clear to the sky. The common access easement for this project incorporates the code required back up space to ensure light and air. Building projections onto driveways are approved on a case-by-case basis for Small Lot Subdivision entitlements.

There are no requirements for front, side and rear yards in Small Lot Subdivisions. (See Section 12.22(C).27 of the LAMC)

**Point 21**

The developer is to identify mitigation monitors to ensure implementation of all mitigation measures. Said mitigation measures should include either the residents/owners of homes in our single-family residential neighborhood, or at least representatives of said residents/owners.

**Staff response:**

The mitigation monitoring condition is a standard condition applied to all Tract Maps. The subdivider is required to identify a mitigation monitor who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition No(s). 23, and 24 of the Tract's approval. The mitigation monitor is typically chosen for their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance), to ensure continued implementation of the above mentioned mitigation items. The subdivider can select a monitor of their choice, including a residents/owners of homes in a single-family residential neighborhood, or at least representatives of said residents/owners if they are qualified and selected. However, a monitor is commonly selected for their prior knowledge and experience over pre-construction, construction or post-construction/maintenance matters.

**BELOW ARE THE APPELLANT'S ISSUES AND CONCERNS TO THE ENV-2014-2444-MND LETTER DATED MARCH 18, 2015 WITH A STAFF RESPONSE FOR EACH POINT:****IMPORTANT NOTE:**

Staff analysis of the MND Properly Concluded that No Environmental Impacts Would Result from the Development of this Project. In addition to the arguments from the Appellant that the Project fails to comply with the LAMC and Specific Plan, the Appellant mistakenly claims that the City's CEQA analysis was inadequate, such that the MND should not have been adopted. As addressed in detail below, this claim has no support, and it is strongly recommended that the South Valley Area Planning Commission deny the appeal's, sustain the findings and conditions of the Deputy Advisory Agency, and Adopt ENV-2014-2444-MND

**Point 22**

The project as proposed will constitute a major change in the nature of our neighborhood substantially increasing the density, creating and/or greatly exacerbating noise, traffic and parking problems (among other significant impacts).

**Staff response:**Density

The project is a 16-Lot Small Lot subdivision request. The project density has not increased because the [Q] limits density to 1 dwelling per 1,200 square feet of area which is lower than what the existing R3 zone allows. The proposed use could have been apartments, or condominiums, but the [Q] limitation would still apply for these uses as well.

Noise

The noise issue is addressed under ENV-2014-2444-MND and expected to by short-term and the applicant is required to comply with the City's Noise Ordinance and the required mitigation measures, which will reduce the impacts of construction and operational related noise to a less than significant level.

The project is unlikely to result in new sources of noise which exceed levels established in the General Plan or Municipal Code. On-site operational noise would be generated by heating ventilation, and air conditioning equipment installed in the new structure. However, any on-site stationary sources of noise are required to comply with the LAMC Section 112.02 which prohibits noise from this type of equipment from exceeding the ambient noise level on the premises of other occupied properties by more than 5 decibels.

### Traffic

The number of trips generated will be below the thresholds of 500 daily trips and 43 p.m. peak hour vehicle trips on the street system. Therefore, the project will not cause a significant or substantial increase in traffic.

### Parking

This project is neither a multiple family or condominium development. The policy on a Small Lot Subdivision is to require ¼ guest space for any Small Lot project exceeding 10 Lots. Since this project is for a 16 Lot Small Lot Subdivision, the 4 additional guest space satisfies the parking requirement for a Small Lot Subdivision project. The project is also proposed on a Medium Land Use area, with an existing R3 zone. The project is not being developed to the R3 density because of the existing [Q] limitation. Therefore, parking problems are alleviated because of the lower density threshold imposed by the [Q].

### **Point 23**

We and other property owners in the neighborhood were never provided with copies of the Initial Study or Proposed Mitigated Negative Declaration – nor were these documents made available at the hearing.

#### **Staff response:**

The Environmental MND was published in the Los Angeles Times on December 18, 2014 and republished on January 22, 2015. The City exercised CEQA guidelines 21092(b)3 for this MND. Prior to the public hearing on February 24, 2014, the MND was included on both the notice for the public hearing, and hearing agenda. Posting of notice was also provided on-site at the area where the project is to be located using the City of Los Angeles yellow posting notice. Prior to the public hearing, a copy of the MND was made available for inspection including the contents within the ENV case file. Based on the above, notice was given for the MND and documents were made available before the hearing.

### **Point 24**

The proposed “higher density” project consists of 3 rows of 3-story structures filling up nearly the entire parcel essentially the project will be enormous adjacent to single-story homes and similar small apartments.

#### **Staff response:**

The project is located in the Medium density plan. The property is not being developed to the existing R3 zone because of a [Q] limitation restricting density for the site to 1 dwelling for 1,200 dwelling units and a maximum building height of 30 feet. The property is appropriately located under the right land use and zone. In addition, the Riverside block has existing apartments at similar density to the proposed small lot project. The adjoining R1 neighborhoods are permitted a maximum building height of 33-feet for a new 2-story home. Properties in the R1 can demolish their existing residence but would be limited to the 30-foot height limit imposed under the Valley Village Specific Plan. Therefore the proposed project will be built to mimic the maximum height of a new two-story single family house.

### **Point 25**

The project will be the dominant visible feature in the neighborhood, at triple the height of any nearby homes and significantly higher than nearly all of the nearby apartments which is out of scale with existing structures. The scope and height of the project will be the most dominant and visible feature in the immediate neighborhood.

**Staff response:**

The project is an urban infill fronting Riverside Drive and is appropriately scaled to the other R3 development on Riverside Drive. The project is limited to a maximum height of 30 feet as regulated by the [Q] limitation. A 30-foot height limit is the maximum height limit allowed for single family projects located in the Valley Village Specific Plan. This is less than the 36-foot height limit for multifamily projects along Riverside Drive per the Specific Plan. Since this is a Small Lot Subdivision project, the project cannot exceed the 30-foot height limit imposed by the [Q], and the Valley Village Specific Plan.

**Point 26 Aesthetics – Visual Character**

The Appellant is concerned that the Project will be out of scale with its surrounding structures, creating allegedly significant visual impacts.

**Staff response:**

The Site and the surrounding properties are located in an urbanized area consisting primarily of one- to five-story residential buildings with varied massing and architectural features. Consistent with the existing pattern of development, as well as the Site's Q condition and the Specific Plan's single-family residential height limit, the Project will only reach 30 feet in height. Moreover, the applicant has modified the original design of the Project to both soften its perceived mass and presence, as well as provide additional privacy features. Accordingly, the Project's scale is not only fully consistent with the existing environment, but will also include design features that reduce or eliminate potential environmental impacts. Notwithstanding the above, to further ensure that any potential Project-related visual character impacts are avoided, the MND requires that all open areas of the Site, following construction of the Project, be attractively landscaped and maintained in accordance with a landscape and irrigation plan (Mitigation Measure MM-1). The landscape would add dense foliage and extensive greenery to the Site, representing a significant improvement from its current landscaping.

The Site's Riverside Drive and Irvine Avenue property frontages would provide a fully landscaped setback area populated with a variety of plant species. As a result of this mitigation measure, the Project avoids creating any foreseeable aesthetic environmental impacts regarding visual character.

**Point 27 – Aesthetics – Light and Glare**

The Appellant is also contend that the Project would be the most dominant visible feature in the neighborhood, therefore creating unmitigated light and glare related impacts. However, as the approved Project plans indicate, night lighting for the Project will be minimal and provided mainly to illuminate walkways, building entrances, parking areas, and driveways, in order to provide adequate night visibility for residents and to provide a measure of security. Nighttime lighting impacts will therefore be less than significant. Furthermore, Mitigation Measure MM-7 requires that all outdoor lighting be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right of way. As a result, all potential light-related impacts would be reduced to a level of less than significant. The Project will include some glass surfaces, but will not contain expansive areas of highly reflective glass that would be likely to generate substantial glare, as mandated by Mitigation Measure MM-8. Accordingly, any glare-related impacts of the Project will be less than significant.

**Point 28 – Air quality**

The Appellant states that construction of the Project could result in unmitigated air quality impacts.

**Staff response:**

As a threshold matter, the proposed Project is not of the size or type of development project that would normally exceed the Southern California Air Quality Management District's ("SCAQMD")

significance thresholds, and typically a detailed air quality analysis would not be warranted. Notwithstanding this fact, in response to comments regarding air quality concerns raised during the environmental review process, a supplemental air quality analysis has been prepared by Eyestone Environmental, LLC (“Eyestone”), a recognized air quality expert. (Exhibit H.) Specifically, Eyestone quantitatively evaluated both short-term (construction) and long-term (operation) localized and regional air quality impacts based on the current California Emission Estimator Model (CalEEMod). In addition, Eyestone’s analysis discusses applicable Southern California Air Quality Management District (“SCAQMD”) regulatory standards. The results of Eyestone’s supplemental analysis quantitatively confirm the conclusion reached in the MND: any Project-related air quality impacts would be less than significant. No other mitigation measures, other than the already applicable construction mitigation measures regarding dust control and construction equipment exhaust minimization (VTTM Condition No. 24) are therefore required.

### **Point 29 – Biological Resources**

The Appellant has concerns that significant biological impacts could occur as a result of the proposed removal of 17 non-protected trees from the Site.

**Staff Response:** The City has adopted Ordinance No. 177,404, which limits the removal of certain specified protected tree species; however, none of the trees currently located on the Site are subject to this ordinance. Nevertheless, the MND requires mitigation of the removal of these non-protected trees through the planting of replacement trees with a minimum 24-inch box size at a 1:1 ratio. Compliance with Mitigation Measures MM-9, MM-10, and MM-11 will reduce any potential biological impacts to less than significant levels. In addition, the Project’s will surpass the requirements of the MND. The Project’s implementation of increased on-site plantings will adequately off-set the removal of 17 existing, non-protected trees, further eliminating any chance of a significant biological impact.

### **Point 30 – Construction Noise**

The Appellant has concerns that construction of the Project could result in significant noise impacts from construction activities, and could result in a permanent increase in ambient noise levels due to the increased number of residents in the area.

#### **Staff Response:**

Compliance with the City’s noise restrictions during construction activities is mandated by Mitigation Measure MM-28, while Mitigation Measures MM-29 through MM-31 restrict hours of construction and demolition activities, and require shielding and muffling of construction equipment. As a result, potential impacts associated with construction-level noise levels will be mitigated to the maximum extent feasible, and will be less than significant.

### **Point 31 – Traffic**

The Appellant points out that the Project could result in significant construction traffic, traffic safety, traffic circulation, and parking impacts in the vicinity of the Project Site.

#### **Staff Response:**

While the construction of the Project will require the use of heavy equipment for minimal grading, this equipment will be moved on and off the Site infrequently (e.g., during the Project’s short grading phase, which does not involve excavation), and all construction staging will take place on-site. Therefore, construction-related traffic will be temporary and of a limited nature and will not result in a significant impact. Furthermore, the Project’s operation will not create any significant traffic impacts. The City’s Department of Transportation requires the preparation of a traffic study for a project that generates in excess of 43 PM peak hour trips and/or 500 daily trips. Despite the fact that the proposed Project is well below these thresholds, the Applicant commissioned a traffic analysis by Gibson Transportation Consultants (Exhibit G), which fully

supports the MND's conclusion that the Project would not create any significant operational traffic impacts. Specifically, using the most conservative analysis possible (i.e., not taking any trip credits for the existing 12 residential units on the Site), Gibson found that the Project would result in a maximum of only 152 daily trips, including 12 AM peak hour and 16 PM peak hour trips. Furthermore, Gibson concluded that this minimal number of trips would not result in any reduction in the existing levels of service at nearby intersections, all of which would continue to operate at acceptable levels. As confirmed by this analysis, the MND correctly concluded that the Project will not result in any significant traffic impacts.

### **Point 32 – Cumulative Impacts**

The Appellant contend that the potential incremental impacts of the Project in conjunction with the effects of past and (speculative) future projects could cause significant cumulative impacts.

#### **Staff Response:**

The Project is consistent with the General Plan, the Specific Plan, the Site's [Q]R3 zoning, and the City's small lot subdivision regulations, and its potential impacts have all been determined to be less than significant. Importantly, the Site is an existing improved site with 12 residential dwelling units – the Project's proposed increase of four residential units is largely consistent with the Site's existing density, and in fact results in fewer units than would be permitted by the Site's [Q]R3 zoning. Moreover, there is no evidence suggesting that the Project's incremental, less than significant impacts will contribute to the potential impacts of other proposed projects to create a cumulative impact. As discussed in the Gibson traffic analysis, there are currently only five related projects in the vicinity of the Site, with the nearest residential project located approximately one mile to the northwest. Each of these related projects will undergo discretionary review, and will be subject to their own CEQA review and mitigation process. Accordingly, there is no evidence of the Project contributing to any significant cumulative impacts.

### **Appellant 2 – William Sindelar**

#### **Point 1**

This project invites well over 30 new tenants without adequate parking. The project will introduce a regular parking space and one compact space. Our neighborhood is used as a cut through street. Where are we going to put all of the extra cars?

#### **Staff response:**

The Small Lot Subdivision policy is to require a two car covered parking space per lot. The Code is silent on what sizes the parking space has to be. So it is typical to have one regular sized parking space and a compact space on each lot.

The cut through traffic existed prior to the proposed project. The property is zoned R3 which permits a medium density type of development. The cut through traffic problem would still exist if the property were to be developed as a condominium or apartment complex. This development has included four (4) guest parking spaces throughout the development which will alleviate any guest cars to be parked on the surrounding public streets.

#### **Point 2**

I have a hot tub in my backyard and will now have zero privacy as the building will dwarf over our single family homes. Also, lighting from the facility will be invading my house and yard due to the tenants and security lighting.

**Staff response:**

The City does not have a privacy protection Ordinance in place. A Small Lot Subdivision project is required a minimum 5-foot setback when a lot abuts another residential use. This location includes an existing 20-foot alley. The project was revised moving the entire project closer to Riverside Drive so that all the lots abutting the alley now have a 5-foot setback. The combination of a 5-foot setback and 20-foot alley creates a 25-foot setback. Since the building height is limited to only 30 feet, the 25-foot buffer is an adequate separation to allow privacy and natural light to exist. Night time lighting is also reduced due to the 25-foot setback from the neighboring residences back yard lots.

**Appellant 3 – Francis Pereira**

**Point 1: Density and Parking:** The demographic will change from tenant to ownership which creates problems because the mean number of cars per household will increase from 1.1 to at least 1.8, with 92% of owner owned properties having more than one car. The proposed garages of 12 of the 16 unit will not be able to accommodate both a full-size and compact car. I believe the project has a shortage of parking spaces which will exacerbate the present parking problem on neighboring streets surrounding the development.

**Staff response:**

The parking requirements for this 16 Lot Small Lot project are 2 parking space per lot plus the four (4) guest parking spaces for the site. This should provide sufficient parking for the site.

The Code is silent on the matter that the two regular parking spaces must be a regular sized parking space. The City permits one of the two spaces to be a compact space. However, any guest parking space cannot be designed as a tandem space and shall also be a regular sized parking space – not compact.

Staff cannot condition a project based off the neighborhoods existing parking condition. Staff has approved a project that meets fully with the intent of the Code and the existing parking policy for a Small Lot Subdivision project.

**Point 2: Increased Traffic Flow:** There will be an increase in traffic density based off of the three fold increase in built-up area, not only for additional parking for visitors, but also an actual increase on traffic flow. Riverside Drive

**Staff response:**

The property is already zoned for Medium density development. A medium density development allows R3 zoning density to be built. Staff is aware that the surrounding neighborhood already experiences an increase in traffic flow due to the existing urban built environment. If the North Hollywood – Valley Village Community Plan was changed to a much lower density category, any new project for the site would have been developed to said lower density. This project is built below the maximum density permitted under the R3 zoning because of an existing [Q] limitation imposed on the zone restricting the development to a maximum of 17 units. The Small Lot project under appeal was approved for 16-Lots, below the maximum allowed. A 16-lot project will not trigger a traffic study from the Department of Transportation because the unit count is too low to generate additional traffic beyond what is already observed by the existing development on the project site.

**Point 3: Increased Noise Levels & Privacy Concerns:** The proposed development of a 3-story single-family lots, with a 30-foot height limit will result in a loss of privacy due to future residents peering into my back yard. The height is not in conformance with the Valley Village Specific Plan. The building height and living areas on the 2<sup>nd</sup> level will result in an increase in noise.

**Staff response:**

The Valley Village Specific Plan requires all Small Lot developments, including this project, to have a maximum height of 30 feet, which is consistent with the regulations for a new single family development. Apartment and condominium uses are also permitted for the site, but would be allowed a maximum height of 36-feet, much greater than what is allowed for a Small Lot Subdivision project.

The City does not have a privacy protection Ordinance in place. A Small Lot Subdivision project is required a minimum 5-foot setback when a lot abuts another residential use. This location includes an existing 20-foot alley. The project was revised moving the entire project closer to Riverside Drive so that all the lots abutting the alley now have a 5-foot setback. The combination of a 5-foot setback and 20-foot alley creates a 25-foot setback. Since the building height is limited to only 30 feet, the 25-foot buffer is an adequate separation to allow privacy and natural light to exist. Vehicles entering the alley would typically travel at very low speeds due to debris commonly found in public alley ways. In addition, the newer vehicles on the road within the last decade are quieter due to improvements in technology like hybrid vehicles that are virtually silent all collectively resulting in no new increase in noise levels.

There will be short-term noise impacts resulting from pre-construction, grading and construction of the site. However, these noise impacts are short term and appropriately mitigated under the Environmental MND. Specifically, construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturdays. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

The proposed Small Lot project will have double pane windows to buffer noise and will also be well insulated between the walls which also reduces overall noise. If any windows are open to allow natural light and air, the City has a noise Ordinance which all residents including the surrounding neighborhood must abide by to avoid excessive noise from the future residents of the building and from the appellant's property as well.

**Point 4:**

The land is supported under SB1818 (Density Bonus). While I remain sensitive to affordable housing, I am skeptical that this development helps achieve the objective set out in this legislation.

**Staff response:**

This project is not requesting a Density Bonus under SB1818. The project is not seeking any affordable units pursuant to SB 1818.

**Appellant 4 – Babette Wilk****Point 1:**

The project has inadequate parking affecting Blix Street. The parking and traffic situation will have a dramatic, dangerous, and adverse impact on our street.

**Staff response:**

The project was approved for a 16 Lot Small Lot project and it was concluded that the 2 required parking spaces per lot plus the four (4) guest parking spaces for the site was adequate in providing sufficient parking for the site.

The Code is silent on the matter that the two regular parking spaces must be a regular sized parking space. The City permits one of the two spaces to be a compact space. However, any guest parking space cannot be designed as a tandem space and shall also be a regular sized parking space – not compact.

Staff cannot condition a project based off the neighborhoods existing parking condition. Staff has approved a project that meets fully with the intent of the Code and the existing parking policy for a Small Lot Subdivision project.

**Point 2:**

The project density increase from what is existing is a problem because it will add to our already failing water infrastructure: 52 toilets; 41 sinks; 36 showers; 12 washers.

**Staff response:**

A significant impact may occur if a project would increase water consumption to such a degree that new water sources would need to be identified. Based on the City of Los Angeles CEQA Thresholds Guide, the determination of whether the project results in a significant impact on water shall be made considering the following factors: (a) the total estimated water demand for the project; (b) whether sufficient capacity exists in the water infrastructure that would serve the project, taking into account the anticipated conditions at project build-out; (c) the amount by which the project would cause the projected growth in population, housing or employment for the Community Plan area to be exceeded in the year of the project completion; and (d) the degree to which scheduled water infrastructure improvements or project design features would reduce or offset service impacts. Based on a net increase of 4 units, the net increase for water demand would be 2400 gallons per day. As concluded above, the proposed project would have a less-than-significant and satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (DWP) for compliance with LADWP's Water System Rules and requirements.

**Appellant 5 – Ria and Steven Brisk****Point 1:**

The developer is by-passing a rule as simple as required garage widths.

**Staff response:**

The required garage door width can be less than 16 feet provided that the vehicular back up space dimension is increased satisfactory to the Department of Building and Safety, Zoning. The Small Lot Subdivision does require a minimum of 2 parking spaces per lot for each dwelling unit. The Code is silent on the type of parking spaces so one (1) of the two required parking space can be a compact space. This project is providing an additional four (4) guest parking spaces. The guest parking space are regular sized spaces and are not to be compact.

**Point 2:**

Prohibiting access to or from Riverside Drive all but guarantees an increase in unwanted traffic on our residential streets.

**Staff response:**

Condition 16 was added because it was a strong request from the Council Office. The condition however, is erroneously written because it isn't to discourage a "right" turn lane egress from the development to Irvine, but rather should be corrected to discourage a "left" turn lane egress. The purpose for discouraging a left turn lane from the development to Irvine is to discourage additional traffic onto the single family neighborhood fronting Irvine Avenue. The condition was never intended to increase unwanted traffic on residential streets. The correction to this condition should alleviate unwanted traffic onto Irvine Avenue.

**Point 3:**

Four guest parking spaces and the proposed compact parking spaces is not sufficient to accommodate the proposed development.

**Staff response:**

The project was approved for a 16 Lot Small Lot project and it was concluded that the 2 required parking space per lot plus the four (4) guest parking spaces for the site was adequate in providing sufficient parking for the site.

The Code is silent on the matter that the two regular parking spaces must be a regular sized parking space. The City permits one of the two spaces to be a compact space. However, any guest parking space cannot be designed as a tandem space and shall also be a regular sized parking space – not compact.

Staff cannot condition a project based off the neighborhoods existing parking condition. Staff has approved a project that meets fully with the intent of the Code and the existing parking policy for a Small Lot Subdivision project.

**Staff Recommendation:**

Staff recommends that the decision of the Advisory Agency in approving VTT-72932-SL be sustained; adopt the ENV-2014-2444-MND which was reviewed by staff and in its independent judgment, strongly recommend adopting the proposed CEQA findings; amend Condition 16 to address a typo in the language from "no right turn" to read "no left turn" and all appeals denied.