

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

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COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
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S. GAIL GOLDBERG, AICP
DIRECTOR
(213) 978-1271

VINCENT P. BERTONI, AICP
DEPUTY DIRECTOR
(213) 978-1274

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

Decision Date: **June 1, 2010**

Appeal Period Ends: **June 16, 2010**

Jay Pirincci (O)
301 174th Street, Apt. 914
Sunny Isles Beach, FL 33160

Case No. AA-2009-0641-PMLA
8875 Thrasher Avenue
Hollywood Planning Area
Certified Neighborhood Council:
Bel Air-Beverly Crest
Zone : RE15-1-H
D. M. : 147B169
C. D. : 5
CEQA : ENV-2009-0642-MND
Legal Description: Lot B, Parcel Map
1052

In accordance with provisions of Sections 17.52-A and 17.53-E of the Los Angeles Municipal Code, and pursuant to Section 66474 of the State of California Government Code (the Subdivision Map Act), the Advisory Agency disapproved Parcel Map AA-2009-0641-PMLA for creation of a two-parcel single-family home development. The Advisory Agency's disapproval was made pursuant to the following findings:

THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE NOT CONSISTENT WITH THE APPLICABLE GENERAL AND SPECIFIC PLANS.

The text of the Hollywood Community Plan states on page HO-3:

"It is the intent of this Plan that all natural slopes generally in excess of 15% be limited to the minimum density range."

The subject site has an average natural slope, as indicated on the parcel map submitted by the applicant, of 72%. Therefore, due to the Community Plan provision quoted above,

even though the Plan map designates the subject property for Very Low II Residential density, the Hollywood Community Plan text overrides the map and requires compliance with the designation of Minimum Residential density for the project site. Because of the difference between the Community Plan's map and the text it is necessary to note that, when the Hollywood Plan was created in 1988, the map assigned large areas of land into one of the designated density categories. As is stated on page HO-1, "this Plan proposes approximate locations and dimensions for land use". However, the Plan map does not take into account the specific topography of any individual lot as:

"The Plan map does not identify the lots within the Plan area, does not show topography and it is quite likely that within any given area of the map the natural slope of a particular lot will differ from a nearby lot on the same street or a street in close proximity. Consequently, there will be individual lots in an area designated at a particular density that will differ from that density because the natural slope differs from that of most of the other lots in the area..... Indeed, at the time the Plan was adopted, it would have been impractical for the City to investigate the site conditions at each and every lot in Hollywood to determine whether or not its slope would require a different density classification" (Wecker vs. City of Los Angeles).

Thus, the drafters of the Hollywood Community Plan adopted a pragmatic approach by inserting a specific statement into the Plan text making it clear that a slope of 15% or greater would place any given lot into the Minimum density category, notwithstanding any contrary designation on the Plan map. In addition, because the text of the Plan is defensible as part of the General Plan, it is treated as such in evaluating properties within a hillside, despite its difference from the map. This methodology has consistency been applied to parcel maps in the Hollywood Community Plan, such as AA-2007-1638-PMLA, AA-2006-2459-PMLA and AA-2003-5498-PMLA.

Because the project site is designated Minimum Residential density by the Community Plan text and because it is in a designated Hillside Area, this results in the slope/density formula in Section 17.50-E of the Los Angeles Municipal Code being applicable to this project. Based on the methodology prescribed in Section 17.50-E, the maximum density permitted on the site is a negative number. However, every legal recorded lot is allowed at least one dwelling unit. Therefore, the request for two dwellings on a 87,451 square-foot lot is not consistent with Section 17.50-E and only one dwelling unit is permitted.

This finding is also consistent with the decision of the Superior Court of Los Angeles in the case Wecker vs. City of Los Angeles (BS 113328, 2008) in which the court upheld the denial of a parcel map for three lots nearby in the Hollywood Hills due to the steep slope of the project site resulting in the site being classified as Minimum Density residential by the Hollywood Community Plan text and the slope/density formula in Section 17.50-E of the Los Angeles Municipal Code being applicable to the project. On appeal, the decision of the Superior Court was upheld by the State Court of Appeal in Wecker vs. City of Los Angeles (B21350, 2009, see attached cases).

The Community Plan also states on page HO-1, under Objectives of the Plan:

"In hillside areas to:

- a. *Minimize grading so as to retain the natural terrain and ecological balance.*
- b. *Provide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with the development with the remainder of the City."*

The proposed grading and siting of the two single family homes is not compatible with minimizing grading and a land use intensity compatible with the topography. The request is to allow a two-parcel subdivision with two single-family homes to be constructed along Thrasher Avenue. According to the elevations submitted by the subdivider dated July 9, 2009, the proposed residences will be built into the almost vertical slope along Thrasher Avenue with 10,800 square feet of hillside removed. Such construction will require extensive grading and retaining walls. Excavations up to 48 feet in height will be required for the two single family homes along with two retaining wall systems above each house, resulting in a substantial alteration of the existing contours of the project site. The proposed development will require unattractive design solutions such as the extensive retaining walls and the two single family homes built into the side of the hillside which will conflict with the natural aesthetics of the surrounding land forms.

THE SITE IS NOT PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

The Community Plan states on page HO-2, under Housing, Standards and Criteria:

"The intensity of residential land use in this Plan and the density of the population which can be accommodated thereon, shall be limited in accordance with the following criteria:

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3. *The steepness of the topography of the various parts of the area, and the suitability of the geology of the area for development."*

The site is located within a Seismic Hazard Fault Zone as mapped and determined by the State of California. The average natural slope over the entire site as indicated on the parcel map submitted by the applicant, is 72%. However, this site has slopes that are steeper than 72% and only one potential building pad area that is of adequate size to support a single family home and is not as steep. According to the side elevations submitted by the subdivider dated July 9, 2009, the proposed residences will be built into the almost vertical slope along Thrasher Avenue. Such construction will require extensive

grading and retaining walls. The proposed development will require unattractive design solutions such as the extensive retaining walls and the two single family homes built into the side of the hillside which conflict with the natural look of the surrounding land forms.

THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The text of the Hollywood Community Plan states on page HO-3:

"It is the intent of this Plan that all natural slopes generally in excess of 15% be limited to the minimum density range."

Although the Community Plan Map designates the subject property for Very Low II Residential density, because the slope as calculated by the applicant is greater than 15% the Hollywood Community Plan text imposes a more rigorous standard of Minimum Residential density which results in the slope/density formula in Section 17.50-E of the Los Angeles Municipal Code applying to the property. The purpose of the slope density limitation is to guard against the visual and ecological erosion of the naturally occurring slopes over 15%. The methodology prescribed in Section 17.50 -E of the LAMC would limit development of the property, with an average slope of 72% to a negative number. Because Code Section 17.50 -E notes that "in no case shall the permitted density be less than .05 dwelling units per gross acre" and the calculated allowed density of a negative number is below even this minimum density, the application of the slope density formula results in a slope that would not permit two dwelling units on the lot. This site will not support the construction of two dwelling units without being in violation of the slope/density limitations of the Code and therefore is not suitable for the proposed density of development. However, every legal recorded lot is allowed one dwelling unit by right and therefore one dwelling unit would be permitted.

THE PROPOSED MAP DOES NOT COMPLY WITH THE LOS ANGELES MUNICIPAL CODE

Because the Hollywood Community Plan text designates slopes over 15% to be Minimum Residential density, this results in the slope/density formula in Section 17.50-E of the Los Angeles Municipal Code applying to the property. The methodology prescribed in Section 17.50 -E of the LAMC limits development of the property, with an average slope of 72% to a negative number. Because Code Section 17.50 -E notes that "in no case shall the permitted density be less than .05 dwelling units per gross acre" and the calculated allowed density of a negative number is below even this minimum density, the application of the slope density formula results in a slope that would not permit two dwelling units on the lot. This site will not support the construction of two dwelling units without being in violation of the slope/density limitations of the Code and therefore is not suitable for the proposed density of development. However, every legal recorded lot is allowed one dwelling unit by right and therefore one dwelling unit would be permitted.

FINDINGS OF FACT (CEQA):

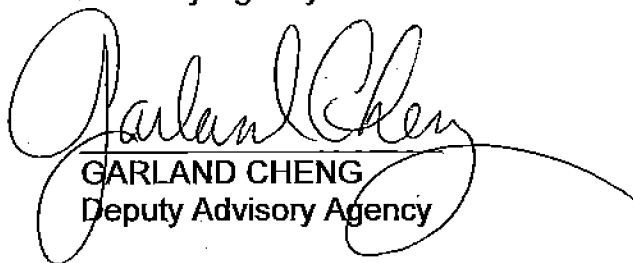
On June 21, 2006, the Environmental Staff Advisory Committee of the Planning Department prepared the proposed project Mitigated Negative Declaration No. ENV-2009-0642-MND. This letter should not be construed to be a certification of ENV-2009-0642-MND. ENV-2009-0642-MND may be insufficient due to it not addressing the slope/density formula in Section 17.50-E of the Los Angeles Municipal Code.

The above action will become effective upon the mailing of this letter, unless an appeal to the Appeal Board has been submitted within 15 calendar days of the mailing of said letter. Such appeal must be submitted and received in person on Form CP-7769 before 5:00 p.m. June 16, 2010. Pursuant to Ordinance 176,321, effective January 15, 2005, Parcel Map determinations are only appealable to the Central Area Planning Commission. There is no longer a second level of appeal to the City Council for Parcel Map actions of the Advisory Agency. **Appeal forms are available on-line at www.lacity.org/pln.**

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final, including all appeals, if any.

No requests for appeals received by mail will be accepted.

S. Gail Goldberg
Advisory Agency



GARLAND CHENG
Deputy Advisory Agency

cc: Bureau of Engineering - 4
Valley
Planning Office & 1 Map
D.M. 150B169
Bureau of Street Lighting
Street Tree Division & 1 Map

Dept. of Building & Safety, Zoning & 2 Maps
Department of Building & Safety, Grading
Department of Fire
Department of Recreation & Parks & 1 Map
Department of Transportation, CPC Section
Room 600, 221 N. Figueroa Street

SGG:DSW:GC:MW:thb