

PROJECT ANALYSIS

Appellate Decision

Pursuant to Section 11.5.7 of the Los Angeles Municipal Code (LAMC), appeals of Project Permit Compliance are made to the Area Planning Commission. The appellate decision of the Area Planning Commission is final and effective as provided in Charter Section 245.

Project Summary

The project involves the demolition of two existing detached single-family dwelling units and the construction of a new three-story, 28-foot high single-family dwelling with an attached two-car garage and one uncovered off-street parking space. The two existing detached dwelling units to be demolished include one built in 1911 with 1,266 total square feet and one built in 1922 with 358 total square feet, for a total existing building square footage of 1,624 square feet. The new single-family dwelling will be approximately 4,300 square feet on a lot of approximately 4,700 square feet. The subject property is located at 1627 S. Crescent Place. The subject property is within the Milwood Sub-area of the Venice Coastal Zone Specific Plan, and within the Venice Community Plan.

Background

The subject property is located on the south side of Crescent Place, between Palms Blvd. and Superba Ave. The R2-1 zone of the subject property permits a maximum of two dwelling units. The minimum required front yard setback in this zone is the average or prevailing setback along the subject block; along Crescent Place, existing front setbacks of the twelve lots (excluding the subject lot) range from 11.1 to 21.1 feet for a prevailing setback of 14.68 feet. The minimum required rear yard setback in this zone is 15 feet.

The subject property is within the Milwood Sub-Area of the Venice Coastal Zone Specific Plan, and is subject to regulations set forth in Sections 9, 10 and 13 of the Specific Plan. In addition, Crescent Place is a designated "Walk Street" within the Venice Coastal Zone Specific Plan. The maximum allowable height of projects fronting on Walk Streets is 28 feet (Section 10.G.3. of the Specific Plan). Such Walk Streets are subject to the additional regulations set forth in Section 12 of the Specific Plan regarding Residential Development Standards and Permanent Encroachments within the public right-of-way. Development standards include, but are not limited to, the following: building materials, colors, massing and scale of new projects must complement those of existing structures on lots fronting on or adjacent to a Walk Street; building facades must be varied and articulated to provide visual interest; front porches, bays, and balconies are encouraged.

There is no recent case activity related to the subject case or subject property.

Appeal Points and Staff Responses

The appeal of the Director of Planning's Conditioned Approval of DIR-2012-975-SPP-MEL contends that:

1. **Appeal Point:** The appellants state that they received a copy of the Venice Coastal Zone Specific Plan Project Permit Compliance Review dated June 27, 2012, with no information as to how to appeal the decision. They further state that the copy received had been altered, so they did not receive the complete letter until July 11, 2012. The appellants further state that there was a procedural error, possibly fraud, in which an altered letter was submitted to their address, and they request that this alteration be investigated by the City.

Response:

The Director of Planning Project Permit Compliance Review ("Review") for the proposed project was issued on June 27, 2012. The cover page included the information that the last day to appeal was July 12, 2012 and the full discussion section, "Appeal Period – Effective Date," which fully explains the standard appeal period provisions was included on pages 7 and 8 of the 8-page Review. DCP staff mailed the Review on June 27, 2012, and the signed Affidavit of Mailing is in the case file.

The appellants provided copies of the Review they received, wherein the information regarding the appeal timeline was not on the cover page, the "Appeal Period – Effective Date" discussion did not appear on pages 7 and 8, and the total length of the document was only 7 pages. DCP staff does not have the resources or means to investigate the source of the altered version of the Review and/or to verify the extent to which such an altered version was distributed. Due to the concern of the possible distribution of an altered version of the Director of Planning's conditioned approval of the proposed project and in response to three abutting property owners claiming not to have received notice, DCP staff granted an extension to file an appeal from July 12, 2012 to July 16, 2012.

2. **Appeal Point:** The mass and scale of the project, with very little articulation from the front of the property, is not compatible with the neighborhood and our walk street as per the Venice Specific Plan Section 12.A.1 as well as in Coastal Land Use Plan Section II.C.10.

Response:

The appellants state that the subject property is "barely articulated" and "unarticulated vertical walls negatively impact with regard to light and our garden-like walk paths." However, the appellants do not substantiate or explain their points and do not describe what the negative impacts are. DCP finds that the proposed project satisfies Section 12.A.1 of the Venice Specific Plan and complements existing structures in the immediate vicinity and along Crescent Pl.

The massing of the proposed project is limited by the required setbacks and maximum allowable height. The proposed project satisfies the required setbacks on all four sides. This includes 4-foot side yards, 15-foot rear yard and a 20-foot front yard. This front yard setback is greater than the minimum required (e.g., 14 feet). The height of the proposed project is just under 28 feet, satisfying the maximum allowable height. DCP finds that the massing and scale of the proposed project is within the range of the mix of massing and scale of dwellings along Crescent Pl. and Electric Ave. (see detailed discussion under Appeal Point 3, below).

As described in the Director of Planning's findings and as depicted on Exhibit A, the modern design provides articulation in a variety of ways, including a mix of colors and materials, a mix of window sizes and types, as well as breaks in plane on all four elevations. DCP's detailed analysis follows here.

The proposed project includes generous fenestration on the east elevation fronting the Walk Street, with large windows on all three levels as well as smaller windows. Fenestration on the

north elevation also incorporates large windows while the south and east elevations incorporate a variety of smaller windows on each level. Each façade incorporates a mix of colors and materials which provide visual interest. The east elevation fronting the Walk Street incorporates three colors of stucco—light gray, gray and dark gray—ipe wood siding and gray corrugated metal siding in an interesting inter-play of blocks of each. The north and west elevations incorporate a proportionally greater amount of the gray corrugated metal siding compared to that of the east elevation which has a very small amount, yet the north, west and south elevations also incorporate an interesting inter-play of blocks of the same materials and colors.

There are breaks in the east elevation plane. At the first level, the front entry area for a distance of 7'-5" is set-back approximately 5 feet from the building line at the second and third floors. The areas on either side of the entry are also set back a distance of 2 feet or 3 feet. The east elevation of the second level protrudes over the first level for more than half the distance of the second level with the rest stepped back approximately 1 foot while only the middle section of the third level protrudes for a distance just under one half of the façade with the distance on one side stepping back one foot and on the other side stepping back two feet. The north elevation similarly incorporates breaks in the plane with sections stepping back varying distances at the second and third levels. There are also breaks in plane along the south and west elevations, with portions of the first level stepping back from those portions at the second and third levels.

3. **Appeal Point:** In your findings (p4) just received, we believe it to be in error as to Section 8.C compliance...This project is not [sic] in compliance as to scale and character.

Response:

The appellants state that the proposed project "will be, by far, the largest building on the block. It contains approximately 3,700 square feet of living space excluding decks (which create an intensity of use), plus over 500 sq ft. of garage." The appellants support this point by describing the 20 dwellings along Crescent Place in regards to the number of stories of each, and further describe the two-story dwellings as most having "second stories that are set back, and are well articulated." This does not describe all aspects of massing and scale. DCP finds that, in fact, dwellings along Crescent Pl. and Electric Ave. represent a mix of mass and scale with at least three nearby dwellings that are of a very similar mass and scale to the proposed project.

While the immediate neighborhood has historically been predominantly single-story, single family dwellings dating back to the early 1900s, parcels vary substantially in the amount of improvements due to the varied composition within parcels, ranging from one single family dwelling and a detached garage to two single-family dwellings and a detached garage, to one large single family dwelling with attached garage. Of the 26 parcels within approximately 150 feet of the subject property and fronting Crescent Place or Electric Avenue, seven properties (26%) have improvements totaling 2,000 square or more, including three properties of more than 3,000 square feet. The largest of these properties is located at 1644 Electric Ave. on the west (rear) side of the subject property and two properties to the south, which has a 3,500 square-foot dwelling, built in 1982, on a lot of approximately 3,900 square feet. This is very close in massing and scale to the proposed project of an approximately 4,300 square-foot dwelling on a lot of approximately 4,700 square feet. The property at 1641 Crescent Pl. includes a 3,000 square-foot dwelling, built in 1952, on a parcel of approximately 4,150 square feet. The appellants' property is the third parcel of more than 3,000 square feet of improvements. Located at 1623 Crescent Pl., adjacent to the subject property (on the north), it includes two dwellings with improvements totaling 3,012 square feet on a parcel of approximately 4,150 square feet. The other four properties of more than 2,000 square feet in improvements include: 1615 Crescent Pl.; 1617 Crescent Pl.; 1636-38 Crescent Pl.; and 1634 Electric Ave. (adjacent to the subject property, on the west/rear).

4. **Appeal Point:** Los Angeles has a new anti-mansionization ordinance which, in most neighborhoods prohibits this kind of development, not allowing property owners to build over 50% of the lot size. This ordinance does not apply west of Lincoln Blvd., however, the Commission has found in previous instances, and we hope they will find in this case, that this proposed project, building nearly 100% of the lot, is very much out of scale with the neighborhood, and is unprecedented in density and massing as seen from the walk path.

Response:

DCP finds that the density, massing and scale conform to the Specific Plan standards. Regarding density, the R2-1 zone permits up to two dwellings on a lot, and the proposed project is one dwelling on one lot and is thus a reduction in density. This is in keeping with the neighborhood character as seen from the Walk Street in that a majority of the parcels fronting Crescent Pl. are single-family dwellings (17 of 20 parcels). Thus, the prevailing density within the immediate neighborhood is below that permitted, and the proposed project is in keeping with this.

The massing of the proposed project is limited by the required setbacks and maximum allowable height. The proposed project satisfies the required setbacks on all four sides, and in fact includes a front yard setback that is greater than the minimum required (20-foot setback instead of 14 feet). The resulting footprint of the first floor is 1,473 square feet on a 4,700 square foot lot. The second and third floors incorporate additional living space on the interior of the lot with some area that protrudes beyond the first floor along the east (front), south and west elevations, for total square footages of 1,527 square feet and 1,258 square feet, respectively. Thus, the proposed project reflects a building footprint of approximately 31% of the lot, not 100%, and is within the allowable height limit of 28 feet. Furthermore, the proposed project incorporates a front setback that is greater than nearly all other setbacks along Crescent Pl., which range from 11 feet to 21 feet; and, only two of the thirteen properties have a 20-foot or greater setback, similar to that of the proposed project. The properties adjacent to the subject property each have setbacks of approximately 14 feet -- the appellants' property at 1623 Crescent Pl. and 1631 Crescent Pl. Lastly, the proposed project provides the required 15-foot rear yard setback, whereas the appellants' property at 1623 Crescent Pl. includes a two-car garage with a second-floor unit above that is built within the 15-foot setback.

Lastly, as discussed in response to Appeal Point 3, above, the massing of the proposed project is within the range of existing improvements within the immediate neighborhood.

5. **Appeal Point:** A thoughtful reading of the Venice specific Plan (for the walk street area) suggests that variations and setback of the second floor are strongly encouraged. This project has three full building levels, which we believe does not exist on the Venice walk streets. This project presents a massive, monolithic appearance.

Response:

As discussed in responses to Appeal Points 2 and 3 regarding articulation, mass and scale, DCP finds that the proposed project conforms to the residential development standards for Walk Streets (Sections 12.A.1. and 10.G.3.b. of the Specific Plan) as well as the objectives that "all development be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement" (Section 3.F.).

Regarding variation and the step-back of upper floors, the modern design of the proposed project provides articulation in a variety of ways, including a mix of colors and materials, a mix of window sizes and types, as well as breaks in plane on all four elevations (see response to Appeal Point 2, above, for detailed description). The step-back of upper floors is one technique

for providing variation; however, the Specific Plan does not prescribe or encourage the use of this technique. Rather, no specific technique or techniques are identified, leaving it to owners to incorporate techniques that satisfy the general guideline of "...Building facades shall be varied and articulated to provide visual interest to pedestrians" (Section 12.A.1.).

The appellants further argue that second floor "setbacks allow more sunlight onto the walk streets, improving the pedestrian experience." The appellants, however, do not provide any data or information to support this contention that a setback of the upper floors of the proposed project will allow for more sunlight on the Walk Street. DCP analysis, based upon City-adopted standards for analyzing shadow impacts of proposed projects ("L.A. CEQA Thresholds Guide, 2006"), finds that the Walk Street is to the east of the proposed project and the proposed project will have little to no shadow impact on the Walk Street. In the morning hours throughout the year, shadows are cast to the west. Easterly shadows are cast in the afternoon, and only become significant at 3 p.m. at the winter solstice (at 45 degrees east of due north), at 4 p.m. at the spring and fall solstices (at 73 degrees east of due north), and at 5 p.m. at the summer solstice (at 85 degrees of due north). A shadow is estimated to be cast a distance of approximately 3 times the height of the structure at the winter solstice, and approximately 2 times the height of the structure at the other solstices. Thus, with a building height of 28 feet and a front yard of 20 feet, a shadow may be cast to the northeast and extend beyond the front yard but will last for a minimal portion of the late afternoon at any time throughout the year.

In addition, the 20-foot-deep yard fronting the Walk Street is greater than that of neighboring properties and therefore the proposed project will cast less shadow into the walk street than neighboring properties of similar height but smaller front yards. For example, the appellants' property at 1623 Crescent Pl. is two stories with a likely height of 20 feet or more and a front yard just over 14 feet in depth.

The proposed project includes three levels. The Specific Plan, however, does not limit the number of stories. Rather, residential structures are limited to a maximum height of 28 feet. The proposed project is 27'-9" (excluding the chimney, which is 2 feet in height). There are several two-story dwellings which appear to be of similar height. This includes the appellant's property at 1623 Crescent Pl. and adjacent to the proposed project, as well as 1631 Crescent Pl., 1641 Crescent Pl. and 1640 Electric Ave.

6. Appeal Point: Section 12 of the Venice Specific Plan deals with Public Right of Way and Permanent Encroachments. While the Property Owner's plans reference a 42" high fence along the walk street (as is existing), he has verbally stated his intention to construct a 6' high fence...We note that the plans include a 36" box tree just inside the fence line, and wonder if the intention is to allow that to become a tall privacy hedge along the walk street.

Response:

DCP finds that the proposed project conforms to the Specific Plan standards regarding the height of structures in the public right-of-way. Furthermore, condition number 4 of the DCP conditional approval requires compliance with these standards.

The proposed project includes a new 42-inch tall fence to be constructed along the front yard and into the Walk Street. Per the Specific Plan, fences, hedges and any other structures are limited to 42 inches in height. As required by the City, the owner will be required to obtain a revocable encroachment permit from the City Department of Public Works (DPW). DCP imposed a condition on the proposed project to require compliance with these Specific Plan provisions, and DPW and the Los Angeles Department of Building and Safety enforce these height limits when issuing the revocable permit and when issuing the building permit for the proposed fence, respectively.

The proposed project includes the maintenance of eight existing trees and the addition of one new tree. One existing tree and the new tree are within the public right-of way that is to be enclosed by the new fence. The two trees will be on either side of the pathway to the front entrance of the proposed dwelling, and will be more than 6 feet from any point along the new fence. One tree placed centrally, as each of these two trees are, is not considered a hedge and is not restricted in height as a hedge would be. Similarly, a tree is not considered a "structure" and is not limited as to height by the Specific Plan. The canopy of any trees in the public right-of-way, however, is limited by the Specific Plan, and the bottom of tree canopies must be maintained at least eight feet above the existing grade (Section 12.A.2.b.).

Conclusion

The appeal generally addresses the design of the proposed project at 1627 S. Crescent Pl., contending that the proposed project is not compatible with the neighborhood and is not in compliance with standards that regulate mass, scale and character. Upon in-depth review and analysis of the issues raised by the appellants, no errors or abuse of discretion by the Director of Planning or his/her designees were found. The appeal of the conditioned approval of a Project Permit Compliance for the demolition of two existing detached single-family dwelling units and the construction of a new three-story single-family dwelling related to DIR-2012-975-SPP-MEL cannot be substantiated and therefore should be denied.