



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



Central Area Planning Commission

Date: May 27, 2008
Time: After 4:30 p.m.
Place: Los Angeles City Hall
200 North Spring Street, 10th Floor
Los Angeles, CA 90012

Public Hearing: April 4, 2008
Appeal Status: Appealable to City Council
Expiration Date: 06/03/08

Case No.: APCC-2007-4851-SPE-SPP
CEQA No.: ENV-2007-4852 MND
Council No.: 4
Plan Area: Hollywood
Specific Plan: Vermont Western Station
Neighborhood Area Plan
(SNAP)
Certified NC: Greater Griffith Park
GPLU: Medium Residential
Zone: R3-1
Applicant: Brett Daniels, Rouen El
Normandie, LLC
Representative: Nicole Smith, The Katherman
Companies, LLC

PROJECT LOCATION: 1717 N. Normandie Avenue

PROPOSED PROJECT: Construction of a trash enclosure (143 square foot area, 6 feet in height) located in the front yard setback of an existing apartment building located on an 11,397 square foot site classified in the R3-1 zone and also located within the boundaries of the Vermont/Western Transit Oriented District Specific Plan.

REQUESTED ACTION: Pursuant to Section 11.5.7.F of the Municipal Code, an **Exception** from Section 7.1 of the Vermont/Western Transit Oriented District specific Plan (Ordinance No. 173,749) to deviate from the Development Standard/Design Guidelines for Subarea A, number 11 to permit a trash area enclosure with a five foot six inch enclosing wall to be located adjacent to the street in lieu of being located away from streets and enclosed with a minimum six foot high decorative masonry wall.

Pursuant to Section: 11.5.7.C of the Municipal Code, a **Project Permit Compliance** determination with the Vermont/Western Transit Oriented District Specific Plan .

RECOMMENDED ACTIONS:

1. **Deny Without Prejudice** a request for an **Exception** from Section 7.1 of the Vermont/Western Transit Oriented District specific Plan (Ordinance No. 173,749) to deviate from the Development Standard/Design Guidelines for Subarea A, number 11 to permit a trash area enclosure with a five foot six inch enclosing wall to be located adjacent to the street.

2. **Deny a Project Permit Compliance** determination with the Vermont/Western Transit Oriented District Specific Plan.
3. **Adopt** .ENV-2007-4852 MND

S. GAIL GOLDBERG, AICP
Director of Planning

Charles Rausch, Senior City Planner

Lynda J. Smith, Hearing Officer
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TABLE OF CONTENTS

Project Analysis A-1

- Project Summary
- Background
- Issues
- Conclusion

Findings F-1

- General Plan/Charter Findings
- Entitlement Findings
- CEQA Findings

Public Hearing and Communications.....P-1

Exhibits:

A – Maps

- A1 – Vicinity Map
- A2 – Radius Map

B - Plans

- Site Plan
- Elevation Plan

C – Environmental Clearance

E - Photos

PROJECT ANALYSIS

Project Summary

Construction of a trash enclosure, 143 square foot area, six feet in height, located in the front yard setback of an existing apartment building located on an 11,397 square foot site classified in the R3-1 zone.

Background

The subject request is for the construction and placement of an enclosed trash structure within the front yard setback of a multiple family residential use located on Normandie Avenue within the Vermont/Western Transit Oriented District Station Neighborhood Area Plan (SNAP).

The subject site is approximately 189-190 feet in length, of which the front 30 feet contain the front yard of the main residential structure, the public sidewalk and a portion (approximately 15 feet) of the existing, landscaped parkway. The public sidewalk and an approximately 10 foot portion of the parkway are located within the property boundary of the subject site. The proposed trash enclosure would be located within that portion of the parkway that is within the property line abutting the public sidewalk. The parkway area is immediately adjacent to the street and is approximately 15 feet in width. The parkway varies in width from 5 to 15 feet along this portion of Normandie Avenue because the required 15 foot street dedication has not been taken for the full block length. In addition, there is a 30 foot building line requirement along the block.

The proposed project would place the 6 foot high trash enclosure within the parkway area immediately adjacent to the sidewalk. Because there is no direct access from the front of the building to the rear except for 4 foot wide side yard areas along the north and south property lines. The side yard area located along the north property line is accessed through a stair way making access for trash collection infeasible. The side yard area located along the south property line is blocked by the main structure and is therefore does not provide a through access. Trash bins are currently kept in the side yards and rear of the building and brought out by accessing the adjacent drive way which has subsequently been blocked off by the adjacent property owner.

The site contains a 15 foot front yard area that is separated from the sidewalk by a fence. The area between the public sidewalk and the fence could be used for trash storage but would require a smaller unit, or units, and additional landscape buffer to block the area from street views. There are no other structures located within the existing parkway so placing the proposed trash enclosure in the parkway would set a precedent that is not in compliance with the intent of the Specific Plan Design Guidelines and Development Standards. The applicant's representative indicated that the Neighborhood Council has reviewed the project and has requested that a mediator be used to facilitate an easement or access agreement between the Applicant and the adjacent property owner.

Surrounding Land Uses/ Cases.

The subject site is located adjacent to a driveway, residential uses and various commercial properties which front Hollywood Boulevard to the immediate south. These properties are zoned C2-1D and have a General Plan Land Use Designation of Highway Oriented Commercial. To the north, west and across Normandie Avenue to the east are multiple family residential uses zoned R3-1 and RD1.5-1XL with a General Plan Land Use Designations of Low Medium II and Medium Residential.

Normandie Avenue is a dedicated Secondary Highway, improved to a varied width of 60 to 73 feet adjacent to the subject site and is improved with sidewalks and gutters.

Case Number: CPC-2000-1976-SP

Required Action(s): SP-SPECIFIC PLAN (+ AMENDMENTS)

Project Description(s): A public hearing regarding the proposed vermont/western transit oriented district neighborhood and specific plan ordinance.

Case Number: CPC-1986-831-GPC

Required Action(s): GPC-GENERAL PLAN/ZONING CONSISTENCY (AB283)

Project Description(s): hollywood community plan revision/general plan consistency plan amendment, zone changes and height district changes

Conclusion

Staff is recommending denial without prejudice of the requested Specific Plan Exception to allow a trash enclosure within the required front yard. The proposed structure would be located adjacent to the sidewalk and within the parkway. There are no other structures located within the existing parkway. If the trash enclosure is reduced in size, it could be located within the front yard area that is located between the primary building and the front yard fence. This location can be screened from view with landscaping and the trash enclosure could be redesigned to compliment the building. Because any placement of the structure would require an exception request, the recommended denial without prejudice would allow for a project redesign and resubmission. If the alternative access is not granted by the adjacent property owner, the Applicant can reapply for a new exception request and project permit compliance.

FINDINGS

1. **General Plan/Charter Findings.** The subject property is located within the Hollywood Community Plan, adopted by the City Council on December 13, 1988, Council File No. 86-0695-S1. The Plan map designates the subject property High Density Residential, with corresponding zone(s) of R5.
2. **Vermont/Western Station Neighborhood Area Plan.** The subject entitlement request is subject to the provisions of the Vermont/Western Station Neighborhood Area Plan which was adopted by the City Council on January 23, 2001 (No. CPC 00-1976 SP Ordinance No. 173,749).
3. **Specific Plan Exception DENIAL Without Prejudice Findings.** Section 7.1 of the Vermont/Western Transit Oriented District Specific Plan (Ordinance No. 173,749) to deviate from the Development Standards/Design Guidelines for Subarea A, number 11 to permit a trash area enclosure with a five foot six inch enclosing wall to be located adjacent to the street in lieu of being located away from streets and enclosed with a minimum six foot high decorative masonry wall.
 - a. ***The strict application of the policies, standards and regulations of the specific plan to the subject property will not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.***

The subject site is located just north of Hollywood Boulevard on the west side of Normandie Avenue, within Sub-area A-Neighborhood Conservation, of the Vermont/Western Transit Oriented District Specific plan (SNAP). The Development Standards/Design Guidelines states, 'The purpose of this sub-area is to preserve the prevailing density and character of the existing neighborhoods. Although some new development and renovation will occur, new development should meld with the surrounding structures and incorporate the best design features that already exist on the block.'

Guideline number IV.5. of the SNAP Design Guidelines requires that trash, service equipment and satellite dishes shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. The trash area shall be enclosed by a minimum six foot high decorative masonry wall. Each trash enclosure shall have a separate area for recyclables. The proposed trash enclosure would be located within the portion of the front yard that is located on the street side of the existing sidewalk. While the proposed structure would be located within the property line, the lot's property line is located within the existing 25 foot public parkway and additionally, also contains the public sidewalk. Due to the depth of the subject lot, at 190 feet, and the fact that no street dedication has been taken in front of the site, there is an existing 30 foot building line. Normandie Avenue is improved to a varied width of 60 to 73 feet in front the subject site.

The subject use contains no on-site parking area and no access to the rear yard area from the street frontage, along the south elevation of the building. Along the north elevation access to the rear yard is provided via a covered stairway which leads to an existing 4 foot wide, paved walkway. Access to the front yard for the placement of the trash/recycle bins was taken along a driveway located on the adjacent property. That property owner has blocked use of his property by the subject use by placing a fence along the property line. The Applicant is therefore, asking that the proposed enclosed trash receptacle be permitted in the front yard as it cannot be moved from the rear yard due to lack of access.

The location of the proposed trash storage structure, adjacent to the public sidewalk and within the parkway, is inconsistent and incompatible with development along the block, as there are no other 6 foot high structures located within this landscaped parkway. The subject site does contain a fenced, 15 foot front yard, which is located between the public sidewalk and the building's front façade. Building access and a walkway are located in the center of this yard area. A single, smaller, trash enclosure could be located within this yard area, immediately behind the fence and could be buffered with additional landscaping and designed to be compatible with the building façade.

- b. ***There are not exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.***

The placement of the proposed trash enclosure within the parkway is prohibited within the SNAP Neighborhood Conservation sub-area. There are access issues on the site which would preclude placing a trash enclosure within the rear area of the lot. However, the front yard is large enough to house the trash enclosure, (or enclosures) if it is reduced in size and redesigned to match the building façade. Additional landscaping could be provided which would further buffer the enclosure from the street view.

- c. ***The requested exception is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.***

An exception is necessary in order for the trash enclosure to be placed within the front yard. As proposed, the location of the trash enclosure would be immediately adjacent to the sidewalk and would create an unnecessary barrier for pedestrians along the street frontage. The area around the structure is proposed to be concreted over to create a walkway. While the structure would be planted along the sidewalk (west side), it would still have the appearance of a utility fixture placed within the parkway. The existing parkway is landscaped along the block front and this landscaped area would be lost if turned into a walkway. If the structure were placed within the fenced front yard area it would be less visible from the street and would not create a barrier along the sidewalk. If the enclosure is reduced in size it could be accommodated within the site's fenced front yard area.

- d. ***The granting of the exception will be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.***

The applicant has indicated that the structure would be closed and recycled materials picked up on a regular basis, but the access to the structure would face Normandie Avenue and the trash/recycle containers would be visible to the public. The placement of a trash enclosure on the street, within the parkway is expressly prohibited within the Neighborhood Conservation Subarea of the Specific Plan. If the enclosure were reduced in size and placed behind the existing front yard fence, with additional landscaping and compatible design, the impact upon the public and adjacent property would be greatly diminished.

- e. ***The granting of the exception is not consistent with the principles, intent and goals of the specific plan.***

4. **Specific Plan Exception Findings. Pursuant to Section IX.-Exception Procedures for Individual Projects of the Development Standards and Urban Design Guidelines.**

- a. ***The Project, as modified, will not be substantially in conformance with the goals, policies and intent of the Specific Plan, appropriate Community Plan and General Plan;***

Guideline number IV.5. of the SNAP Design Guidelines requires that trash, service equipment and satellite dishes shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. The trash area shall be enclosed by a minimum six foot high decorative masonry wall. Each trash enclosure shall have a separate area for recyclables. Development of the trash enclosure within the parkway is not in conformance with the goals, intent and purpose of the Specific Plan to:

Guide all development, including use, location, height and density, to assure compatibility of uses and to provide for the consideration of transportation and public facilities, aesthetics, landscaping, open space and the economic and social well-being of area residents;

Preserve the quality of existing residential neighborhoods by limiting new residential development which would exceed the prevailing density of such neighborhoods, and establish standards for new construction in such neighborhoods to conform to the existing neighborhood character;

The proposed project is not compatible with the existing neighborhood aesthetic and does not conform to the existing neighborhood character, in that no structures are located within the existing parkway or abutting the side walk .

- b. ***The Project, as a consequence of the modification or Exception, will not result in any additional vehicle trip generation, parking, density, building mass, height, or bulk.***

The proposed project is the construction of an accessory use which would be located within the front yard of the site. It will not increase the density mass, height or bulk of the existing primary structure. The proposed use will not generate additional traffic.

- c. ***The Project as modified will not continue to be pedestrian and transit oriented, especially in the design and configuration of the street level facades and provision of open space and landscaping.***

An exception is necessary in order for the trash enclosure to be placed within the front yard. As proposed, the location of the trash enclosure would be immediately adjacent to the sidewalk and would create an unnecessary barrier for pedestrians along the street frontage.

- d. ***The Project as modified will not be in proper relation to adjacent uses or to the development or the community.***

The applicant has indicated that the structure would be closed and recycled materials picked up on a regular basis, but the access to the structure would face Normandie Avenue and the trash/recycle containers would be visible to the public. The placement of a trash enclosure on the street, within the parkway is expressly prohibited within the Neighborhood Conservation Subarea of the Specific Plan. If the enclosure were reduced in size and placed behind the existing front yard fence, with additional landscaping and compatible design, the impact upon the public and adjacent property would be greatly diminished.

e. ***The Project as modified will be desirable to the public convenience or welfare.***

The applicant has indicated that the structure would be closed and recycled materials picked up on a regular basis, but the access to the structure would face Normandie Avenue and the trash/recycle containers would be visible to the public. The placement of a trash enclosure on the street, within the parkway is expressly prohibited within the Neighborhood Conservation Subarea of the Specific Plan. If the enclosure were reduced in size and placed behind the existing front yard fence, with additional landscaping and compatible design, the impact upon the public and adjacent property would be greatly diminished.

f. ***The Project as modified will not be materially detrimental to the character of development in the immediate neighborhood.***

The location of the proposed trash storage structure, adjacent to the public sidewalk and within the parkway, is inconsistent and incompatible with development along the block, as there are no other 6 foot high structures located within this landscaped parkway. The subject site does contain a fenced, 15 foot front yard, which is located between the public sidewalk and the building's front façade. Building access and a walkway are located in the center of this yard area. A trash enclosure could be located within this yard area, behind the fence and designed to be compatible with the building façade.

An exception is necessary in order for the trash enclosure to be placed within the front yard. As proposed, the location of the trash enclosure would be immediately adjacent to the sidewalk and would create an unnecessary barrier for pedestrians along the street frontage. The area around the structure is proposed to be concreted over to create a walkway. While the structure would be planted along the sidewalk (west side), it would still have the appearance of a utility fixture placed within the parkway. The existing parkway is landscaped along the block front and this landscaped area would be lost if turned into a walkway. If the structure were placed within the fenced front yard area it would less visible from the street and would not create a barrier along the sidewalk. If the enclosure is reduced in size it could be accommodated within the site's fenced front yard area.

5. **Project Permit Compliance Findings. Pursuant to LAMC Section 11.5.7 C 2:**

a. ***That the project substantially complies with the applicable regulations, findings, standards and provisions of the Specific Plan.***

The proposed trash enclosure does not comply with the applicable regulations, standards and provisions of the Specific Plan. The Specific Plan prohibits the development of trash enclosures within the front yard. The proposed enclosure would be located within the existing parkway and adjacent to the side, where it creates a barrier for pedestrian traffic and where there are currently no other structures located. In addition, the Specific Plan allows for Exceptions and modifications to projects when Findings can be made to support those variations. Findings to support the construction and placement of the trash enclosure within the parkway cannot be made. The proposed use should be located within the front yard area located between the main building and the front yard fence. This location is accessible to trash pick-ups and can be buffered with landscaping. In addition, the enclosure could be designed to be compatible with the building all of which would lessen any negative impacts upon the street frontage.

- b. ***That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.***

A Mitigated Negative Declaration (ENV-2007-3756-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

6. **CEQA Findings.** A Mitigated Negative Declaration (ENV-2007-3756-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

PUBLIC HEARING AND COMMUNICATIONS

The public hearing on this matter was held April 4, 2008, at the Los Angeles City Hall, 200 North Spring Street, 10th Floor. There were approximately 3 persons in attendance. Testimony was presented by three persons, including the Applicant, the Applicant's representative and one member of the public.. Comments were presented as follows:

Comments in Support:

- 2 trash bins and 6 recycling bins are proposed;
- Pick ups would occur two to three times a week;
- Enclosure is 18'6" x 5';
- Full height is 6' (includes slant of roof);
- Tops will not be able to be left open;
- Side will be terraced with lattice;
- Enclosure will be locked;
- Vines and landscaping will be completed once entitlement(s) granted;
- Buildings architecture and historic character retained in structure;
- Front yard setback is 15 feet;
- Property line is located between street and parkway;
- No alley or on-site parking means there is no way to place trash enclosure on lot;
- Access to side yards is limited by building placement and building size;
- Area behind front fence is too small for adequate sized enclosure;
- Enclosure will be located behind property line;
- Adjacent property does not allow access to possible trash area;
- Access along the north side of building is through subterranean passageway;
- Neighborhood council has requested mediator to discuss lease/purchase of adjacent property;
- Neighborhood council reviewed project;
- Council office has not responded with a recommendation
- Enclosure cannot go on north side of yard due to utilities/water/gas line;
- Fence already existed;
- Street parking adds to view limitations;
- Household bins are currently located in front yard;
- Currently bins could only be pulled to front through neighbors sideyard (drive way);
- Fire access would be blocked by bin placement along north frontage.

Comments in Opposition:

- Location of trash enclosure needs to be clarified;
- Concern expressed with line of visibility;
- Existing fence blocks view of street;
- Prior to rehabilitation of building, trash bin was located along the north frontage area;
- When fence was put in access was then lost