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March 19, 2008

Bradley Kraemer (A)(O)
2020 Glyndon Avenue
Los Angeles, CA 90291

Morrie Goldman (R)
900 Wilshire Boulevard, Ste. 930
Los Angeles, CA 90017

CASE NO. ZA 2007-3497(ZAA)
ZONING ADMINISTRATOR'S
ADJUSTMENT
4705 West Franklin Avenue
Hollywood Planning Area
Zone : R3-1XL
D. M. : 150B197
C. D. : 4
CEQA : ENV 2007-3496-CE
Legal Description : Lot 56, Tract 3907

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby DENY:

a Zoning Administrator's Adjustment from Section 12.10-C,4 to permit the conversion, use and maintenance of a manager's office in the basement resulting in a total of 17 dwelling units with zero square feet of lot area for the 17th unit in lieu of the required 800 square feet per unit;

a Zoning Administrator's Adjustment from Section 12.10-C,2 to permit an existing reduced side yard of 5 feet in lieu of the required 6 feet; and

a Zoning Administrator's Adjustment from Section 12.21.1-A to allow a three-story apartment building that is 31 feet high in lieu of a two-story building or 30 feet in height as permitted under the Height District 1XL.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on December 6, 2007, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting an adjustment as enumerated in Section 12.28 of the Los Angeles Municipal Code have not been established by the following facts:



BACKGROUND

The property is a level, rectangular-shaped, corner, parcel of land, consisting of approximately 0.28 acres (approximately 12,403.8 square feet), having approximately 82.5 feet of frontage on the west side of Vermont Avenue, sides for a distance of approximately 150 feet along Franklin Avenue and has a uniform depth of 150 feet.

The property is zoned R3-1XL and observes a 25-foot wide Building Line along the Vermont Avenue frontage. It appears that two of the three surface parking spaces in the vicinity of the east side of the building are within the 25-foot Building Line setback along the Vermont Avenue frontage.

The property is developed with a two-story, inverted, U-shaped apartment building partially over 8 one-car garages along the Franklin Avenue frontage; six tuck-under parking spaces along the west side of the building; and three striped surface parking spaces located in the near vicinity of the subject property's southeast corner within the 25-foot Building Line setback along Vermont Avenue.

Vehicular ingress/egress is via a driveway apron along Franklin Avenue associated with the 8 one-car garages; via a driveway along Franklin Avenue located in the vicinity of the property's southwest corner associated with the six tuck-under parking spaces; and three striped surface parking spaces via a driveway along Franklin Avenue located in the adjoining the property to the southeast corner.

The existing apartment building contains 17 dwelling units, one of which (Unit No. 17) is designated as a manager's unit and consists of two bedrooms, a bathroom, living room and kitchen.

The subject ownership is listed as: 1901 North Vermont Avenue, 4705 Franklin Avenue, and 4705 West Franklin Avenue.

Vermont Avenue, adjoining the property to the east is a designated Major Highway dedicated a width of 80 feet and improved with curb, gutter and sidewalk.

Franklin Avenue, adjoining the property to the south is a designated Secondary Highway dedicated a width of 60 to 75 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions on the site/in the area include:

Case No. ZA 2007-3501(SPP) – On October 1, 2007, the project was conditionally approved for a project permit in conjunction with the conversion of an office in an existing 16-unit apartment building to the 17th dwelling unit.

Certificate of Occupancy Accompanying Building Permit Nos. 1956 LA 33140 and 1955 LA 21212 – issued on June 4, 1957 for a two-story, Type V, 70-foot by 106-foot apartment house, 16 apartment units, and an office in the basement not to be used for sleeping, 14-car garage. H2 & J1 occupancies. Total parking required 11 spaces.

Certificate of Occupancy Accompanying Building Permit No. 1956 LA 53879 – Issued May 24, 1957, for a 15- by 30-foot semi-public swimming pool and enclosure. No parking indicated on the C of O.

PUBLIC HEARING

A public hearing was held on December 6, 2007, in the Downtown Los Angeles City Hall and was attended by the applicant and the applicant's representatives (Morrie Goldman and Brian Chin).

The applicant and his representatives stated the following:

The subject property was built in 1957 and the Certificate of Occupancy was issued on June 4, 1957 for 16 dwelling units and offices in the basement, which shall not be used for sleeping, 14-car garage, and 11 required parking spaces. However, all other public records including the Rent Stabilization Registration and the County Assessor's Information indicate that there have been a total of 17 dwelling units on the subject property. The applicant discovered the discrepancies between the public records and voluntarily applied for the subject application to legalize the 17th unit without being cited for code violation by the responsible government agencies such as the Housing Department and the Department of Building and Safety.

The lot area of the property contains approximately 12,403 square feet of floor area and will allow a maximum of 15 dwelling units under the current zoning. The 17th unit contains two bedrooms and one bath and has been occupied by a property manager for the last 7 years.

The applicant has met with Council District 4 and the local Neighborhood Council, both of which indicated that they will not take any position, either in support or opposition, on the subject application.

The project permit for the 17th unit on the property was approved on October 1, 2007, under Case No. ZA 2007-3501(SPP) as required by the Vermont/Western Transit Oriented District Specific Plan.

The 17th unit, which is shown as offices in the Certificate of Occupancy, is currently located in the basement. If the office in the basement is converted to the 17th dwelling unit, the building is considered three-story and the building height will be measured from the basement resulting in the existing building being a three-story structure or 31 feet in height, which exceed a maximum height of two-story or 30 feet in height as required by the Height District 1XL.

At the hearing, the Zoning Administrator inquired about the possibility of the applicant's desire to make the 17th unit an affordable housing unit. The applicant indicated that it is definitely not an option for him. The representatives stated that they will research the rent level for affordable housing units with the Housing Department and will inform the Zoning Administrator of whether or not the 17th unit as an affordable housing unit will be feasible

for the applicant. The Zoning Administrator took the case under advisement for 30 days as requested by the applicant's representative in order to allow for the applicant to research the feasibility of affordable housing option and to submit revised plans with dimensions showing unit mix, such as a number of bedrooms and bathrooms.

On January 14, 2008, the revised plans were submitted as requested by the Zoning Administrator at the hearing. On March 4, 2008, the applicant's representative (Morrie Goldman) called to inform the Zoning Administrator that the conversion of unit No. 17 to an affordable rental unit is not a feasible option for the applicant.

MANDATED FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The granting of an adjustment will not result in development compatible and consistent with the surrounding uses.**

The adjoining property to the north is zoned R3-1XL and is developed with a two-story apartment. The properties further north are zoned R3-1XL and are also developed with a two-story apartment, which has access from Vermont Avenue.

The property to the south across Franklin Avenue is zoned C4-1D and is developed with a one-story commercial building and is occupied by a restaurant (House of Pancakes) with an associated surface parking area at the front of the building. Beyond that to the west is zoned C4-1D and is developed with a one-story commercial building occupied by two retail businesses. Beyond that to the west is zoned R3-1 and is developed with a one-story duplex.

The adjoining property to the west is zoned R1-1 and is developed with a two-story single-family dwelling that fronts on New Hampshire Avenue and has a detached garage fronting on Franklin Avenue. Beyond that to the north is zoned R1-1 and is developed with a one-story single-family dwelling fronting on New Hampshire Avenue

The property to the east across Vermont Avenue is zoned R3-1XL and is developed with a one-story building occupied by the Elysian Masonic Temple and associated surface parking. It should be noted that the ownership extends along the entire block face between Franklin Avenue and Welch Place.

The subject property contains approximately 12,375 square feet of lot area (82.5 feet by 150 feet) zoned R3-1XL and is improved with a two-story residential apartment building, which was constructed in 1957. A maximum of 15 dwelling units with a maximum height of two stories or 30 feet is permitted by the existing R3-1XL Zone.

The site is improved with 16 residential dwelling units, an office space in the basement, which was illegally converted to a 17th dwelling unit and a swimming pool. There are 8 one-car garages along the Franklin Avenue frontage, six tuck-under parking spaces along the west side of the building and three striped surface parking spaces located in the southeasterly portion of the property. Parking access to the parking spaces is provided from Franklin Avenue.

A 25-foot Building Line setback is required along the Vermont Avenue and the three surface parking spaces in the southeasterly portion of the property are located within the 25-foot Building Line setback and the front yard setback area.

The Certificate of Occupancy was issued on June 4, 1957 for 16 dwelling units, offices in basement that were not to be used for sleeping, a 14-car garage, and 11 required parking spaces.

The adjustment sought entails a request to allow a legally permitted 16-unit apartment building to be converted into a 17-unit building by legalizing offices in the basement, which were illegally converted to a two-bedroom dwelling unit. Since the 17th unit is located in the basement, the code requires measuring the building height from the basement, resulting in a building height of three stories or 31 feet, which exceeds the maximum height limit of two stories or 30 feet as required by Height District 1XL. In addition, a 6-foot side yard setback is required in lieu of the existing 5-foot side yard setback due to an increase in the building height.

A review of development in the area, including the project block, illustrates that properties have been developed to the maximum density permitted under the R3 Zone or remain well below the maximum. For example, There are properties across the street to the south on Franklin Avenue, which are zoned R3, however, are developed with one- or two-story duplexes below the maximum density permitted by the existing zone. No properties in the vicinity are legally developed with any density above that permitted by the zone and the lot area.

The property is zoned R3-1XL and is planned for Medium Density Residential. The R3 Zone requires a minimum of 800 square feet of lot area for each dwelling unit, which the addition of a 17th unit cannot meet. The request is to allow the additional unit to observe a lot area of 0 feet instead of the 800 square feet required. To allow the additional density would be commensurate with the density permitted for a higher zone such as R4 and a more intense plan land use designation. There are no other examples in the vicinity of additional units permitted with reduced lot area requirements. As noted earlier, the majority of the developments within the same zone that have similar dimensions are developed with the maximum or are below the permitted density. As undeveloped properties are likely to be redeveloped with higher density permitted by the zone in the future, adhering to the adopted Plan designations becomes more critical.

It should be noted that the existing 16-unit apartment is nonconforming in terms of the number of dwelling units and the granting of the request will intensify the nonconforming density on the subject property.

2. The granting of an adjustment will not be in conformance with the intent and purpose of the General Plan.

The Hollywood Plan Map designates the property for Medium Residential land uses with a corresponding zone of R3 and Height District No. 1XL. The property is within the area of the Vermont/Western Transit Oriented District (TOD) Specific Plan (Ordinance No. 173,749). The application is affected. On October 1, 2007, the Specific Plan Project Permit was approved in compliance with the Vermont/Western Transit Oriented District (TOD) Specific Plan.

The proposed addition of one unit in excess of the permitted lot area requirements of the R3 Zone results in a three-story or 31-foot in height building, and the nonconforming side yard setback is not consistent with the intent of the Plan which designates this property as R3-1XL with its corresponding area, height and setback limitations imposed by the more tailored regulations adopted as part of Ordinance No. 164,699.

3. The granting of an adjustment is not in conformance with the spirit and intent of the Planning and Zoning Code of the City.

In this instance, the request conflicts with the spirit and intent of the zoning provisions in that the additional density contributes and reinforces the discrepancy between the existing non-conforming dwelling units on the subject property and the maximum permitted density. The R3 Zone establishes certain thresholds for lot area to avoid an overcrowding of density on a lot, which cannot accommodate a higher number of units. In this case while there is no addition of floor area for the proposed conversion of office space to a 17th unit, the resulting density increase has consequences in terms of the building height and side yard setback requirements which cannot be met and overdevelopment.

4. There are adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.

The existing building was developed with 16 dwelling units and office space in the basement, which was illegally converted to a 17th dwelling unit without a permit. The applicant submitted records from the County Assessor's Office and the Housing Department showing that the subject apartment building contains 17 dwelling units. However, the Certificate of Occupancy issued on June 4, 1957 by the Department of Building and Safety clearly indicates that the office space in the basement is not permitted to be used as a dwelling unit. While other records show that the subject property contains 17 units, the number of dwelling units from the County Assessor and the Housing Department is not a reliable source of information in determining the number of units permitted on the property because they are not intended to be used to verify the maximum density permitted on the subject property.

The granting of the request will result in adverse impacts to the quality of life provided to tenants in buildings that were not designed for higher densities and to

neighbors who unknowingly have to absorb the incremental impacts resulting from more units that were not planned or approved in the neighborhood.

Further, the granting of the request will set a precedent for other nonconforming dwelling units, which were illegally converted or created, and will encourage illegal construction resulting in substandard conditions in terms of the quality of the construction and other zoning regulations such as the density, height and setback requirements similar to the applicant's requests.

5. **The site and/or existing improvements do not make strict adherence to the zoning regulations impractical or infeasible.**

As noted in the findings above, the request is a proposal for the property to be developed over the permitted density, which will create a nonconforming building as to the density, height and side yard setbacks. There are no limitations which make strict adherence to the zoning regulations impractical or infeasible as the underlying permitted density of 16 dwelling units represents the planned land use adopted in the Community Plan and approved by the City in its original issuance of the Certificate of Occupancy, which clearly indicates that office space in the basement is not allowed to be converted to dwelling units.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C areas of minimal flooding.
7. On July 23, 2007, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2007-3496-CE, for a Categorical Exemption, Class 1, Category 5, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100.

APPEAL PERIOD – EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after APRIL 3, 2008, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln**. Public offices are located at:

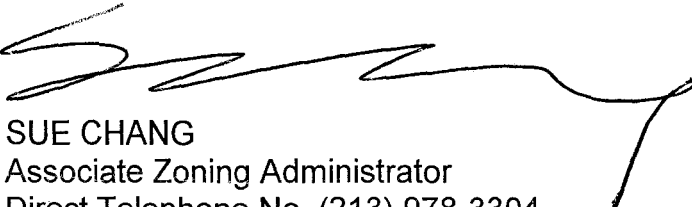
Figueroa Plaza
201 North Figueroa Street,
4th Floor

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251

Los Angeles, CA 90012
(213) 482-7077

Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.



SUE CHANG
Associate Zoning Administrator
Direct Telephone No. (213) 978-3304

SC:aln

cc: Councilmember Tom LaBonge
Fourth District
Adjoining Property Owners
County Assessor

3/31/08

I have attached the front and back of the county assessor building slip dated 3/20/57. It clearly shows a "Bsmt Apt" with "living room" "bedroom", "bathroom" and "kitchen". I never altered or changed this apartment.

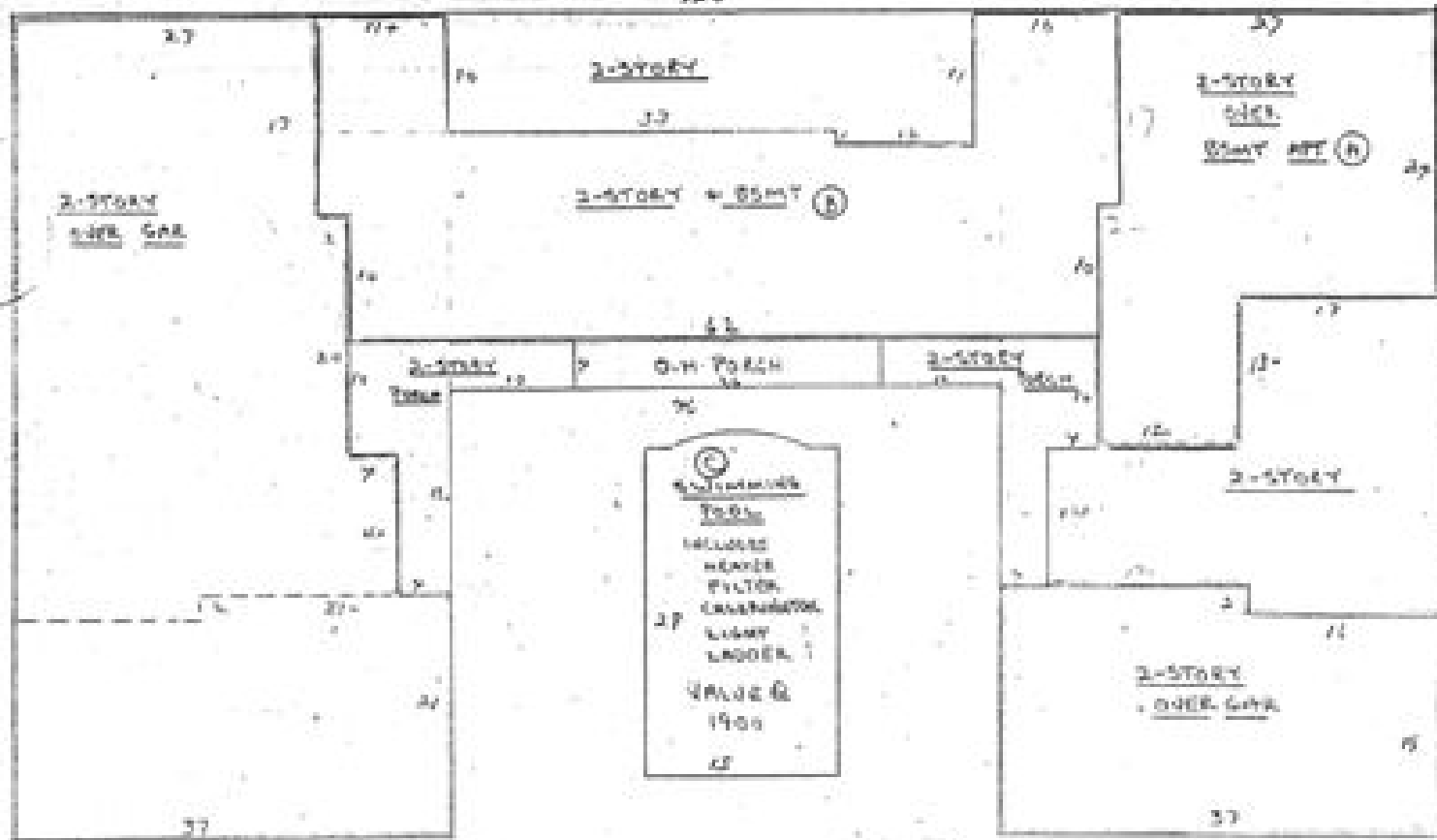
Again, here is a summary as to why this dwelling unit should be preserved and the reasons for an appeal:

1. Written proof from county assessor that unit 17 was built as a dwelling unit at time of building's inception with the same kitchen, full bathroom, and bedroom that exist today. This contradicts ZA's repeated assertion that unit was "illegally converted or created".
2. Mandated findings have glaring omissions. Had omissions been incorporated, they would contradict adverse impact findings. For example, nearby properties have far lower parking ratios (1911 N. Vermont next door is a 9 unit apt. with 7 spaces); nearby properties exceed subject property's building height (1935 N. Vermont is one of numerous properties that has 3 stories); nearby properties that reflect formerly higher zoning density (1919 N. Vermont has 16 legal apartments on a 9,016 s/f lot, clearly beyond current R3 density).
3. Inquiry on the part of ZA at time of hearing to make unit 17 an "affordable housing unit" without first inquiring to find out that unit currently houses a low income resident who subsists on SSI and the free rent for managing subject property.

I look forward to speaking in front of the committee on April 9 and will be more than happy to further elaborate as to why this unit and the tenants in it deserve to remain in the Los Feliz neighborhood.

Respectfully,

Bradley Kraemer
Calbek Management



APT:
 7 x 37 x 70 = 10340
 2 x 27 x 76 = 2082
 4 x 1/2 x 4 x 10 = 80
 2 x 4 x 24 = 82
 12976

LESS:
 7 x 1/2 x 10 x 1 = 160
 7 x 1/2 x 7 x 12 = 76
 236
 12740

Result 817
 13538

Bad
 10x4 = 40
 22x4 = 88
 4x46 = 184
 22x4 = 88
 10x4 = 40
 440

(A) BSMT APT
 17 x 27 = 459
 78 x 23 = 1802
 12 x 13 = 156
 2457
 @ 125 = 297

GAR:
 21 x 17 = 357
 20 x 23 = 460
 12 x 23 = 276
 21 x 27 = 567
 2 x 21 = 42
 19 x 27 = 513
 2955

@ 125 = 315

pcd
 10x4 = 40
 22x4 = 88
 4x10 = 40
 4x46 = 184
 6x5 = 30
 2x2 = 4
 336

(B) BSMT
 11 x 10 = 110
 1 x 76 = 76
 11 x 10 = 110
 6 x 46 = 276
 10 x 22 = 220
 1276
 @ 225 = 267

