

ZONE VARIANCE – OPEN SPACE (ZV)

14403 - 14411 W. Tiara St., Los Angeles, CA 91401

1. Explain why the strict application of the zone code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

- The site is approximately 14,389 square feet of RD 1.5-1 zoned area. The proposed project is to replace the current single family dwelling residential buildings currently existing on site with an 8-unit multi-dwelling. The current conditions and strict regulation of the RD 1.5 zoning code has made it significantly difficult for the applicant to adhere to all requirements. To enjoy similar rights as other multi-dwellings within the same strip of RD 1.5-1 lots and category, we respectfully request to allow a variance to the RD1.5 guidelines and permit the proposed project to provide relief from LAMC 12.21.G(b)(1)(i) in allowing private open space above the first habitable room level.
- While striving to conform to all requirements of the pertaining zoning codes, the applicant encountered a very apparent obstacle: The physical restrictions of the area and strict regulation has made it genuinely difficult to meet both open space and guest parking requirements. After struggling and exploring numerous possibilities, the most appropriate solution was to request for City of Los Angeles to allow the private open space located above ground level to be incorporated in the overall open space calculation.
- For instances where a project lacks the open space requirement, the usual solution to this problem is by providing open space on the roof deck to fulfill the requirement. However, due to the RD1.5-1 restricting private open space to be located on the grade level to be accounted towards the total open space and the Q-condition which places a height restriction on the two project parcels left the applicant with only one option to conform to both the guest parking and open space requirement.
- The request of this zone variance is to merely conform to the open space requirement and not to request for a reduction or waiver. By allowing the private open space to be permitted on the third level of this development to be accounted for the total open space area, the applicant can sufficiently provide open space through the 526 square feet of uncovered open deck in addition to the 882 square feet of open space provided in the rear yard with the two guest parking spaces provided to yield a total of 1,408 square feet of open space to satisfy the requirement of 1,400 square feet of minimum open space.

2. Describe the special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

- The lot is located on a strip of RD-1.5 and adjacent to two commercial zones—CM and C2. This specific project lot is abuts several consecutive multi-dwellings of very similar dimensions as the proposed project. The proposed condominium consists of two mirroring 3-story structures—containing 4 units each—separated by a common driveway. The structure of each unit is as follows: first floor- residential parking use; second floor- dining, living room, bathroom, bedroom; third floor- bedrooms, bathrooms, open deck/balcony.
- As there is a Q-condition restricting height to 30 feet in this specific location, all of the consecutive multi-dwellings adjacent to this lot share a common height, thus minimizing any detrimental effect to any immediate neighbors of any single building alone. By observing the layout of this area, it is understandable that any rear common open space lacks realization of the true intent of open space. The rear of these lots containing numerous 30 feet buildings about a massive strip of consecutive auto repair & smog test facilities, hardly a location fit for “outdoor living, recreation, safer location for children to play.” Therefore, a very viable conclusion to solving the applicant’s guest parking & open space dilemma was by partitioning the rear common space and dedicating it to guest parking.
- To compensate for the lost open space, private open space via open-sky balconies proved to be not only more beneficial to the residents, but more compatible with the intents and purposes of “Open space.” A large (*approximately 65 square feet per living unit*), completely open-sky, private balcony would not only allow for aesthetic outdoor living and landscaping, but also provides safety for barbeque activities and other desired sub-vigorous outdoor activities. To be accounted as open space calculation, the open deck cannot be obstructed and must be open to the sky, which prohibits the option of providing this private open space on the second floor (*as regulated by the zoning code*). Reasons for this are as follows: One, there would not be enough space to provide as many outdoor recreation; Two, there would be a severe lack of open-sky access.
- Because the RD-1.5 strip permits both single family dwelling and multi-dwelling units, certain privacy issues arise such as: When a Multi-dwelling abuts a single family dwelling, permitting private open space at a high level would risk invading the privacy of an individual residing in a more restrictive residential dwelling. Our project remedies this issue via a twin structure with balconies located and oriented to face the interior of

the lot. Not only does this relief privacy issues, but significantly reduces any other disturbances to the neighbors, such as sound. It is also important to mention that the surrounding existing multi-dwelling units provide balconies on the 3rd floor as well.

3. Explain why the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

- The abutting series of consecutive multi-dwellings constructed in the 1980's, very similar to the applicant's proposed project, display characteristics highly desirable to benefit the proposed project. Because the strict application of the R1.5 zoning code and Q-conditions, it has been increasingly difficult for the applicant to embrace his property rights and many desirable attributes were discarded from consideration. In the attempt to satisfy not only the zoning regulations and true intent of the general plan, but also the respected potential residents, this proposal to allow private open space one floor higher than permitted has been requested.

4. Explain why the granting of the variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.

- Recently, roof deck open spaces are becoming the most favorable amenity for newly developed residential projects. However, due to the zoning regulations which prohibit the placing of a roof decks on the roof in RD1.5-1 zone, the least that was possible was to accommodate the future home owners to enjoy a third level open deck space. By allowing the open deck space to be allowed on this third level and to be counted towards the total open space as private open space, this project can sufficiently fulfill the open space requirement.

5. Explain why the granting the variance would not adversely affect any element of the General Plan.

- As presented in all previous sections, our applicant desires to achieve compatibility between the intent and purpose of open space: to provide a safe area for outdoor living, recreation, landscaping, children to play while avoiding dangers, etc.
- From an objective viewpoint, taking into consideration the information from the findings above, the purpose of this request should be very understandable. The benefits to the residents and compliance to the true intentions of the code as well as the significant lack of disturbance to any neighbors far outweighs the potential hardships and reduction of residential satisfaction that should arise from the rejection of this request.
- All aspects of this request is completely parallel with the intents and purposes of the General Plan and open space requirements, with exception that the location lies on RD1.5 (Multiple Dwelling) zoned strip which prevents private open space on floors above the first habitable area.