



# SOUTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

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#32  
12-11-26

Determination Mailing Date JUL 23 2012

Case No.: ZA-2011-2679-ELD-SPR-1A

CEQA: ENV-2011-2680-MND

Address: 6221 North Fallbrook Avenue

Council District: 3

Plan Area: Canoga Park-Winnetka-  
Woodland Hills-West Hills

Zone: (Q)C4-1VL; C2-1VL; (Q)P-1VL

D.M.: 168B133

Legal Description: Arb 1; Lot PT 4  
Tract 3558

**APPLICANT:** Ken Barry, Community Multihousing, Inc.  
Representative: Christopher Murray, Rosenheim & Associates

**APPELLANTS:** Mohammed Tat, Sossi and Jack Pomakian, Charles and Betty Salverson,  
John Sundahl, Dawn Stead, Mark Dymond, Susan Hamersky, Kelly Del Valle,  
Donna Schuele and Jack Sorkin  
Representative: Donna Schuele

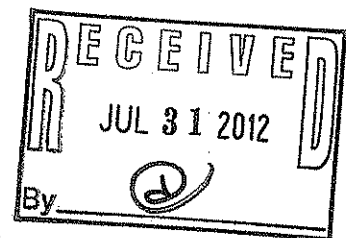
At its meeting on **June 28, 2012**, the following action was taken by the South Valley Area Planning Commission:

1. **Granted** the appeal;
2. **Overtured** the Zoning Administrator's Determination granting the construction, use and maintenance of an Eldercare Facility and a Site Plan Review;
3. **Adopted** the Findings;
4. **Did not adopt** the recommendation of the lead agency in issuing Categorical Exemption No. ENV 2011-2980-MND as the environmental clearance for this action.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.


This action was taken by the following vote:

Moved: Commissioner Cochran  
Seconded: Commissioner Mather  
Ayes: Commissioners Cochran, Mather, Murley and Epstein  
Nay: Commissioner Guzman  
Vote: 4- 1



Effective Date:  
Effective upon mailing of this report

Appeal Status  
Not further appealable to City Council

  
Sheldred Alexander, Commission Executive Assistant  
South Valley Area Planning Commission

**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.**

Attachment(s): Findings

cc: Notification List  
Fernando Tovar

NOTICE OF DECISION  
CITY OF SAN JOSE  
OFFICE OF THE CITY CLERK  
400 MARKET STREET, SUITE 100  
SAN JOSE, CA 95113  
TEL: (408) 287-2000  
WWW.SANJOSE.CA.GOV

The South Valley Area Planning Commission granted the appeal and overturned the determination of the Zoning Administrator in approving:

a Zoning Administrator's Determination pursuant to Los Angeles Municipal Code Section 14.3.1 for the construction, use and maintenance of an Eldercare Facility with no less than 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care Housing; and

Site Plan Review pursuant to Los Angeles Municipal Code Section 16.05 for the construction, use and maintenance of an Eldercare Facility containing approximately 50,289 square feet with no less than 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care Housing, thereby, denying the proposed project.

### **FINDINGS OF FACT**

(AS APPROVED BY THE SOUTH VALLEY AREA PLANNING COMMISSION)

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst Administrator thereon, and the statements made at the public hearing before the Zoning Administrator South Valley Area Planning Commission on June 28, 2012, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, † the Area Planning Commission find found that the requirements and prerequisites for granting an Eldercare Facility and Site Plan Review as enumerated by Sections 14.3.1 and 16.05 of the Los Angeles Municipal Code have not been established by the following facts:

### **FINDINGS – ELDERCARE FACILITY**

(Bold Strikeout and Bold Double Underline of the Zoning Administrator's Findings)

Following (highlighted) is a delineation of the findings and the application of the relevant facts to the same:

- 1. The strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

~~The Zoning Code sets forth regulations to promote orderly development and to maintain compatibility between respective land uses. Specifically, Section 12.02 of the Los Angeles Municipal Code (L.A.M.C.) outlines the purpose of the zoning regulations as follows: "...to designate, regulate and restrict the location and use of building, structures and land, for agriculture, residence, commerce, trade, industry or other purposes...in order to encourage the most appropriate use of land..."~~

~~The subject site contains approximately 65,715 square feet (1.5 acres) and is designated Low Residential uses and is zoned RA-1. Uses permitted by right in the RA Zone include single family dwellings and two family dwellings in certain instances, parks, playgrounds or community centers when operated by a~~

~~government agency, golf courses, farming, limited animal keeping among other accessory uses. The provisions of the RA Zone are generally intended to apply to those uses permitted by right in the zone. The RA Zone limits the maximum allowable floor area to 20% of the lot area for lots greater than 20,000 square feet (in this case approximately 12,600 square feet). The RA Zone also requires a minimum front yard equivalent to 20% of the lot depth and a minimum rear yard equivalent to 25% of the lot depth, but in either case, the front or rear yard need not exceed 25 feet, while the required side yard is 10 feet for a two-story building. In addition, the maximum height permitted in the RA-1 Zone, pursuant to Section 12.21.1 is 36 feet.~~

~~The applicant is requesting approval of a two-story Eldercare Facility with a maximum of 60 guest rooms and a maximum of 76 beds. At least 75% of the facility (excluding common areas) will be devoted to Assisted Living Care Housing and 25% will be devoted to residents who suffer from Alzheimer's and/or Dementia related disorders. No medical care will be provided in the facility and the facility will not operate as a skilled nursing facility. Residents of the facility will be at least 62 years of age or older and must require assistance with at least two or more non-medical needs to be eligible for residency. None of the guest rooms will contain a kitchen and the bedroom mix will consist of 44 one-bedroom guest rooms and 16 two-bedroom guest rooms. The one-bedroom guest rooms will range in size between 397 square feet and 455 square feet and the two-bedroom guest rooms will range between 540 to 596 square feet. Guest rooms are efficiently designed and will be equipped with a television, living room, a full bathroom and walk in closet.~~

~~While the proposed Eldercare facility is not permitted by right in the RA Zone, pursuant to Section 14.3.1 of the Los Angeles Municipal Code (L.A.M.C.), the Zoning Administrator may permit an Eldercare Facility to be located on a lot or lots in the A1 through the R3 Zones, or in the RAS3, R4, RAS4 and R5 and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, subject to establishing the required findings outlined herein.~~

~~As designed, the proposed Eldercare facility will have a maximum height of 36 feet to the top of the roof ridge, will maintain a 71-foot front yard, a minimum rear yard of 25 feet and minimum side yards of 10 feet, all in conformance to the RA-1 Zone. However, due to the scope and nature of the proposed use, the proposed number of guest rooms and floor area will exceed the maximum allowable density and floor area otherwise permitted by the RA-1 Zone.~~

~~In addition, in response to residents' concerns to screen the facility from adjacent residential uses, an 8-foot estate wall will be provided along the perimeter of the site and will be partially located within the required front yard. Also, in order to provide a greater separation between the facility and adjoining single-family dwelling to the west, the footprint was shifted east to provide a greater rear yard, which in turn shifted the surface parking lot to the east. As a result, a portion of the parking lot~~

will be located within the required front yard. According to the applicant, the strict application of the FAR limitation of the RA Zone in this case would limit the proposed Eldercare facility to only 12,600 square feet and would reduce the building envelope to a level where only a maximum of 16 guest rooms would be feasible on the site because of the need to accommodate the required common areas needed to support the residents.

The proposed facility will contain approximately 50,289 square feet. While the proposed facility will exceed the maximum allowable floor area by approximately four times that allowed, the facility will have a maximum lot coverage of approximately 40% and 60% of the site will remain open areas consisting of generous landscaped setbacks along the perimeter of the site, three open courtyards, walkways and surface parking. Also, approximately 42% of the total floor area will consist of common areas. The guest rooms, excluding common areas, contain approximately 27,964 square feet (6,991 square feet 15 guest rooms for residents with Alzheimer's/Dementia and 20,973 square feet 45 guest rooms devoted to assisted living). Approximately 20,866 square feet are devoted to common areas or non-residential space consisting of on-site amenities and support services such as kitchens, common living, dining and family rooms, sun rooms, and offices and ancillary uses for support staff, laundry and housekeeping services. Thus, given the nature of the proposed use, a significant amount of common areas and open space is required to provide an enriched environment and on-site support services to meet the needs of the elderly residents with special assisted living needs.

Moreover, the site is located on the northwest corner of Fallbrook Avenue, a Major Highway, and Erwin Street, a local street. The subject site contains approximately 1.5 acres and has approximately 235 feet of frontage and vehicular access on Fallbrook Avenue. The size and scope of the proposed two-story Eldercare Facility is reasonable and appropriate in view of the site's capacity and its location on a Major Highway. In addition, the proposed facility is consistent with other non-residential uses on similar RA-zoned lots located on Fallbrook Avenue in proximity to the site.

Properties adjoining the north side of the subject site fronting on the west side of Fallbrook Avenue and on Styles Street are zoned RS-1 and consist of lots ranging in size approximately 8,000 square feet in conformance to the 7,500 square-foot minimum lot area of the RS Zone and are improved with single-family dwellings. Lots fronting on the interior local residential streets such as Erwin Street and Calvert Street are all zoned RA and consist of large lots typically between 25,000 to 35,000 square feet in conformance to the 17,500 square-foot minimum lot area of the RA Zone and are improved with single-family dwellings.

However, lots fronting along Fallbrook Avenue between Victory Boulevard one block north of the site, and Oxnard Street, two blocks south of the site contain commercial and residential zones with a mix of single-family, commercial and other non-residential uses. Properties one block north of the site on the east side of Fallbrook Avenue between Victory Boulevard and Sylvan Street are zoned and improved with

~~commercial uses. Properties fronting on Fallbrook Avenue one and one half blocks south of the site, north of Oxnard Street, are also zoned commercially and contain commercial uses.~~

~~Properties fronting on Fallbrook Avenue, generally between Sylvan Street and one half block north of Oxnard Street are zoned RA but consist of non-conforming lots containing approximately 7,600 to 7,800 square feet at a density consistent with the RS Zone. Otherwise, there are two larger RA-zoned lots on Fallbrook Avenue located approximately one block south of the site that occupy approximately one third of the frontage of the block between Erwin and Calvert Streets that are improved with non-residential uses such as a church on a 65,000-square-foot lot similar in size to the subject property at the northwest corner of Fallbrook Avenue and Calvert Street and there is a pre-school located on a 20,000 square foot lot at the northeast corner of Fallbrook Avenue and Calvert Street. Thus, while lots on Fallbrook Avenue are zoned RA, the land use pattern has a higher residential density and includes non-residential uses as well as commercial uses closer to Victory Boulevard and Oxnard Street.~~

~~Hence, the proposed use falls within the range of existing uses located along Fallbrook Avenue, including those non-residential uses on RA-1 zoned lots. Moreover, the proposed eldercare facility is more characteristic of a residential use than the existing school on the site or other non-residential uses such as the adjacent church. As previously noted, no medical care will be provided in the facility and the facility will not operate as a skilled nursing facility. Moreover, the relatively large size of the site is suitable to accommodate the scope and size of the proposed facility and the site's location on a Major Highway is reasonable and appropriate for the type of use proposed.~~

~~The strict application of the zoning regulations to the proposed elder care facility, a unique use relative to other uses generally permitted by right in the RA Zone, would limit the site's ability to provide needed on-site amenities and support services to the detriment of the project's occupants or would limit the site to only 16 guest rooms, which would result in significant underutilization of the site and would not permit the operator to achieve the economy of scale required to provide the level of on-site support services and amenities required for the eldercare facility's unique population. Denial of the request would therefore preclude the provision of much needed housing for the elderly population.~~

~~In this case, granting the request will allow efficient use of the site's larger lot size which is well suited for the proposed use, and will enable reasonable use of the site both commensurate with its capacity and consistent with the range of uses located on Fallbrook Avenue. Moreover, the facility's design is sensitive to the adjoining residential uses to the extent feasible. As described in more detail under Finding No. 2 below, the building is broken up into various components and is oriented in a manner to minimize impacts on the adjoining single-family residential lots.~~

~~In view of the foregoing, the strict application of the zoning regulations would be~~

~~impractical and result in an unnecessary hardship inconsistent with the general purpose and intent of the zoning regulations.~~

In granting the appeal and overturning the Zoning Administrator's Determination, the South Valley Area Planning Commission based their decision on the scope and scale of the proposed eldercare facility as enumerated under Finding No. 5 and based in part on Finding No. 2.

**2. The project will not be materially detrimental or injurious to the properties or improvements in the immediate area.**

~~As previously noted, the site is located at the northwest corner of Fallbrook Avenue (a Major Highway), and Erwin Street (a Local Street) and contains approximately 65,715 square feet (1.5 acres). The site has approximately 235 feet of frontage along the west side of Fallbrook Avenue and 292 feet of frontage on the north side of Erwin Street. The site also has approximately 60 feet of frontage on an adjoining alley that terminates in a hammerhead design perpendicular to the site on the site's northerly property line.~~

~~Concerns were raised by local residents regarding the height and scale of the proposed facility and concerns that the size of the facility, with 76 beds and multiple kitchens, was more akin to a commercial use than a residential use and would generate impacts from noise, odors, traffic and deliveries, and would create spill-over parking impacts on the adjacent residential streets. In addition, concerns were raised that the proposed use would be intrusive to the RA Zoned residential community and would preclude surrounding properties from establishing animal keeping uses as permitted by the RA Zone.~~

~~However, the operation of the proposed facility, which will house and provide services to an elderly population age 62 or older, is generally a passive use in keeping with a residential character. Meanwhile, the architecture, massing, site layout and orientation of the proposed facility is designed to reasonably minimize impacts on the adjoining single family lots.~~

**DESIGN:**

~~Properties north of the subject site are zoned RS and have their frontage on Fallbrook Avenue or on Styles Street and are all improved with single family dwellings. The lots to the north fronting on Fallbrook Avenue have their vehicular access on an alley perpendicular to the subject site that runs along the rear lot lines of those lots and terminates on the north property line of the subject site in a hammerhead design. Since vehicular access is to the rear of these lots, there are no curb cuts or driveways on the west side Fallbrook Avenue on this block north of the site.~~

~~Properties south of the site fronting on Fallbrook Avenue and west of the site along Erwin Street, are all zoned RA-1 and are improved with single family dwellings.~~

~~Properties on the east side of Fallbrook Avenue are also zoned RA-1 and are improved with single family dwellings.~~

~~The site has its front yard on Fallbrook Avenue and the site's north property line (side lot) abuts the side lot line of the adjoining single family lot fronting on Fallbrook Avenue (along the front half of the subject site). The site's north property line also has 60 feet of frontage on the hammerhead of the adjoining alley and the rear half of the lot abuts the rear lot line of the adjoining single family lot fronting on Styles Street to the north. The rear lot line on the subject site shares the side lot line of the adjoining RA zoned lot to the west which fronts on Erwin Street and is improved with a single family dwelling and maintains an approximately 20-foot side yard from the rear of the subject site. To the south across Erwin Street, the site's frontage overlaps with three RA zoned lots all improved with a single family dwelling. One lot fronts on Fallbrook and has its side yard along Erwin Street, the other two front on Erwin Street, one of which contains approximately 10,000 square feet and has an approximately 40-foot front yard setback and the other contains approximately 42,000 square feet and has an approximately 60-foot front yard setback. All three of the lots directly across Erwin Street have approximately 6-foot high solid fences, walls or hedges along the front and side lot lines respectively. The existing fences and setbacks on these lots provides adequate screening and privacy to these lots.~~

~~The facility will be oriented toward Fallbrook Avenue and vehicular access to the site will be provided from a two-way, 30-foot wide driveway on Fallbrook Avenue. The driveway will be located approximately 42 feet from the property line of the adjoining residential lot to the north and over 100 feet from the intersection. A second driveway will be provided on Erwin Street for emergency vehicles only. Hence, ingress and egress to the site would not affect traffic flow on Erwin Street. In addition, as noted earlier, the single family dwellings fronting on Fallbrook Avenue north of the site have their access from a rear alley, therefore, vehicles entering and exiting the site would not conflict with vehicular access to the single family homes north of the site.~~

~~The building mass is broken up into various components that create the appearance of three interconnected buildings. The facility consists of a two-story "main" building facing Fallbrook Avenue and two 'L' shaped, two-story wings (north and south wings) that span out from the main building. The north and south wing are separated by a large open courtyard, and two additional open courtyards are located on the north side of the north wing facing the rear lot line of the residential lot to the north (fronting on Styles Street) and another on the south side of the south wing facing Erwin Street.~~

~~The facility will have a maximum height of 36 feet to the top of the highest roof ridge on the main building nearest the center of the building and furthest from the adjacent residential lots. However, since the building is broken up into components, there are varied roof lines on the main building and on the wings. The height of the remainder of the main building is less than 36 feet and the height of the ridgelines on the wings facing the adjoining residential lots is between 29 feet 2 inches and 32~~



~~feet 11 inches and the maximum height of the roof eaves along these façades facing the adjoining residential lots vary between approximately 24 feet and 28 feet. The façades of each wing are modulated and broken up by the courtyards and maintain variable landscaped yards. The rear yard is a minimum of 25 feet and up to 30 feet and provides a landscaped meandering walkway that connects all three courtyards which together, provide an adequate buffer from the adjoining single-family lot to the west, fronting on Erwin Street, and from the rear lot line of the adjoining single-family dwelling to the north fronting on Styles Street. The north façade maintains a variable side yard between 10 feet and 17 feet and encompasses an open courtyard along the northerly property line that separates the main building from the north wing.~~

~~The main building will be set back approximately 71 feet from Fallbrook Avenue and a 10-foot 7-inch landscaped berm will be maintained along the site's frontage on Fallbrook Avenue. A surface parking lot with 30 on-site parking spaces will be maintained between the building and Fallbrook Avenue. The footprint of the adjoining single-family dwelling fronting on Fallbrook Avenue will abut the parking lot on the front half of the subject site. Hence, the proposed building, which is set back 71 feet from Fallbrook Avenue, will not directly overlap with this adjoining dwelling. In addition, an 8-foot high estate wall is proposed along the perimeter of the site which will screen the facility from adjacent residential uses.~~

~~While the facility is large relative to improvements on the immediately adjoining residential lots, the bulk and scale of the proposed facility is dispersed into smaller components and the two-story facility will have a maximum lot coverage of approximately 40% and 60% of the site will remain open areas consisting of landscaped setbacks along the perimeter of the site, the three open courtyards and landscaped walkways as well as the surface parking oriented on Fallbrook Avenue.~~

~~The proposed height and setbacks along the adjoining residential lots will ensure the provision of adequate light and ventilation for the adjoining residential lots and for the occupants of the proposed facility. Moreover, the height and setbacks for the proposed facility are generally consistent or similar to the height and setbacks that would be permitted if the site was subdivided and improved with several two-story single-family dwellings in conformance to the RA Zone which would result in approximately four single-family lots.~~

**The South Valley Area Planning Commission determined that, as designed, the size of the proposed facility was too massive and incorporated design elements such as an 8-foot high perimeter estate wall that was too high and second story windows that would invade the privacy of adjoining residential uses.**

#### **OPERATION:**

~~The operation of the facility is not expected to generate adverse impacts on surrounding properties or improvements. The main building, which is oriented~~

toward the on-site parking lot along Fallbrook Avenue, will house most of the common areas such as the lobby, staff offices, conference rooms, kitchens and dining areas and family rooms, both on the ground floor and second floors, and some guest rooms. Each floor of each wing is self-sufficient and will have its own common areas including prep kitchens and family rooms so that gathering spaces are broken into smaller common areas rather than large spaces that would serve all residents. All of the interior common areas are contained within the enclosed building and will not directly face any of the adjoining residential lots. No common areas are designed to accommodate all the residents for active or intense uses. The two-story wings will house the guest rooms and each wing also has a small sunroom. None of the guest rooms will contain a kitchen so no cooking will take place in any guest rooms. The bedroom mix will consist of 44 one-bedroom guest rooms and 16 two-bedroom guest rooms. The one-bedroom guest rooms will range in size between 397 square feet and 455 square feet and the two-bedroom guest rooms will range between 540 to 596 square feet. Guest rooms are efficiently designed and will be equipped with only the basics such as a television, a small living room, a full bathroom and walk-in closet. There are no kitchens in any of the guest rooms and living areas are relatively efficient. Therefore, the guest rooms are intended primarily for sleeping and to provide a private space for residents and are not suited for entertaining large groups or for intense activity. Visitors would most likely make use of the common areas during visits. Therefore, the guest rooms are not expected to have high levels of activity or generate loud noise.

A solid 8-foot high estate wall will be maintained along the perimeter of the site where it adjoins residential uses and a 10-foot to 25-foot landscaped setback will buffer the site from the adjoining residential uses north and west of the site. In addition, as conditioned, trees are required to be planted along the landscaped setbacks to screen the adjoining residential properties from the second floor guest rooms. The adjoining property to the west shares the longest lot line with the subject site and the revised plans have reduced the number of windows on the west elevation. There are only three windows on the second floor of the wing adjacent to this dwelling. All of the exterior courtyards and landscaped walkways are for passive use only and no outdoor recreation space is provided.

According to the applicant, a total of 20 employees will staff the facility on staggered shifts. The largest shift will have 10 employees and there will be fewer overnight staff. As previously noted, no medical care will be provided in the facility and the facility will not operate as a skilled nursing facility. The applicant indicated that deliveries would be made twice a week by larger vendors and other deliveries would be made by smaller vendors. One of their weekly deliveries would be made by an 18-wheel truck. In order to minimize potential impacts on surrounding residential uses from commercial deliveries to the site, Condition Nos. 17 and 18 of the grant require that deliveries by vendors and trash pick-up be limited from 8 a.m. to 5 p.m. Monday through Friday and from 9 a.m. to 12 noon on Saturdays and no deliveries or trash pick-up is permitted on Sundays. In addition, all deliveries are required to be conducted on-site from the parking area and deliveries by 18-wheel trucks is prohibited.

### **TRAFFIC & PARKING:**

A Traffic Analysis was completed by the Department of Transportation (DOT) to assess the proposed project's trip generation potential and to assess access and circulation for the site. According to staff from the DOT, a worse case scenario was used to determine whether the project has the potential to produce a significant traffic impact and thus warrant an in-depth analysis (traffic study). The trip generator used was based on the total number of proposed beds because this was the best fit correlation between the project size and anticipated number of vehicles generated for assisted living facilities. The analysis determined that the project would generate a total of 202 average daily trips with 11 a.m. peak hour trips and 17 p.m. peak hour trips. Concerns were raised at the hearing and in communications received that 202 trips was significant. However, the project's average peak hour trips generated is well below DOT's threshold of 43 peak hour trips to require a traffic study. It should be noted that the 202 trips is the Average Daily Traffic (ADT) generated over the course of an average weekday for a 24-hour period. Hence, the 202 trips generated are not trips arriving and/or departing the site at the same time. The 202 trips generated translates to an overall average of 8.4 trips per hour or approximately one vehicle every seven minutes with an average of 11 trips per hour during peak morning traffic hour (between 7 a.m. and 9 a.m.) and an average 17 trips per hour during evening peak traffic hour (4 p.m. to 6 p.m.). The average trips during off-peak hour traffic would therefore be even less than 8.4 trips per hour.

Moreover, the site was formerly utilized as a private school for pre-school and kindergarten through third grade students with a maximum enrollment of 114 students. A traffic assessment generally determines the net new trips generated by a proposed project beyond those trips already generated by an existing use. In this case, the trips generated by the existing school were not considered in order to establish a worse case scenario. According to DOT staff, had the trips associated with the school use been included as part of the analysis, the net new number of trips would have been negative. A school enrollment of 30 students would suffice to completely negate the trips generated by the proposed facility. Therefore, fewer peak hour trips can be expected upon completion of the project.

As part of their review, the DOT recommended that access to the site be limited to Fallbrook Avenue by a driveway with a tapered width from 24 feet to 30 feet and recommended that the existing driveway curb cut on Erwin Street be closed to reduce traffic on Erwin Street. The site has two curb cuts on Erwin Street and the Fire Department's review requested secondary access be provided for the parking lot. The curb cut closest to Fallbrook Avenue will be maintained for emergency vehicle access only and the second curb cut furthest from Fallbrook will be removed.

A total of 26 on-site parking spaces are required for the proposed facility pursuant to Sections 12.21 A,4(d)(5) and 12.21 A,4(u) of the L.A.M.C. which take into account residents, visitors and staff based on the type of eldercare facility, in this case

~~Assisted Living and Alzheimer's. A total of 30 on-site parking spaces will be provided. According to the applicant, the facility will have approximately 20 employees on staggered shifts and the peak shift would consist of approximately 10 employees who would also have staggered shifts. For example, six administrative staff would be on-site from approximately 9 a.m. to 5 p.m.; 1 maintenance staff would be on-site beginning at 7 or 8 a.m. for a 7 ½ hour shift, in addition to one housekeeping staff and one universal caregiver. Hence, employee parking would turn-over on a staggered basis. And even at its peak use by employees, 20 parking spaces would remain available for residents and guests.~~

~~Neighbors expressed concerns that the provided parking would not be adequate to accommodate employee and resident parking and would create significant spill over parking impacts on the adjoining residential streets. However, very few residents are expected to own or drive a car. Residents must be at least 62 years of age or older and at least 75% of the residents will require assistance with at least two or more non-medical activities of daily living (Assisted Living Care) and the other 25% of residents in the facility will be residents who suffer from Alzheimer's or dementia and require 24-hour care (non-medical). Therefore, most, if not all, residents would not drive or own a car. In fact, the on-site support services provided will include transportation services to local shopping/retail areas, medical offices, houses of worship, and the like for the residents, eliminating the need for separate transportation arrangements and additional vehicle trips to and from the Eldercare Facility.~~

~~Moreover, the staff report prepared for proposed Ordinance No. 178063 indicates that a study by the American Seniors Housing Association concluded that the average number of resident vehicles at an Independent Senior Housing Facility or Assisted Living Facility is 0.05 vehicles per unit. The report indicates that because most residents of Eldercare Facilities do not drive, vehicles operated by the facility usually accommodate their transportation needs. Given the site's substantial street frontage, any potential spill over parking impacts would likely be limited to street parking along the site's frontage which could conservatively accommodate approximately 10 standard vehicles. Therefore, no significant on-street parking impacts on the adjacent residential uses are anticipated. To ensure potential parking spill-over impacts are not an on-going problem, Condition No. 16 limits the site to twelve special events per year and Condition No. 15 requires that tandem parking with a valet attendant be provided during all special events.~~

#### **ANIMAL KEEPING:**

~~With respect to the project potentially displacing or threatening animal keeping or agricultural uses permitted in the RA Zone, neither the subject site or surrounding lots are located within an established 'K' equine keeping district and none of the surrounding RA-zoned lots immediately adjacent to the site appear to be keeping animals. The provisions of the RA Zone under Section 12.07 A,7 permit the keeping of animals subject to certain limitations on lots that contain a minimum of 17,500 square feet or more and the provisions of the RS Zone under Section~~

~~12.07.1 A,3(b) also permit the keeping of animals on those lots containing a minimum of 20,000 square feet. In addition, Section 12.21 C,5(a) of the L.A.M.C. requires that every animal keeping structure be located: (1) on the rear half of the lot (but not more than 100 feet from the front yard); (2) at least 25 feet from any side lot line; and (3) not closer than 75 feet from the habitable room of a neighbor's dwelling unit.~~

~~The adjoining RS zoned lots north of the subject site all contains less than 20,000 square feet and the adjoining RA zoned lots west of the site (on the north side of Erwin Street) all contains less than 17,500 square feet and are not eligible for animal keeping. The RA zoned lots on the south side of Erwin Street all appear to be greater than 17,5000 square feet and the granting of the request in no way diminishes or interferes with the ability of these surrounding RA zoned lots to maintain animals or "farming" and is not precedent setting. Nevertheless, a minimum 25 foot rear yard is provided next to the side lot line of the adjoining RA zoned lot west of the subject site which is a greater setback than maintained between that property and the abutting single family lot to the west.~~

~~Moreover, the Canoga Park Winnetka Woodland Hills West Hills South Valley Community Plan contains approximately 17,894 net acres (including public and private streets and parks and open space). The Community Plan has designated approximately 3,424 acres of land (19% of total area) for Very Low Residential uses with corresponding zones of RE-20, RA, RE-15 and RE-11, all of which are permitted animal keeping and truck gardening and another 1,012 acres (5% of total land) is designated Minimum Residential uses with corresponding zones of OS, A1, A2 and RE-40 which allow animal keeping (excluding the OS zone). Therefore, the Community Plan has more than adequate land that can potentially be used for animal keeping.~~

**3. The project will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand.**

~~As previously noted, the proposed facility will have a total of 60 guest rooms with a maximum of 76 beds. Residents of the facility are required to be at least 62 years of age or older and must require assistance with at least two or more non-medical needs to be eligible for residency. At least 75% of the facility (excluding common areas) will be devoted to Assisted Living Care Housing and 25% will be devoted to residents who suffer from Alzheimer's and/or Dementia related disorders. Specifically, 19 guest beds will be provided to serve the needs of residents requiring Alzheimer's/Dementia Care housing and 57 guest beds will be provided to serve the needs of residents requiring Assisted Living Care Housing.~~

~~The facility is required to be licensed by the California Department of Social Services and is required to comply to applicable assisted living and dementia care program regulations. The applicant maintains that the facility would meet or exceed the California Department of Social Services assisted living and dementia care program regulations. The California Department of Social Services does not set~~

~~forth minimum staff to resident ratios for Assisted Living Facilities. According to the applicant, a total of 20 employees will staff the facility on staggered shifts. The applicant also indicates that the facility would provide a unique universal worker staffing model allowing caregivers to focus a majority of their attention on the residents and constantly monitor their condition and wellbeing by having a greater caregiver to resident ratio and will emphasize greater hands on interaction between the caregivers and the residents.~~

~~The facility's model is to provide long term care in a home style setting and to provide a wide range of supportive services tailored to the individual needs of each resident. Residents will have independent choices with respect to activities, meals, and daily routine. The facility will meet the needs of residents with varying levels of dementia or other degenerative conditions. A higher number of caregivers will provide personalized care and activities for the well being of residents in the Alzheimer's program and this area will have controlled access to safeguard residents. The facility's model is designed to provide daily living and aging in place services and includes professionally designed programs to keep residents' minds sharp and to preserve their physical agility. A broad range of options will allow residents to exercise their independence and to socialize with their neighbors and to retain as healthy and active a life style as possible for each individual resident. The aging in place model is designed to provide a continuum of care by handling the needs of residents as they age to prevent the trauma associated with moving to a new environment. As an elderly resident begins to require care that exceeds their capacity within their current program, staff will transition the resident to an adjoining program within the facility. Therefore, the facility will be equipped to manage the needs of each resident as their cognitive abilities progressively deteriorate while maintaining relationships that have been cultivated between caregivers and residents and their loved ones.~~

~~As previously noted, numerous common areas and amenities are maintained on-site for the benefit of the residents to provide an enriched environment. Indoor amenities include common areas in each wing such as kitchens, dining, living and family rooms and sunrooms. Substantial open space is provided for passive use and the guest rooms are designed so that all guest rooms adjoin or overlook a courtyard or landscaped walkway or patio.~~

~~Questions were raised by local residents concerning the scope and size of the proposed facility relative to other existing eldercare facilities which are much smaller than the proposed facility and typically consist of a single family dwelling or smaller multi-family dwellings that were converted to eldercare facilities. In addition, questions were raised concerning the need or demand for the facility. Claims were made that there are a significant number of eldercare facilities in proximity to the site or in the larger community that have high vacancy rates (no data was submitted to identify the specific facilities or vacancy rate at each facility).~~

~~Nonetheless, according to a Forbes Magazine article ([www.forbes.com/sites/howardgleckman/2012/03/07/not-your-grandmothers](http://www.forbes.com/sites/howardgleckman/2012/03/07/not-your-grandmothers)~~

~~assisted living facility), a study by the National Center for Health Statistics looked at a wide range of eldercare facilities, from small homes with four to ten beds to large 400+ bed institutions. The study found that, "In 2010, about 31,100 facilities owned about 972,000 licensed beds. However, they served only about 733,000 residents, for a vacancy rate of about 25 percent...About half of care homes have 10 residents or less and only about 2,100, or 7 percent, have more than 100 beds. However, almost a third of all assisted living residents live in those big facilities".~~

~~Hence, a 75% average occupancy rate in the Assisted Living Industry appears to be the norm. Moreover, according to Forbes, the findings of the study indicate that with average fees running about half that of nursing facilities, and with an environment that is often more attractive to seniors, residential care facilities are becoming a more popular choice between moving to a nursing facility or staying at home.~~

~~The applicant noted that the proportion of the population over the age of 75 is expected to double in the next 20 years generating a strong need and demand for eldercare facilities. Again, data was not submitted to substantiate this assertion. However, the shift in population as baby boomers age is well known. A review of the Administration on Aging website ([www.ago.gov/AoARoot/Aging\\_Statistics/index.aspx](http://www.ago.gov/AoARoot/Aging_Statistics/index.aspx)) provides census data, statistics and population projections for the elderly. The data indicates that in 2009 the number of persons 65 or older numbered 39.6 million or 12.9% of the population. By 2030, there will be about 72.1 million older persons, more than twice their number in 2000. Data was broken down by state but not by city, therefore, specific data is not available for the City of Los Angeles.~~

~~However, the City of Los Angeles Housing element recognizes the unique needs of the elderly population with respect to housing and recognizes the challenges faced by the elderly in finding affordable housing suitable for their unique needs. Specifically, the City of Los Angeles Housing Element 2006-2014, adopted January 14, 2009 on Page 1-11 notes as follows: "[c]ertain persons or households face greater challenges than the general population in finding housing given their unique special needs and circumstances. Such circumstances range from fixed incomes to limited mobility to large households. Not all housing units in the general housing stock can meet the housing needs of persons or households with such special needs, therefore, efforts must be made to ensure that decent, affordable and accessible housing is available to all such special needs populations. These populations include elderly persons, persons with disabilities, large families, female-headed households, homeless persons, persons living with HIV/AIDS, and farmworkers, and each represents a significant part of the City's population..."~~

~~The City Housing Element cites approximately 9 percent of the City's population is currently aged 65 years and older. One fifth of all households citywide (256,432 of 1,284,124 households in 2005) are headed by elderly persons, of which 100,120 households are elderly persons who live alone while the rest are households comprised of elderly heads of household living with other person(s).~~



~~In view of the foregoing, the proposed project will provide needed housing and long term care services to the elderly to meet the citywide demand.~~

**While the South Valley Area Planning Commission recognized the desirability and need for an eldercare facility, the Commission's determination to grant the appeal and thereby deny the request is due to the scope and size of the proposed project as enumerated under Finding Nos. 2 and 5.**

**4. The project will not create an adverse impact on street access or circulation in the surrounding neighborhood.**

~~As previously outlined under Finding No. 2 above, the project's design and on-site parking will not create adverse impacts on street access or circulation in the surrounding neighborhood. The site has approximately 235 feet of frontage on the west side of Fallbrook Avenue, a Major Highway, and 292 feet of frontage on the north side of Erwin Street, a Local Street. The site plan has been reviewed by the Department of Transportation (DOT) and staff has recommended that the existing driveway on Erwin Street be closed. Ingress and egress to the site will be limited to Fallbrook Avenue by a 30-foot wide, two-way driveway and no vehicular access to the site will be available from Erwin Street to minimize traffic on the adjacent single-family uses on Erwin Street. The parking lot is double loaded with a 24-foot wide aisle. Since there is no egress available onto Erwin Street, a turn-around space is provided at the southern terminus of the parking area. Notwithstanding concerns raised by local residents regarding potential traffic impacts, the facility's trip generation potential may actually be less than the trip generation associated with the previously existing private school on the site and will therefore have negligible traffic impacts on surrounding properties.~~

~~As noted under Finding No. 2 above, a traffic analysis was completed by the Department of Transportation (DOT) to assess the proposed project's trip generation potential and to assess access and circulation for the site. The analysis was based on a worse case scenario to determine whether the project has the potential to produce a significant traffic impact and thus warrant an in-depth analysis (traffic study). The trip generator used was based on the total number of proposed beds because this was the best fit correlation between the project size and anticipated number of vehicles generated for assisted living facilities. The analysis determined that the project would generate a total of 202 average daily trips with 11 a.m. peak hour trips and 17 p.m. peak hour trips. Concerns were raised at the hearing and in communications received that 202 trips was significant. However, the trips generated is below DOT's threshold to require a traffic study. It should be noted that the 202 trips is the Average Daily Traffic (ADT) generated over the course of an average weekday for a 24-hour period. Hence, the 202 trips generated are not trips arriving and/or departing the site at the same time. The 202 trips generated translates to an overall average of 8.4 trips per hour or approximately one vehicle every seven minutes with an average of 11 trips per hour during peak morning traffic hour and an average 17 trips per hour during evening peak traffic~~



hour. The average trips during off-peak hour traffic would then be less than 8.4 trips per hour.

~~Moreover, the site was formerly utilized as a private school for pre-school and kindergarten through third grade students with a maximum enrollment of 114 students. A traffic assessment generally determines the net new trips generated by a proposed project beyond those trips already generated by an existing use. In this case, the trips generated by the existing school were not considered in order to establish a worse case scenario. According to DOT staff, had the trips associated with the school use been included as part of the analysis, the net new number of trips would have been negative. A school enrollment of 30 students would suffice to completely negate the trips generated by the proposed facility. Therefore, fewer peak hour trips can be expected upon completion of the project.~~

~~As part of their review, the DOT recommended that access to the site be limited to Fallbrook Avenue by a driveway with a tapered width from 24 feet to 30 feet and recommended that the existing driveway curb cut on Erwin Street be closed to reduce traffic on Erwin Street. The site has two curb cuts on Erwin Street and the Fire Department's review requested secondary access be provided for the parking lot. The curb cut closest to Fallbrook Avenue will be maintained for emergency vehicle access only and the second curb cut furthest from Fallbrook will be removed.~~

~~A total of 26 on-site parking spaces are required for the proposed facility pursuant to Sections 12.21 A,4(d)(5) and 12.21 A,4(u) of the L.A.M.C. which take into account residents, visitors and staff based on the type of eldercare facility, in this case Assisted Living and Alzheimer's. A total of 30 on-site parking spaces will be provided. According to the applicant, the facility will have approximately 20 employees on staggered shifts and the peak shift would consist of approximately 10 employees who would also have staggered shifts. For example, six administrative staff would be on-site from approximately 9 a.m. to 5 p.m.; 1 maintenance staff would be on-site beginning at 7 or 8 a.m. for a 7 ½ hour shift, in addition to one housekeeping staff and one universal caregiver. Hence, employee parking would turn-over on a staggered basis. And even at its peak use by employees, 20 parking spaces would remain available for residents and guests.~~

~~In view of the foregoing, no adverse impacts on street access or circulation are anticipated in connection with the proposed project.~~

**While public testimony raised concerns regarding the proposed project's potential street access and circulation impacts, in granting the appeal, the South Valley Area Commission based their decision on the project's scope and design as enumerated under Finding Nos. 2 and. 5.**

5. The project does not consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection and other pertinent improvements, which is or will be compatible with existing and planned future development on neighboring properties.

~~As designed and conditioned by this grant, the project will be compatible with existing and planned future development on neighboring properties. As previously noted under Finding Nos. 1 through 4 above, the architecture, massing, site layout and orientation of the proposed facility is designed to minimize impacts on the adjoining single family lots. The building mass is broken up to into various components that create the appearance of three interconnected buildings. The facility consists of a two-story "main" building facing Fallbrook Avenue and two 'L' shaped, two-story wings (north and south wings) that span out from the main building. The north and south wing are separated by a large open courtyard, and two additional open courtyards are located on the north side of the north wing facing the rear lot line of the residential lot to the north (fronting on Styles Street) and another on the south side of the south wing facing Erwin Street.~~

~~The facility will have a maximum height of 36 feet to the top of the highest roof ridge nearest the center of the building and furthest from the adjacent residential lots. The mass of the building is broken up into three smaller components with a main building and two separate wings with varied roof lines. The height of the remainder of the main building is less than 36 feet and the height of the ridgelines on the wings facing the adjoining residential lots is between 29 feet 2 inches and 32 feet 11 inches and the maximum height of the roof eaves along the façades facing the adjoining residential lots vary between approximately 24 feet and 28 feet.~~

~~The facades of each wing provide modulation with variable landscaped yards and incorporate several courtyards. The rear yard is a minimum of 25 feet and up to 30 feet and provides a landscaped meandering walkway that connects all three courtyards which together, provide an adequate buffer from the adjoining single-family lots. The north façade maintains a variable side yard between 10 feet and 17 feet and encompasses an open courtyard along the northerly property line that separates the main building from the north wing.~~

~~The facility is oriented toward Fallbrook Avenue and vehicular access to the site will be provided from a two-way, 30-foot wide driveway on Fallbrook Avenue. The driveway will be located approximately 42 feet from the property line of the adjoining residential lot to the north. A second driveway will be provided on Erwin Street for emergency vehicles only. A total of 26 on-site parking spaces are required for the proposed facility pursuant to Sections 12.21 A,4(d)(5) and 12.21 A,4(u) of the L.A.M.C. which take into account residents, visitors and staff based on the type of eldercare facility, in this case Assisted Living and Alzheimer's. A surface parking lot with 30 on-site parking spaces will be maintained between the building and Fallbrook Avenue and a 10-foot 7-inch landscaped berm will be maintained along the site's frontage on Fallbrook Avenue. The footprint of the adjoining single family~~

~~dwelling fronting on Fallbrook Avenue will abut the parking lot on the front half of the subject site. Hence, the proposed building, which is set back 71 feet from Fallbrook Avenue, will not directly overlap with this adjoining dwelling. In addition, an 8-foot high estate wall is proposed along the perimeter of the site which tapers down to a 3-foot, 6-inch wall along the perimeter of the parking lot.~~

~~The facility will have a maximum lot coverage of approximately 40% and 60% of the site will remain open areas consisting of landscaped setbacks along the perimeter of the site, three open courtyards and landscaped walkways as well as the surface parking oriented on Fallbrook Avenue. Exterior security lighting will be provided to illuminate the building, entrances, walkways and parking areas. All lighting will be directed onto the site to avoid spillover lighting on adjacent properties. The facility will contain a centralized trash and recycling collection areas located inside each wing of the building and an enclosed trash and recycling area will be located at the southern portion of the parking lot, away from any adjoining residential uses, and will be completely screened from view from adjacent properties by the enclosure and by the estate wall.~~

~~In order to minimize potential impacts on surrounding residential uses from commercial deliveries to the site, Condition Nos. 21 and 22 of the grant require that deliveries by vendors and trash pick-up be limited from 8 a.m. to 5 p.m Monday through Friday and from 9 a.m. to 12 noon on Saturdays and no deliveries or trash pick-up is permitted on Sundays. In addition, all loading and unloading is required to be conducted on-site within the parking area and deliveries by 18-wheel trucks is prohibited.~~

In granting the appeal, the South Valley Area Planning Commission determined that as designed, the facility was too massive. While the Commissioners recognized the need for an eldercare facility, the Commissioners found that the scope, density and scale of the proposed facility is inappropriate for the neighborhood. The Commission pointed out that while streets similar to Fallbrook Avenue in east areas of the Valley such as Kester and Hazeltine Avenues have commercial uses around major intersections, there is no "creep" of commercial uses beyond the street intersections and pointed out that eldercare facilities of this size are usually surrounded by apartment houses. In the instant case, the facility's location would result in creep of commercial uses on Fallbrook Avenue beyond Oxnard Street or Victory Boulevard.

The Commission also had concerns about the design of the facility which incorporated design elements such as an 8-foot high perimeter estate wall and second story windows that would invade the privacy of adjoining residential uses west and north of the site.

In reaching this conclusion, the Commission cited their knowledge of the area and the testimony that was presented at their public hearing on June 28, 2012.

The following points were raised during public comments that are relevant to this finding:

- The facility introduces a massive commercial venture to an area characterized by the City as very low residential density and would place a large institutional/commercial use in the middle of a viable residential neighborhood.
- The proposed development will change the character of the neighborhood.
- The design of the proposed facility does not minimize impacts on surrounding residential uses and negatively impacts and degrades the viability of low density residential uses.
- Animal Keeping rights would be constrained resulting in injury to surrounding uses.

6. The project is in conformance with any applicable provision of the General Plan.

The Community Plan designates the Project Site for Very Low Residential with corresponding zones of RE20, RA, RE15, and RE11. The Project Site is zoned RA-1. Footnote 9, which is applicable to "corresponding zones" on the Community Plan map, states: "It is the intent of the Plan that the entitlements granted shall be one of the zone designations within the corresponding zones shown on the Plan, unless accompanied by a concurrent Plan Amendment."

The Community Plan does not identify specific locations for Eldercare Housing. In recognition of the fact that these facilities provide much needed services and housing for the growing senior population of the City of Los Angeles, the LAMC was amended by the City Council (Ordinance No. 178,063) to allow Eldercare Housing within residential zones, including the RA zone, subject to the requisite findings of approval by the Zoning Administrator. The required findings in support have been made herein. As such, and based on the consistency analysis below, the proposed Eldercare Facility will be consistent with the goals, objectives, and policy of the General Plan.

The proposed Eldercare Facility is in conformance with the City's Framework Element, the Housing Element, and the Community Plan, all of which contain goals, objectives, and policy relevant to the proposed Eldercare Housing project. The proposed Eldercare Facility will provide 60 guest rooms of service-enriched housing to residents age 62 years and older, and as such is most like a multiple-family residential development. The Code's definition of Eldercare Housing supports this premise, by requiring that "...A minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing." This requirement ensures that the principal use within Eldercare

~~Housing will remain residential. On this basis, the Code permits Eldercare Housing to be located within residential areas, subject to the approval of a Zoning Administrator.~~

~~In addition, the following General Plan goals, objectives, policy, and design guidelines that pertain to either Eldercare Housing, or to multiple family residential development, are relevant to the proposed Eldercare Facility. These include:~~

- ~~• General Plan Housing Element Objective 1.3, *"Encourage the provision of housing with support services for persons with special needs (e.g., homeless, mental or physical disability, elderly, large families, and persons living with HIV/AIDS)"*.~~

~~The proposed Eldercare Facility is required to be licensed by the California Department of Social Services and to comply with assisted living and dementia care program regulations, including requirements for 24-hour care for the residents. It will provide a total of 44 one-bed guest rooms and 16 two-bed guest rooms for a total of 60 guest rooms and 76 beds of Eldercare Housing. A total of 19 guest beds will be provided to serve the needs of residents requiring Alzheimer's/Dementia Care Housing, while a total of 57 guest beds will be provided to serve the needs of residents requiring Assisted Living Care Housing. These guest rooms will provide long-term care for persons 62 years of age and older who require assistance with two or more non-medical activities of daily living, as well long-term, 24-hour care to serve the needs of persons 62 years of age and older who suffer from dementia or other disorder's resulting in dementia. In addition, other on-site social services will be provided to residents would including daily living and aging in place programs, as previously described in more detail under Finding No. 3. As such, the proposed Eldercare Facility is consistent with Objective 1.3 of the General Plan Housing Element.~~

- ~~• General Plan Housing Element Policy 1.3.1, *"Take an active role in broadening the accessibility and availability of special needs and service-enhanced housing for all City residents, including the homeless, elderly, persons with mental, physical, and developmental disabilities, persons with drug and alcohol dependency, large families, female-headed households, and persons living with HIV/AIDS."*~~

~~The proposed Eldercare Facility would be centrally located within the south San Fernando Valley on Fallbrook Avenue, a Major Class II Highway, which traverses the Valley from north to south, facilitating the availability of this service-enriched housing within the Community Plan Area and the City. The proposed Eldercare Facility will provide service-enriched housing totaling 60 guest rooms for a total of 76 beds, as well as medical services, social services, and long-term care, thereby furthering the goal of making this service-enriched housing available to elderly persons with mental and physical disabilities. As such, the proposed Eldercare Facility is consistent with Policy 1.3.1 of the General Plan Housing Element.~~

- ~~Community Plan Goal 1, "A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the... Community Plan Area"; and Community Plan Objective 1.4 "Provide a diversity of housing opportunities capable of accommodating all persons regardless of income, age or ethnic background".~~

~~The Project Site is designated for Very Low Residential land uses within the Community Plan. The proposed Eldercare Facility would provide 60 guest rooms of Eldercare Housing for persons age 62 years or older who either: (1) require assistance with two or more non-medical activities of daily living (in the case of the Assisted Living Care portion) or; (2) suffer from Alzheimer's disease or other disorders resulting in dementia and require 24-hour care. As such, the proposed Eldercare Facility is consistent with Goal 1 and Objective 1.4 of the Community Plan.~~

- ~~Community Plan Objective 1.2 "Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services, and facilities."~~

~~Access to and from the proposed Eldercare Facility will be provided off of Fallbrook Avenue, a Major Class II Highway, and (with the exception of emergency vehicle access) no access will be provided from Erwin Street to reduce traffic on the adjoining local residential streets. The site is located within close proximity to and is accessible to commercial and retail services. As part of the on-site support services provided to the residents of the Eldercare Facility, transportation services will be provided for residents to nearby commercial retail shopping and services, places of worship, doctor appointments, and other locations, thereby reducing vehicle trip generation within the surrounding residential community. As such, the proposed Eldercare Facility is consistent with Objective 1.2 of the Community Plan.~~

- ~~Community Plan Objective 1.3 "Preserve and enhance the character and integrity of existing single and multifamily neighborhoods"; and Community Plan Policy 1.3.1 "Seek a high degree of compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods".~~

~~The proposed Eldercare Facility would provide a single 36-foot tall, two-story structure covering approximately 38 percent of the Project Site. Extensive landscaped grounds, covering approximately 44 percent of the Project Site, include courtyards that are between approximately 34 feet and 41 feet deep adjacent to the north and south boundaries of the Project Site (and within the interior of the development), minimum 10-foot to 25-foot wide landscaped setback areas adjacent to residential uses on the north and west, and a 10-foot wide landscaped berm along Fallbrook Avenue. The design and layout of the proposed Eldercare Facility is oriented towards Fallbrook Avenue, with vehicle access and surface parking provided off of this Major Class II Highway, and a landscaped berm with accent entry~~

~~planting separating this public right-of-way from the surface parking, softening and integrating these higher intensity use areas within the surrounding neighborhood. The existing perimeter block wall along the north, west and south sides of the property will be retained, providing buffering to existing adjacent residential uses as well as the public rights-of-way (i.e., alleyway on the north and Erwin Street on the south).~~

~~No daily vehicle access to the proposed Eldercare Facility will be provided from either the alley immediately adjacent to the north, or from Erwin Street immediately adjacent to the south of the Project Site. Thus, the activity center on the Project Site (i.e., the surface parking area and the main entrance to the Facility) is located on the east side and of the Project Site, separated from the adjacent single family residential uses to the west by the Facility's four intervening residential Wings, from the single family homes to the south by Erwin Street, and from the single family homes to the north by the 10-foot wide landscaped buffer. As such, the proposed Eldercare Facility is consistent with Objective 1-3 and Policy 1-3.1 of the Community Plan.~~

~~In view of the foregoing, while the land use designation of the Project Site is Very Low Residential, the proposed Eldercare Housing project, as an allowed use subject to the required findings established in the affirmative herein, is consistent with the Community Plan.~~

**In granting the appeal and overturning the Zoning Administrator's approval of the requested entitlements, the South Valley Area Planning Commission based their decision on the scope and scale of the proposed eldercare facility as enumerated under Finding Nos. 2 and 5.**

## **FINDINGS - SITE PLAN REVIEW**

- 7. The project complies with all applicable provisions of the Los Angeles Municipal Code, Planning and Zoning Section and any applicable specific plan.**

~~The proposed Eldercare Facility will comply with all applicable provisions of the Planning and Zoning sections of the Los Angeles Municipal Code except for deviations approved herein pertaining to the maximum allowable density and floor area and to permit over-in-height walls and parking within the required front yard. The Project Site is not located within an approved Specific Plan area. While the proposed Eldercare facility is not permitted by right in the RA Zone, pursuant to Section 14.3.1 of the Los Angeles Municipal Code (L.A.M.C.), the Zoning Administrator may permit an Eldercare Facility to be located on a lot or lots in the A1 through the R3 Zones, or in the RAS3, R4, RAS4 and R5 and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, subject to establishing the required findings outlined above (Finding Nos. 1 through 6).~~

~~The existing RA-1 Zone limits residential density to a maximum of one dwelling unit on the site; limits the maximum floor area to 20% of the lot area (in this case, 12,600 square feet); requires a minimum front yard equivalent to 20% of the lot depth and a minimum rear yard equivalent to 25% of the lot depth but in either case, the front or rear yard need not exceed 25 feet while the required side yard is 10 feet for a two-story building. In addition, the maximum height permitted in the RA-1 Zone, pursuant to Section 12.21.1 is 36 feet.~~

~~As designed, the proposed Eldercare facility will have a maximum height of 36 feet to the top of the roof ridge, will maintain a 71-foot front yard, a minimum rear yard of 25 feet and minimum side yards of 10 feet, all in conformance to the RA-1 Zone. However, due to the scope and nature of the proposed use, as enumerated in more detail under Finding No. 1 above, the building will exceed the maximum allowable density and floor area. Nevertheless, the facility will have a maximum lot coverage of approximately 40% and 60% of the site will remain open areas consisting of generous landscaped setbacks along the perimeter of the site, three open courtyards, walkways and surface parking.~~

~~In order to screen the facility from adjacent residential uses, an 8-foot estate wall will be provided along the perimeter of the site and will be partially located within the required front yard. Also, in order to provide a greater separation between the facility and adjoining single-family dwelling to the west, the building footprint was shifted east to provide a greater rear yard, which in turn shifted the surface parking lot to the east. As a result, a portion of the parking lot will be located within the required front yard.~~

~~Although no particular amount of open space is required for an Eldercare Facility that consists of guest rooms, the proposed Eldercare Facility is planned to provide approximately 6,000 square feet of useable open space, which includes three landscaped outdoor courtyards on the first floor. This equates to approximately 100 square feet of open space provided for each of the 60 guest rooms. In addition, the proposed Eldercare Facility provides interior common areas, including sunrooms, living rooms and family areas.~~

~~Off-street parking for the proposed Eldercare Facility is provided on a surface parking lot located on the Project Site, adjacent to Fallbrook Avenue. Consistent with Section 12.21 A,4(u) of the Code, a total of 26 parking spaces are required (i.e., 0.2 spaces per each Alzheimer's guest bed; 0.5 spaces per each Assisted Living guest room). A total of 30 parking spaces will be provided and maintained on-site, including two handicapped accessible spaces.~~

~~Therefore, as approved, with specific deviations, the proposed Eldercare Facility will comply with all other the applicable provisions of the LAMC.~~

**In granting the appeal and overturning the Zoning Administrator's approval of the requested entitlements, the South Valley Area Planning Commission based their decision on the scope and scale of the proposed eldercare facility as enumerated under Finding Nos. 2 and 5.**



8. **The project is consistent with the General Plan.**

~~Finding No. 8 is essentially the same as Finding No. 6 (refer to Finding No. 6)~~

**In granting the appeal and overturning the Zoning Administrator's approval of the requested entitlements, the South Valley Area Planning Commission based their decision on the scope and scale of the proposed eldercare facility as enumerated under Finding Nos. 2 and 5.**

9. **The subject site is not located within an adopted redevelopment plan area.**

Not in an adopted redevelopment plan area.

10. **The project consists of an arrangement of buildings and structures (including heights, bulk and setbacks), off-street parking facilities, load areas, lightning, landscaping, trash collections, and other such pertinent improvements, which is or will be compatible with existing and future developments, which is or will be compatible with existing and future development on the neighboring properties.**

~~Finding No. 10 is the same as Finding No 5. (refer to Finding No. 5)~~

**In granting the appeal and overturning the Zoning Administrator's approval of the requested entitlements, the South Valley Area Planning Commission based their decision on the scope and scale of the proposed eldercare facility as enumerated under Finding Nos. 2 and 5.**

11. **The project incorporates feasible mitigation measures, monitoring measures when necessary, or any alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.**

~~On December 29, 2011, a Mitigated Negative Declaration (ENV-2011-2680-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 (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. In addition, the Zoning Administrator has imposed site-specific conditions of approval on the grant to ensure the use remains compatible with surrounding uses.~~

**The South Valley Area Planning Commission granted the appeal and overturned the determination of the Zoning Administrator's approval of the requested entitlements and thereby denied the proposed project. Therefore, adoption of the environmental document for the proposed project is not required**

12. **The project which contains residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.**

~~The proposed Eldercare Facility will provide 60 guest rooms of Eldercare housing including 44 one bedroom guest rooms and 16 two bed guest rooms for a total of 60 guest rooms and 76 beds. A total of 26 on site parking spaces are required and 30 parking spaces are provided within the surface parking lot, including two handicap accessible spaces. As previously noted, numerous common areas and amenities are maintained on site for the benefit of the residents to provide an enriched environment. Indoor amenities include common areas in each wing such as kitchens, dining, living and family rooms and sunrooms.~~

~~The facility will provide service amenities appropriate for Eldercare Housing. On-site services will include a beauty shop (located adjacent to the second floor living room area) and a full range of support services including daily living and aging in place services. Transportation services to local shopping/retail areas, medical offices, houses of worship, and the like will also be provided for the residents, eliminating the need for separate transportation arrangements and additional vehicle trips to and from the Eldercare Facility.~~

~~Substantial open space is provided for passive use and the guest rooms are designed so that all guest rooms adjoin or overlook a courtyard or landscaped walkway or patio. Outdoor recreational opportunities include landscaped pedestrian walkways with sitting areas with three interconnected courtyard areas and patios. The main courtyard area features a central fountain and provides an outdoor room extension to the adjacent indoor living room, giving residents a center focal point viewable from interior common areas on both the ground and second floors.~~

~~There are two separate outdoor landscaped courtyard areas that are integrated into the ground floor plan on the north and south sides of the Project Site, further beyond the 10-foot wide and approximately 12-foot wide landscaped setback areas, respectively. These two separate landscaped courtyard areas afford additional separation and buffer to adjacent single family residential uses.~~

~~Second floor terraces are oriented either to the project's interior and recessed behind the proposed building (on the project's north side), or are deeply recessed into the proposed Eldercare Facility (i.e., approximately 60 feet) away from the single family residential homes to the south, and across Erwin Street.~~

~~In light of the above, the proposed Eldercare Facility provides its residents with appropriate type and placement of recreational facilities and service amenities to improve their daily living activities and habitability and, as a result, minimize the possible impacts on neighboring properties.~~

**In granting the appeal and overturning the Zoning Administrator's approval of the requested entitlements, the South Valley Area Planning Commission based their decision on the scope and scale of the proposed eldercare facility as enumerated under Finding No. 5.**

#### **ADDITIONAL MANDATORY FINDINGS**

13. ~~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.~~

**In view of the Area Planning Commission's granting of the appeal and denial of the project, this finding is not required or relevant.**

14. ~~On December 29, 2011, a Mitigated Negative Declaration (ENV-2011-2680-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 (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This 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.~~

**The South Valley Area Planning Commission granted the appeal and overturned the Zoning Administrator's approval of the requested entitlements and thereby denied the proposed project. Therefore, adoption of the environmental document for the proposed project is not required.**

