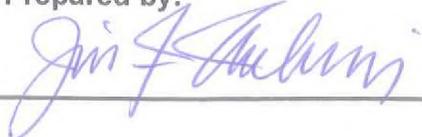


TRANSMITTAL TO CITY COUNCIL

Case No. ZA- 2011-2679-ELD-SPR-1A ENV-2011-2680-MND	CD No. 3 – Zine
Planning Staff Name(s) and Contact No. Fernando Tovar (213) 978-1303 Charlie Rausch (213) 978-1306	Last Day to Appeal: Not Applicable
Name(s), Applicant/Representative, Address, and Phone Number	
Applicant: Dan Chandler, President Community Multihousing, Inc 4116 Magnolia Blvd, #203 Burbank, CA 91505 (818) 843-8644	Representatives: <i>Christopher</i> Cristopher Murray Rosenheim and Associates, Inc 22150 Oxnard Street, Suite 780 Woodland Hills, CA 91367 (818) 716-2782
Name(s), Appellant/Representative, Address, and Phone Number	
Appellant: Mohamed Tat 22831 Erwin Street Woodland Hills, CA 91367 (818) 518-0698 Sossi and Jack Pomakian Charles and Betty Salverson John Sudahl Dawn Stead Mark Dymond Susan Hamersky Kelly Dell Valle Donna Schuele Jack Sorkin	Representative: Donna Scuele <i>Schuele</i> 23058 Califa Street Woodland Hills, CA 91367 (818) 346-2933 dcsciv@pacbell.net
<u>Project Description</u>	
<p> AN APPEAL of the Zoning Administrator's decision to approve: 1) pursuant to the provisions of Section 14.3.1 of the Los Angeles Municipal Code, a Zoning Administrator's Determination granting 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 2) pursuant to the provisions of Section 16.05 of the Code, a Site Plan Review 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; and the recommendation of the lead agency by adopting Mitigated Negative Declaration ENV 2011-2680-MND as the environmental clearance for this action. </p> <p> Per Charter Section 245 of the Municipal Code, the Council district is asserting jurisdiction on the determination of the South Valley Area Planning Commission. See Council File 12-1126 attached motion. </p>	
Prepared by: 	Date 8-1-12

12-1126
COB

MOTION For Tuesday, 7-31-12

JUL 24 2012

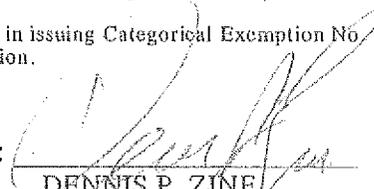
At its meeting of June 28, 2012 (date of letter of determination July 23, 2012) the South Valley Area Planning Commission acted to affirm the appeal and overturned the approval by the Zoning Administrator of a project for the construction, use and maintenance of an Eldercare Facility with no less than 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care housing; as well as overturn the approval of a Site Plan Review 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 at 6221 North Fallbrook Avenue, ZA-2011-2679-ELD-SPR-1A, CEQA: ENV-2011-2680-MND, (Item No. 4 on the Commission's Agenda for June 28, 2012).

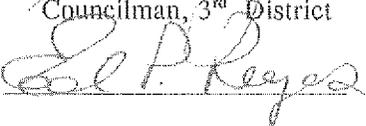
Immediate action is needed to assert jurisdiction over this matter in order to veto the Commission's action and to approve the actions / determinations of the Zoning Administrator. The last day for Council to assert jurisdiction is August 1, 2012.

I THEREFORE MOVE that pursuant to Section 245 of the Los Angeles City Charter (PROP 5) the City Council assert jurisdiction over the June 28, 2012 action (date of letter of determination July 23, 2012) of the South Valley Area Planning Commission affirming the appeal and overturning the approval by the Zoning Administrator of a project 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; as well as overturning the approval of a Site Plan Review 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 at 6221 North Fallbrook Avenue, ZA-2011-2679-ELD-SPR-1A, CEQA: ENV-2011-2680-MND, (Item No. 4 on the Commission's Agenda for June 28, 2012).

I FURTHER MOVE that upon assertion of jurisdiction, the Council adopt the following actions relative to the above referenced matter:

1. Deny the appeal.
2. Sustain the action of the Zoning Administrator in approving: 1) pursuant to the provisions of Section 14.3.1 of the Los Angeles Municipal Code, a Zoning Administrator's Determination granting 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 2) pursuant to the provisions of Section 16.05 of the Code, a Site Plan Review 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;
3. Adopt the Findings; and
4. Adopt the recommendation of the lead agency in issuing Categorical Exemption No. ENV 2011-2680-MND as the environmental clearance for this action.

PRESENTED BY: 
DENNIS P. ZINE
Councilman, 3rd District

SECONDED BY: 

ORIGINAL


JUL 24 2012

ORIGINAL

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: South Valley Area Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: za.2011-2679(ELD)(SPR)

PROJECT ADDRESS: 6221 Fallbrook Ave, Woodland Hills, CA 91367

FINAL DATE TO APPEAL: May 17th, 2012

- TYPE OF APPEAL:**
1. Appeal by Applicant
 2. Appeal by a person, other than the applicant, claiming to be aggrieved
 3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: Mohamed Tat

- Are you filing for yourself or on behalf of another party, organization or company?
 - Self
 - Other: Sossi and jack Pomakian
Charles And Betty Salverson (also please see attached)

Address: 22831 Erwin St
Woodland Hills, CA Zip: 91367

Telephone: (818) 518-0698 E-mail: _____

- Are you filing to support the original applicant’s position?
 - Yes
 - No

REPRESENTATIVE INFORMATION

Name: Donna Schuele

Address: 23058 Califa St
Woodland Hills, CA Zip: 91367

Telephone: 818 346-2933 E-mail: dcscvl@pacbell.net

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire Part

Your justification/reason must state:

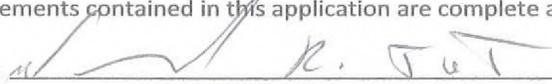
- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

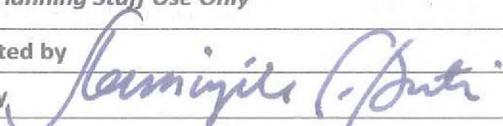
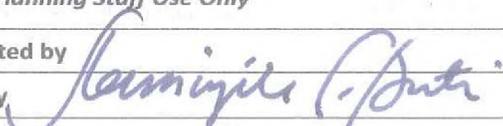
- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
 --CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 5-16-2012

Planning Staff Use Only

Amount	\$ 89.00	Reviewed and Accepted by		Date	5/16/12
Receipt No.	VN07 41	Deemed Complete by		Date	5/16/12

30 8642

- Determination Authority Notified Original Receipt and BTC Receipt (if original applicant)

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire Part

Your justification/reason must state:

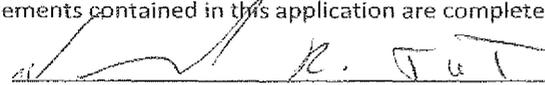
- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

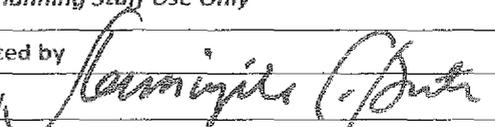
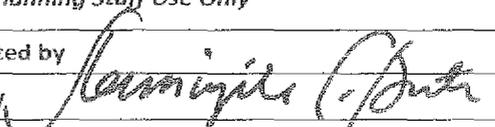
- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
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- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
 --CA Public Resources Code § 21151 (c)*

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 5-16-2012

Planning Staff Use Only

Amount	\$89.00	Reviewed and Accepted by		Date	5/16/12
Receipt No.	VK07 41	Deemed Complete by		Date	5/16/12

30 8642
 Determination Authority Notified

Original Receipt and BTC Receipt (if original applicant)

Additional Appellants:

John Sundahl.

Dawn Stead.

Mark Dymond.

Susan Hamersky.

Kelly Del Valle.

Donna Schuele.

Jack Sorkin.

May 16th, 2012.

South Valley Area Planning Commission

**Reference: Case ZA 2011-2679(eld) (SPR) Zoning Administrator's
Determination: Site Plan Review**

The undersigned appeals the decision by Zoning Administrator Fernando Tovar regarding the proposed Eldercare Facility at 6221 Fallbrook Ave, Woodland Hills, CA 91367. The undersigned believes that the ZA erred in his determination and was not, in fact, able to make the findings required by the Eldercare Ordinance (Ordinance Number 178,063, effective 12/30/06). In addition, the determination contains a number of factual errors. This appeal is based on the specific language of the Eldercare Facilities Ordinance, approved in 2006. The unbolded material is directly from the ordinance, contained in Article 14.3.1 of the Zoning Code. **The bolded material indicates non-compliance with the ordinance for this project.**

REQUIRED FINDINGS

E. Findings for Approval. In order to grant the approval, the Zoning Administrator must find that 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. **Not the case: there are other uses consistent with the General Plan, Community Plan, and zoning regulations. Although the ZA goes to great length to ascertain that the property meets the Eldercare definition, he does not examine other potential uses of the property within the current zoning regulations. Among them:**

- **Retain the existing house on the property as rental property or sell it**
- **Subdivide the property into four or five RA lots for sale and/or subsequent Development as single family residential**
- **Rezone the frontage on Fallbrook Ave. consistent with the properties to the north, RS-1, and retain the RA zoning for the remainder of the property that fronts Erwin Street, subdivide the properties into 4 RS lots and 2 RA lots for sale or subsequent development as single family residential**
- **Subdivide the properties into numerous nonconforming RA lots for sale or subsequent development as single family residential**

The Zoning Administrator must also find that the Eldercare Facility:

1. Will not be materially detrimental or injurious to properties or improvements in the immediate area. **Not the case: the viability of single family residential uses would be degraded by the project. This proposed facility will be a commercial venture in a**

residential neighborhood. Property owners nearby will have their homes and properties negatively impacted because of the facility. We have already seen a significant reduction in values due to the recession, so this would further lower those values. The neighborhood within the 500ft radius of this project is a viable community. In addition, some properties within the 500ft radius are undergoing significant upgrades. There are several new single family houses in the immediate neighborhood and numerous recent remodels, including a very major remodel in progress just to the southeast of the subject property at 6150 Fallbrook and to the northeast at 6139 Fallbrook Ave. Highly respected local real estate professionals have testified that the proposed project would seriously degrade the value of adjoining properties and significantly degrade the value of nearby properties.

2. Will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand. Speculative: it is impossible to forecast future demand. The National Association of Real Estate Investment Trusts, a national trade association of real estate investment companies, has indicated that there may be overbuilding in the eldercare industry due to the inability of prospective residents to afford the cost for residence at the facilities. While there is no doubt that the population is aging, we are aware of no study that shows that the increasing numbers of the aging population can afford the high cost of such facilities. A survey of the two current large facilities in Woodland Hills and West Hills indicated that the cost ranges from approximately \$3,000 per month to more than \$6,000. All the facilities visited currently have vacancies, and the area currently has more than its fair share of facilities. There are approximately 50 Eldercare facilities of varying types within a 10,000 foot radius from this proposed project, including an assisted living facility northwest from this proposed project approximately 260 feet away at 6251 Fallbrook Ave, Woodland Hills.

3. Will not create an adverse impact on street access or circulation in the surrounding neighborhood. Not the case. The applicant has not been forthcoming regarding the number of people who will be working at this facility when operating at full capacity (which would include contractors, sub-contractors, employees hired by Watermark and volunteers). The applicant has provided 6 different figures and the latest figure is 21 employees. The applicant has not been forthcoming because the project cannot provide the parking capacity necessary for the number of workers that will be needed to safely run the facility, and in addition will greatly increase the traffic on Fallbrook and surrounding streets. To distract from this problem, the applicant has made numerous dubious or false claims. The applicant claims 90% of the employees will use public transportation and all residents will be giving up their driving privileges. However, there are no assurances in the ZA determination that this will occur. The ZA has required only that applicant encourage employees to use public transportation. Moreover, the applicant maintains that the minimal staffing of 21 employees will nonetheless provide high quality care. Research reveals that the applicant's own facility, Rosewood Gardens

(Watermark retirement community in Livermore, CA), of similar size to the proposed project, operates with much higher staffing: First shift 6 A.M to 4 P.M. minimum 35 employees. Second shift 4 P.M. to 10 P.M. minimum 35 employees. Third shift 10 P.M. to 6 A.M. minimum 15 employees. Moreover, further research indicates that the typical staff at a nursing home facility of this size consists of: Administrator Medical Director, Director of Nursing Admissions Coordinator, Housekeeping Coordinator, Dining Coordinator, Nursing Staff including RN (more than one) Housekeeping Staff (more than one) Custodial Staff (more than one) Dining Staff (more than one) Administrative Staff (more than one) Volunteers (more than one) Sub-contractors (more than one) Contractors (more than one). In addition, it is well-known that wealthy elders, of the sort that this facility is targeting, hire independent daily (even round-the-clock) caregivers to provide the care that these minimally staffed facilities cannot provide. These independent caregivers are not employees of the facility, and the facility has no control over the independent caregivers' mode of transportation to the facility. It is only reasonable to conclude that these caregivers, for which the applicant has made no accounting, will bring further traffic and parking burdens. In the final analysis, there will be far more than 21 workers coming onto the property at any given shift, in addition to independent caregivers and visitors. This influx of workers, caregivers and visitors will increase traffic on Fallbrook Ave (a secondary highway not a major highway as the ZA has wrongly stated) and spill it onto Erwin St and other local and collector streets. The analysis performed by the Department of Transportation indicates that such facility will, as a minimum, generate 202 daily trips which will create enormous traffic congestion when entering Fallbrook Ave. from west and east of the Erwin St. However, the above generated number is grossly underestimated. The DOT traffic report is only focused on site-use not total current or future usage. Trucks will make deliveries when it is convenient for them, not when they are told to arrive. Additionally, the beeping warning sounds made by the trucks is rated at 117db and Threshold of pain is 130db. By law each Alzheimer room is required to have an alarm beeper emitting a continuous 120db sound when activated. Because there will be very limited on-site parking spaces independent caregivers and visitors will have no choice but to park on Fallbrook Ave, Erwin St., and other neighborhood streets. In addition, the applicant has provided one small driveway for entering and exiting the facility; it will be dangerous if not impossible for more than one car to use the driveway simultaneously. The Zoning Administrator states that this facility will not have any impact on the neighborhood beyond the impact of a school that previously operated on the property. This statement is patently false.. The school did not operate 24/7; it operated 9 hours per day with one shift, 5 days a week, 9 months per year. Meanwhile, the proposed facility will operate 24 hours per day, with 3 shifts, 7 days a week, 365 days per year. Further, it should be noted that, when the property was being used as a school, the traffic problems on Erwin were significant and extremely unsafe, as cars backed up in traffic lanes, drivers double-parked, and people exited cars and ran across multiple lanes of traffic. The traffic problems were a factor in multiple determinations that the school was not in compliance with its CUP. Thus, even if the ZA was correct that this facility would cause no more traffic disruption than was caused by the school, the only conclusion that could be reached

is that the traffic disruption is significant and thus the ZA cannot make the required finding. The school was a 3,378-square-foot single story building; this proposed facility will be a 48,035-square-foot 2-story building.

4. 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. **Not the case. The neighborhood is a viable single family residential area. The proposed structure resembles a hotel, albeit with significantly less parking. The size of this project is not compatible with the neighborhood as it is more than 3 times larger than any other structure within Walnut Acres. It is not compatible with existing and planned future developments. The applicant attempts to make a case for compatibility by calling the proposed facility a "residence." It is a residence only insofar as people will live there; it is a huge, multiperson institutional housing facility. Meanwhile, the area consists solely of single-family residences. There are no multi-family residences within nearly a mile of this property. As noted in the response to Finding number 1. There are several new single family houses in the immediate neighborhood and numerous recent remodels, including a very major remodel in progress just to the southeast of the subject property at 6150 Fallbrook and to the northeast at 6139 Fallbrook Ave. The ZA findings that the proposed facility has extensive landscaping, setback, off-street parking, etc. does not change the fact that the project would be a massive, 48,035 square foot commercial institutional structure in an area of single family homes that are predominantly in the 2000 square foot range. The extensive new construction and remodeling of homes in the area is also consistent with that size. The difference in size makes the project 24 times larger in bulk, and is not compatible with existing or planned future development. While we agree that there are commercial structures at Oxnard St. and Fallbrook Ave., the ZA is wrong to bootstrap these structures into a conclusion that the proposed facility would not be inconsistent with the neighborhood. The commercial area at Oxnard was zoned at the start of development of Walnut Acres in the 1950's, to provide basic conveniences to the neighborhood. None of these structures have windows that face abutting single-family residences. We also agree that there are commercial structures that spill a bit down Fallbrook from the corner at Victory, which is thoroughly commercial. However, following that bit of spill-over, Fallbrook contains single-family residences and that character is maintained consistently down Fallbrook (except for the small neighborhood convenience corner) to Ventura, about a mile away. Thus, the ZA is wrong to use that spill-over from Victory onto a bit of Fallbrook to allow commercial uses to encroach into an area that is clearly residential in character. Taken to its logical conclusion, such a decision by the ZA would allow for all of Fallbrook to become commercial even though it is zones residential. Next, we agree that there are religious uses on Fallbrook. Those uses are governed by the First Amendment and there is nothing that the city could do to prevent these uses. For the ZA to bootstrap First Amendment-protected uses to support commercial encroachment into a single-family residential area is absurd. Finally, we agree that**

there are some single-family residences that are not being used by residences. However, these structures could easily be reconverted to single-family residences. The same could not be said of a hotel-like structure proposed by the applicant. Once built, that structure would permanently alter the single-family character of Fallbrook, Erwin, and other property in the 500 ft. radius.

5. Is in conformance with any applicable provision of the General Plan. **Not the case: The General Plan designates the property, and surrounding area, as Very Low Residential. The scale of this proposed facility is totally out of proportion for our neighborhood, and the negative impact on the neighborhood would be enormous. It will have significant environmental impacts on the surrounding community. There are major issues with size and density. The ZA's own research, to buttress an approval of a huge eldercare facility in Tarzana, recently overturned by the South Valley Area Planning Commission, designated Walnut Acres as Very Low Density. The ZA specifically stated that an eldercare facility could not meet the five findings and be approved for Walnut Acres because of this character. Yet, here we are.**

F. Conditions of Approval. In approving any Eldercare Facility pursuant to this section, the Zoning Administrator may impose those conditions, based upon written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, or to ensure that the development is compatible with the surrounding properties or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood, or to secure appropriate development in harmony with the objectives of the General Plan. **Not the case. The proposed project is certainly not "in the best interests of the surrounding properties or neighborhood", is not "necessary to prevent any detrimental effect on the surrounding property or neighborhood" and is not "in harmony with the objectives of the General Plan."**

ADDITIONAL PERTINENT COMMENTS

1. Baseline Mansionization Ordinance. There are numerous citations as to the applicability of the Baseline Mansionization. These code sections clearly refer to limitations on the **buildings and structures** in the RA zone, and do not limit the restrictions to single family residences. In fact, the only references to single family residences concerns granting a bonus for buildings that are in compliance with the requirements for the U.S. Green Building Council's program at the "Certified" level, where the requirement is for "new single family dwelling construction only". That reference clearly differentiates between the applicability of the bonus for non-single family buildings or structures, older structures, and new single family dwellings. In addition, ZIMAS clearly indicates that the Baseline Mansionization Ordinance applies to the subject property.

The code clearly limits the total buildable area or Floor Area Ratio (FAR) to 20 % of the

lot size. The subject site is 65,715 square feet, or approximately 1.55 acres. **The code would therefore allow a maximum of 13,143 square feet of building on the property.** Note that the code does not allow a bonus for this non-single family use.

In *Orinda Ass'n vs. Board of Supervisors* (1986) 182 Cal. App. 3d 1145, 1167 **The BMO must apply because all properties in a zone must be at PAR and have equal rights and protections. Not applying the BMO constitutes a "special privilege" for an interest group. As in the case of *Orinda Ass'n vs. Board of Supervisors* (1986) 182 Cal. App. 3d 1145, 116, this project is an express violation of the BMO ordinance and this granting this would constitute a special privilege not granted to surrounding properties and that is based on project benefits and desirability of the project.**

2. Communication with Councilman Zine. Doug Mensman City planning Deputy for Council District 3 made the following statement regarding Councilman Zine's position: Councilman Zine supports the use of that site; **his major concern is to make sure that the design is sensitive to the community.**

Also in the past Councilman Zine promised **Walnut Acres residents that he will oppose any use of the property at 6221 Fallbrook Ave that was opposed by the neighborhood, on the basis of the decade plus endurance of CUP violations by Ivy Academia and the city's failure to enforce the CUP.** In another newspaper article he mentioned: **"I will protect the bucolic and agrarian quality of life of Walnut Acres that makes it such a unique jewel in the West Valley. One of the best things Los Angeles has to offer are diverse types of housing to its citizens, if a neighborhood is unified and committed I will always advocate protecting them with very little hesitation".**

Additionally, the Homeowners within the 500ft radius of the proposed project were told by Councilman Zine's office that they could not schedule a meeting with Councilman Zine to discuss their concerns until they (the Homeowners) had met with the Applicant to discuss their concerns. This is the meeting referred to on page 8 of the ZA's Determination. To this day, Councilman Zine's office has not responded to requests for a meeting with the said Homeowners.

3. Letters of Project Opposition. The ZA's Determination made no mention of the 62 letters of opposition to the project that were submitted to the ZA's office. The majority of these letters were submitted by residents within the 500ft radius of the subject site.

4. Additional Site Use. The applicant has stated that the facility will be open to the community for meetings. The vehicles associated with these potential meetings will overburden the minimal on-site parking, and add to the overflow parking on Fallbrook Ave and the surrounding streets.

5. Infringement of Animal Keeping Rights. The ZA's Determination was incorrect in stating that none of the properties within the 500ft radius of the subject site currently is used for animal keeping and/or farming. There are several properties that do both.

Summary

It does not belong there. It would place a massive institutional, commercial use right in the center of a viable RA neighborhood. The property is zoned RA-1; the General Plan Land Use designation is Very Low Residential. The Eldercare ordinance requires that two general and five specific findings must be met before a proposed Eldercare facility can be approved and override the underlying zone restrictions; Finding #3, "Will not create an adverse impact on street access or circulation in the surrounding neighborhood" was not met, thus the project cannot be approved. In addition, the City Planning and Zoning Code limits the total buildable Floor Area Ratio to 13,143 square feet, just under 1/3 of the size of the proposed development. The applicant has obviously given much thought to providing an additional Eldercare facility in the West Valley area; **there are many other suitable locations where the findings can be easily met.**

Donna Schuele

Jack & Sossi Pomakian

Mohamed Tat

Charles & Betty Salverson

John Sundahl.

Dawn Stead.

Mark Dymond.

Susan Hamersky.

Kelly Del Valle.

Donna Schuele.

Jack Sorkin.



SOUTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date JUL 23 2012

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

Address: 6221 North Fallbrook Avenue

Council District: 3

CEQA: ENV-2011-2680-MND

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

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 4.5 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 these 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~~

~~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 100+ 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 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 façades 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.

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CASE NO. ZA 2011-2679(ELD)(SPR)
ELDERCARE/SITE PLAN REVIEW
6221 North Fallbrook Avenue
Canoga Park-Winnetka-Woodland Hills-
West Hills Planning Area
Zone : RA-1
D. M. : 177B097
C. D. : 3
CEQA : ENV-2011-2680-MND
Legal Description: Arb 1; Lot PT 4; Tract
3558

Pursuant to Los Angeles Municipal Code Section 14.3.1, I hereby APPROVE:

a Zoning Administrator's Determination granting 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

Pursuant to Section 16.05, I hereby APPROVE:

Site Plan Review 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,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such

Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Approved herein is an Eldercare facility and accessory improvements as depicted on plans stamped Exhibit A and subject to the following restrictions:
 - a. Maximum floor area shall not exceed 50,289 square feet.
 - b. Lot coverage shall not exceed 38.5% of the site.
 - c. The facility shall be limited to a maximum of two stories and a maximum height of 36 feet.
 - d. The facility shall be limited to a maximum of 60 guest rooms and a maximum of 76 beds.
 - e. At least seventy five percent (75%) of the facility (57 beds) shall be devoted to Assisted Living Care Housing and twenty five percent (25%) of the facility (19 beds) shall be devoted to residents with Alzheimer's or Dementia related disorders as defined by the California Department of Social Services.
 - i. Plans submitted to the Department of Building and Safety for obtaining a building permit shall indicate a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care Housing.
 - ii. The license and subsequent renewals from California Department of Social Services, Community Care Licensing Division shall reflect a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care Housing Verification of compliance shall be submitted the Office of Zoning Administration upon obtaining the final Certificate of Occupancy, at the time of Approval of Plans review, and any time verification is warranted.
 - iii. The facility shall be licensed by the California Department of Social Services and comply with all assisted living and dementia care program regulations.

- f. Residents shall be at least 62 years of age or older and shall require assistance with at least two non-medical daily living activities/tasks as defined by the Department of Social Services.
- g. Full-time medical services shall not be provided on the site.
8. Guest rooms shall not contain a kitchen.
9. A minimum 25-foot 6-inch rear yard shall be maintained as depicted on Exhibit A.
10. A variable side yard not less than 10 feet shall be maintained along the northerly and southerly property lines as depicted on Exhibit A.
11. A minimum 10-foot 7-inch landscaped berm shall be maintained along the site's Fallbrook Avenue frontage and a 6-foot 6-inch high over-in-height fence/wall shall be permitted within the required front yard facing Fallbrook Avenue.

Parking shall be permitted within the required front yard.
12. A maximum 8-foot high estate wall shall be maintained around the perimeter of the site and within a portion of the required front yard along the northerly property line as depicted on Exhibit A.
13. A pedestrian gate shall be maintained on Erwin Street to allow pedestrian access to the facility.
14. A minimum of 30 parking spaces shall be maintained on-site or in accordance with the Los Angeles Municipal Code, whichever is greater.
15. Tandem Parking with free valet service shall be required for any special events that have high parking demand.
16. Special events shall be limited to a maximum of twelve (12) events per year and shall not be conducted after 8 p.m.
17. Employee shifts shall be staggered and the applicant shall provide employee incentives to encourage the use of public transportation. All staff and employees who drive to the site shall be required to park on-site.
18. Vehicular access from Erwin Street shall be prohibited except for emergency vehicles. All curb cuts on Erwin Street shall be removed except to provide secondary emergency access.
19. Prior to issuance of any permits, the parking and circulation plan shall be reviewed and approved by the Department Of Transportation.

20. Dedication and off-site improvements shall be limited to the right-of-way that is contiguous to the site's frontage to the satisfaction of the Bureau of Engineering. No improvements beyond the site's frontage shall be required.
21. Hours for deliveries by vendors and trash pick-up shall be limited from 8 a.m. to 5 p.m. Monday through Friday and from 9 a.m. to 12 noon on Saturdays. No deliveries or trash pick-up shall be permitted on Sundays.
22. All deliveries and loading and unloading shall be conducted on-site from the parking area. Deliveries by 18-wheel trucks is prohibited. The applicant shall ensure that contracts with vendors and suppliers acknowledge this restriction.
23. Landscaping shall conform to the Preliminary Landscape Plan on file dated February 20, 2012 and stamped Exhibit A. Trees shall be planted and located so that views from second floor guest room windows onto adjacent residential uses are reasonably screened from view.

All landscaped areas shall be maintained, including continuous operations of watering, mowing, trimming, plant replacement and other operations necessary to assure healthy and vigorous growth and appearance.

24. Construction activities shall be limited from 7 a.m. to 5 p.m. Monday through Saturday only. No construction activity shall be permitted on Sundays.
25. The outdoor trash and recycling area shall be fully enclosed and shall be located at the southern portion of the parking lot furthest from adjacent residential uses.
26. All exterior lighting shall be directed onto the lot and shielded from adjoining residential uses, and all flood lighting shall be designed to eliminate glare to adjoining properties. This Condition shall not preclude the installation of low-level security lighting nor outdoor, under canopy work lights.
27. The applicant shall be responsible for maintaining the exterior of the property, including any parking area specifically designated for use by patrons and the area adjacent to the premises, under its control, free of litter. Maintenance as prescribed by this condition shall occur daily.
28. The environmental mitigation requirements of Mitigated Negative Declaration No. ENV-2011-2680-MND for the project, attached as Exhibit "B" to this grant, and attached to the case file, are hereby incorporated and made part of the Conditions of approval of this grant, and shall be strictly complied with.
29. If at any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's

compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

30. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
31. Prior to issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator,

Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after May 17, 2012, 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 <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

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 , 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 been established by the following facts:

BACKGROUND

The subject site is located at the northwest corner of Fallbrook Avenue and Erwin Street in the Canoga Park-Winnetka-Woodland Hills-West Hills-South Valley Community Plan. The site contains approximately 65,715 square feet and is designated for Very Low Residential uses and is zoned RA-1.

The site is currently improved with a single-family dwelling and accessory structures formerly utilized as a private school for pre-school and kindergarten through third grade students with a maximum enrollment of 114 students. The school use was approved under Case No. ZA 2001-5482(PAD) with hours of operation from 7:30 a.m. to 6:00 p.m., Monday through Friday. The site is also improved with a surface parking lot, playground area and other school related amenities. There are no significant native plant assemblages, wildlife or other protected natural resources on the subject property or on surrounding properties. There are no publicly recognized scenic resources, scenic highways or scenic roads affecting the property or surrounding properties.

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 plus an additional 5 feet for roof top structures and mechanical equipment including chimneys and stairwells.

The proposed project consists of a new two-story Eldercare facility with a total of 60 guest rooms with 76 beds. At least 75 percent of total floor area will consist of Assisted Living Care Housing (exclusive of common areas). As originally designed, the proposed two-story structure would contain approximately 48,035 square feet with a maximum height of 36 feet and a height up to 42 feet for mechanical screening and architectural projections. The building would provide an 87-foot front yard and a 10-foot rear yard and side yard along the adjoining single-family lots. A total of 26 off-street parking spaces are required and 30 parking spaces are provided. Vehicular access to the site will be provided from a two-way, 30-foot wide driveway on Fallbrook Avenue and a second driveway will be provided on Erwin Street for emergency vehicles only.

As a result of meetings with the local community both prior to and subsequent to the public hearing, the building design was modified and the building height was reduced to 36 feet and includes "step-backs" on the second floor; the rear yard was increased from 10 feet to a variable rear yard between 25 feet 6 inches and approximately 30 feet; the side yards were increased from 10 feet to a variable setback not less than 10 feet along Erwin Street and along the northerly property line; and, the front yard along Fallbrook Avenue was reduced from approximately 87 feet to 71 feet all in conformance to the RA-1 Zone. The building footprint was shifted to the east to accommodate the larger rear yard and a 10-foot, 7-inch landscaped berm will be provided along Fallbrook Avenue. In moving the footprint to the east toward Fallbrook Avenue, the surface parking also shifted east and a portion of the parking area will be located within the required front yard.

The building massing and layout consists of an irregular shaped building configured into four integrated wings (two per floor) with interior common areas and three courtyards. While the design was revised in an effort to be more sensitive to adjoining uses, the total floor area was increased slightly to 50,289 square feet. However, the total number of guest rooms and beds remains unchanged. Nevertheless, the proposed number of guest rooms and floor area exceeds the density and floor area otherwise permitted by the RA-1 Zone.

Surrounding properties to the north fronting on Fallbrook Avenue and on Styles Street are zoned RS-1 and are improved with single-family dwellings. Properties to the south along Fallbrook Avenue and along Erwin Street are zoned RA-1 and are improved with single-family dwellings.

Further to the north and south along Fallbrook Avenue, properties between Victory Boulevard (one block north) and Oxnard Street (two blocks south) consist of commercial and residential zones with a mix of single-family, commercial and other non-residential uses.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Case No. ZA 2001-5482(PAD)(PA3)-A1 – On August 9, 2007, the South Valley Area Planning Commission denied an appeal concerning certain Conditions of a Plan Approval for modifications to Conditions for Ivy Academia Charter School.

Case No. ZA 2001-5482(PAD)(PA3) – On June 8, 2007, the Zoning Administrator denied requests to amend certain Conditions of a Plan Approval; and approved plans authoring the continued use and maintenance of a preschool and elementary school until August 31, 2007 including a reduction in summer school enrollment to 40 students to occur by June 30, 2007, as imposed by City Council in CF 06-1279, subject to additional terms and conditions.

Case No. ZA 2001-5482(PAD)(PA2) – On May 3, 2006, the Zoning Administrator determined that only partial compliance with the Condition of the prior action of the Zoning Administrator for ZA 2001-5482(PAD)(PA1) had been attained in association with the continued operation of a preschool and elementary school, and denied a request by the applicant to modify Condition Nos. 7,8,9,10,12,13,25,28, and 29 of Case No. ZA 2001-5482(PAD)(PA1), and retained, modified, and added to the existing conditions.

Case No. ZA 2001-5482(PAD)(PA1) – On April 30, 2004, the Zoning Administrator granted an Approval of Plans (one year review of the operation) of a private elementary school approved under Case No. ZA 2001-5482(PAD) as required by Condition No. 31, to modify and/or delete 15 conditions of the grant, and to add six additional modular buildings, subject to additional terms and conditions.

Case No. ZA 2001-5482(PAD)-A1 – On September 12, 2002, the South Valley Area Planning Commission denied an Appeal, Sustained the action of the Zoning Administrator, granted a Plan Approval to evaluate the existing operation pursuant to certain Conditions of Case No. ZA 2000-1099(CUZ), and Modified prior Conditions.

Case No. ZA 2001-5482(PAD) – On July 11, 2002, the Zoning Administrator granted an Approval of Plans to permit an increase in enrollment from 70 to 114 students ages of 2-1/2 and 8 years of age in grades K-3 with hours of operation from 7:30 am to 6:00 pm, Monday through Friday at the existing preschool, the periodic posting of a banner on Fallbrook Avenue, the installation of 6-foot tall masonry wall on the west side of the property, and the erection of an 8-foot block wall on the south side adjoining the single-family residences.

Case No. ZA 2000-1099(CUZ) - On September 14, 2000, the Zoning Administrator granted a Conditional Use that allow the continued use and maintenance of Pre-school/Daycare/K-3 grade school for 70 students, ages 2 ½ to 8 years with hours of operation from 7:30 am to 6:00 pm, Monday through Friday, and to modify conditions imposed under extant Case No. ZA 95-0839(CUZ).

Case No. ZA 95-0839(CUZ) - On February 1, 1996, the Zoning Administrator granted a Conditional Use that allowed the use and maintenance of a conversion of a single-family residence into a pre-school/daycare center with grades K-3, for 70 children ages 2 ½ to 8 year with hours of operation from 7:30 a.m. to 6:00 p.m., Monday through Friday.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:

There are no relevant cases on surrounding properties.

Public Hearing:

The public hearing was conducted on January 17, 2012 at the Marvin Braude Municipal Building at 6262 Van Nuys Boulevard. The hearing was attended by the applicant, the applicant's representative, Mr. Brad Rosenheim, a representative of Council District No. 3, Mr. Daniel Skolnick, and by numerous local neighbors and community residents.

Mr. Rosenheim summarized the request and provided an overview of the scope of the project and of the site's contextual location. He indicated that the site had frontage on Fallbrook Avenue, a Major Highway and along Erwin Street, a Local Street, and that a north-south alley terminated on the north side of the site. He indicated that the site was improved with a private school with a 154 student enrollment.

He stated that lots to the north of the site were zoned RS and ranged in size between 7,000 to 8,000 square feet while the RA zoned properties across the site (on Fallbrook Avenue) also consisted of lot sizes between 7,000 to 8,000 square feet. He noted that properties fronting on Fallbrook Avenue one block north of the site, between Victory Boulevard and Sylvan Street were commercially zoned and improved with commercial uses. Similarly, approximately one and one half blocks south of the site, properties fronting on Fallbrook Avenue north of Oxnard Street were zoned commercially and contained commercial uses. In addition, other RA zoned lots fronting on Fallbrook Avenue approximately one block south of the site were improved with non-residential uses such as a church on a lot similar in size to the subject property at the northwest corner of Fallbrook Avenue and Calvert Street and a pre-school at the northeast corner of Fallbrook Avenue and Calvert Street. Hence, the proposed use, with frontage on Fallbrook, a major highway, was similar to other non-residential uses located on Fallbrook Avenue between Victory Boulevard and Oxnard Street.

He indicated the requested entitlement was filed pursuant to the City's Eldercare Ordinance adopted in December of 2006 intended to provide a more direct entitlement path to permit the establishment of eldercare facilities and to permit deviations from the Municipal Code. He also indicated that the site's location was in keeping with the care provider's philosophy of maintaining assisted living facilities in closer proximity to family members and to provide a better environment for the occupants by locating in a residential neighborhood.

He 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. The proposed facility will have 60 guest rooms with a maximum of 76 beds. Seventy five percent of the facility will be devoted to Assisted Living Care housing and twenty five percent will be devoted to Alzheimer's/Dementia Care Housing. The facility will not be a skilled nursing facility.

A total of 26 parking spaces are required and 30 spaces will be provided. Significant outreach was conducted and in response to some of the concerns raised by neighbors, the project's design was revised to lower the height from 42 feet to 34 feet but would only be 28 feet as measured from the bottom of the Mansard roof. The rear yard, which abuts the side lot line of the adjoining property to the west, was increased from 10 feet to 25 feet and the location of the trash area has been relocated. A new estate wall has been incorporated along the site's frontage on Erwin Street and along the adjoining residential lots to buffer the proposed facility from adjacent residential uses and a pedestrian walkway has been provided at the corner of Fallbrook Avenue and Erwin Street.

Mr. Mike Hughes of Watermark Retirement Communities indicated that the facility would have approximately 20 employees on staggered shifts and that the peak shift would consist of approximately 10 employees who would have staggered, overlapping 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.

Mr. Hughes also 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 - unless prohibited.

OPPOSITION: Numerous local residents attended the hearing and submitted communications expressing concerns or objections to the proposed use. The following is a summary of the issues and points raised at the hearing and by communications received prior to and subsequent to the public hearing:

- The facility is not appropriate in an RA zoned neighborhood and would place a large institutional/commercial use in the middle of a viable residential neighborhood.
- The proposed facility is not in keeping with the rural character of the neighborhood or the intended use of the RA Zone. This is one of the last remaining RA neighborhoods that permits animal keeping. Granting the request would set a dangerous precedent. The proposed facility will displace RA zoned property that can be utilized for farming and/or animal keeping and will encroach into a rural area and potentially interfere with the ability of surrounding properties to maintain animals as otherwise permitted by the RA Zone.
- The proposed development will change the character of the neighborhood and the required findings cannot be established.
- The proposed development will exceed the allowable floor area by three or four times the maximum allowed; will exceed the allowable height; does not conform to the required yards (setbacks).
- The facility's on-site population will significantly exceed the population that would otherwise be generated if the land was used and subdivided consistent with the RA Zone which would result in a maximum of five single-family lots.
- The proposed facility would reduce property values;
- The adjoining neighbor to the west indicated his side lot line shares a length of 180 feet with the rear lot line of the subject site and the windows of the private rooms on the second floor will overlook his house. The proposed facility will expose his property to loud noise from conversations in the private rooms when visitors who are allowed to visit on a 24-hour basis; from ambulances arriving and departing the site and delivery vehicles. Patients with Alzheimer's are known to be violent. The proposed use will invade his privacy and interfere with the peaceful and quiet enjoyment of his property. The facility should be limited to one-story and additional trees should be planted to screen his property from the proposed use.
- The Department of Transportation's traffic analysis for the proposed use indicates that the facility will generate 202 daily trips which will create enormous traffic congestion on Fallbrook Avenue.

- Traffic on Fallbrook currently gets backed up to Victory Boulevard and Erwin Street is utilized as an alternative route. On-site parking is not adequate. The proposed use will exacerbate traffic and parking conditions surrounding the site and have an adverse impact on street access and circulation on surrounding properties.
- Access to the 101 Freeway is available on Woodlake Avenue, west of the site which will likely encourage traffic on Erwin Street from Woodlake Avenue.
- The developer has underestimated the demand for on-site parking given the number of beds and the number of employees that will be required per shift to provide care in addition to demand for visitor parking which will be even greater on weekends when more visitors are able to visit residents. This will result in spill-over parking impacts onto the adjacent residential streets and increase noise and litter on the streets.
- The site is not adequate to accommodate deliveries on-site and does not have adequate turn around space for larger delivery trucks.
- The facility will generate significant odors from the four on-site operational kitchens.
- Persons in support of the request don't live adjacent to the site.
- There are currently numerous eldercare facilities within a 2 mile radius of the subject site and all of them are one-story facilities and have vacancies and there is no demand. The facility is at the upper range of the averagely monthly cost for assisted living and would not be affordable for local residents. The National Association of Real Estate Investment Trusts indicates there may be overbuilding in the eldercare industry due to cost factors.

SUPPORT:

Two letters were submitted in support of the request indicating that the proposed use is essentially a residential use in contrast to a commercial use or potential alternative uses and that given the site's size and location on a Major Highway, the proposed use provides a logical and appropriate transition between the low density single-family uses adjacent the site and Fallbrook Avenue, a busy and noisy traffic artery. The letters also stated that the landscaped setbacks provide adequate screening to buffer the site from the adjoining single-family uses.

FINDINGS – ELDERCARE FACILITY

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.

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 facades 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.

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-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 100+ 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.

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.

5. **The project 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 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.

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.

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.

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*)

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*)

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.

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.

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.

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.

I concur with the report prepared by Fernando Tovar, Hearing Officer of the Office of Zoning Administration, on this application and approve same.

Fernando Tovar
Hearing Officer
(213) 978-1303

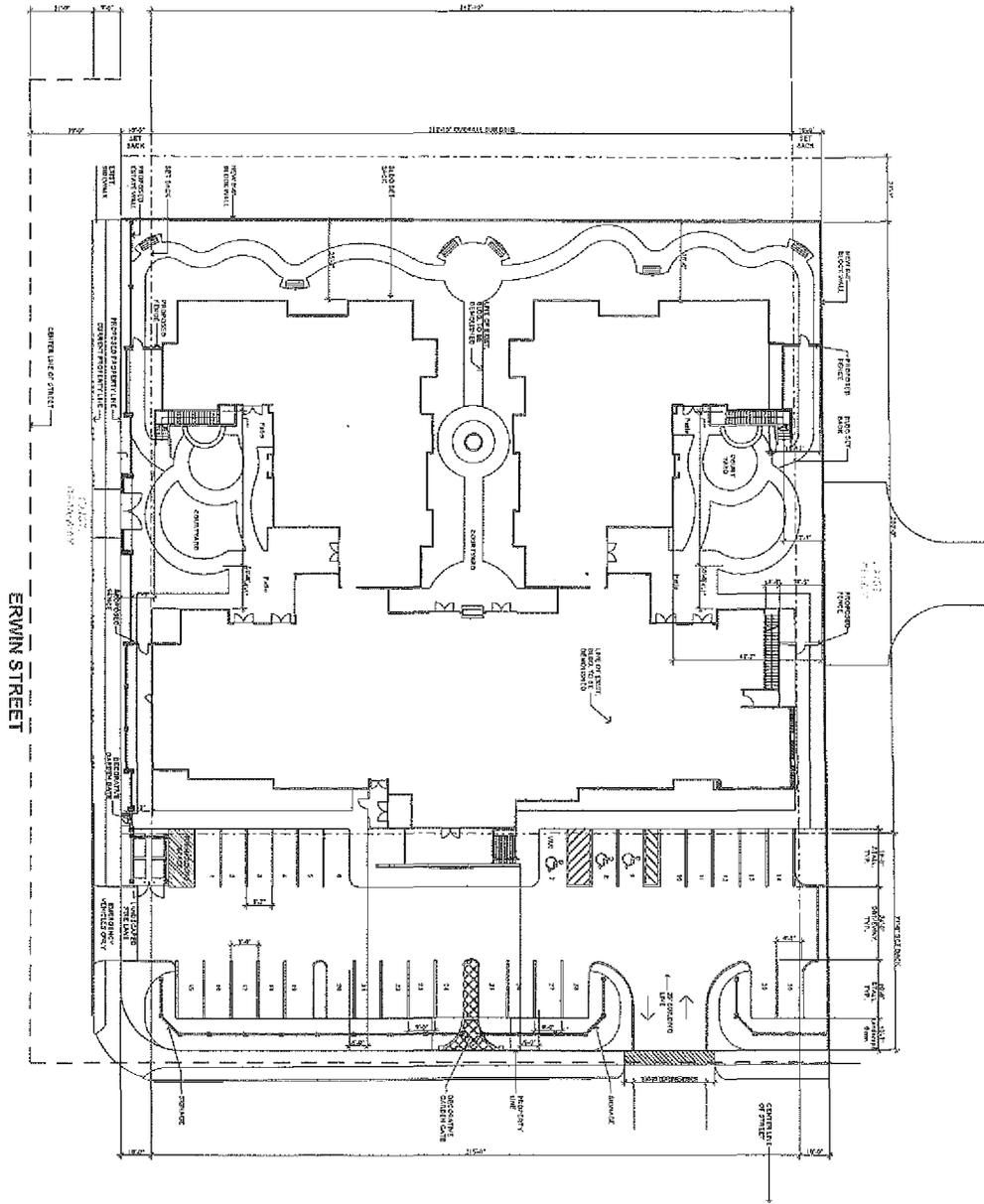


CHARLES J. PAUSCH, JR.
Associate Zoning Administrator
Direct Telephone No. (213) 978-1308

FT:jjq

cc: Councilmember Dennis Zine
Third District
Adjacent Property Owners

EXHIBIT A
 Page No. 1 of 6
 Case No. 24-2011-2679 (E.D.) (S.P.E.)



ERWIN STREET

FALLBROOK AVE.

Pilot Plan
 SCALE: 1/8" = 1'-0"

SHEET INDEX

01	Plan
02	Site Plan
03	Section
04	Foundation
05	Structural

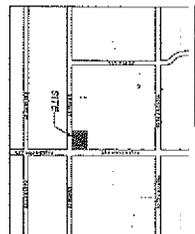
PROJECT DATA & SUMMARY

CLIENT: FALLBROOK GARDENS

PROJECT: FALLBROOK GARDENS

LOT AREA: 10,000 SQ. FT.

LOT COVER: 25%



NEIGHBORHOOD MAP:



Fallbrook v.20 Pilot Plan
 A1

Printed: 02/28/2025

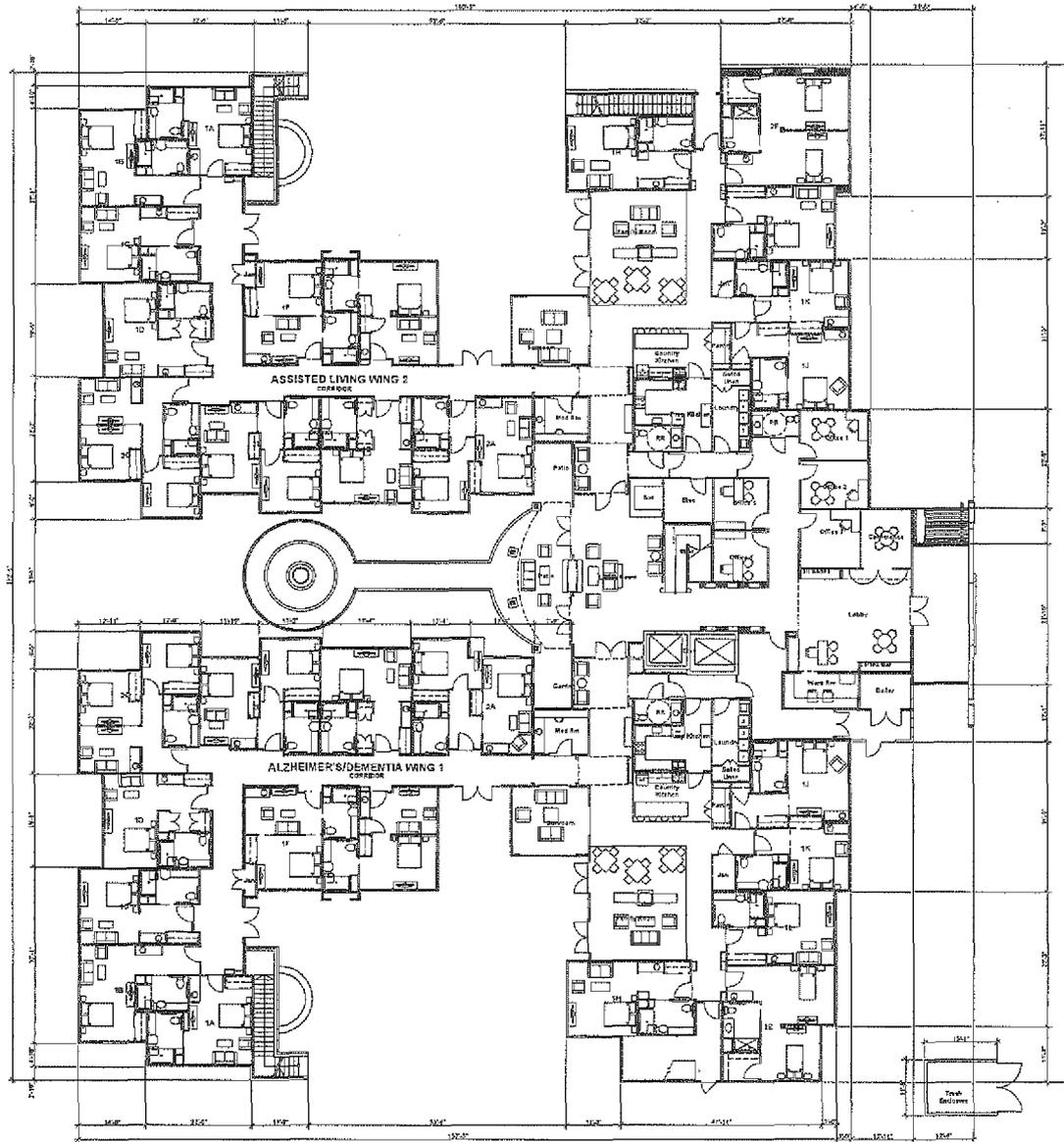


EXHIBIT "A"
 Page No. 2 of 6
 Case No. ZA-2011-2679(LED) (SPR)

First Floor Plan
SCALE 1" = 10'





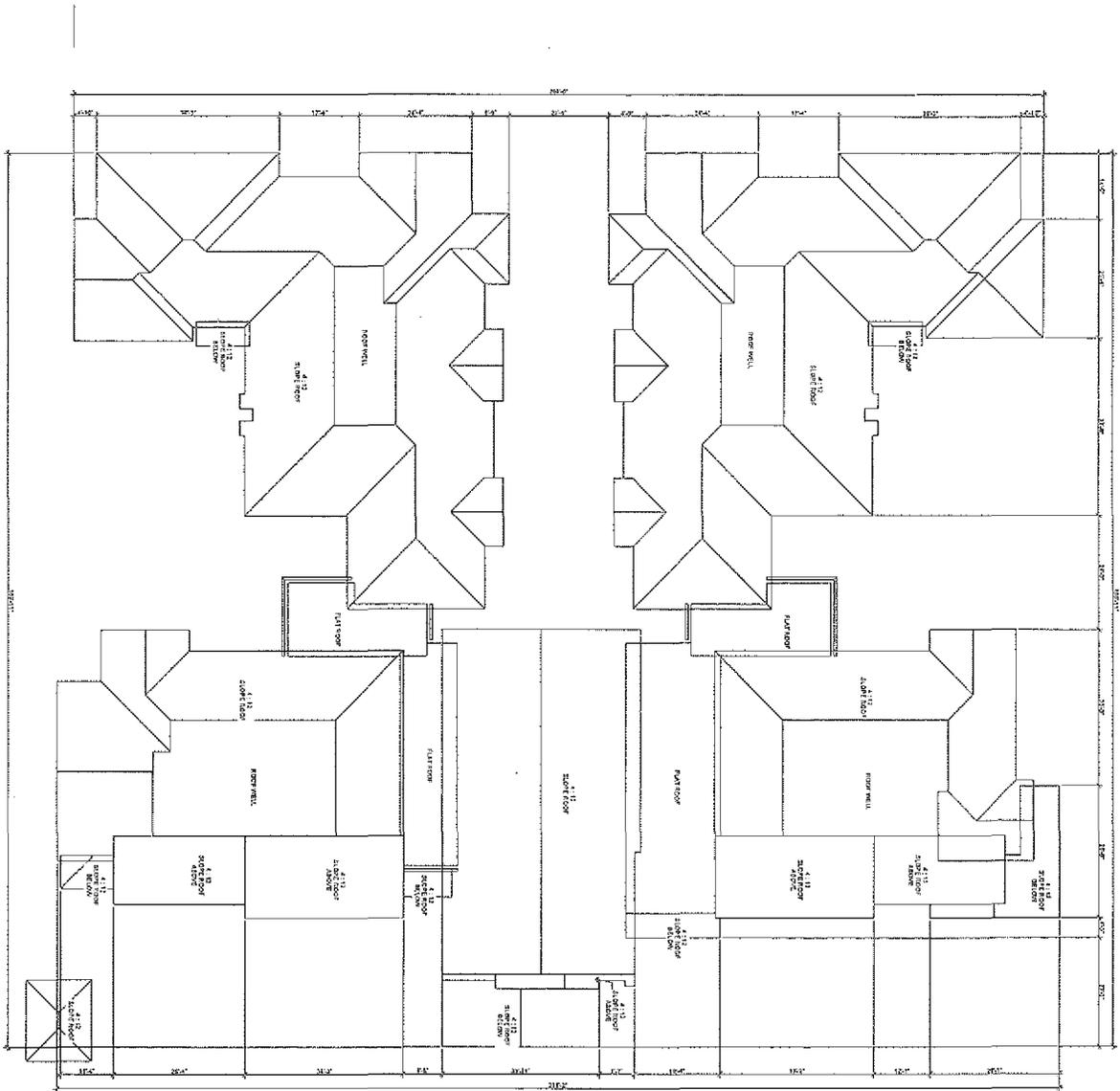
WATERMARK GARDENS
FALLBROOK
 AT
FALLBROOK

4150 W. 10th Street, Suite 200
 Oklahoma City, Oklahoma 73106
 (405) 522-7800
 www.ipaarchitects.com

Second Floor Plan
 Scale: 1/8" = 1'-0"



EXHIBIT "A"
 Page No. 3 of 6
 Case No. ZA-2011-2679(ELD)(SPR)



WATERMARK GARDENS
FALBROOK

4176 W. Highway Blvd., Ste. 200, Basking CA 07920
 914-444-4444 jpa@irwinpartners.com

Roof Plan

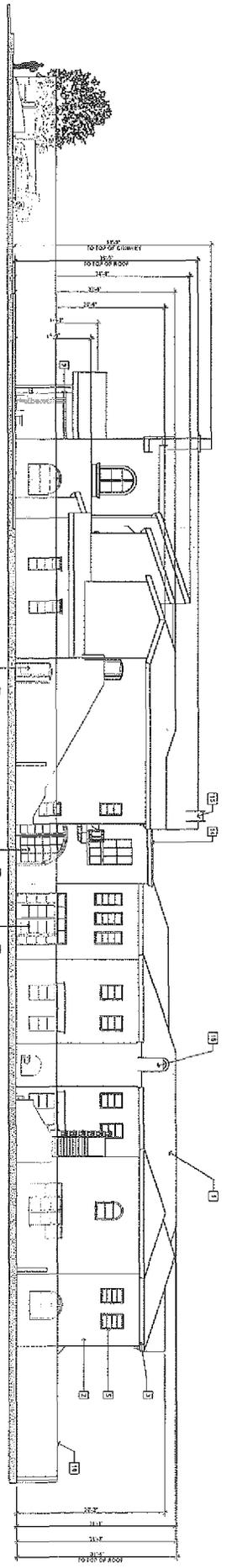
Fallbrook v.20 Roof Plan

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 A4

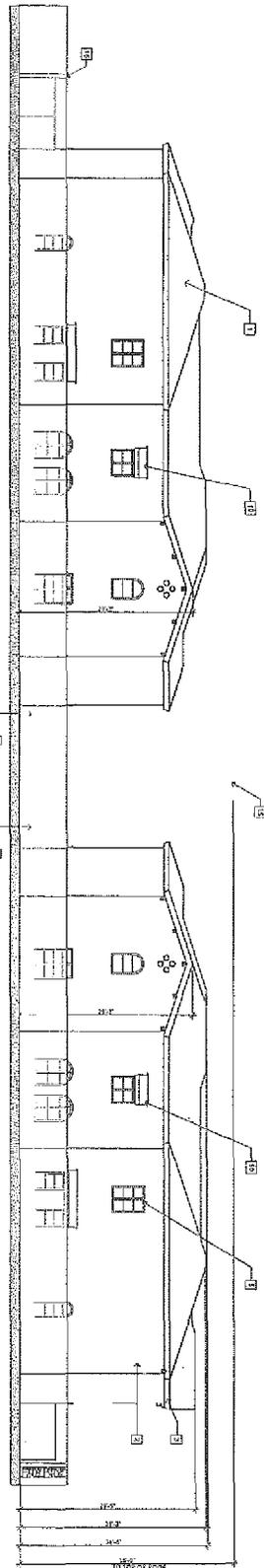


EXHIBIT "A"
 Page No. 4 of 6
 Case No. ZA-2011-2679(EAD)(SPR)

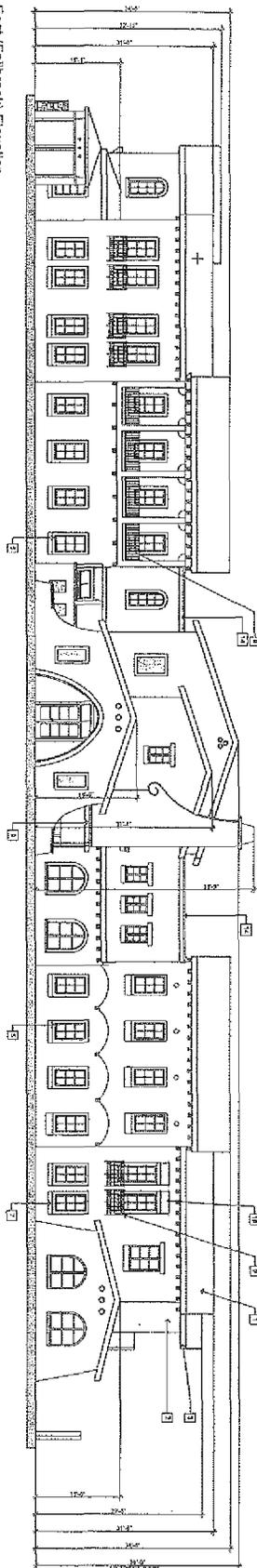
North Elevation
SCALE: 1/8" = 1'-0"



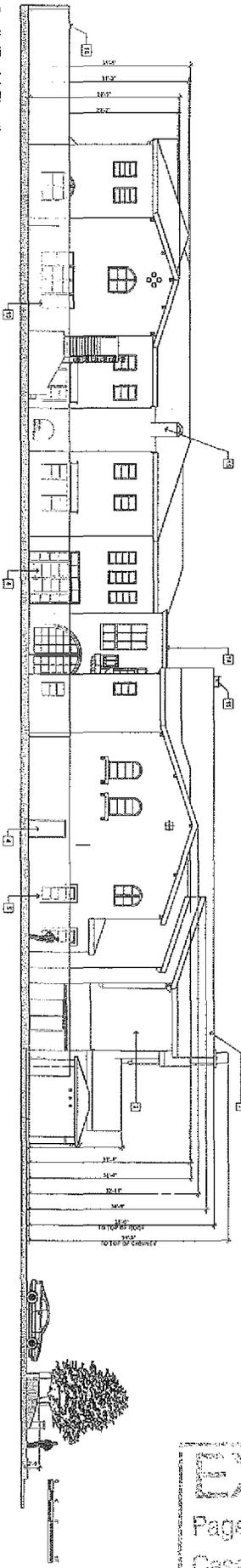
West (Rear) Elevation
SCALE: 1/8" = 1'-0"



East (Fairbrook) Elevation
SCALE: 1/8" = 1'-0"



South (Elyria) Elevation
SCALE: 1/8" = 1'-0"



LEGEND:

- 1 ENCLIGHT 3 TILE ROOF
- 2 SAND/NEPH SILICOX
- 3 FACED
- 4 LOOSE
- 5 EXTERIOR FINISH (SEE SPECIFICATIONS)
- 6 STUCCO/CONCRETE
- 7 DECORATIVE STUCCO/NEPH WALL
- 8 DECORATIVE WINDOW/IRON SAILING
- 9 WOOD TRIM
- 10 EXTERIOR PAINT (SEE SPECIFICATIONS FOR COLOR)
- 11 RECREAMITE 7 REZEES WINDOW/IRON CLATE
- 12 SHUTTER
- 13 EXTERIOR FINISH (SEE SPECIFICATIONS)
- 14 NEW W/ 2" DOWEL
- 15 NEW W/ 2" DOWEL

EXHIBIT "A"
 Page No. 5 of 6
 Case No. ZA-2011-2679 (ED) (SPR)

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WATERMARK GARDENS AT FAIRBROOK
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Fairbrook v.20 Exterior Elevations
 A5
 Project #1107
 Printed 02/28/11 09:07

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
OFFICE OF ZONING ADMINISTRATION

STAFF INVESTIGATOR REPORT

January 10, 2012

Ken Barry (A) (O)
Attr: Dan Chandler
4116 West Magnolia Boulevard
Suite 203
Burbank, CA 91505

Christopher Murray (R)
Rosenheim & Associates, Inc.
21550 Oxnard Street, Suite 780
Woodland Hills, CA 91367

CASE NO. ZA 2011-2679(ELD)(SPR)
ELDERCARE/SITE PLAN REVIEW
6221 North Fallbrook Avenue
Planning Area
Zone : RA-1
D. M. : 177B097
C. D. : 3
CEQA : ENV-2011-2680-MND
Legal Description: Arb 1; Lot PT 4; Tract
3558

Request

Pursuant to Sections 14.3.1 and 16.06 of the Los Angeles Municipal Code, the proposed project involves an Eldercare Facility Unified Permit and Site Plan Review for the construction, use and maintenance of an Eldercare Facility comprised of Assisted Living Care Housing and Alzheimer's/Dementia Care Housing for persons 62 years of age and older within an approximate 1.5 acre site.

The applicant maintains that the request is needed because the strict application of the RA Zone would:

- Prohibit an Eldercare Facility use on the project site;
- Restrict the maximum residential floor area to 20 percent of the lot area (i.e., approximately 12,600 square feet);
- Limit the maximum Height of structures to 36 feet;
- Limit the maximum density to 1 dwelling unit.

With respect to the above, an approval of the request would:

- Allow the Eldercare use on the site subject to the provisions of the Eldercare Ordinance;
- Allow a residential floor area of 47,800 square feet;
- Allow a height of 36 to 42 feet to accommodate mechanical screening and architectural projections;
- Allow a total of 76 beds within 60 guest rooms and common areas.

Property Description

The subject site is comprised of 65,715 square feet of lot area and is improved with an existing private school located at 6221 North Fallbrook Avenue in the Canoga Park-Winnetka-Woodland Hills Community Plan Area. The school is a large (3,378 square feet), ranch style, single-family dwelling which was converted into the existing private pre-school/daycare facility for up to 114 students between the ages of 2-1/2 and 10 years of age in grades K-3. Hours of operation are from 7:30 am to 6:00 pm, Monday through Friday. The school has a surface parking lot, playground area and other amenities common to school facilities. There are no significant native plant assemblages, wildlife or other protected natural resources on the subject property or on surrounding properties. There are no publicly recognized scenic resources, scenic highways or scenic roads affecting the property or surrounding properties.

The Project

The proposed project would include the new construction of a two-story building (36 to 42 feet for mechanical screening and architectural projections) configured with four integrated wings (two per floor), providing a total of 60 guest rooms (76 beds) and common areas (including three courtyards), with a maximum height of approximately 42 feet, and having a total floor area of approximately 48,035 square feet, at least 75 percent of which consists of Assisted Living Care Housing (exclusive of common areas). A total of 26 off-street parking spaces are required. The proposed driveways are located at Fallbrook Avenue and Erwin Street. The building would be setback 10 feet from abutting residences. There has been some indication by the applicant that the current proposed setbacks may be increased to provide a greater buffer between facility and abutting residential uses.

The applicant maintains that the facility would meet or exceed the California Department of Social Services assisted living and dementia care program regulations, including staff-to-resident ratios and requirements for 24-hour care for the residents. 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.

Lot Coverage: The total lot area of the site is equal to 65,715 square feet. Landscaped areas would amount to 44.2 percent of lot area or 29,027 square feet; Building areas would amount to 38 percent of lot area or 24,954 square feet; and parking/driveway areas would amount to 17.8 percent of lot area or 11,734 square feet.

Surrounding Land Uses

The area is urban and improved with major, local and collector streets, a public park, single-family residences, multi-family residences and commercial uses subject to the RA-1, C2-1VL, and P-1VL Zones.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Case No. ZA 2001-5482(PAD)(PA3)-A1 – On August 9, 2007, the South Valley Area Planning Commission denied an appeal concerning certain Conditions of a Plan Approval for modifications to Conditions for Ivy Academia Charter School.

Case No. ZA 2001-5482(PAD)(PA3) – On June 8, 2007, the Zoning Administrator denied requests to amend certain Conditions of a Plan Approval; and approved plans authoring the continued use and maintenance of a preschool and elementary school until August 31, 2007 including a reduction in summer school enrollment to 40 students to occur by June 30, 2007, as imposed by City Council in CF 06-1279, subject to additional terms and conditions.

Case No. ZA 2001-5482(PAD)(PA2) – On May 3, 2006, the Zoning Administrator determined that only partial compliance with the Condition of the prior action of the Zoning Administrator for ZA 2001-5482(PAD)(PA1) had been attained in association with the continued operation of a preschool and elementary school, and denied a request by the applicant to modify Condition Nos. 7,8,9,10,12,13,25,28, and 29 of Case No. ZA 2001-5482(PAD)(PA1), and retained, modified, and added to the existing conditions.

Case No. ZA 2001-5482(PAD)(PA1) – On April 30, 2004, the Zoning Administrator granted an Approval of Plans (one year review of the operation) of a private elementary school approved under Case No. ZA 2001-5482(PAD) as required by Condition No. 31, to modify and/or delete 15 conditions of the grant, and to add six additional modular buildings, subject to additional terms and conditions.

Case No. ZA 2001-5482(PAD)-A1 – On September 12, 2002, the South Valley Area Planning Commission denied an Appeal, Sustained the action of the Zoning Administrator, granted a Plan Approval to evaluate the existing operation pursuant to certain Conditions of Case No. ZA 2000-1099(CUZ), and Modified prior Conditions.

Case No. ZA 2001-5482(PAD) – On July 11, 2002, the Zoning Administrator granted an Approval of Plans to permit an increase in enrollment from 70 to 114 students ages of 2-1/2 and 8 years of age in grades K-3 with hours of operation from 7:30 am to 6:00 pm, Monday through Friday at the existing preschool, the periodic posting of a banner on Fallbrook Avenue, the installation of 6-foot tall masonry wall on the west side of the property, and the erection of an 8-foot block wall on the south side adjoining the single-family residences.

Case No. ZA 2000-1099(CUZ) - On September 14, 2000, the Zoning Administrator granted a Conditional Use that allow the continued use and maintenance of Pre-school/Daycare/K-3 grade school for 70 students, ages 2 ½ to 8 years with hours of operation from 7:30 am to 6:00 pm, Monday through Friday, and to modify conditions imposed under extant Case No. ZA 95-0839(CUZ).

Case No. ZA 95-0839(CUZ) - On February 1, 1996, the Zoning Administrator granted a Conditional Use that allowed the use and maintenance of a conversion of a single-

family residence into a pre-school/daycare center with grades K-3, for 70 children ages 2 ½ to 8 year with hours of operation from 7:30 am to 6:00 pm, Monday through Friday.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:

There are no relevant cases on surrounding properties.

General Plan, Specific Plans and Interim Control Ordinances

Community Plan:

The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Map designates the property for Very Low Residential land uses subject to the corresponding RA Zone. The site is subject to the height limitation provided under Height District No. 1.

The site is not subject to a Specific Plan or any Interim Control Ordinances.

Streets

Fallbrook Avenue is a Major Highway and is improved to a width of 100 feet.

Erwin Street is a Local Street and is improved to a variable width of 15 to 60 feet.

An alley adjoining the site to the north is a non-continuous alley that terminates at the northerly property line and is improved with asphalt pavement within a 20-foot dedication.

Flood Hazard Evaluation:

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 the property is located in Zone C, areas of minimal flooding.

Environmental Clearance:

On December 29, 2011, the Department City Planning issued a Notice of Intent to Adopt a Mitigated Negative Declaration under Case No. ENV-2011-2680-MND, for a 20 day public comment period ending on January 18, 2012, pursuant to the provisions of the California Environmental Quality Act.

Comments from Other Departments or the General Public

At the time of report preparation, no public agencies have submitted written comments. However, several letters or emails have been received opposing the project for a number of reasons. A form letter was distributed and signed by a substantial amount of individuals who are opposed to the project.

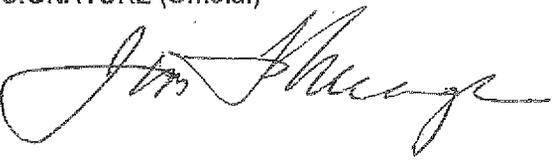
The form letter indicates that the project violates the Eldercare Ordinance believing that the Ordinance prohibits such facilities in the RA Zone. Concerns over height, setbacks, density, odors and impacts to traffic and the character of the neighborhood were also conveyed. Opponents are concerned that the project would be detrimental to property values and interfere with the peaceful enjoyment of their homes due to traffic, noise, odors and increased density.

One letter was received supporting the project if the project employs proper screening and provides "environmentally sound elements" for the capturing and re-use of stormwater run-off, the use of permeable hardscape and drought tolerant landscaping, including the use of native plant species.

Nicholas Hendricks
City Planning Associate

EXHIBIT 'B'

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 ROOM 395, CITY HALL
 LOS ANGELES, CALIFORNIA 90012
 CALIFORNIA ENVIRONMENTAL QUALITY ACT
PROPOSED MITIGATED NEGATIVE DECLARATION

LEAD CITY AGENCY City of Los Angeles	COUNCIL DISTRICT 3	
PROJECT TITLE ENV-2011-2680-MND	CASE NO. ZA-2011-2679-ELD-SPR	
PROJECT LOCATION 6221 N FALLBROOK AVE		
PROJECT DESCRIPTION Pursuant to Sections 14.3.1 and 16.06 of the Los Angeles Municipal Code, the proposed project involves an Eldercare Facility Unified Permit and Site Plan Review for the construction, use and maintenance of an Eldercare Facility comprised of Assisted Living Care Housing and Alzheimer's/Dementia Care Housing for persons 62 years of age and older within an approximate 1.5 acre site. The proposed project will include the new construction of a two-story building configured with four integrated wings (two per floor), providing a total of 60 guest rooms (76 beds) and common areas, with a maximum height of approximately 42 feet, and having a total floor area of approximately 48,035 square feet, at least 75 percent of which consists of Assisted Living Care Housing (exclusive of common areas). A total of 26 off-street parking spaces are required.		
NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY Ken Barry Community Multihousing, Inc. 4116 West Magnolia Boulevard, Suite 203 Burbank, CA 91505		
FINDING: The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance <p style="text-align: center;">(CONTINUED ON PAGE 2)</p> SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED. Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt the mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.		
THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.		
NAME OF PERSON PREPARING THIS FORM	TITLE	TELEPHONE NUMBER
NICHOLAS HENDRICKS	City Planning Associate	(818) 374-5046
ADDRESS	SIGNATURE (Official)	DATE
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012		01/18/2012

I-120. Aesthetics (Light)

- Environmental impacts to the adjacent residential properties may result due to excessive illumination on the project site. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

IV-70. Tree Removal (Non-Protected Trees)

- Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

VI-20. Erosion/Grading/Short-Term Construction Impacts

- Short-term erosion impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a less than significant level by the following measures:
- The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeving, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

XVI-40. Safety Hazards

- Environmental impacts may result from project implementation due to hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses. However, the potential impacts can be mitigated to a less than significant level by the following measure:
- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

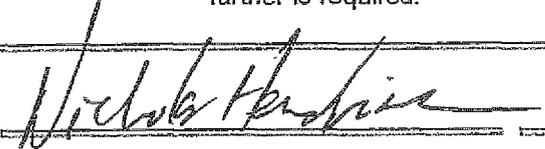
CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY
and CHECKLIST
(CEQA Guidelines Section 15063)

LEAD CITY AGENCY: City of Los Angeles		COUNCIL DISTRICT: CD 3 - DENNIS P. ZINE	DATE: 12/29/2011
RESPONSIBLE AGENCIES: Department of City Planning			
ENVIRONMENTAL CASE: ENV-2011-2680-MND		RELATED CASES: ZA-2011-2679-ELD-SPR	
PREVIOUS ACTIONS CASE NO.:		<input type="checkbox"/> Does have significant changes from previous actions. <input type="checkbox"/> Does NOT have significant changes from previous actions	
PROJECT DESCRIPTION: ELDERCARE FACILITY			
ENV PROJECT DESCRIPTION: Pursuant to Sections 14.3.1 and 16.06 of the Los Angeles Municipal Code, the proposed project involves an Eldercare Facility Unified Permit and Site Plan Review for the construction, use and maintenance of an Eldercare Facility comprised of Assisted Living Care Housing and Alzheimer's/Dementia Care Housing for persons 62 years of age and older within an approximate 1.5 acre site. The proposed project will include the new construction of a two-story building configured with four integrated wings (two per floor), providing a total of 60 guest rooms (76 beds) and common areas, with a maximum height of approximately 42 feet, and having a total floor area of approximately 48,035 square feet, at least 75 percent of which consists of Assisted Living Care Housing (exclusive of common areas). A total of 26 off-street parking spaces are required.			
ENVIRONMENTAL SETTINGS: The subject site is comprised of 65,715 square feet of lot area and is improved with a private school located at 6221 North Fallbrook Avenue in the Canoga Park-Winnetka-Woodland Hills Community Plan Area. The area is urban and improved with major, local and collector streets, a public park, single-family residences, multi-family residences and commercial uses subject to the RA-1, C2-1VL, and P-1VL Zones. There are no significant native plant assemblages, wildlife or other natural resources on the subject property or on surrounding properties. There are no scenic resources or scenic highways or roads affecting the property or surrounding properties.			
PROJECT LOCATION: 6221 N FALLBROOK AVE			
COMMUNITY PLAN AREA: CANOGA PARK - WINNETKA - WOODLAND HILLS - WEST HILLS STATUS: <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan		AREA PLANNING COMMISSION: SOUTH VALLEY	CERTIFIED NEIGHBORHOOD COUNCIL: WOODLAND HILLS - WARNER CENTER
EXISTING ZONING: RA-1		MAX. DENSITY/INTENSITY ALLOWED BY ZONING: RA	
GENERAL PLAN LAND USE: VERY LOW RESIDENTIAL		MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION: RA - Very Low or as allowed by ELD Ord.	LA River Adjacent: NO
		PROPOSED PROJECT DENSITY: ELD Density 76 beds	

Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


City Planning Associate

(818) 374-5046

Signature

Title

Phone

Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> AESTHETICS	<input type="checkbox"/> GREEN HOUSE GAS EMISSIONS	<input type="checkbox"/> POPULATION AND HOUSING
<input type="checkbox"/> AGRICULTURE AND FOREST RESOURCES	<input type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS	<input type="checkbox"/> PUBLIC SERVICES
<input type="checkbox"/> AIR QUALITY	<input type="checkbox"/> HYDROLOGY AND WATER QUALITY	<input type="checkbox"/> RECREATION
<input checked="" type="checkbox"/> BIOLOGICAL RESOURCES	<input type="checkbox"/> LAND USE AND PLANNING	<input checked="" type="checkbox"/> TRANSPORTATION/TRAFFIC
<input type="checkbox"/> CULTURAL RESOURCES	<input type="checkbox"/> MINERAL RESOURCES	<input type="checkbox"/> UTILITIES AND SERVICE SYSTEMS
<input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input type="checkbox"/> NOISE	<input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE

INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

Background

PROPONENT NAME:

Ken Barry
Community Multihousing, Inc.

PHONE NUMBER:

(818) 843-8644

APPLICANT ADDRESS:

4116 West Magnolia Boulevard, Suite 203
Burbank, CA 91505

AGENCY REQUIRING CHECKLIST:

Department of City Planning

DATE SUBMITTED:

10/14/2011

PROPOSAL NAME (if Applicable):

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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I. AESTHETICS				
a.	Have a substantial adverse effect on a scenic vista?			✓
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			✓
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			✓
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	✓		
II. AGRICULTURE AND FOREST RESOURCES				
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?			✓
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			✓
d.	Result in the loss of forest land or conversion of forest land to non-forest use?			✓
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓
III. AIR QUALITY				
a.	Conflict with or obstruct implementation of the applicable air quality plan?			✓
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		✓	
d.	Expose sensitive receptors to substantial pollutant concentrations?			✓
e.	Create objectionable odors affecting a substantial number of people?			✓
IV. BIOLOGICAL RESOURCES				
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			✓
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			✓
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	✓		
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			✓
V. CULTURAL RESOURCES				

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			✓
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓	
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓	
d.	Disturb any human remains, including those interred outside of formal cemeteries?			✓

VI. GEOLOGY AND SOILS

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			✓
b.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?		✓	
c.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?		✓	
d.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?			✓
e.	Result in substantial soil erosion or the loss of topsoil?	✓		
f.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓
g.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓
h.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			✓

VII. GREEN HOUSE GAS EMISSIONS

a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		✓	
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		✓	

VIII. HAZARDS AND HAZARDOUS MATERIALS

a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✓
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			✓
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			✓
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓
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IX. HYDROLOGY AND WATER QUALITY

a.	Violate any water quality standards or waste discharge requirements?				✓
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				✓
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
f.	Otherwise substantially degrade water quality?				✓
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j.	Inundation by seiche, tsunami, or mudflow?				✓

X. LAND USE AND PLANNING

a.	Physically divide an established community?				✓
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

XI. MINERAL RESOURCES

a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

XII. NOISE

a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

XIII. POPULATION AND HOUSING

a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

XIV. PUBLIC SERVICES

a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?				✓
b.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?				✓
c.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?				✓
d.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?				✓
e.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilities?				✓

XV. RECREATION

a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

XVI. TRANSPORTATION/TRAFFIC

a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓
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	Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		✓		
e. Result in inadequate emergency access?				✓
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓
XVII. UTILITIES AND SERVICE SYSTEMS				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g. Comply with federal, state, and local statutes and regulations related to solid waste?				✓
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as ENV-2011-2680-MND and the associated case(s), ZA-2011-2679-ELD-SPR. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) will not:

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org> ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) cityplanning.lacity.org/ or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://grnw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
NICHOLAS HENDRICKS	City Planning Associate	(818) 374-5046	12/20/2011

Impact?	Explanation	Mitigation Measures
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APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE

I. AESTHETICS			
a.	NO IMPACT	The subject property is not located along a scenic road or resource area and does not contain any public scenic resources. The neighborhood is urban and built-out.	
b.	NO IMPACT	The project is not located along any designated Scenic Roadways or Highways.	
c.	NO IMPACT	The views of the site and surrounding area would be not substantially changed as a result of the proposed project.	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project would not involve the use of substantial lighting or materials that would produce significant illumination or glare effects.	I-120
II. AGRICULTURE AND FOREST RESOURCES			
a.	NO IMPACT	The project would not involve the conversion of farmland to non-agricultural uses.	
b.	NO IMPACT	The project would not result in the loss of farm land or other viable agricultural uses.	
c.	NO IMPACT	As indicated in previous responses, the project site is not used for agricultural land uses. Therefore, no impact would occur as a result of the proposed subdivision.	
d.	NO IMPACT	The subject site is not located within forest land.	
e.	NO IMPACT	Please see previous responses.	
III. AIR QUALITY			
a.	NO IMPACT	The project does not propose to conflict with or obstruct the implementation of the SCAQMD or Congestion Management Plan. The project would be required to comply with all applicable air quality standards and measures for construction related activities. The project's scope is consistent with the population and employment projections of the Air Quality Management Program, as the project is consistent with the land use designation of the Community Plan. Therefore, projects that are consistent with the anticipated regional growth projections of the AQMP are considered not to have an adverse impact on attainment to State or National Air Quality Standards identified in the AQMP.	

Impact?	Explanation	Mitigation Measures	
b.	NO IMPACT	The project is required to comply with all applicable construction requirements of the Los Angeles Municipal Code. The project does not propose to deviate from any applicable air quality regulations or policies.	
c.	LESS THAN SIGNIFICANT IMPACT	The project would have minimal cumulative effects to air quality relative to criteria pollutants as the project involves minor additions to the existing facility.	
d.	NO IMPACT	The project site is located in a built-out urban environment. The development would be consistent with the land uses allowed by the zoning regulations and the community plan.	
e.	NO IMPACT	The type of project, relative to the environmental setting, is not known to cause objectionable odors.	
IV. BIOLOGICAL RESOURCES			
a.	NO IMPACT	The project site is of low habitat value and does not provide substantial habitat associated with candidate, sensitive, or special status wildlife species. The area is urban and built-out.	
b.	NO IMPACT	There are no native plant assemblages or riparian habitat occurring anywhere on the property.	
c.	NO IMPACT	The project site is not located within a wetland area.	
d.	NO IMPACT	The project site is located in an area substantially developed with roads, residences and other obstacles that interfere with wildlife movement. Further, the project site contains very low habitat value and therefore would not attract migratory wildlife species.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	There are no protected trees on the subject site that are proposed to be removed. 13 of 18 non-protected trees are proposed to be removed.	IV-70
f.	NO IMPACT	The project site is not subject to any habitat conservation plan or natural community conservation plan.	
V. CULTURAL RESOURCES			
a.	NO IMPACT	The project site does not contain any historic resources of record and is not listed on any Local, State or Federal Registers.	
b.	LESS THAN SIGNIFICANT IMPACT	The project site does not contain any known prehistoric or historic archaeological resources.	

Impact?	Explanation	Mitigation Measures
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c.	LESS THAN SIGNIFICANT IMPACT	The project site does not contain any known prehistoric or historic archaeological resources.	
d.	NO IMPACT	The project site does not contain any prehistoric or historic archaeological resources relative to human remains (i.e., burial site).	

VI. GEOLOGY AND SOILS

a.	NO IMPACT	All areas within the State of California are subject to potentially catastrophic seismic events. However, the project site is not within an Alquist-Priolo Fault Zone. All new construction must conform to the seismic requirements of the California Building Code (2007), as adopted by the City of Los Angeles on January 1, 2008. Therefore, no significant impact would occur as a result of the proposed project.	
b.	LESS THAN SIGNIFICANT IMPACT	All areas within the State of California are subject to potentially catastrophic seismic events. All new construction must conform to the new seismic requirements of the California Building Code (2007). Therefore, no significant impact would occur as a result of the proposed project.	
c.	LESS THAN SIGNIFICANT IMPACT	The project site is not located within a liquefaction zone. Further, all new construction must conform to the new seismic requirements (including liquefaction mitigation) of the California Building Code (2007), as adopted by the City of Los Angeles on January 1, 2008. Therefore, no significant impacts would occur as a result of the proposed project.	
d.	NO IMPACT	The development of the project site is subject to the requirements Los Angeles Municipal Code (Building Code). A Soils Report is required to be submitted to the Department of Building and Safety for review prior to any grading activities.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	Soil erosion could occur on the project site during construction activities. However, construction related activities are regulated by the City's Building Code and permit requirements. Construction controls for erosion are required as a matter of law.	VI-20
f.	NO IMPACT	The project site is not known to contain unstable geological units or soil conditions.	
g.	NO IMPACT	The project site does not contain expansive soil conditions.	

Impact?	Explanation	Mitigation Measures	
h.	NO IMPACT	The project would not involve the use of septic tanks or other alternative waste water disposal systems. The project is connected to the City's sewage and stormwater drainage facilities.	
VII. GREEN HOUSE GAS EMISSIONS			
a.	LESS THAN SIGNIFICANT IMPACT	The project's scope is minor and would not result in a considerable contribution to green house emissions.	
b.	LESS THAN SIGNIFICANT IMPACT	The project does not propose to deviate from any standard, policy or regulation for green house emissions.	
VIII. HAZARDS AND HAZARDOUS MATERIALS			
a.	NO IMPACT	The project would not involve the routine transporting, handling, use or disposal of hazardous materials.	
b.	NO IMPACT	The project would not involve the use or storage of hazardous substances.	
c.	NO IMPACT	Please see previous responses.	
d.	NO IMPACT	The project site is located within a well developed residential neighborhood. The project site and adjacent residences are not located on a hazardous materials site.	
e.	NO IMPACT	The project site is not located within an airport land use plan area.	
f.	NO IMPACT	The project is not located near any private airports.	
g.	NO IMPACT	The project site is not subject to any emergency evacuation plan. The project is subject to fire department requirements for emergency response, access and evacuation requirements of the Fire Code.	
h.	NO IMPACT	The project site is not located within an area prone to fire hazards. The development of the site is subject to the provisions of the Fire Code (i.e., sprinkler systems, access requirements, fire hydrants, etc.).	
IX. HYDROLOGY AND WATER QUALITY			
a.	NO IMPACT	The project is subject to water quality control standards and is connected to the City's sanitary sewer facilities.	
b.	NO IMPACT	The project would not involve the use of wells and therefore would not draw groundwater from any local aquifers.	
c.	NO IMPACT	The project would not involve the alteration of any streams, creeks, rivers or any other watercourse.	

Impact?	Explanation	Mitigation Measures	
d.	NO IMPACT	The project would not involve the alteration of any streams, creeks, rivers or any other watercourse.	
e.	NO IMPACT	The project would be required to direct all stormwater runoff to existing stormwater drainage facilities.	
f.	NO IMPACT	The project is required to comply with the Standard Urban Stormwater Mitigation Plan (SUSMP) and/or the Site Specific Mitigation Plan to mitigate stormwater pollution as required by Ordinance No.'s 172,176 and 173,494.	
g.	NO IMPACT	The project site is not subject to flood hazards.	
h.	NO IMPACT	The project site is not subject to flood hazards.	
i.	NO IMPACT	The project site is not subject to flood hazards.	
j.	NO IMPACT	The project site is not located in an area that would be impacted by the failure of a dam or a levee.	
X. LAND USE AND PLANNING			
a.	NO IMPACT	The proposed project would occur on private property and involve a use consistent with the historical use of the property. The subject property is not used by the community as an access route and is not encumbered by easements for the purpose of providing public access. Therefore, the proposed school would not physically divide an established community.	
b.	NO IMPACT	The proposed project involves a Conditional Use Permit to allow the site to be use as a private high school. However, the entitlement requested, relative to land use polices, would not result in substantial changes to the immediate area.	
c.	NO IMPACT	The project site is not subject to any Habitat or Natural Community Conservation Plan.	
XI. MINERAL RESOURCES			
a.	NO IMPACT	The property is not subject to a Mineral Resources Zone.	
b.	NO IMPACT	The project site is not subject to any mineral resource policies of any City plan or regulation.	
XII. NOISE			

Impact?	Explanation	Mitigation Measures	
a.	NO IMPACT	Noise levels associated with the proposed use are likely to increase but are not expected to be in excess of standards of the noise levels established by the Los Angeles Municipal Code.	
b.	NO IMPACT	School uses do not generally cause substantial vibration noises. The project will be subject to construction requirements that serve to minimize noise and vibration effects during construction activities (i.e., hour limitations and use of low impacting construction tools). However, the project will only involve minor additions to the existing site.	
c.	NO IMPACT	The project is expected to elevate ambient noise levels. However, the school will mostly be entirely contained within existing structures.	
d.	NO IMPACT	Temporary increases to ambient noise levels may occur due to remodeling activities. However, substantial impacts are not expected as the remodeling activities would occur within the interior of the property and would be short term.	
e.	NO IMPACT	The project is not located near any public airport.	
f.	NO IMPACT	The project is not located near any private airport.	
XIII. POPULATION AND HOUSING			
a.	NO IMPACT	The project would not affect the City's housing stock. The net increase of units is not substantial and is anticipated in the Community Plan as indicated by the underlying General Plan Land Use Designation.	
b.	NO IMPACT	The project would not involve the displacement of housing units.	
c.	NO IMPACT	The project would not result in any impacts to the city's housing supply.	
XIV. PUBLIC SERVICES			
a.	NO IMPACT	The project would not cause impacts to fire services. The project is located in an area already served by the Fire Department. Increase in response time is not expected. The area is served by improved roads and streets, fire hydrants, and water supply infrastructure. The project is also subject to Fire Department review. A memo dated, June 21, 2011, and issued by the Fire Department, contains conditions of approval which will be incorporated into the project's Conditions of Approval.	

Impact?	Explanation	Mitigation Measures	
b.	NO IMPACT	The project would not cause impacts to police services. The development is located in an area already served by the Police Department. The development would not increase response time. The area is served by improved roads and streets.	
c.	NO IMPACT	The project involves the relocation of an existing private high school to the existing site.	
d.	NO IMPACT	The project is not expected to impact park and recreation facilities.	
e.	NO IMPACT	The project would not cause impacts to roads or other governmental services as a result of the proposed development. The Bureau of Engineering has issued a memo indicating street improvement requirements of the project. These requirements will be incorporated into the project's Conditions of Approval.	
XV. RECREATION			
a.	NO IMPACT	The project would have minimal effects to neighborhood parks or other recreational facilities as the project involves a high school that includes a gymnasium with aquatics facilities.	
b.	NO IMPACT	Please see previous explanations.	
XVI. TRANSPORTATION/TRAFFIC			
a.	NO IMPACT	A traffic study has been prepared and submitted to the Department of Transportation ("DOT"). DOT has determined that the traffic study adequately describes all projected transportation impacts (Inter-Departmental Correspondence dated October 31, 2011). A number of mitigation measures have been identified by DOT as a requirement of project approval. All mitigation measures will be incorporated as conditions of approval.	
b.	NO IMPACT	A traffic study has been prepared and submitted to the Department of Transportation ("DOT"). DOT has determined that the traffic study adequately describes all projected transportation impacts (Inter-Departmental Correspondence dated October 31, 2011). A number of mitigation measures have been identified by DOT as a requirement of project approval. All mitigation measures will be incorporated as conditions of approval.	

Impact?	Explanation	Mitigation Measures
c. NO IMPACT	The project would not affect air traffic patterns as the project does not involve a use or development near any airport.	
d. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project will provide adequate access for vehicles consistent with code requirements. DOT also requires that all drop-off and loading take place entirely on site. DOT also requires a student drop-off and pick-up plan to be submitted for DOT review and approval.	XVI-40
e. NO IMPACT	The project site is currently served by existing improved streets.	
f. NO IMPACT	The project is not subject to any adopted alternative transportation policies.	

XVII. UTILITIES AND SERVICE SYSTEMS

a. NO IMPACT	The project is required to connect to existing wastewater facilities.	
b. NO IMPACT	The project would not create substantial impacts on demand for water or wastewater facilities.	
c. NO IMPACT	The project would not require the construction of new storm water drainage facilities.	
d. NO IMPACT	The project would not involve a use or density that would require a water supply study. The project falls below the threshold requirements of the Water Code.	
e. NO IMPACT	The Hyperion wastewater treatment facility was upgraded to accommodate future wastewater treatment demands. The project would not impact the capacity of the Hyperion treatment plant.	
f. NO IMPACT	The Hyperion wastewater treatment facility was upgraded to accommodate future wastewater treatment demands. The project would not impact the capacity of the Hyperion treatment plant.	
g. NO IMPACT	The project would be served by the City's solid waste collection services; containers for recyclable material are provided by the City.	

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. NO IMPACT	The proposed project would not potentially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of or restrict the range of a rare or endangered plant or animal,	
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Impact?	Explanation	Mitigation Measures
	<p>or eliminate important examples of the major periods of California history or prehistory because: the subject site and surrounding area is a built-out urban environment containing single-family residences, infrastructure (including streets, pavement, structures, street lighting, vehicular traffic, gas and electrical lines and other utilities), and other artificial physical elements (i.e., fences, walls, sheds and other man-made debris) that do not provide for a natural environment or habitat to sustain significant native plants and animal species.</p>	
b. LESS THAN SIGNIFICANT IMPACT	<p>The project would involve the relocation of an existing high school to an existing community center within a substantially developed urban area. Baseline conditions would remain relatively unchanged. The development would be subject to numerous Code requirements, which are intended to reduce cumulative effects on the environment for individual projects.</p>	
c. NO IMPACT	<p>The project would not involve a use that would be detrimental to human beings.</p>	

Determination Letter
ZA-2011-2679-ELD-SPR-1A
Mailing Date: 7/23/2012

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