

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section ____ Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.

PARTHENIA ST

THE INTENT OF THIS ORDINANCE IS FOR THE BOUNDARIES OF THIS ZONE CHANGE TO COINCIDE WITH THOSE OF RECORDED TR. 72271

BRYANT ST

WINNETKA AVE

PENFIELD AVE

(T)(Q)R1-1

(T)(Q)RD4-1XL

510.05

101.1

352.40

220.03

101.1

198

290

390.01

100

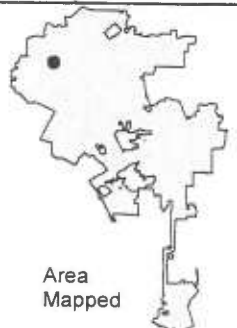
31.41

62

CHASE ST

30

60



C.M. 192 B 113, 195 B 113 CPC-2013-2078-GPA-ZC-BL-ZV-SPR

CF1000

052814

Area Mapped

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

Entitlement Conditions

1. **Use.** The use of the subject property shall be limited to those uses permitted in the RD4 and R1 Zones as defined in Sections 12.09.1 and 12.08 of the Los Angeles Municipal Code ("LAMC").
2. **Density.**
 - a. A maximum of 59 detached residential dwelling units shall be permitted on the portion zoned RD4.
 - b. A maximum of five single-family lots shall be permitted on the portion zoned R1.
3. **Height.** The height of the building on the subject property shall not exceed 30 feet as defined in LAMC Section 12.21.1-A,1. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties with single-family dwellings.
4. **Parking.** A minimum of two covered off-street parking spaces shall be provided in accordance with LAMC Section 12.21-A,4(a) and ½ guest parking space per unit. In addition:
 - a. Garage floors shall be constructed with textured surfaces to minimize tire squeal noises.
 - b. Guest parking spaces shall be clearly marked. The signage shall be in easy to read lettering.
 - c. Shade trees shall be planted adjacent to guest parking spaces to provide 50 percent shading at full growth.
5. **Open Space.** A minimum of 35,292 square feet of open space shall be required in excess of the amount otherwise required pursuant to Municipal Code Section 12.21-G,2.
6. **Flood Hazard.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081 (effective 7/3/98).

Administrative Conditions

7. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
8. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.

9. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
10. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
11. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
12. **Corrective Conditions.** 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 City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
13. **Expedited Processing Section.** 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.
14. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or 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.
15. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

CONDITIONS OF APPROVAL

1. **Site Plan.** Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Planning Department. The plans shall comply with provisions of the LAMC, the subject conditions, and the intent of the subject permit authorization. The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "4" or as modified by the City Planning Commission attached to the subject case file.
2. **Green Building Program.** Pursuant to LAMC Section 16.10, (Green Building Program), prior to the issuance of any building permit, the project must be reviewed and the plans stamped approved by the Director of Planning (or designee).
3. **Security Gates.** No gates shall be permitted for vehicles entering and exiting the development.
4. **Pedestrian Gates.** A gate shall be provided at the rear of each Penfield Avenue lot to provide individual access to the common open space (pool area) within the multiple-family lot.
5. **Driveways.** Any unused curb and driveways cuts shall be replaced with sidewalks to maintain continuity for pedestrians.
6. **Common Access Driveways.** To shield automobile headlights and deter from possible shortcuts, along the three common east-west driveways on the Winnetka frontage, the plan shall include a 32-inch high wall, hedge, or raised planter along the edge of the common driveway portion between Unit No. 1 and 19, 40 and 46, and 52 and 60 within the landscaped area.
7. **Bicycle Parking.** Short term bicycle parking shall be provided in accordance with LAMC Section 12.21-A,16(a)(1) and shown on the site plan. Long term bicycle parking shall be provide within each individual garage.
8. **Rubbish Collection.** Permit a deviation from LAMC Section 12.21-A,19(c) to provide three individual recycling receptacles for each detached dwelling unit in lieu of the required common recycling area/room.
9. **Residential Fronting on Major Highway.**
 - a. All exterior windows having a line of sight of a Major Highway (Winnetka Avenue) shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.

OR

- b. As an alternative, the applicant may retain an acoustical engineer to submit evidence, along with the application for a building permit, of any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

10. **Posting of Construction Activities.** A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
11. **Construction-related Parking.** Off-street parking shall be provided for all construction-related parking generated to employees of the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.
12. **Dust Walls.** Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the property line as necessary to preclude dust dispersion from the project site to adjacent properties. The walls shall be in place during any time period when grading is being conducted within 100 feet of any occupied residence on said adjoining lots.
13. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering construction materials or construction-machinery shall be limited to the hours beginning at 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. No truck deliveries for construction shall occur outside of that time period. No construction truck staging related to such deliveries to the project site shall occur on any adjacent streets.
14. **Construction Damage Bond.**
 - a. A cash bond or security ("Bond") shall be posted in accordance with terms, specifications, and conditions to the satisfaction of the Bureau of Engineering and shall remain in full force and effect to guarantee that any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, is properly repaired by the applicant.
 - b. Prior to the issuance of a Certificate of Occupancy, any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.
15. **Maintenance.** The subject property (including associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

Environmental Conditions

16. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.

17. Aesthetics (Vandalism).

- a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
- b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

18. Aesthetics (Signage on Construction Barriers).

- a. The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS".
- b. Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
- c. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

19. **Aesthetics (Light).** 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 nor from above.

20. **Aesthetics (Glare).** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

21. Air Pollution (Demolition, Grading, and Construction Activities).

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust cause by grading and hauling, and at all times provide reasonable control of dust cause by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering, or other appropriate means to prevent spillage and dust.
- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

- g. Trucks having no current hauling activity shall not idle but be turned off.
22. **Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas).** The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

OR

- b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
- (1) Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
 - (2) If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.

OR

- (3) Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes.
- (4) Construction personnel shall be instructed on the sensitivity of the area.
- (5) The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

23. Tree Removal (Locally Protected Species).

- a. All protected tree removals require approval from the Board of Public Works.
- b. A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval (213-847-3077), prior to implementation of the Report's recommended measures.
- c. A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- d. The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- e. Bonding (Tree Survival):
 - (1) The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division And the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.
 - (2) The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

24. Tree Removal (Non-Protected Trees).

- a. 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.
- b. 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 (a minimum of 8 tees) 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.
- c. 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.

25. **Cultural Resources (Archaeological).** If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:
- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
 - b. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
 - c. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.

Project development activities may resume once copies of the archaeological survey, study or report are submitted to:

SCCIC Department of Anthropology
McCarthy Hall 477
CSU Fullerton
800 North State College Boulevard
Fullerton, CA 92834

Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.

A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

26. **Cultural Resources (Paleontological).** If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:
- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
 - b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
 - c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
 - d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.

Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.

A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

27. **Cultural Resources (Human Remains).** In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

a. Stop immediately and contact the County Coroner:

1104 N. Mission Road
Los Angeles, CA 90033

323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)

b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.

c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.

d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.

e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;

f. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

28. **Seismic.** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

29. **Erosion/Grading/Short (Term Construction Impacts).**

a. The applicant shall provide a staked signage at the site with a minimum 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.

b. 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 BMP's includes but is not limited to the following mitigation measures: (i) 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 to reduce runoff velocity; (ii) Stockpiles, excavated, and exposed soil shall be covered with secured

tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

30. **Geotechnical Report.** Prior to issuance of a grading or building permit, the project shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter (Soils Report Approval Letter) dated March 3, 2014 Log No. 82414-01 and attached to the case file for Tract No. 72271 for the project, and as it may be subsequently amended or modified.
31. **Greenhouse Gas Emissions.**
 - a. Install a demand (tankless or instantaneous) water heater system, or a high-efficient central boiler, sufficient to serve the anticipated needs of the dwellings.
 - b. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
32. **Explosion/Release (Existing Toxic/Hazardous Construction Materials).**
 - a. (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
 - b. (Lead Paint) Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
33. **Increased Noise Levels (Demolition, Grading, and Construction Activities).**
 - a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - b. Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
 - c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
34. **Public Services (Police - Demolition/Construction Sites).** Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

35. **Public Services (Police).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
36. **Public Services (Schools).** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
37. **Recreation (Increase Demand for Parks or Recreational Facilities).** Pursuant to Section 17.12 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of dwelling units.
38. **Site Access and Internal Circulation.** The applicant should carefully review these comments to ensure that final site access plans conform to DOT's criteria for driveway designs as published in DOT Manual of Policies and Procedures, Section 321: March 12, 2014:
 - a. A final parking area and site access plan should be submitted to the Citywide Planning Section of DOT for approval prior to submittal of building permit plan for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Boulevard, Room 320, Van Nuys, CA 91401.
 - b. To avoid an influx of vehicles impinging on the public right-of-way, a minimum 40-foot queuing reservoir between the future property line and visitor call box shall be required at the driveway on Winnetka Avenue.
 - c. A 165-foot deceleration lane must be installed south of the proposed driveway on Winnetka Avenue by restricting street parking along the Winnetka Avenue frontage.
39. **Increased Vehicle Trips/Congestion.**
 - a. A Construction Work Site Traffic Control Plan shall be submitted to DOT for review and approval in accordance with the LAMC prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic shall be restricted to off-peak hours.
 - b. All delivery truck loading and unloading shall take place on site.
40. **Utilities (Local Water Supplies – Landscaping).** Environmental impacts may result from the project implementation due to the cumulative increase demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
 - a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape,

installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- (1) Weather-based irrigation controller with rain shutoff
- (2) Matched precipitation (flow) rates for sprinkler heads
- (3) Drip/microspray/subsurface irrigation where appropriate
- (4) Minimum irrigation system distribution uniformity of 75 percent
- (5) Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
- (6) Use of landscape contouring to minimize precipitation runoff
- (7) A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 square feet and greater

41. Utilities (Local Water Supplies - All New Construction).

- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

42. Utilities (Local Water Supplies - New Residential).

- a. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- b. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement

shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

- c. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

43. Utilities (Solid Waste Recycling).

- a. (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- b. (Construction/Demolition) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract waste disposal services with a company that recycles demolition and/or construction-related wastes.
- c. (Construction/Demolition) To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

- 44. Mitigation Monitoring.** The applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the applicant to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Condition Nos. 18 through 48 of the approval. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction /maintenance) to ensure continued implementation of the above mentioned mitigation items.

Section __. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the Council of the City of Los Angeles, by a majority vote of all its members, at the meeting of _____.

Holly L. Wolcott, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Pursuant to Section 558 of the City Charter, the City Planning Commission on April 24, 2014, recommended this ordinance be adopted by the City Council.



James K. Williams, Commission Executive Assistant II
City Planning Commission

File No. _____

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

Responsibilities/Guarantees.

1. **Bureau of Engineering.** Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

a. **Street Dedication.**

- (1) That a 30-foot and variable width strip of land be dedicated along Penfield Avenue adjoining the tract to complete a 30-foot wide half right-of-way including partial elbow section at the intersection with Bryant Street
- (2) That a 2-foot wide strip of land be dedicated along Winnetka Avenue adjoining the tract to complete a 52-foot wide right-of-way in accordance with Major Highway Standards.

b. **Street Improvement.**

- (1) Improve Penfield Avenue adjoining the subdivision by the construction of the followings:
 - i. A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk and landscaping of the parkway.
 - ii. Suitable surfacing to join the existing pavements and to complete an 18-foot half roadway or (36-foot minimum total roadway).
 - iii. Any necessary removal and reconstruction of existing improvements.
 - iv. The necessary transitions to join the existing improvements.
 - v. Suitable improvements of the partial elbow section.

- (2) Improve Winnetka Avenue adjoining the subdivision by the construction of a 12-foot full width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.
 - (3) That Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any tree in the existing or proposed right-of-way area. The Bureau of Street Services, Urban Forestry Division, is the lead agency for obtaining Board of Public Works approval for removal of such trees.
2. Department of Water and Power. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements in a letter dated November 6, 2013 attached to the file. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering.
3. Bureau of Street Lighting.
 - a. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
 - b. Construct new street light: three (3) on Penfield Avenue and if street widening per BOE improvements conditions, relocate and upgrade street lights; three (3) on Winnetka Avenue.
4. Bureau of Sanitation. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering.
5. Bureau of Street Services, Urban Forestry Division. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as require by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the applicant or contractor shall notify the Urban Forestry Division (213) 847-3077 upon completion of construction to expedite tree planting.
6. Department of Transportation.
 - a. A minimum 40-foot reservoir space shall be provided from the property line or to the satisfaction of the Department of Transportation.
 - b. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Boulevard, Room 320, Van Nuys CA 91401.

7. Fire Department.

- a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
- b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- c. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- d. Private roadways for general access use shall have a minimum width of 20 feet.
- e. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- f. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- g. Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.
- h. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
- i. Standard cut-corners will be used on all turns.
- j. Submit plot plans indicating access road and turning area for Fire Department approval.
- k. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- l. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- m. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- n. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- o. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
- p. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.

- q. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
 - r. Site plans shall include all overhead utility lines adjacent to the site.
 - s. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
8. Information Technology Agency. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, (213) 978-0856.
9. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

Notice: Certificates of Occupancies for the subject properties will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

FINDINGS

General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is within the Chatsworth-Porter Ranch Community Plan, which designates the site for Low I Residential land use with the corresponding zones of RE9 and RS. The property contains approximately 6.0 net acres (261,360 net square feet after required dedication) and is presently zoned RA-1, which is inconsistent with the current land use designation. Staff recommends approval of a General Plan Amendment through this case to change the land use designation to Low II Residential and Low Medium I Residential with corresponding Zones of R1, RD6 and RZ5 and R2, RD3, RD4, RZ3, RZ4, RU and RW1, respectively.

2. **General Plan Text.**

The proposed development of a 59-unit detached residential condominium and 5 fee-simple single-family lots are not allowable under the current adopted zone and land use designation. However, the proposed project is contingent upon a zone change to the RD4 and R1 in order to achieve a higher density housing development, but at the same time will consist of detached single family homes that are in keeping with the surrounding residential neighborhood.

To be compatible with the immediately surrounding single-family homes, although the larger lot fronting Winnetka Avenue is for a multi-family residential project proposal, the residential units were designed to be detached and to have the look, feel and amenities of single-family residences. Each of these homes/units has no shared walls neighboring units, has its own front door/entrance, attached two-car garage, and private yard area. The homes are largely laid out in clusters of 4 to 8 homes, served by 24 foot to 36 foot private drive aisles (interior common access driveways). Although most units are separated from each by at least 10 feet, many have one or two sides which are between 8 and 9 feet from a neighboring unit. This adjustment for the building separation was granted under the tract map (TT-72271-CN) approval and was considered a minor deviation which was not appealed. This is necessary to allow the units to have the aforementioned single-family home amenities.

The proposed General Plan Amendment for this site is a current land use existing on the two blocks directly to the south of the project block. The Add Area (Exhibit 3) including two-third of the church site to the south would create a logical linkage of the land use. However, the zoning for the church would remain RA-1 and would not change the conditional use permit that the church acquired to be permitted within that zone. Not including the church site would create a fragmented pattern of development. Therefore it is recommended the City Council include this site as part of the Add Area.

The Community Plan text includes the following relevant land use goals, objectives, policies and programs:

- To make provisions for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice. To encourage the preservation and enhancement of the varied and distinctive residential character of the Community
- The intensity of planned land use in the Plan and the density of the population which can be accommodated thereon shall be limited in accordance with the

following criteria:

- The adequacy of the existing and potential street circulation system, both within the area and in the peripheral areas;
- The availability of sewer, drainage facilities, fire protection services and facilities, and other public utilities.
- The compatibility of proposed development with the existing adjacent developments.
- Multiple-residential developments should be provided with adequate open space and usable recreational areas.
- The Plan encourages the rehabilitation and/or rebuilding of deteriorated single-family areas for the same use. Single-family housing should be made available to all persons regardless of social, economic, and ethnic backgrounds.

The Housing Element estimates that the Community Plan area has the capacity to accommodate approximately 5,608 dwelling units of these required units. The approval of this General Plan Amendment and Zone Change request would advance the City toward this goal by permitting the construction of the proposed 59-unit detached residential dwellings and 5 fee-simple lots in an area specifically contemplated by the City to help meet the City's housing shortage and comply with its RHNA requirement. Evidence of this intent is provided in the General Plan's conclusion that a "strategy to meet this challenge, [is] by directing growth to transit-rich and job-rich centers and supporting the growth with smart, sustainable infill development and infrastructure investments."

By proposing a mixed subdivision with both multi-family and single-family on the subject eight parcels while still offering detached single-family residential units and the corresponding amenities, the applicant is proposing an attractive residential project on a uniquely flat and vacant site in the City that will provide attainable, much-needed high quality, new housing to Angelenos.

The approval of this General Plan Amendment and Zone Change to allow the proposed 64 dwellings specifically advances the following City of Los Angeles' General Plan Housing Element (2009) Policies:

Policy 2.2.6: To accommodate projected growth to 2014 in a sustainable way, encourages housing in centers and near transit, in accordance with the General Plan Framework Element, as reflected in Map ES.1.

Residents of this proposed project would have the opportunity to access industrial and commercial hubs without driving personal vehicles, as they would have the attractive and realistic options of walking, biking or utilizing the area's rich public transit options. The intersection of Winnetka Avenue and Parthenia is well served by numerous transit lines. Metrolink rail and Metro Orange Line bus services can be obtained from nearby stations.

Policy 2.2.3: Provide incentives and flexibility to generate new housing and to preserve existing housing near transit.

The Project proposes to maximize the number of residential units so as to generate new housing desired by the City as codified in the Housing Element and to provide such housing in proximity to existing and planned transit stops, lines and stations, thereby

diminishing the

broader traffic impacts that otherwise would result from satisfying this housing demand through multiple dispersed locations.

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

Policy 2.3.3: Promote and facilitate reduction of energy consumption in new and existing housing.

The project will provide homeownership opportunities to those who may not be able to afford a traditional single-family lot within the majority of the project (59-units) proposed for condominium development. The project is in conformance with the proposed zone and proposed Low I Medium Residential and Low II Residential land uses of the Community Plan. Streets will be developed to improve circulation for current and future residences within the Penfield Avenue neighborhood. The development includes all detached dwellings with each having individual two car garages and private patios. Guest parking is located within the complex to deter from overcrowding on surface streets. The common open space is located within the front, rear, and side yard setbacks and the entry center pool area.

3. **The Transportation Element** of the General Plan is not likely to be affected by the recommended action herein. The proposed change of zone from RA-1 to (T)(Q)RD4-1XL and (T)(Q)R1-1 will not permit any differing uses on the site. The site will be developed with residential which is permitted under the current zoning. The residential development permitted in the requested zones will allow a maximum of 64 dwelling units, which is less than the threshold to require a traffic study of 75 units for condominiums or 85 units for apartments. However, the applicant did provide a traffic assessment, prepared by Crain & Associates dated June 2013 to the Department of Transportation (DOT). In addition, the Department of Transportation conducted an independent Critical Movement Analysis of the five intersections previously surveyed and found in a letter dated March 12, 2014, that analyzed a 73-units development will not produce a significant transportation impact. Further, the existing, projected, and project-related volume-to-capacity ratios and levels of service at the study intersections conclude no significant impacts. DOT determined that the traffic assessment, adequately described all projected transportation impacts associated with the proposed development that fall within the City of Los Angeles' jurisdiction to review. The now 64 dwelling units proposed, would lessen the ratios further and would remain no significant impact.
4. **Charter Findings - City Charter Sections 556 and 558 (General Plan Amendment).** The proposed General Plan Amendment complies with Sections 556 and 558 in that the plan amendment is consistent with numerous goals, policies and objectives of the Citywide General Plan Framework and the Chatsworth-Porter Ranch Community Plan to provide comprehensive long-range growth strategy and defines Citywide polices related to land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The General Plan sets forth goals, objectives and programs that provide a guideline for day-to-day land use policies to meet the existing and future needs and desires of the communities within the City of Los Angeles. The General Plan amendment / designation will be compatible with the General Plan's objectives and policies because the requested actions recognize the RD4 and R1 Zones. These changes will permit multi-family

residential uses in furtherance of the objectives and policies of the General Plan, as detailed below.

By enabling the construction of additional residential uses in close proximity to existing housing and services, the zone change and associated General Plan Amendment will be consistent with several goals and policies of the Framework Element. For instance, the project will further the Framework Element's goal of targeting higher-density growth in the area by accommodating the land use patterns observed and already occurring in this particular neighborhood just to the south of Chase Street. Several properties located both on the southerly portions of Chase Street and Community Street have been designated and zoned for higher density multi-family housing. Many of these properties are currently improved with multi-family housing. Some are even improved with small R1 developments within the Low I Medium Residential land use similar to the current development proposal.

The General Plan Amendment would replace eight contiguous legal parcels, five of which are through lot and range in size from 0.924 to 1.4 acres and the smaller three which front Winnetka Avenue average 0.44 acre each, with six lots (one on Winnetka Avenue and five on Penfield Avenue). Together the L-Shaped site has a 352-foot frontage on Penfield Avenue and 550-foot frontage on Winnetka Avenue directly between two church and adjacent to single-family residential neighborhoods with a mixture of single-family home on the local street and multiple-family detached condominium adjacent to a major thoroughfare (Major Highway- Class II). It would allow housing to be developed in close proximity to a transit, churches, a park, and create a single-family buffer on the local street adjacent westerly residential neighborhood from potential adverse impacts that could be created by the development of through streets.

Further, the requested actions will meet the Housing chapter's goal of providing adequate transitions and buffers between the higher intensity developments located on Winnetka Avenue from the lower intensity developments located on Penfield Avenue, immediately east of the project site. The project employs a restricted zoning scheme from the RD4 to RD1 Zones, to provide a buffer between the single-family neighborhoods along the Local Street to the east. Similar land use designations are found on the blocks south and southeast of Chase Street within one block of the subject sites. Accordingly, these lots are well-suited to handle a higher density of residential development being located on a Major Highway- Class II, which contain other multiple-family townhomes on the block located to the south. Additionally, the project is designed in accordance with the principles of the Residential Citywide Design Guidelines.

The General Plan Amendments to Chatsworth - Porter Ranch Community Plan from Low I Residential to Low II Residential and Low Medium I Residential land use designations are current land uses existing on the two blocks directly to the south and southeast of the project block. The ADD AREA including two-third of the church site (APN 2782-011-024) to the south would create a logical linkage of the land use. The remaining third of the church site, located at 20025 West Chase Street (APN 2782-011-013), was not considered under the ADD AREA being that parcel is adjacent to a under-developed half private street accessing four RS-1 zoned lots. It is concluded the Low I Medium Residential land use designation would be more appropriate for this site if ever developed in the future. However, the zoning for the church would remain RA-1 and would not change the conditional use permit (Case Nos. ZA 97-854-CUZ-ZV and ZA 93-200-CUZ) that the church acquired to be permitted within that zone. Not including the church site would create a fragmented pattern of development. Therefore the City Planning Commission included the site, located at 8520 Winnetka Avenue and 20039-57 West Chase Street, as part of the ADD AREA, approving a General Plan Amendment to Chatsworth - Porter

Ranch Community Plan from Low I Residential to Low Medium II Residential to create a linear connection from the existing land use designation to the south through to the site.

The project is located in an area with adequate infrastructure and utilities and is required to be connected to the city's sanitary sewer system. Therefore, the requested actions are compatible with the goals, objectives and policies of the General Plan as set forth in the General Plan Framework and the Community Plan.

5. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structures or potential maintenance problem in a memo dated February 21, 2014. Further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.
6. **Street Lights.** The project will construct three new street lights on Penfield Avenue. Any City required installation or upgrading of street lights will be required to complete the City street improvement system in order to increase night safety along the streets which adjoin the subject property.

Entitlement Findings

7. Zone Change Findings.

- a. **Pursuant to Section 12.32-C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

Public Necessity: The recommended zone change to the (T)(Q)RD4-1XL and (T)(Q)R1-1 Zone would replace a large mostly vacant grouping of properties with a viable residential development. The granting of the proposed Amendment/Designation would result in a project that addresses public necessity by providing residential land use options for individuals and families consistent with the General and Community Plan's objectives to maintain an adequate supply and distribution of multi-family housing opportunities in the Community Plan Area.

One of the key policies of the Framework Element is to "provide sufficient lands for the development of an adequate supply of housing units." With the 64 dwelling development proposed, the project will be consistent with this provision of the Framework Element. The Framework Element includes the following objective:

Objective 3.3: Accommodate projected population and employment growth within the City and each community plan area, and plan for the provision of adequate supporting transportation and utility infrastructure and public services.

Convenience: Granting the proposed Amendment/Designation would result in a project that is consistent with the public convenience. The project site is located in a residential neighborhood within the Chatsworth-Porter Ranch Community Plan area. The site's proximity to Major Highways provides convenient vehicular access and public transit

opportunities to and from residential and commercial uses located throughout the area. There is also a designated bicycle lane stripped on both sides of Winnetka Avenue.

The Los Angeles County Metropolitan Transportation Authority (MTA) provides several bus lines in and around the project study area. There is one north-south bus route within a reasonable walking distance of the project site, and this route intersects several nearby east-west bus routes to provide public transportation access for the residents of the proposed project. These lines include Metro Local Lines 243, 166/364, and 152/353. Additionally, the site is located near the Metro Link transit stop at the intersection of Parthenia Street and Wilbur Avenue (approximately 1.3 miles from the site). The future Chatsworth Orange Line extension station will also be located just northwest of the site near Lassen and Devonshire. Given the proximity of the project site to these services and the availability of transfer opportunities, the project is fairly well served by public transit. For this reason, it is expected that some of the person trips generated by the project would utilize public transportation as their primary travel mode, instead of using private vehicles. Further, each home is designed with the electric charger conduits which provides future owners the opportunity to charge electric vehicles pursuant to the City's Green Building Program.

General Welfare: Granting the requested zone change would be consistent with the General Welfare, in that the instant request involves a zone and use that is consistent with the plan's intent on maintaining and implementing residential uses in appropriate areas based on the type and intensity of land use. The property is currently underutilized and the improvements resulting from the plan amendment/zone change will enhance the visibility and aesthetic character of the site. Further, the project would be designed in conformance with all applicable fire and safety codes which are intended to promote the General Welfare.

Good Zoning Practice: The existing RA Zone is not compatible land use within the currently designation. The proposed Plan Amendment and Zone Change would complement the existing land use patterns observed in the area. Implementing a zoning scheme which transitions from a lower intensity to a higher intensity of residential uses would protect and provide a buffer between the single-family neighborhood located west of the site, and the multi-family neighborhood located beyond the church to the south of the site. The street edge mirrors the same number of dwellings on the opposed side of the street, so from the public right-of-way the frontage is in sensitive to the design of the surroundings. The proposed combinations of designations and zoning are consistent with the objectives and policies of the General and Community Plan.

- b. The current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
8. **Building Line Removal.** The requested building line removal is in conformity with public necessity, convenience, general welfare, and good zoning practice in that its retention on the subject property is no longer necessary for the purpose of reserving a portion of the property for future highway dedication and improvement. The 25-foot Building Line at 8644-8612 Winnetka Avenue along the east side of the street was established on portions of Winnetka Avenue by Ordinance No. 108,814 (approved on January 23, 1957).

Historically, the primary function of the building line was to provide uniform setback of buildings. These are now considered archaic, as yard setbacks are required per the respective zone under the current LAMC. The imposition of the 25-foot building line would necessitate that two or three residential units be eliminated from this project. Further, the church located directly south of the site has a 5-foot building line and is setback approximately 21 feet from the property line making a 25-foot building line inconsistent with the prevailing setback along the frontage. It is also not necessary for the purpose of obtaining minimum, uniform alignment from the street at which buildings, structures or improvements may be built or maintained, since a minimum front and side yard setbacks must be observed from the new lot line for any new building or structure.

Winnetka Avenue is classified as a Major Highway Class II with 100-feet of highway from the east side to the west side of the street and would be sufficient for the current daily traffic flow. The subject property will be required to dedicate 2 feet for additional sidewalk improvements, therefore making the building line unnecessary. The front yard is proposed within at 17 feet front the new property line (19 feet from the current line) and two feet greater than required of the proposed zoning. Likewise the alignments will be approximately 2 feet in front of the church elevation in substantial conformance with the prevailing setback. Further, the street improvements will assure conformity with the Transportation Element of the General Plan.

9. Zone Variance Findings.

- a. **The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

In multiple-family development the common lot is required by LAMC Section 12.21-A,19(c) to provide a common recycling area/room for the purpose of promoting recycling efforts of large complexes. The requested action is for a deviation from the requirement to provide individual recycling receptacles for each detached dwelling unit under Section 12.27. Small lot subdivisions are permitted this option. However as the application is not for this product, but a similar style in detached condominium the Bureau of Sanitation will continue to work with the applicant on a suitable trash disposal plan within the interior common access driveways. To deny the variances would result in practical difficulties inconsistent with the general purpose of the zoning regulations as they are still providing recycling of materials in each individual unit. The design of this project was carefully considered to complement the surrounding area while addressing the need for housing the City.

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

The subject property is unique in that it is being developed as detached condominiums. The project is proposed with only one driveway to be located along Winnetka Avenue and as it is a Major Highway, rubbish collection is preferable on-site and not on the public street. Other similar properties in the vicinity are mostly attached multi-family developments or single-family detached dwellings and provide either central rubbish collection on-site or individual bin collection via a public alleyway or local street. The proposed project has one ingress and egress, is located on a Major Highway, and is providing individual rubbish bins to provide convenience

waste disposal and promote recycling, which are all special circumstances privy to the site which do not generally apply to surrounding detached homes.

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

The variance that is being sought is meant to address the technicality trash collection by a different means. Small lots developments, which often do not provide common open and recreation space, are permitted individual trash receptacles. As explained herein, the strict application of the Municipal Code requirement would create practical difficulties and unnecessary hardships to the subject property which is not required of similar detached dwellings in multiple-family zones. Strict adherence to the common recycling room requirement, while maintaining a viable project, is unnecessary. It would require significantly more effort on the part of an individual to take their recycling to a centrally located area and might discourage them from recycling at all. The property rights generally possessed by property owners in the vicinity are denied to this property owner who must seek variances to allow the proposed project. Thus, such variances are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by others in the vicinity but because of such special circumstances or unnecessary hardship, is denied the property in question.

- d. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The proposed project is not materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. The project exhibits design qualities and features that will make it desirable and beneficial to the neighborhood. The applicant has shown sensitivity to the neighboring properties and uses by designing a development that fits in with surrounding building massing, provides transitions that are sensitive to the surrounding uses, and approximates the type of single-family detached development many people in the community want in the vicinity. The proposed project would provide an appropriate transitional development between the abutting single-family and church uses. The proposed project will comply with all LAMC requirements for parking, yards, and open space. The modification to trash collection is a technical request from the LAMC, as this is normally of concern when access single-family residential.

The project will contribute to the public welfare by providing safe and new housing that will also set a high standard for residential projects. Rather than other typically attached, multi-residential developments in the immediate community, the project will feature 59 detached dwelling units.

The Mitigated Negative Declaration for the proposed project determined that all potential environmental impacts can be mitigated to a less than significant level, and further measures are imposed through the Qualified "Q" -Conditions of approval, which must be satisfied prior to completion of the project. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that

the proposed development does not violate the existing California Water Code because the subdivision will be connected to the public sewer system. Therefore, the granting of the proposed variance is in conformance with the spirit and intent of the Planning and Zoning Code and will not be materially detrimental to the public welfare or injurious to others in the same zone or vicinity.

e. The granting of the variance will not adversely affect any element of the General Plan.

The Citywide General Plan Framework acknowledges that over time, the City's population will continue to grow. The need for housing this population is part of the City's Housing Element and RHNA figures. The Framework Element also states that the City "has insufficient vacant properties to accommodate forecast population increases. Consequently, the City's growth will require the reuse and intensification of existing developed properties." The project is part of the solution to meeting the City's housing need.

The purpose of the General Plan, in part, is to "promote an arrangement of land use, circulation and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions...reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible". The design of the site with individual trash collection in lieu of a common recycling room will not adversely affect the General Plan. The design of this project was carefully considered to complement the surrounding area while addressing the need for housing in the City of Los Angeles.

10. Site Plan Review Findings. In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:

a. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

The subject property is within the Chatsworth-Porter Ranch Community Plan, which with the approval of the recommended General Plan Amendment will designate the site for Low II Residential and Low I Medium Residential land uses with corresponding zones of R1, RD6 and RZ5 and R2, RD3, RD4, RZ3, RZ4, RU and RW1, respectively. The proposed residential uses are consistent with the land use designation and permitted within its underlying zones.

With approval of the recommended General Plan Amendment, Zone Change and Building Line Removal and the previous approval of the tract map (TT-72271-CN) the proposed project complies with all applicable provisions of the Los Angeles Municipal Code. The subject property will be located within the (T)(Q)RD4-1XL and (T)(Q)R1-1XL Zones, which allows the proposed residential uses by-right. The proposed zone variance is only to permit individual trash receptacle in lieu of a centralized shared recycling area or room and is not removing the essential function of rubbish collection. Therefore, based on the entitlement findings in this case, the proposed project complies with all applicable provisions of the Municipal Code. The project is also consistent with a number of goals, objectives and policies of the Chatsworth-Porter Ranch Community Plan, and with

several of the criteria established by Citywide General Plan Framework, Objective 4.1: Plan the capacity for and development incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population.

- b. 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 such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

Evaluating all of the above factors, the subject property's location to private and public schools, institutional facilities, commercial and industrial uses, a large public park, and to the MTA bus lines and a Metrolink Station within 1.3 miles to the northeast of the site, makes the site viable for the development of housing. Any potential negative environmental effects from the project have been mitigated to less than significant levels as deliberate within the published Expanded Mitigated Negative Declaration (Case No. ENV-2013-2079-MND). The project's density and design are compatible with the general pattern of development existing in the vicinity located to the south and southeast.

The applicant has been in contact with Sanitation regarding individual trash pickup. Concerns were stated with regards to the truck not being able to attempt 3-point turns in the smaller T-dead end portions. This would require homes in those areas to place bins in areas accessible for collection on Tuesdays –along main common accesses within the proposed community. Also, a waiver would need to be issued by the HOA permitting sanitation vehicles to service the community. The alternative would be to hire a private rubbish service to collect waste. However, all trash within the Winnetka Avenue site will be service within the interior of the site and the fee-simple homes will be serviced on Penfield Avenue.

The project was reviewed by the Urban Design Studio and the Professional Volunteer Program (PVP), which has indicated that the project does conform to the Residential Citywide Design Guidelines for multi-family uses. The applicant has proposed some changes to the project's original design based on PVP, staff and the community's input. Further the applicant submitted new site plans, floor plans, elevations, and a conceptual landscape plan which provides five dwellings fronting and taking access from Penfield Avenue.

The subject property satisfies the majority of several of the Residential Citywide Design Guidelines for Multi-Family Residential Projects including site planning, building orientation to the street, entrance locations to the sidewalk and interior pathways, articulation within building façade and between floor plans, variation of building materials and product type, pedestrian connections within the project and surrounding neighborhood, developing substandard streets to provide on-street parking, minimizes the appearance of driveways with only one access point on Winnetka Avenue, utilizes open areas for private and common use with abundant landscaping, provides lighting and improved streetscape. The project also follows all applicable guidelines (61 total) of the Residential Citywide Design Guidelines (May 2011) for Multiple-Family Development, exception the retaining of mature trees which have been conditioned to be replaced on a 1:1 basis for no protected trees and a 2:1 basis for protected trees. Removal of the two protected trees on-site will require the approval by the Board of Public Works at a later date.

- c. **Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed project provides recreational amenities, including individual private fenced back yards, walking paths, green space in front of each unit, and a pool area centrally located. The five single-family lots fronting Penfield Avenue will have individual access to the pool area via private locked gates along their west property lines (rear yards). The availability of having two church and Winnetka Recreation Center within 500 feet of the site is also a valuable amenity to serve residents. There is also an existing stripped bicycle path along the north and south bound sides of Winnetka Avenue adjacent to the project's site.

Environmental Findings

11. **Environmental Finding.** A Mitigated Negative Declaration (ENV-2013-2079-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.
12. **Flood Insurance.** 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 Flood Zone C, areas identified on the flood map as areas of moderate or minimal hazard from the principal source of flood. Currently, there are no flood zone compliance requirements for construction in these zones.