



NORTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
<http://cityplanning.lacity.org/>

Determination Mailing Date: OCT 22 2014

CASE NO. APCNV-2014-1658-ZC-ZV-ZAA
CEQA: ENV-2014-1659-MND

Location: 15230 Parthenia Street
Council District: 6 - Martinez
Plan Area: Mission Hills - Panorama City -
North Hills
Zone: [Q]C2-1VL, RS-1

Applicant: 15236 Parth, LLC - Al Leibovic
Representative: Eric Lieberman

At its meeting of October 2, 2014, the North Valley Area Planning Commission took the following action:

1. **Adopted** the Mitigated Negative Declaration, ENV-2013-1659-MND;
2. **Approved and recommended** that the City Council **approve** the **Zone Change** from [Q]C2-1VL to (T)(Q)RAS4-1VL for the subject property, with the attached conditions of approval;
3. **Approved and recommended** that the City Council **approve** the **Zone Change** from RS-1 to (T)(Q)R3-1 for the subject property, with the attached conditions of approval;
4. **Approved a Zone Variance** to permit the averaging of density across two zones;
5. **Approved a Zone Variance** to permit access from a more restrictive zone to a less restrictive zone;
6. **Received and Filed an Adjustment** to permit a 0-foot rear yard in lieu of the required 5-foot rear yard in the RAS4-1 zone;
7. **Received and Filed an Adjustment** to permit a 0-foot front yard in lieu of the required 15-foot front yard in the R3-1 zone;
8. **Clarified** that the project will provide 85 vehicle parking spaces per the LAMC, in lieu of 90 vehicle parking spaces stated in the Staff Report;
9. **Adopted** the attached Findings;
10. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

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 Gonzalez
Seconded: Commissioner Sampson
Ayes: Commissioner Harootonian
Absent: Commissioners Cadena and Padilla

Vote: 3-0


Randa M. Hanna, Commission Executive Assistant
North Valley Area Planning Commission

Effective Date/Appeals: This action of the North Valley Area Planning Commission will be final within 20 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. The Zone Variance is further appealable to the City Council. The Zoning Administrator's Adjustment is not further appealable to the City Council.

All appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at www.lacity.org/pln.

FINAL APPEAL DATE NOV 12 2014

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.

Attachments: (Q) Conditions, (T) Conditions, Variance Conditions, Findings, Ordinance Maps

cc: Notification List
Milena Zasadzien

CONDITIONS OF APPROVAL FOR ZONE VARIANCE

Pursuant to Section 12.27 of the Municipal Code (Zone Variance), the following limitations are hereby imposed upon the subject development project.

A. Entitlement Conditions:

1. **Grant.** Pursuant to Section 12.27 of the Municipal Code, a **Zone Variance** shall be granted from Sections 12.10 and 12.11.5 to permit the averaging of density across two zones, and access from a more restrictive zone to a less restrictive zone; as shown in **Exhibit E-4, dated September 8, 2014**, and as may be modified by conditions of the Zone Change approval.
2. **Density.** A maximum of 41 residential units shall be constructed on-site.

ZONE CHANGE FINDINGS

A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the Mission Hills – Panorama City – North Hills Community Plan, updated and adopted by the City Council on June 9, 1999. The existing Plan designates the subject property as land use General Commercial for the northern portion of the site, which allows for corresponding zones of C1.5, C2, C4, P, RAS3, and RAS4, and Medium Residential for the southern portion, which corresponds to the R3 zone. The proposed zone changes to RAS4 and R3 are consistent with the land use designations on the plan map and thus are in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan.
2. **General Plan Text.** The Mission Hills - Panorama City - North Hills Community Plan text includes the following relevant land use goals, objectives, policies and programs:

GOAL 1: A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.4 Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.

Program: The Plan includes an Urban Design Chapter which is supplemented by Design Guidelines and Standards for residential development.

Policy 1-1.6 The City should promote neighborhood preservation, particularly in existing single family neighborhoods, as well as in areas with existing multiple family residences.

Objective 1-3 To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

Policy 1-3.1 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

Policy 1-3.2 Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.

The proposed project will meet the above objectives and policies by providing additional housing at an appropriate density and location to meet the plan area's needs, matching the density that was envisioned for this area by the Community Plan's General Commercial and Medium Residential land use designations. Although the building would be the first residential use on the block, the prominent pattern of development along Parthenia Street to the east and north of the site is solely residential, and sites adjacent to the property to the

south, along streets perpendicular to Parthenia Street, are all developed with R3-zoned apartment buildings. Therefore, the proposed RAS4 and R3 zones and construction of 41 rental residences would be compatible with the existing neighborhood land use and character. Additionally, the project has been conditioned to improve the surrounding public right-of-ways, which will serve to enhance the roadways, sidewalks, and street lighting along the site and provide for better connectivity within the neighborhood. Other utilities and public services for the site, including the availability of sewer and drainage facilities in Parthenia Street were found to be adequate or were appropriately mitigated by conditions required in the approval for the subject zone change. Adequate access to the site is available from the surrounding streets, and a common driveway will provide residents with direct access to Parthenia Street.

The Plan also sets standards for Urban Design, coupled with the recently adopted Residential Citywide Design Guidelines, which include the need for a pedestrian entrance at the front of each project, consistent front setbacks with adjacent properties, centralized trash location, and for a building design of quality and character. The submitted site plan and building plans are consistent with these design standards, and the building frontage has been designed with a prominent pedestrian entrance, a fifteen-foot front yard setback, and centrally located trash chutes and collection areas. In addition, the building elevations have been designed with a consistent architectural theme and variations in height, depth, and building materials to achieve an articulated façade.

The site is not located within any other specific plan or special land use districts.

Therefore, as conditioned, the recommended development meets the objectives of the Community Plan, is permitted in the RAS4 and R3 Zones and is consistent with the general plan land use designation.

B. Entitlement Findings

1. Zone Change, L.A.M.C. Sec. 12.32-F: The recommended zone change is in conformance with the public necessity, convenience, general welfare or good zoning practice in that:

The (T)(Q)RAS4-1 zone is consistent with the existing General Commercial General Plan Land Use designation in that this land use category allows for a corresponding zones of C1.5, C2, C4, P, RAS3, and RAS4, and the (T)(Q)R3-1 zone is consistent with the Medium Residential land use designation, which allows for a corresponding zone of R3. The project is also convenient in location to several major streets, such as Parthenia Street and Sepulveda Boulevard, and as an infill project will have adequate access to existing City services and infrastructure. The removal of the existing Q-condition on the site, which prohibits any multi-family uses, will allow for a more viable development option for the underutilized commercial property, and will additionally meet the demand for additional housing for the area, as evidenced by the low vacancy rates identified by the U.S. Census for the Plan area (approx. 2.5%). There is a necessity for housing in all income levels and housing types, and the project will create more opportunity for rental housing in the vicinity. Properties in the immediate neighborhood primarily consist of apartments and commercial uses on R3- and C2-Zoned lots. A zone change from C2-1VL to RAS4-1VL and from RS-1 to R3-1, and the construction of 41 apartment residences would be compatible with the use and size of existing adjacent developments. Therefore, the zone change is provided as part of public necessity and convenience and in the general welfare of the neighborhood.

Furthermore, such zone change will be in good zoning practice by providing a harmonious density and land use activity for the vicinity.

The action, as recommended, has been made contingent upon compliance with the "(Q)" and "(T)" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure developments and improvements more compatible with surrounding properties, 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.

C. CEQA Findings

1. **Environmental.** The Environmental Review Section of the Planning Department issued the proposed project a Mitigated Negative Declaration ENV-2014-1659-MND on July 16, 2014. 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 as modified by the above referenced changes, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached modified Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the North Valley Environmental Review Section of the Planning Department in Room 430, 6262 Van Nuys Blvd., Van Nuys.

ZONE VARIANCE FINDINGS

A. Zone Variance, L.A.M.C. Sec. 12.27: A Zone Variance to permit the averaging of density across two zones, and access from a more restrictive zone to a less restrictive zone.

1. 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.

The proposed project consists of 41 residential apartment units to be constructed over two lots, the northern lot to be zoned RAS4, and the southern lot to be zoned R3. The strict application of the Municipal Code would require a precise number of units to be constructed on each side of the zone line. The RAS4 zone for the northern lot on the site would allow for a density of one unit per 400 sq-ft of lot area (29 units), and the R3 zone for the south lot on the site would allow for a density of one unit per 800 sq-ft of lot area (15 units). This would create practical difficulties and unnecessary hardships in that the design and physical development of the project would be unreasonably limited by these zoning requirements, and would essentially result in separate projects on each zoned lot, although there is a single street frontage for the entire site. The requested Variance would permit the blending of the two zone densities across the zone lines to allow for single consistent development.

In addition, the Municipal Code limits access from a more to less restrictive zone. This would therefore limit the users of the RAS4 portion to be able to cross over into the less restrictive R3 zone, thereby requiring a separation of the development's common areas such as parking, open space, and access ways. This would create practical difficulties and unnecessary hardships in developing and accessing the building. The Variance request to allow for access between the two separately-zoned areas would allow for a more uniform and practical use of the site.

2. 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.

Due to the unique configuration and combination of separate land use designations assigned the site; it is not possible to re-zone the site using one uniform zone. Therefore, the applicant has requested two separate multi-family zones (RAS4 and R3) which would both allow for a residential use of the site. These special circumstances only apply to two other adjacent properties, but generally do not apply to other properties in the same zone and vicinity. Therefore the requests for the averaging of density and allowing access across zone lines are necessary for this unique site.

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

Other properties in the vicinity generally contain one zone, which allows for a uniform development over each site. Multi-family zoned lots along Parthenia Street generally possess a single contiguous apartment buildings on each lot, with lot developed to a depth of 200 – 250 feet from Parthenia Street. The subject site has a similar lot depth of 245 feet along Parthenia Street, but possesses a zoning configuration which would split development

on the site due to the difference in height, density, yard and development requirements of the two zones on the site. Therefore, such variances are necessary for the preservation of the substantial property right to allow for a uniform development and access throughout a development, which is generally possessed by other properties in the same zone and vicinity.

4. The granting of the variances 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.

Allowing for the averaging of densities across zone boundary lines will not result in any detrimental impacts to the public or neighboring properties. Impacts from residential development are typically related to building construction and operation, based on project density, building height, or massing. The total number of proposed units for the entire site will not exceed Municipal Code allowances for density, height, or massing, and potential impacts have been addressed and mitigated through required environmental conditions identified through the CEQA process.

Granting access between the two lots is also not expected to negatively impact the neighborhood, and the grant would provide for a better configuration of the lot. Without access from Parthenia Street, the rear lot would be required to seek access via an easement from neighboring properties, with vehicular and pedestrian access potentially limited to the rear alleyway. This configuration for limited access to and from the site would be problematic for the safety of residents and for vehicular traffic of neighboring properties. Therefore the request for access across zone boundary lines for the site would be preferred in order to eliminate potential negative impacts to neighboring sites.

5. The granting of the variances will not adversely affect any element of the General Plan.

The proposed project is in substantial conformance with the Mission Hills - Panorama City - North Hills Community Plan and other elements of the General Plan. The approval of the Variances for the averaging of densities and providing access across zone lines would result in a more unified, logical development of the site, and would be supportive of City policies for site planning, design, access, circulation, and infrastructure improvements.

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.

1. Dedication Required:

- a. Parthenia Street (Secondary Highway) - A 3-foot wide strip of land along the property frontage to complete a 45-foot half right-of-way in accordance with Secondary Highway Street standards.
- b. Alley (South of Parthenia Street) – Dedicate a 20-foot wide future alley at the southerly property line.

2. Improvements Required:

- a. Parthenia Street - Construct a 13-foot concrete sidewalk along the property frontage and repair all broken, off-grade or bad order concrete curb and gutter. Upgrade all driveways to comply with ADA requirements and close all unused driveways with concrete curb, 2-foot gutter and sidewalk.
- b. Alley - none at this time.
- c. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.
- d. No street lighting improvements if no street widening per BOE improvement conditions. Otherwise, remove and reinstall existing conduit behind new curb and gutter on Parthenia St.
- e. Department of Transportation may have additional requirements for dedication and improvements.

3. No major drainage problems are involved.

4. Sewer lines exist in in Parthenia Street. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

5. An investigation may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Valley District Office Sewer Counter of the Bureau of Engineering at (818) 374-5090.

6. Submit a parking area and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

7. That the Quimby fee be based on the RAS4 and R3 Zone.
8. Making any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights of way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05N, to the satisfaction of the Department of Telecommunications.
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: Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 176,077 adopted by the City Council, must be paid in full at the Development Services Division office.

Notice: Certificates of Occupancy for the subject property 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.

DETERMINATION LETTER
APCNV-2014-1658-ZC-ZV-ZAA
MAILING DATE: 10/22/14

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