

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

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| DIRECTOR'S CASE: | ENVIRONMENTAL DOCUMENT: | COUNCIL DISTRICT: |
| DIR-2017-5457-CLQ-1A | ENV-2017-5458-CE | 7 – Rodriguez |
| PROJECT ADDRESS: | | |
| 13245 West Hubbard Street | | |
| APPLICANT/REPRESENTATIVE: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Derek Spalding, (A) Watt Communities at Entrada LLC 2716 Ocean Park Blvd, #2025 Santa Monica, CA 90405 | 310 314-2512 | dspalding@wattcompanies.com |
| Michael LoGrande (R) LoGrande & Co. 2040 Ocana Avenue, Long Beach, CA 90815 | 213 500-5067 | michael@lograndeandco.com |
| <input checked="" type="checkbox"/> New/Changed | | |
| APPELLANT/REPRESENTATIVE: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Peter Postlmayr | 310 877-8909 | ppostlmayr@cantwell-anderson.com |
| PLANNER CONTACT INFORMATION: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Valentina Knox-Jones | 818 374-5038 | valentina.knox.jones@lacity.org |
| DIRECTOR'S DETERMINATION: | | |
| <p>The project is categorically exempt pursuant to Article III, Section 1, Class 5, Category 7 of the City CEQA Guidelines; and</p> <p>Pursuant to Los Angeles Municipal Code Section 13.32 H, a Conditional Approval of Clarification of the [Q] Qualified Condition of Approval Numbers A.2 and A.15, contained in Ordinance No. 183,843, for property located at 13245 West Hubbard Street.</p> | | |

APPEAL FOR CITY COUNCIL CONSIDERATION:

Clarification of the Q Condition

ITEMS APPEALED:

CLQ

ATTACHMENTS:

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

REVISED:

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ENVIRONMENTAL CLEARANCE:

- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other _____

REVISED:

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NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:** Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

DIRECTOR'S DETERMINATION DATE:

March 22, 2018

LAST DAY TO APPEAL:

April 11, 2018

APPEALED:

Yes

TRANSMITTED BY:Rocky Wiles
Commission Office**TRANSMITTAL DATE:**

May 21, 2018

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT

RENEE DAKE WILSON
VICE-PRESIDENT

CAROLINE CHOE
VAHID KHORSAND
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DANA M. PERLMAN

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COMMISSION OFFICE MANAGER
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CITY OF LOS ANGELES
CALIFORNIA



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MAYOR

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200 N. SPRING STREET, ROOM 525
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(213) 978-1274

<http://planning.lacity.org>

**CLARIFICATION OF THE [Q] CONDITION
DIRECTOR OF PLANNING DETERMINATION**

March 22, 2018

Applicant / Owner / Representative

Derek Spalding,
Watt Communities at Entrada LLC
2716 Ocean Park Blvd, #2025
Santa Monica, CA 90405

Case No. DIR-2017-5457-CLQ

CEQA: ENV-2017-5458-CE

Location: 13245 West Hubbard Street

Council District: 7 – Rodriguez

Neighborhood Council Sylmar

Community Plan Area: Sylmar

Land Use Designation: Low II Residential

Zone: (T)(Q)RD1.5-1

Legal Description: The Maclay Rancho Tract, Lot
PT 18, Arb 10

Last Day to File an Appeal: April 11, 2019

Pursuant to Los Angeles Municipal Code Section 12.32 H, as the designee of the Director of Planning, I hereby:

Approve the requested Clarification of [Q] Condition Number A.2 and Number A.15 of Ordinance Number 183,843; and approve the revised Site Plan

Determine based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to City CEQA Guidelines Article III, Section 1, Class 5, Category 7, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Adopt the attached findings.

PROJECT DESCRIPTION

On **May 7, 2015**, the North Valley Area Planning Commission (NVAPC) conditionally approved APCNV-2014-3374-ZC-BL-F and adopted Mitigated Negative Declaration ENV-2014-3375-MND to permit the demolition of an existing single family dwelling and the development of a Small Lot Subdivision with 21 single-family dwellings on 21 separate lots on a 70,645 square-foot site. Related to the Fence entitlement, the North Valley Area Planning Commission decision was not appealed and became effective on **June 11, 2015**. Shortly thereafter, North Valley Area Planning Commission transmitted the requested Zone Change and Building Line Removal entitlements to City Council for final action.

At the public hearing held on **August 11, 2015**, the Planning and Land Use Management Committee considered a Zone Change and Building Line Removal request at 13245 West Hubbard Street. Staff from the Department of City Planning requested modifications to the Conditions of Approval. After an opportunity for public comment, the Committee recommended that Council approve the modifications to the Conditions of Approval, the report and recommendations of the NVAPC relative to Mitigated Negative Declaration and Building Line Ordinance to remove a 37-foot building line along Hubbard Street established under Ordinance No. 117919, as well as the Ordinance approved by the Director of Planning to effect a zone change from RA-1 to (T)(Q)RD1.5-1 for the subject project.

On **September 8, 2015**, the Los Angeles City Council adopted a Zone Change from RA-1 to (T)(Q)RD1.5-1 (Ordinance No. 183,843; effective October 18, 2015) and a Building Line Removal to allow the removal of the 37-foot building line along Hubbard Street established under Ordinance No. 117,919 (Ordinance No. 183,844; effective October 18, 2015). On **March 4, 2016**, the Deputy Advisory Agency approved Vesting Tentative Tract No. 73075-SL to allow a maximum of 20 lots, pursuant to the Small Lot Subdivision Ordinance.

As originally proposed, the residences were designed in a Mediterranean style with tile roofing and decorative iron ornaments, and the structures were a maximum height of 24 feet and two (2) inches with a roof pitch of 5:12. The project was conditioned not to exceed a height of 25 feet with a minimum roof pitch of 4:12.

The site has since changed ownership and the new owner, Watt Communities, has filed for a [Q] Condition clarification to allow for modifications to the architectural plans, as conditioned to be substantially complied with under Condition A.3 in Ordinance No. 183,844. The Clarification Letter is requested to make modest changes to the proposed project roof design in order to change the style of the dwellings from Mediterranean to Modern. The proposed shed roofs have a maximum height of 25 feet and 6 inches with a slope of at least 3:12.

CLARIFICATION OF [Q] CONDITIONS

This approval hereby modifies the following Conditions of Ordinance No. 183,843 as follows:

A. Development Conditions

2. Height. No building or structure in the project shall exceed 25 feet **and 6 inches** in height, as defined by Section 12.21.1 B.3 of the Los Angeles Municipal Code.
15. Roofs. The roof pitch of any roof on any structure shall be a minimum **3:12** ~~4:12 (18.43 degrees)~~. Additionally, the project shall integrate varied roof lines and elevation styles between structures in the development through the use of sloping roofs, modulated building heights, gables, dormers, or other innovative architectural solutions.

NOTE: All other Qualified (Q) Conditions of Approval associated with Ordinance No. 183,843 shall remain unchanged and in effect.

ADMINISTRATIVE CONDITIONS

1. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
2. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
4. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
5. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
7. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the

day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

8. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

MANDATORY FINDINGS

Pursuant to Section 12.32-H of the Los Angeles Municipal Code and City Planning Commission Guidelines, I hereby find the following:

1. The request is consistent with the City Planning Commissions Guidelines.

City Planning Commission guidelines allow for a Clarification of Q Condition for the project, based on Guideline F, which states that the Director of Planning may consider “modifications to an approved plot plan or landscape plan, when adherence to such plan is a condition of the zone change.”

On September 8, 2015, the Los Angeles City Council adopted a Zone Change from RA-1 to (T)(Q)RD1.5-1 and a Building Line Removal per Ordinances 188,843 and 183,844, effective October 18, 2015. The (Q) Conditions included conditions of approval that regulated the density, height, massing, setback, articulation, landscaping, parking, access, lighting, and roof slope for the proposed structures. The original approval did not include conditions to dictate the architectural style of the structures, or the roof style (Gable, Hip, Shed, Butterfly, etc.) to be used.

The applicant requests a minor change to the roof height and slope in order to accommodate an architectural change in style for the structures, and will otherwise remain in compliance with all other conditions of approval. The applicant is interested in changing the architectural style from Mediterranean to Modern and the subsequent change from a tile roof to a slanted shed roof style. However, the slanted shed roof style would require a six (6) inch increase in height and a change in the minimum roof slope; and is initiated in order to provide a quality product which is consistent with consumer demand. No other changes to the conditions of approval are requested and the request for an alternate design for the project is consistent with the City Planning Commission guidelines.

2. The amendment or clarification is necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation.

The (Q) Classification Condition No. A.3. requires that the project substantially comply with the submitted site plan and elevations presented at the public hearing with the City Planning Commission and City Council. This condition was intended to ensure that the project would be developed in a manner that was compatible with the surrounding single-family neighborhood character and designed with a logical and accessible site layout. The project still proposes the same number of dwelling units in the same configuration, the vehicle access is the same as previously proposed, and the resident and guest parking remains the same. The applicant is only proposing a change in the minimum roof pitch (from 4:12 to 3:12) and in height (from 25 feet to 25 feet and 6 inches). Both of these modifications are minor and the project still complies with the intent of these conditions. The roof pitch requirement is applied in order to ensure that the dwellings maintain a single-family appearance, as flat roofs are normally associated with commercial developments. Similarly, the underlying RD1.5-1 Zone would normally allow for a building height of 45 feet, however the project has been conditioned to 25 feet, the equivalent of a two-story structure, to be more consistent with the surrounding single-family neighborhood character. The applicant's request is still consistent with the intent to develop two-story, single-family structures and continues to carry out the intent of the City Council for the approval of the project plans.

3. The amendment or clarification would have only a minimal effect on adjacent property and would not result in a significant or substantial deprivation of the property rights of other property owners.

The requested clarification will not change the location or size of the project and will only increase the height by six (6) inches. With approval of the "Q" Clarification, the much needed dwelling units can be constructed with a modern design which is more marketable to the general homebuyer.

The clarification will not adversely affect or further degrade adjacent properties or the surrounding neighborhood, and would not result in a significant deprivation of the property rights of other property owners. Adjacent properties are all zoned R1-1 and developed with single-family dwellings which are compatible with the proposed small-lot single-family dwellings. Moreover, there are no regulatory overlays in the area which require or promote specific architectural styles. Therefore, the appropriate massing and sizes of projects are paramount when approving discretionary cases. In this example the proposed structures will still be significantly less in height than the underlying zone allows for (45 feet) and the modification of the roof style from gable to shed style, with the accompanying change in roof slope, will have no impact on adjacent properties and will not result in any deprivation of nearby property owners.

4. CEQA – Environmental Clearance

On February 22, 2018, the City determined that the Q Clarification Request is exempt from CEQA pursuant to City CEQA Guidelines Article III, Section 1, Class 5, Category 7, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 M of the Los Angeles Municipal Code states: "It shall be unlawful to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction. Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

The Determination in this matter will become effective and final fifteen (20) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>.

Planning Department public offices are located at:

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

*Valley Office
6262 Van Nuys Boulevard,
Suite 251
Van Nuys, CA 91401
(818) 374-5050*

*West Los Angeles
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2901*

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

BUILDING PERMIT SIGN-OFFS

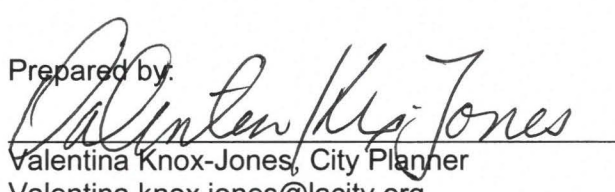
Verification of condition compliance and all subsequent building permit sign-offs regarding this case must be by **appointment only** with the Department of City Planning Public Counter staff. Appointments may be scheduled online at <http://planning.lacity.org>. On the website, continue to "Development Services Center - Location & Appointments", located on the bottom-right-hand corner of the page to make an appointment request.

VINCENT P. BERTONI, AICP
Director of Planning

Reviewed by:


Michelle Levy, Senior City Planner

Prepared by:


Valentina Knox-Jones, City Planner
Valentina.knox.jones@lacity.org

cc: Council District 7
Department of Building and Safety
Adjoining Property Owners