



## DEPARTMENT OF CITY PLANNING

### RECOMMENDATION REPORT

#### South Valley Area Planning Commission

**Date:** Thursday, July 14, 2016

**Time:** After 4:30 p.m.

**Place:** Marvin Braude San Fernando Valley  
Constituent Services Center  
6262 Van Nuys Blvd., First Floor  
Conference Room  
Van Nuys, CA 91401

**Public Hearing:** Tuesday, May 24, 2016

**Appeal Status:** Zone Change and Building Line  
Removal are appealable by  
applicant if denied.

**Expiration Date:** July 28, 2016

**Multiple Approval:** Zone Change, Building Line  
Removal, Zone Variance

**Case No.:** APCSV-2016-145-ZC-BL-ZV

**CEQA No.:** ENV-2016-144-MND

**Related Cases:** VTT-73315-SL (Small Lot  
Subdivision)

**Council District:** 3 – Blumenfield

**Plan Area:** Reseda-West Van Nuys

**Specific Plan:** None

**Certified NC:** Reseda

**General Plan:** Low Residential

**Zone:** (T)R1-1-RIO

**Applicant:** Montage Development Inc.  
Chuck Francoeur

**Representative:** Same As Applicant

**PROJECT LOCATION:** 18726-18730 West Vanowen Street

**PROPOSED PROJECT:** The construction of 9 single-family dwellings on 9 individual lots in a Small Lot Subdivision with a 10<sup>th</sup> lot designated for open space purposes only. The project site is approximately 48,000 square feet. All dwellings will be approximately 28 feet in height. A total of 47 parking spaces will be provided including 18 covered parking spaces per the Municipal Code, 18 uncovered parking spaces in each unit's driveway, and 9 additional uncovered guest parking spaces on the private street. Additionally, the project includes a recreational area of approximately 2,900 square feet. *(Please note that the applicant has revised the project from an original request of the construction of 10 single-family dwellings on 10 individual lots.)*

- REQUESTED ACTION:**
1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration (ENV-2016-144-MND) for the above referenced project;
  2. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from the (T)R1-1-RIO (One Family Zone) to the RD5-1-RIO (Restricted Density Multiple Dwelling Zone);
  3. Pursuant to Section 12.32-R of the Municipal Code, a **Building Line Removal** incident to a zone change to remove a 25-foot building line on Vanowen Street created by Ordinance No. 96195; and
  4. Pursuant to Section 12.27 of the Municipal Code, a **Zone Variance** to increase the maximum density of nine lots to allow an additional lot for a total of 10 lots.

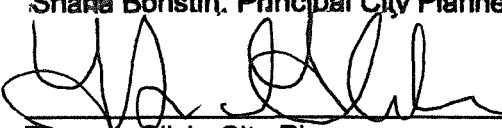
**RECOMMENDED ACTIONS:**

1. **Approve and Recommend** that the City Council adopt Mitigated Negative Declaration, ENV-2016-144-MND;
2. **Disapprove** the requested **Zone Change** from the requested (T)R1-1-RIO to RD5.1-1-RIO.
3. **Approve and Recommend** that the City Council **adopt a Zone Change** from the requested (T)R1-1-RIO to (T)(Q)RD5-1-RIO, subject to the attached Conditions of Approval;
4. **Approve and Recommend** that the City Council **adopt a Building Line Removal** for the 42-foot building line on Vanowen Street created by Ordinance No. 96195;
5. **Dismiss the Zone Variance** to allow a 10<sup>th</sup> lot on the subject site above the 9 lot maximum based upon the applicant's withdraw request dated June 22, 2016;
6. **Adopt** the attached Findings; and
7. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that the mitigation conditions, identified as "(MM)" on the condition pages, 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.

VINCENT P. BERTONI, AICP  
Director of Planning

  
Shana Bonstin, Principal City Planner

  
Kevin Jones, Senior City Planner

  
Thomas Glick, City Planner  
Project Planning Bureau  
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**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, Communication Access Real-Time Transcription (CART), Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business day's notification is strongly recommended. For additional information, please contact: (Tom Glick, (818) 374-5062 – voice and TTY).

## TABLE OF CONTENTS

**Project Analysis .....A-1**

Project Summary  
Background  
Hearing Officer Comments  
Conclusion

**(Q) Qualified Conditions of Approval .....Q-1**

**(T) Conditions .....T-1**

**Findings ..... F-1**

General Plan/Charter Findings  
Entitlement Findings  
CEQA Findings  
Other Required Findings

**Public Hearing and Communications ..... P-1**

**Exhibits:**

**A – Maps, Photos, and Ordinances**

A.1 – Vicinity Map  
A.2 – Radius Map/Zone Change Map  
A.3 – ZIMAS Zoning Map and Parcel Profile  
A.4 – Site Photos  
A.5 – Draft Building Line Removal Ordinance  
A.6 – Building Line Ordinance No. 96195

**B – Original Project Plans dated April 14, 2015 (minus original Site Plan)**

**C - Revised Site Plan (Revised - June 2016)**

**D –Environmental Clearance with Mitigation Monitoring Program**

## **PROJECT ANALYSIS**

### **Project Summary**

The proposed project is located on a site with a 47,561 net square feet after dedication and 61,096 gross square feet before dedication. Since this project is proposed as a Small Lot Subdivision, the net lot area of 47,561 square feet is used to calculate the project density. The site is located within the Reseda-West Van Nuys Community Plan area. The Plan designates the project site as Low Residential with corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The site is currently zoned (T)R1-1-RIO.

The applicant is requesting a zone change from (T)R1-1-RIO to RD5-1-RIO. The applicant originally proposed the development 10 new single-family dwellings on 10 separate lots within a Small Lot Subdivision. In order to get 10 units, the applicant applied for a Zone Variance to allow a 10<sup>th</sup> unit in lieu of nine permitted under a RD5 Zone Change. On June 22, 2016, the applicant submitted a letter requesting withdrawal of the Zone Variance request and submitted revised project plans dated June 2016 with nine units on nine separate lots in a Small Lot Subdivision with the 10<sup>th</sup> lot becoming an open space lot.

Additionally, the applicant has applied for a Vesting Tentative Tract (VTT-73315-SL) which is being processed under a separate application. That application has been updated to be consistent with the revised project of 9 single-family homes on 9 separate lots.

The revised project will include 9 single-family, two-story homes. These single-family homes will average 1,500 square feet each. The proposed project will provide 18 covered parking. Each single-family home will contain 18 uncovered parking spaces with room for two additional cars in the driveways. Nine (9) additional guest parking spaces will be located on the private street. A total of 47 spaces will be provided. No home will exceed a height of 28 feet.

The applicant has also included an open space area in lieu of the originally requested 10<sup>th</sup> lot. This open space area will be approximately 2,900 square feet and will function as an active and passive recreational area for the residents of the subdivision.

Finally, the development will be completely enclosed by the gates/walls on all four sides. Automobile access will be limited to the entrance along Vanowen Street. To the rear of the development (southern end), there is proposed an entrance that accesses Rhea Avenue and Welby Way.

### **Entitlement Request**

The project applicant has requested a Vesting Tentative Tract Map to subdivide the subject site into 9 lots (9 single-family lots) pursuant to the Small Lot Subdivision Ordinance (Ordinance No. 176,354). The Vesting Tentative Tract Map (VTT-73315-SL) is being processed under a separate action. Concurrently, the applicant is requesting:

- Pursuant to Section 12.32 of the Municipal Code, a corresponding Zone Change from (T)R1-1-RIO to (T)(Q)RD5-1-RIO in conformance with the Low Residential land use designation.
- Pursuant to Section 12.32-R of the Municipal Code, the removal of the existing Building Line on Vanowen Street created by Ordinance No. 96195 incident to the zone change.

The applicant withdrew the Zone Variance request on June 22, 2016, to permit a 10<sup>th</sup> unit in lieu of the nine permitted per the RD5-1 Zone.

### **Background**

#### ***Subject Property:***

The subject site is an approximately 48,000 (net) square-foot, flat, rectangular shaped parcel located at 18726 Vanowen Street. The subject site has approximately 185 feet of frontage along Vanowen Street and is approximately 255 feet in depth. It is improved with a single-family house built in 1948. The subject site is located in the Reseda-West Van Nuys Community Plan area, has a land use designation of Low Residential with corresponding zones of RE9, RS, R1, RU, RD6, and RD5 and is currently zoned (T)R1-1-RIO.

Access to the site is from Vanowen Street to the north and Welby Way to the south.

#### ***Surrounding Land Uses:***

Properties in the surrounding area are comprised of predominantly of single-family homes built post-World War II in the 1940's, 1950's and 1960's.

#### **North**

To the north across the street on Vanowen Street, the area is zoned R1-1-RIO and improved with single-family homes.

#### **South**

To the south on Rhea Avenue and Welby Way, the area is zoned R1-1-RIO and improved with single-family homes.

#### **East**

The area is zoned R1-1-RIO and improved with single-family homes.

#### **West**

The area to the west is zoned RA-1-RIO and improved with single-family homes and the West Valley Family YMCA.

#### ***Street Designations and General Circulation:***

Vanowen Street is designated Avenue II by the LA Mobility Plan, with a 1-foot additional dedication to complete a 43-foot right-of-way in accordance with Avenue II Standards of the LA Mobility Plan along with improvements.

Welby Way is designated a Local Street with a 4-foot additional dedication adjoining the Tract to complete a 30-foot wide half right-of-way along with improvements.

***Related Cases:***

Zoning actions relevant to the subject request on the site or in the area include:

***Subject property***

VTT-73315 – A request for a subdivision of a lot fronting Vanowen Street to develop a 10-lot single family residential Small Lot Subdivision with 20 parking spaces and 5 guest spaces. The public hearing for the tract map was held on May 24, 2016. The applicant has submitted revised plans to the Advisory Agency for a 9 single family lots and one recreational only lot.

Ordinance No. 96195 - Established a 25-foot Building Line along the Northern portion of the property.

River Improvement Overlay Ordinances - The City Council, on July 2, 2014, under Ordinance Nos. 183144 and 183145 adopted the River Improvement Overlay Ordinance. The RIO is a special use district that requires new projects to achieve points in three design categories: Watershed, Urban Design, and Mobility. The RIO also provides guidelines for new "complete" streets and includes a mobility strategy to ensure that the needs of pedestrians, bicyclists, transit riders, and vehicle drivers are considered when major projects or street improvements are undertaken. The RIO will enable the City to better coordinate land use development all along the 32-mile corridor of the Los Angeles River that flows within the City's boundaries. The Ordinances became effective on August 20, 2014. The proposed project is subject to the requirements of the RIO.

No other case activity of note on the subject property.

***Surrounding Properties***

No other case activity of note on the subject property.

***Agency Reports/Letters Received:***

BUREAU OF ENGINEERING - Reports that the Tract Map layout is generally satisfactory as submitted and recommends approval subject to conditions on the tract map. See the memo dated February 26, 2016, and attached to this document.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION - A clearance letter will be issued stating that no Building and Zoning Code violations exist on the subject site once the items identified in the memo dated February 11, 2016, have been satisfied. See recommended conditions under department.

DEPARTMENT OF TRANSPORTATION - No comments were available at the writing of the staff report.

FIRE DEPARTMENT - No comments were available at the writing of the staff report.

DEPARTMENT OF WATER AND POWER - No comments were available at the writing of the staff report.

BUREAU OF STREET LIGHTING - No comments were available at the writing of the staff report.

BUREAU OF SANITATION - No comments were available at the writing of the staff report.

### Hearing Officer Comments

The applicant requested a zone change RD5-1 that is consistent with the property's Community Plan designation of Low Residential which allows a range of zones including RE9, RS, R1, RU, RD6 and RD5. It is also important to note that the applicant is being allowed a zone change to a zoning which allows for multiple dwelling unit structure/building (i.e., a condominium or apartment), but the applicant is choosing to develop as a Small Lot Subdivision. In fact, the following is a comparison of the density the applicant is permitted under the existing zoning of R1 compared to the range of zones permitted in the site's existing land use category:

<b>Zoning</b>	<b>Density Permitted (per Sq. Ft. of Lot Area)</b>	<b>Density based upon Lot Size of 47,561 Sq. Ft.</b>	<b>Is Multiple-Family Development Permitted?</b>
RE9	1 Unit per 9,000 Sq. Ft.	5	No
RS	1 Unit per 7,500 Sq. Ft.	6	No
R1 (Existing)	1 Unit per 5,000 Sq. Ft.	9	No
RU	1 Unit per 3,500 Sq. Ft.	13	No
RD6	1 Unit per 6,000 Sq. Ft.	7	Yes
RD5 (Requested and Recommended)	1 Unit per 5,000 Sq. Ft.	9	Yes

Moreover as shown in the above table, the applicant with the RD5 zone is requesting 9 dwelling units on 9 lots. With recommend zone change to RD5 to allow nine units on nine separate lots, the proposed project's design and layout has been designed as a Small Lot Subdivision to meet the needs of a new generation of homeowners. These new homebuyers are increasingly foregoing the purchasing of larger traditional single-family homes, with large yards, high utility costs, and outside of walkable communities, for newer smaller homes built on smaller lots, and located within walkable communities

Based upon a review of the surrounding area and development patterns along Vanowen Street, the recommended entitlements will provide for a proposed project, as conditioned, which is a good infill development, which will provide a transition or buffer between the traditional single-family homes which surround the proposed project.

The proposed project has been designed in a way that is consistent with the City's "Smart Growth" principles. Moreover, the development is creating a community which is similar in density, site planning, and style to the single-family neighborhoods around it. The development will also be sensitive to those existing single-family neighbors with landscape buffers to the south, east and west.

### Conclusion

For the reasons stated above and in the attached findings, staff recommends approval of a zone change to (T)(Q)RD5-1-RIO because the zone change is consistent with the Community Plan designation of Low Residential and will permit a density consistent with immediately surrounding areas to the north, south, east, and west.

## (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.

### **Development Conditions:**

1. **Use.** The project shall be limited to the use, restrictions/limitations, and area provisions of the RD5-1 Zone, established in Los Angeles Municipal Code Section 12.09.1.
2. **Density.** The project shall be limited to no more than nine (9) dwelling units.
3. **Height.** No building or structure in the project shall exceed 28 feet in height, as defined by Section 12.21.1 B.3 of the Los Angeles Municipal Code.
4. **Plot/Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development plans including site and elevation plans, and including complete landscape and irrigation plans prepared by a licensed landscape architect or architect, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be revised in substantial conformance with this approval.
5. **Setback.** The project shall be required to provide comply with the area requirements pursuant to LAMC Section 12.09.1-B.1, B.2(c), and B.3.
6. **Site Layout – Southern Property Line.** No more than two (2) lots shall be permitted within 40 feet of the property line along Welby Way. Development of the dwelling units on these two lots shall comply with the following:

a. Front Yard Setback (Southern Property Line along Welby Way).

The Project shall observe the following Front Yard Setback requirements for the two lots fronting Welby Way:

- i. Observe a minimum setback of 12 feet from Welby Way.
- ii. The Welby Way frontage shall be designed to give the appearance of a main entrance and porch.
- iii. Main windows shall be oriented toward Welby Way.
- iii. There shall be a pathway connecting the Welby Way entrances and porches to Welby Way. This pathway shall be designed with enhanced paving materials.
- iv. There shall be no individual access from Welby Way to the garages of these dwelling units.

b. Articulation.

The facades of the two dwelling units shall be relieved by one or more variations that, in total, shall not be less than twenty (20) percent of the facade and shall have a minimum average depth of five (5) feet.



c. **Walls and Shrubbery.**

Walls and shrubbery are permitted but shall be within five (5) feet of the property line along Welby Way and shall be limited to a maximum height of forty-two (42) inches.

d. **Landscaping (Trees).**

A minimum of two (2) shade trees shall be planted in front of each lot within ten (10) feet of the property line along Welby Way. The trees shall be spaced at least 15 feet apart.

7. **Walls along Vanowen Street.** Walls are permitted within five (5) feet of the property line along the project frontages both along Vanowen Street and Welby Way and shall be limited to the following:

- a. The maximum height shall be 6'-0".
- b. The entire wall shall avoid long expanses and incorporate openings, changes in materials, texture, and/or landscaping. Specifically, the wall shall be broken-up aesthetically with a minimum of eight pilasters, inclusive of a precast concrete cap, spaced throughout the length of the wall.
- c. The wall shall include landscaping materials which will compliment it including, but not limited to, clinging vines, bushes, shrubbery, and small trees. Specifically, a minimum 3-foot landscape strip shall be included between the back of sidewalk and the exterior face of wall and shall be planted with shrubs, vines and trees spaced so as to break-up the wall facade and create a "green wall". The wall will further be broken up with the placement of properly spaced, approximately 4 to 5-foot square, tree pockets that will be planted with large tree specimen.
- d. The wall shall be designed with a stucco finish with the following materials prohibited on the structure including unfinished cinderblock, chain link, wrought iron spears, and barbed wire.

8. **Walls – East and West Property Lines.** A minimum six-foot-high, solid, decorative, masonry wall shall be constructed, if no such wall exists, to the adjacent to properties to the east and west.

9. **River Improvement Overlay District - Ordinance No. 183,145.** The project is located within the boundaries of the River Improvement Overlay (RIO) District and shall be subject to all applicable provisions of that Ordinance. Prior to the issuance of any building permits, the applicant shall revise the project plans to include compliance with all applicable provisions of the RIO Ordinance. The project may be subject to additional application submittals for review and approval under the RIO Ordinance.

10. **Balconies.** No balconies shall be permitted on any project dwelling abutting the existing single-family dwellings to the west and the east unless any such balcony is either: 1) Fully inserted in the building; or 2) A Juliet-type balcony which shall not exceed a maximum projection of 2'-0" feet and a maximum opening of 6'-0" feet.

11. **Decks.** No decks shall be permitted above the first floor on any project dwelling abutting the existing single-family dwellings to the west and the east.

12. **Landscaping (Open Areas).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
13. **Usable Open Space.** Pursuant to the applicant's revised site plan, the project shall provide a minimum of 325 square feet of usable open space per dwelling unit. The applicant may use the common open space lot to satisfy this requirement.
14. **Parking (Resident).** The project shall provide parking in accordance with LAMC Section 12.21-A.4(a) (two covered, off-street parking spaces per unit).
15. **Roof Pitch.** The roof pitch of any roof on any structure shall be a minimum 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.
16. **Solar Reflectance.** Roofing material shall have a minimum 3-year aged Solar Reflectance equal to or greater than the values specified as follows:

Roof Slope	Minimum 3 Year Aged Solar Reflectance	Thermal Emittance
$\leq 2 : 12$	0.63	0.75
$> 2 : 12$	0.20	0.75

17. **Los Angeles County Metropolitan Transportation Authority (LACMTA).** Prior to the commencement of construction of the project, the applicant and/or owner should contact LACMTA's Metro Bus Operations Control Special Events Coordinator at (213) 922-4632 regarding construction activities that may impact Metro bus lines.
18. **Solid Waste Recycling.** 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. 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 for waste disposal services with a company that recycles demolition and/or construction-related wastes. 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.
19. **Vandalism.** 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. 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.

20. **Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Areas where retail and restaurant uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
21. **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.
22. **Demolition, Grading, and Construction Activities.** The following shall apply to the project's 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.
  - b. Wetting could reduce fugitive dust by as much as 50 percent. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused 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.

**Environmental Conditions (ENV-2016-144-MND):**

23. **Tree Removal (Locally Protected Species).** All protected tree removals require approval from the Board of Public Works. 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. 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.

**Bonding (Tree Survival):**

- a. 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.
  - b. 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. **Increased Noise Levels (Demolition, Grading, and Construction Activities).** The following shall apply to the project's 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 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm 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.

**Administrative Conditions:**

25. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
26. **Code Compliance.** The area, height and use regulations of the RD5-1 zone classification of the subject property shall be complied with, except where conditions herein are more restrictive.
27. **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 in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

28. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
29. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
30. **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 \$25,000. 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 (ii).
  - 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 in paragraph (ii).
  - e. If the City determines it necessary to protect the City's interest, 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, commissions, 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.

31. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.

## **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(s) and Improvement(s). 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). The applicant shall do the following:
  - a. That a 1-foot wide strip of land be dedicated along Vanowen Street adjoining the tract to complete a 43-foot wide right-of-way in accordance with Avenue II Standards of the LA Mobility Plan.
  - b. That a 4-foot wide strip of land be dedicated along Welby Way adjoining a portion of the tract to complete a 30-foot wide half right-of-way.
  - c. That if this tract map is approved as "Small Lot Subdivision" then, and if necessary for street address purposes, all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
  - d. That if this tract map is approved as a small lot subdivision, then the final map be labeled as "Small Lot Subdivision per Ordinance No. 176354" satisfactory to the City Engineer.
  - e. That if necessary, public sanitary sewer easements be dedicated on the final map based on an alignment approved by the Valley Engineering District Office.
  - f. That the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.

Installation of 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. Some tree removal in conjunction with the street improvements may be require Board of Public Works approval. The applicant should contact the Urban Forestry Division for further information at (213) 847-3077.

2. Responsibilities/Guarantees.

- a. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- b. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department 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 project design required by a

public agency shall be documented in writing and submitted for review by the Planning Department.

3. Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
4. Construction of necessary drainage facilities to the satisfaction of the Bureau of Engineering.
5. Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
6. Preparation of a parking area and driveway plan to the satisfaction of the appropriate Valley District Office of the Bureau of Engineering and the Department of Transportation. The driveway, parking and loading area(s) shall be developed substantially in conformance with the provisions and conditions of the subject Department of Transportation authorization. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.
7. Installation of street lights to the satisfaction of the Bureau of Street Lighting.
8. That street lighting modifications be required at an intersection if there are improvements by the Department of Transportation (also for off-site improvements).
9. Preparation of a plot plan to the satisfaction of the Fire Department.
10. 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.
11. Police Department. Preparation of a 'plot plan in conformance with the Design Out Crime Guideline Booklet and guidelines defined in the Crime Prevention Through Environmental Design (CPTED) handbook to mitigate impacts on police services. Police recommendations may include but are not limited to secured parking, security fencing, security lighting, information signs, building design and landscaping to reduce places of potential concealment. The plans shall be to the satisfaction of LAPD Crime Prevention Section Personnel.
12. 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.
13. 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.
14. 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.

15. Recreation and Parks. Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

## FINDINGS

### General Plan/Charter Findings

#### 1. General Plan Land Use Designation.

The subject property is located within the area covered by the Reseda-West Van Nuys Community Plan, updated and adopted by the City Council on November 17, 1999. The Plan designates the subject property as Low Density Residential (corresponding to the RE9, RS, R1, RU, RD6 and RD5 Zones).

The staff recommended zone change to (T)(Q)RD5-1-RIO over the site **IS** in substantial conformance with the purposes, intent and provisions of the General Plan, as reflected in the adopted Community Plan. The proposed Project is requesting a height of 28 feet. The proposed Project, as recommended by staff, is in its scale and density would provide a good transition and will be compatible with all surrounding residential properties. In fact, the proposed Project provides the type of development with mid-ranged priced housing needed in this part of Reseda.

#### 2. General Plan Text.

The Reseda-West Van Nuys Community Plan text includes the following relevant land use goals, objectives, policies and programs related to the staff recommended Project:

**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.

**Policies:**

1-1.1 Designate specific lands to provide for adequate multi-family residential development.

**Program:** The Plan Map identifies specific areas where multi-family residential development is permitted.

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.

**Objective 1-2:** To preserve and enhance the varied and distinct residential character and integrity of existing and multi-family neighborhoods.

**Policies:**

1-2.1 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

**Program:** The Plan includes Design Guidelines which establish standards for residential development to implement this policy.

**Objective 1-3:** To promote and ensure the provision of adequate housing for all persons regardless of income, age or ethnic background.

**Policies:**

1-3.2 Promote greater individual choice in type, quality, price and location of housing.

**Program:** The Plan promotes greater individual choice through its establishment of residential design standards and its allocation of lands for a variety of residential densities.

The recommended zone change for the subject property to (T)(Q)RD5-1-RIO is consistent with the current Community Plan designation and will fulfill the above-listed Policies and Objectives of the Community Plan, and their associated policies and programs. The recommended action will implement the above stated policies and their programs by providing additional multi-family housing close to a commercial center and to transit lines. The recommended action is also consistent with above stated policies in that it considered factors such as neighborhood character and identity, compatibility of land uses, and impact on livability in determining that the RD5 density is an appropriate level of density for the property.

Finally, the proposed Project, as recommended in the staff report, will meet the above objectives and policies by providing additional housing at an appropriate density and location to meet the plan area's needs and by preserving the assigned community plan land use designation. The proposed RD5 Zone and new Small Lot Subdivision development would be compatible with the existing neighborhood land use and character.

## **Entitlement Findings**

### **3. Zone Change, Sec. 12.32-F of the LAMC.**

The recommended zone change is consistent with the General Plan and in conformance with the public necessity, convenience, general welfare or good zoning practice in that it would permit a development which, as conditioned, is consistent with the General Plan land use designation, meets the objectives of the Community Plan, and is consistent with residential densities along Vanowen Street, especially on the north side of Vanowen Street directly across the street from the subject site.

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

There is a critical and well-documented demand for housing throughout the City of Los Angeles. To address these housing needs the City of Los Angeles passed the Small Lot Subdivision Ordinance (Ordinance No. 176,354), which became effective January 31, 2005. The purpose of this Ordinance is to enable ownership of smaller, more affordable fee simple single-family homes. The Ordinance permits the subdivision of multi-family and commercially zoned properties into small single-family or townhome style lots by reducing the minimum lot size and side yard requirements, and eliminating requirements for conventional street frontage.

The City of Los Angeles Small Lot Design Guidelines state as follows:

*The City of Los Angeles has enacted the Small Lot Subdivision Ordinance to allow the construction of fee-simple, infill housing on small lots in multi-family zones. The housing can take the form of single-family homes, duplexes, or triplexes. Small lot developments can offer a space-efficient and economically attractive alternative to the traditional condominium development. Additionally, the ordinance offers a welcomed-smart growth alternative to the suburban single-family home. However, it brings a new set of spatial complexities...these spatial constraints and complexities require innovative design solutions.*

*Small lot design and layout is fundamentally a site planning challenge. It requires simultaneously addressing practical spatial requirements while creating high-quality living environments... each home must exhibit a high level of design quality: well-articulated entries and facades, proportionate windows, quality building materials, contextual landscaping.*

*Each infill project, however small, must add to a vital and coherent public realm – streets and sidewalks that are pleasant, interesting, and comfortable to walk down. To do so, one must consider the three-dimensional relationship between the infill project and the street and sidewalk. Key variables to consider are: building siting and orientation, height, and massing; articulation of facades and entryways; placement and type of street trees; landscaping and transitional spaces; and location of driveways and garages.*

The recommended zone change will allow for a project which will meet the needs of a new generation of homebuyers. This new generation of homebuyers is environmentally conscious, and has chosen to live a more environmentally friendly lifestyle. These new homebuyers are increasingly foregoing the purchasing of traditional single-family homes, with large yards, high utility costs, and outside of walkable communities, for newer homes built on smaller lots, and located within walkable communities. The proposed project meets the needs of these new homebuyers by incorporating "Smart Growth" principles. The very definition of "Smart Growth" is "building urban, suburban, and rural communities with housing and transportation choices near jobs, shops, and schools."

Additionally, Q conditions have been added to insure that the project's development is compatible with the surrounding neighborhoods. There are restrictions on size of balconies facing existing single-family dwellings as an example. Decks above the first floor are prohibited on dwelling facing existing single-family dwellings as another example.

Additionally, the project has been conditioned to provide equal or greater setbacks required under the LAMC.

The proposed project will be designed in a way that is environmentally mindful. The project site has been previously developed with a single-family home and accessory structures, and is now an ideal site for infill development. Each new home will incorporate the latest environmentally-friendly building materials. Each home will have solar panel capability, high efficiency fixtures and appliances, moisture control, outdoor air ventilation, contaminate control or Low VOC emitting material, and ample natural light through energy efficient windows, reducing each homes carbon footprint. The project site will be attractively landscaped with non-invasive plants, and drought tolerant plants. A high efficiency irrigation system will also be installed. The proposed project will promote greater individual choice in the type, quality, and location of housing, and provide high-quality single-family dwellings that are attractively landscaped and architecturally compatible with the surrounding residential neighborhood.

Therefore, the proposed project will be in substantial conformance with the public necessity, convenience, general welfare, and good zoning practice.

**4. Findings - Building Line Removal per Section 12.32-R of the LAMC.**

LAMC Section 12.32-R provides the regulations for the establishment, change or removal of Building Lines along any street or portion of a street in order to provide the execution of the General Plan. In this instant case, the applicant is requesting the removal of a Building Line established under Ordinance No. 96195 along the southern side of Vanowen Street. The proposed project will change the zone from (T)R1-1-RIO to (T)(Q)RD5-1-RIO and will re-subdivide the property under the small lot Subdivision provisions.

According to the Code, "A Building Line is established to provide for the systematic execution of the General Plan; to obtain a uniform alignment from the street at which buildings, structures, or improvements, may be built or maintained; to preserve commonly accepted characteristics of residential districts; to protect and implement the "Highways and Freeways Element of the General Plan"; to provide sufficient open spaces for public and private transportation; to facilitate adequate street improvements; to prevent the spread of major fires and to facilitate the fighting of fires; and to promote the public peace, health, safety, comfort, convenience, interest and general welfare. "

The project site fronts on Vanowen Street for approximately 185-feet. The current Vanowen Street dedication has variable widths from 92 feet to 93-feet east and west of the subject property. The applicant is proposing to dedicate an one-foot wide strip of land along Vanowen Street to complete a 43-foot wide half right-of-way dedication in accordance with the Avenue II street standards. The proposed project will provide front yard setbacks per the Code for the two houses adjacent to Vanowen Street. There are no deed restrictions or recorded documents concerning the locations of buildings or setbacks on the subject site.

Therefore, the current Building Line is no longer needed since Vanowen Street will be dedicated to the current half-street dedication standard of 43-feet and will be fully improved.

5. **CEQA Findings.**

A Mitigated Negative Declaration (ENV-2016-144-MND) was prepared for the proposed project. The twenty day publication period ended on April 13, 2016. 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. Other identified potential impacts not specifically mitigated by these conditions are already subject to existing City ordinances (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Landscape Ordinance, Stormwater Ordinance, etc.), which are specifically intended to mitigate such potential impacts on all projects.

6. **Other Required Findings.**

The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

**Fish and Game.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

## **PUBLIC HEARING AND COMMUNICATIONS**

The public hearing was held on **Tuesday, May 24, 2016**, at the Marvin Braude Constituent Services Center. The public hearing was a joint public hearing with the Advisory Agency hearing the Vesting Tentative Tract case filed for the subject site. A total of 10 people were in attendance, including the applicant, Chuck Francoeur of Montage Development, and the applicant's architect, Ken Stockton. Additionally, representatives of Council District 3 attended the public hearing, Andrew Pennington and Elizabeth Ene.

At the time of the public hearing, the applicant was presenting the original plan with a requested zone variance to allow 10 units. Mr. Chuck Francoeur stated that the requested zone change, building line removal and zone variance were to permit the construction of the 10-unit small lot subdivision. The zone change to a zone permitting a small lot subdivision is consistent with the General Plan land use designation of Low Residential, and is consistent with the development patterns within the surrounding area.

No one from the Reseda Neighborhood Council attended the public hearing but the applicant presented a letter of support from that body dated September 3, 2015.

No one from the public attended the public hearing in support of the proposed project.

Several persons from the public attended the public hearing in opposition to the proposed project. Many spoke in opposition including Howard Strong, Susan Grossman, and Raquel Pagar. All person testifying made similar points in opposition to the proposed project:

- Loss of protected trees on-site.
- Traffic from the project into the surrounding neighborhood to the south.
- Safety issues related to children playing on Welby Way.
- Increased graffiti.
- Parking problems.
- YMCA already provides a lot of traffic and this project will add to the problem.

Additionally, an email from Bradley Supan was received prior to the finalization of this staff report which stated opposition to the proposed development of 10 homes for similar reasons as those stated by the opposition at the public hearing.