

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE**

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2016-4518-ZC-GPA-ZAA-BL-F	ENV-2016-4517-MND	3 – BLUMENFIELD
<b>PROJECT ADDRESS:</b>		
7105-7119 North Tampa Avenue		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Tampa Village, LLC 23945 Calabasas Rd., #116 Calabasas, CA 91302 <input type="checkbox"/> New/Changed		
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Chuck Francoeur Montage Development Corp. 23945 Calabasas Rd., #116 Calabasas, CA 91302	818-652-6705	CFrancoeur@montagedev.com
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Courtney Shum	213-978-1916	<a href="mailto:courtney.shum@lacity.org">courtney.shum@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
General Plan Amendment, Zone Change, Building Line Removal		

**FINAL ENTITLEMENTS NOT ADVANCING:**

Zoning Administrators Determination; Zoning Administrator's Adjustment

**ITEMS APPEALED:**

None

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ 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 \_\_\_\_\_

- ☐
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- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☒ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other \_\_\_\_\_

- ☐
- ☐
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- ☐
- ☐

**NOTES / INSTRUCTION(S):**

None

**FISCAL IMPACT STATEMENT:**☒ Yes☐ No

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

**PLANNING COMMISSION:**

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
May 25, 2017	8 - 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
July 31, 2017	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
James K. Williams	August 2, 2017



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: JUL 11 2017

**Case No.: CPC-2016-4518-ZC-GPA-ZAA-BL-F**

Council District: 3 - Blumenfield

CEQA: ENV-2016-4517-MND

Plan Area: Reseda – West Van Nuys

**Project Site:** 7105-7119 North Tampa Avenue

**Applicant:** Tampa Village, LLC  
Representative: Chuck Francoeur, Montage Development Corp.

At its meeting of **May 25, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

The construction, use, and maintenance of 22 small lot homes in conjunction with a small lot subdivision. Each of the small lot homes will be two-stories and will have a maximum height of 24-feet. Each small lot home will have an attached two car garage and 14 guest parking spaces will be provided, for a total of 58 parking spaces for the proposed development.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-4517-MND, adopted on April 21, 2017 (under Case No. VTT-74222-SL); and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;
2. **Approved and recommended** that the City Council **adopt** a General Plan Amendment, pursuant to Sections 555, 556 and 558 of the City Charter and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), to amend the Reseda – West Van Nuys Community Plan to re-designate the subject property from Low Residential to Low Medium I Residential land use;
3. **Denied** a Zone Change from RA-1-RIO to RD3-1-RIO;
4. **Approved and recommended** that the City Council **adopt** a Zone Change, pursuant to LAMC Section 12.32-F, from RA-1-RIO to (T)(Q)RD3-1-RIO;
5. **Approved** in-part a Zoning Administrator's Adjustment, pursuant to LAMC Section 12.28, to permit the construction, use, and maintenance of a maximum 8.65-foot high wall along the southern side yard setback in lieu of the eight (8) feet otherwise permitted within the side yard setback area and a maximum eight and 8.65-foot high wall along Aura Avenue in lieu of the eight (8) feet otherwise permitted in the rear yard setback area;
6. **Dismissed** a Zoning Administrator's Adjustment to permit the construction, use, and maintenance of a maximum 8.65-foot high wall along the northern side yard setback in lieu of the eight (8) feet otherwise permitted within the side yard setback area;
7. **Approved and recommended** that the City Council **approve** a Building Line Removal, pursuant to LAMC Section 12.32-R, of a 25-foot building line along the western side of Tampa Avenue, established pursuant to Ordinance No. 105,340;

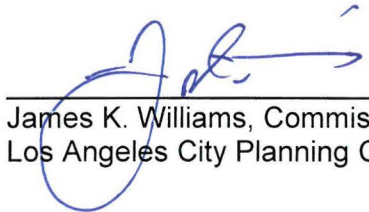


8. **Approved** a Zoning Administrator's Determination, pursuant to LAMC Section 12.24-X,7, to permit the construction, use, and maintenance of a maximum eight-foot high fences/walls along Tampa Avenue in lieu of the three and one-half (3.5) feet otherwise permitted within the front yard setback area;
9. **Adopted** the attached Conditions of Approval as modified by the Commission; and
10. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz  
Second: Choe  
Ayes: Katz, Millman, Mitchell, Padilla-Campos, Perlman, Dake Wilson  
Absent: Mack

**Vote: 8 - 0**



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

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** *The decision of the Los Angeles City Planning Commission is final and not appealable as it relates to the General Plan Amendment. The decision in regards to the Zone Change and the Building Line Removal is appealable by the Applicant only (if disapproved in whole or in part). The decision of the Los Angeles City Planning Commission regarding the Zoning Administrator's Adjustments, the Zoning Administrator's Determination and Fence is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.*

**FINAL APPEAL DATE:** JUL 31 2017

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: Ordinances, Maps, Modified Conditions of Approval, Findings, Resolution

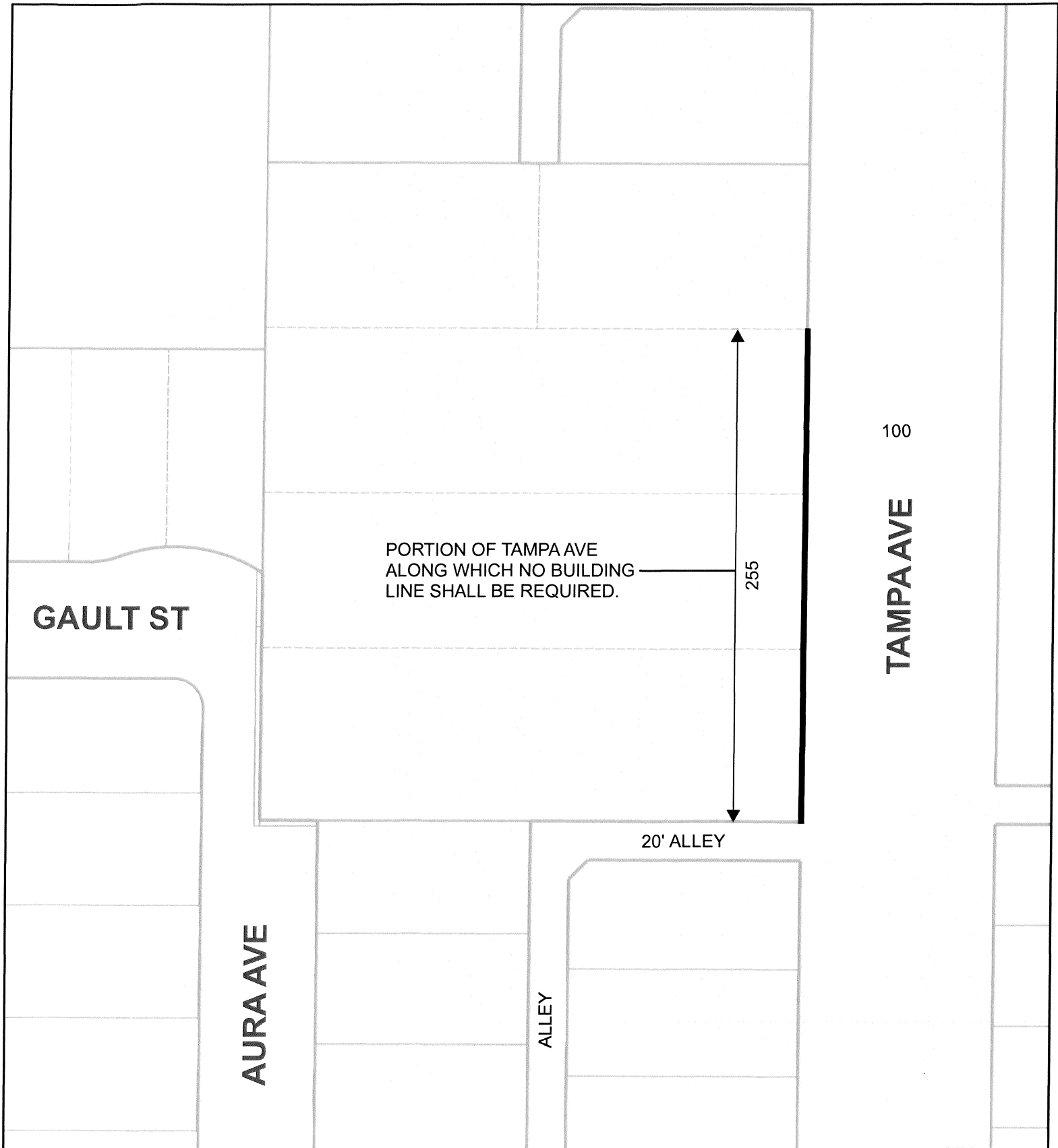
c: Charlie Rausch Jr. Chief Zoning Administrator  
Jenna Monterrosa, City Planner  
Courtney Shum, City Planning Associate

ORDINANCE NO. \_\_\_\_\_

An Ordinance amending Ordinance No. 105,340 establishing a building line.

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

Section \_\_. Ordinance No.105,340; entitled . . . An Ordinance ordering the establishment of a building line on both sides of TAMPA AVENUE from Ventura Boulevard to Napa Street and Nordhoff Street to Lassen Street . . . was passed by the Council of the City of Los Angeles at its meeting of January 25, 1955, . . . is hereby amended by repealing the provisions establishing the building line on that portion of TAMPA AVENUE, as depicted on the following diagram:



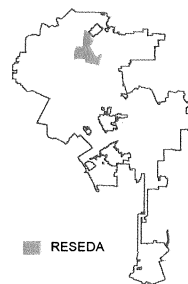
50 25 0 50 Feet

CPC 2016-4518 ZC GPA ZAA BL F

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City of Los Angeles



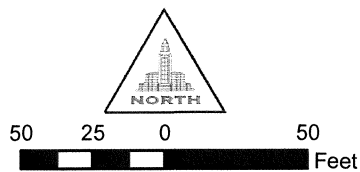
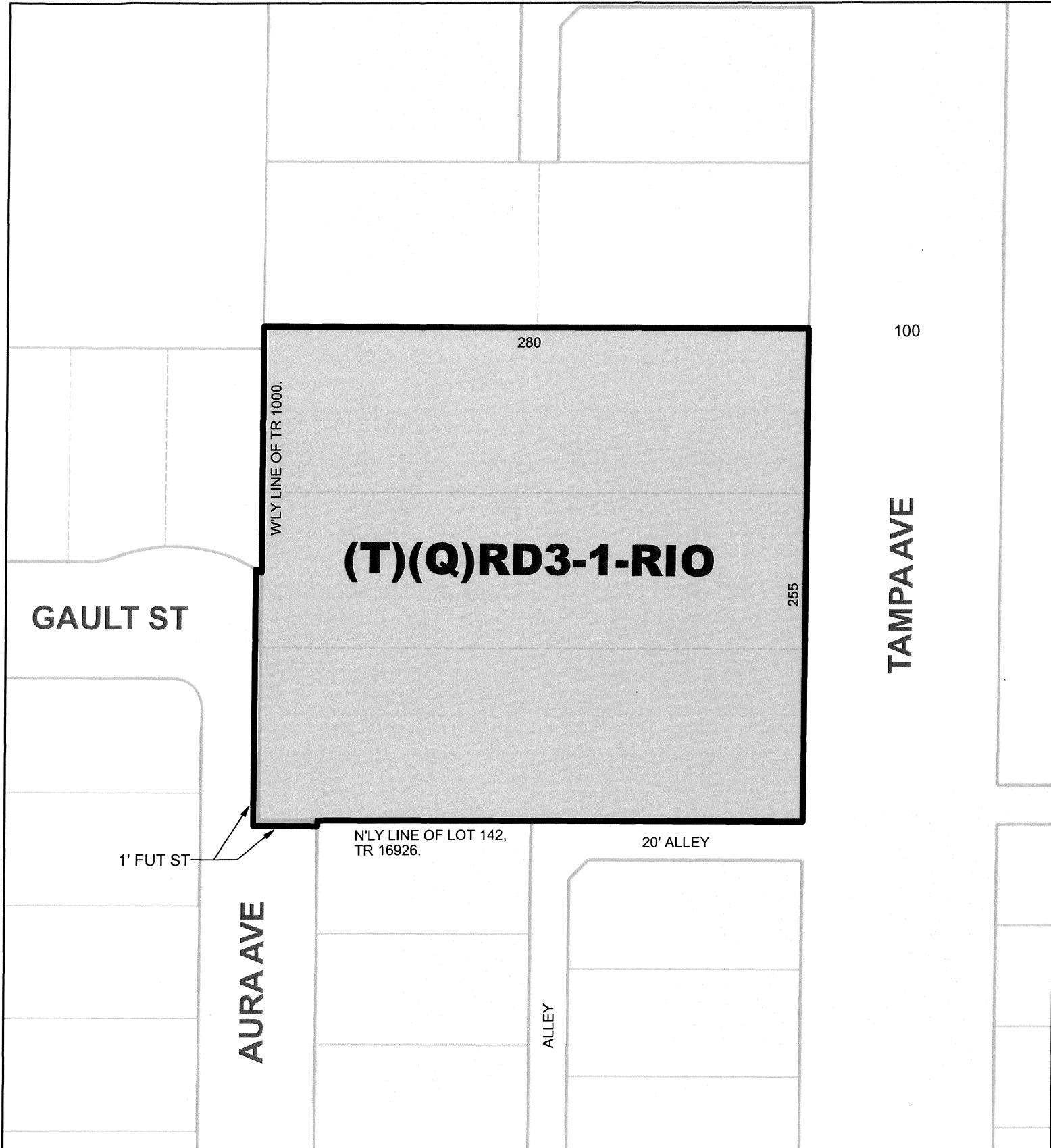
ORDINANCE NO. \_\_\_\_\_

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

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

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



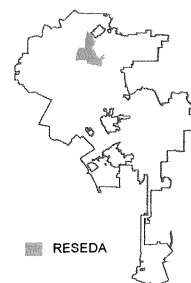


CPC 2016-4518 ZC GPA ZAA BL F

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050517

City of Los Angeles



## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

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

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

### Responsibilities/Guarantees.

1. 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.
2. **Bureau of Engineering.** Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
  - a. Dedication Required:
    - i. That a 2-foot wide strip of land be dedicated along Tampa Avenue adjoining the tract to complete a 52-foot wide half right-of-way. In addition a 3-foot wide public sidewalk easement be provided adjoining the dedication stated above.
    - ii. That a variable width strip of land be dedicated to complete a 60-foot and variable width right-of-way to complete the Aura Avenue elbow section on an alignment satisfactory to the Valley District Engineering Office.
  - b. Improvements Required:
    - i. Improve Aura Avenue being dedicate adjoining the subdivision by the construction of the following:
      1. A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk and landscaping of the parkway. Or a 12-foot full width concrete sidewalk with tree wells.
      2. Suitable surfacing to join the existing pavements and to complete a 36-foot wide and variable width elbow roadway.
      3. Any necessary removal and reconstruction of existing improvements.
      4. The necessary transitions to join the existing improvements.
      5. Suitable improvement of the elbow section satisfactory to the Valley District Office.
    - ii. Improve Tampa Avenue by reconstruction of the existing sidewalk provide a new 5-foot wide concrete sidewalk at the same location and landscaping of the remainder

of the sidewalk areas including any necessary removal and reconstruction of existing improvements.

- iii. Improve the alley adjoining the tract by the repair and replacing any bad order alley section including the alley intersection with Tampa Avenue all satisfactory to the Valley District Engineering Office.
  - iv. Construct the necessary on-site mainline sewers satisfactory to the City Engineer.
3. **Bureau of Street Lighting.** Construct new street lights: three (3) on Tampa Ave. and one (1) on Aura Ave
  4. **Urban Forestry.** Plant street trees and remove an existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

Note: Removal of parkway trees or Protected Trees requires the Board of Public Works' approval. Contact Urban Forestry Division at 213-847-3077 for tree removal permit information

#### Notice

- If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.
- 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.

## **(Q) QUALIFIED CONDITIONS**

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.

1. **Use.** The use and area regulations of the small lot development shall be developed for uses as permitted in the RD3 Zone as defined in LAMC Section 12.09.1, except as modified by the conditions herein or subsequent action.
2. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit "A", stamp-dated May 11, 2017, except as may be revised as a result of this action.
3. **Density.** A maximum of twenty-two (22) dwelling units shall be permitted.

## CONDITIONS OF APPROVAL

As modified by the City Planning Commission on May 25, 2017

The following conditions are hereby imposed upon the use of the subject property:

### Entitlement Conditions

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit "A", stamp-dated May 11, 2017, except as may be revised as a result of this action.
2. **Density.** A maximum of twenty-two (22) dwelling units shall be permitted.
3. **Parking.**
  - a. **Electric Vehicle Parking.** A minimum of 20 percent of the provided guest parking spaces shall be installed with EV Charging Stations to immediately accommodate electric vehicles within the parking area. When the application of the 20 percent results in a fractional space, round up to the next whole number.
  - b. **Guest Parking.** The project shall provide 12 guest parking spaces. The applicant shall submit a revised site plan to the Development Services Center eliminating the two guest parking spaces adjacent to the common open space area at the southwest corner of the project site shown in the site plan stamped Exhibit "A", stamp-dated May 11, 2017. This area shall be designated for common open space purposes only.
4. **Solar Ready Buildings.**
  - a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 95.05.211, to the satisfaction of the Department of Building and Safety.
  - b. A minimum of 300 square feet of the rooftops of each small lot home, as shown on Exhibit A, shall be reserved for the installation of solar panels. The solar panels shall be installed prior to the issuance of a certification of occupancy.
5. **Pedestrian Connectivity and Access.**
  - a. **Pedestrian Pathways.** A pedestrian pathway located within or parallel to the common access driveway shall be constructed and/or treated with paving that distinguishes the pathway from vehicular traffic. The project shall provide interconnected pedestrian pathways from all homes to the common areas of the subdivision.
  - b. **Fences/Walls.** Fences or walls within the front yard along Tampa Avenue shall provide a point of entry into each small lot abutting the street.
  - c. **Pedestrian Access.** Pedestrian access shall be provided along all street frontages in order to connect the development to Tampa Avenue, Aura Avenue, and Gault Avenue. The project shall install at least one pedestrian gate along the Aura Avenue/Gault Avenue street frontage.

**6. Landscaping, Common Open Space Areas, and Amenities.**

- a. All open areas not used for buildings, parking areas, driveway, pedestrian pathways, utilities or common open space areas shall be attractively landscaped and maintained.
- b. All landscaping around the perimeter of the subject property where it abuts a single-family zone or use shall be of a non-deciduous species.
- c. Block walls abutting the street along Aura Avenue or Gault Avenue shall be planted with clinging vines of a non-deciduous species.
- d. All common open space areas shall provide passive open space amenities, such as benches or other seating.
- e. The applicant shall obtain approval of a Los Angeles River Improvement Overlay (LA-RIO) Administrative Clearance from the Department of City Planning.

**7. Construction.**

- a. **Parking.** The applicant shall provide parking for all construction workers on-site. Construction workers shall be discouraged from parking on adjacent streets.
- b. **Liaison.** The applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted at the project site that includes permitted construction days and hours.

**8. Department of Transportation.**

- a. A minimum of 20-foot reservoir space is required between any security gate or parking space and the property line, to the satisfaction of the DOT.
- b. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.

9. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.

**Environmental Conditions**

10. **Aesthetics (Light).** Outdoor lighting shall be designed to shine downward and installed with shielding and be directed onto the project site, so that the light source does not illuminate any adjacent properties, the public right-of-way, or be seen from the above night skies.



11. **Increased Noise Levels (Demolition, Grading, and Construction Activities).**
  - a. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
  - b. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
  - c. The construction contractor shall use on-site electrical sources or solar generators to power equipment rather than diesel generators where feasible.
12. **Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.
13. **Safety Hazards.**
  - a. The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycle, and vehicle safety.
  - b. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

#### **Administrative Conditions**

14. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
15. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
16. **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.
17. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
18. **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.

19. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
20. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
21. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
22. **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 (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 include 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.

## FINDINGS

### General Plan/Charter Findings

1. **General Plan Land Use Designation.** The project site is located within the Reseda – West Van Nuys Community Plan, which was last updated by the City Council on November 17, 1999. The project site is an irregularly shaped site, which is comprised of three parcels consisting of approximately 66,825 square feet of net lot area. The Community Plan designates the site with a land use designation of Low Residential, with the following corresponding zones: RE9, RS, R1, RU, RD6, and RD5 Zones. The project site is presently zoned RA-1, which is not a corresponding zone of the land use designation, but is consistent with the land use designation as it is a more restrictive zone.

As proposed, the amendment would re-designate the project site from Low Residential to Low Medium I Residential, which lists the following corresponding zones: RD2, RD3, RD4, RZ3, RZ4, RU, and RW1. The requested zone change to (T)(Q)RD3-1-RIO for the project site would be consistent with the adoption of the recommended plan amendment and would be in substantial conformance with the purpose, intent, and provisions of the General Plan as it is reflected within the Reseda – West Van Nuys Community Plan.

2. **General Plan Text.**

**Reseda – West Van Nuys Community Plan.** The Community Plan text includes the following relevant land use Goal, Objectives, and Policies:

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 for the year 2010.

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

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

Policy 1-1.3: Promote greater individual choice in type, quality, price, and location of housing.

Policy 1-3.4: Provide for development of townhouses and other similar condominium type housing units to increase home ownership options.

In conjunction with the requests herein, the approved subdivision would allow for the development of 22 small lot homes. As proposed, the project would develop the underutilized and underdeveloped site with additional housing and would introduce a new housing typology to the area. The project site is situated in an area already developed with

single family dwellings to the south, southeast, and west and multi-family residential dwellings along Sherman Way to the north. The project will result in increased home ownership through the sale of fee-simple properties of small lot homes and will provide greater individual choice in housing type, quality, price, and location. Therefore, the project is consistent with the Reseda – West Van Nuys Community Plan in that the project will implement the above-mentioned goal, objectives, and policies of the Plan.

3. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goal and objective relevant to the instant request:

Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The proposed General Plan Amendment to re-designate the subject property from Low Residential to Low Medium I Residential land use and the Zone Change from RA-1-RIO to (T)(Q)RD3-1-RIO will enhance the surrounding neighborhood and allow for growth where there is sufficient public infrastructure and services that will benefit the quality of life for residents. The subject property is proximate to transit services and commercial uses for shopping and dining.

The General Plan Amendment is concurrent with a proposed Zone Change to the (T)(Q)RD3 Zone, which is consistent with the requested Low Medium I Residential land use designation.

Therefore, the General Plan Amendment and Zone Change are consistent with the applicable Multi-Family provisions of the General Plan Framework element.

4. **Housing Element.** The Housing Element of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following goal, objectives, and policies relevant to the instant request:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1-1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the City's households.

Objective 1.4: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

Policy 1.4.1: Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.

The project site is located in an area which is developed with both single- and multi-family structures. Along Sherman Way, located to the north of the project site, properties are designated and zoned for commercial and multi-family residential development. In fact, a number of the properties to the north of the site have been developed and maintained as multi-family residential developments throughout the years. The properties immediately to the north of the project site are currently improved with a surface parking lot and nursing school, but are entitled for a new eldercare facility to serve as an expansion to the Los Angeles Jewish Home medical and senior housing facility at the southeast corner of Sherman Way and Tampa Avenue, resulting in the creation of 388 guest rooms across the two sites. Additionally, the proposed small lot homes, at two stories in height, would be of a similar building typology to the single-family homes to the south, southeast, and west of the site. As proposed, the project would develop the site with 22 small lot homes. The small lot development would allow for the development of an underutilized site with multi-family density that would be compatible with the surrounding development and introduce a new opportunity for fee-simple homeownership in a transitional area buffering the surrounding single-family neighborhood from multi-family and commercial developments to the north.

Furthermore, the multiple approvals requested under Case No. CPC-2016-4518-ZC-GPA-ZAA-BL-F, along with Case No. VTT-74222-SL, streamlines the land use entitlement, environmental review, and building permit process by enabling the construction to 22 small lot homes under one approval.

Therefore, the project and requests herein are consistent with the Housing Element goals, objectives, and policies of the General Plan.

5. **The Mobility Element.** The Mobility Element (Mobility Plan 2035) of the General Plan is not likely to be affected by the recommended action herein. The project proposes to subdivide the project site into 22 small lots for the construction of 22 small homes. In conjunction with the approved subdivision, the proposed zone change would be required to comply with dedication and improvement requirements along Tampa Avenue, Aura Avenue, and the southerly abutting alley. The project would be required to comply with the requirements of the Bureau of Engineering, Department of Transportation, and the Bureau of Street Lighting.

Furthermore, the project meets the following goals and objectives of Mobility Plan 2035:



Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.8: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

The project's design includes pedestrian pathways to the public right-of-way along Tampa Avenue and to the common open areas throughout the subdivision to encourage pedestrian activity. Furthermore, the project is required to provide a two-foot dedication and reconstruct the existing sidewalk along Tampa Avenue in accordance with Boulevard II standards and dedicate and improve portions of Aura Avenue in accordance with Local Street standards of Mobility Plan 2035. The project's proximity to existing transit services will reduce vehicle trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. Though not required by the Municipal Code, the project is providing six bicycle parking spaces within the common areas of the subdivision. Additionally, as conditioned, a minimum of 20 percent of the provided guest parking spaces will be installed as electric-vehicle ready.

Therefore, the General Plan Amendment and Zone Change are consistent with the Mobility Plan 2035 goals, objectives, and policies of the General Plan.

6. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system is likely able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.
7. **Charter Finding – City Charter Finding 555.** The General Plan may be amended in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic or physical identity.

The project site is a vacant, underutilized parcel in an area of Reseda which is otherwise developed with single-family homes to the south, southeast, and west and higher intensity neighborhood-serving commercial and multi-family residential uses to the north along Sherman Way. Designating the site for Low Medium I Residential land uses would provide a buffer and transitional area between two otherwise incompatible land uses. As proposed, the project would develop the site with 22 small lot homes, which will be two-stories and will each have a two-car attached garage. The project would be consistent with the existing physical identity of the area and function similarly to the surrounding single-family

homes. The amendment to permit the development of the site with a small lot subdivision would introduce a new housing typology with fee-simple home ownership opportunities otherwise afforded to the single-family dwellings within the R1 Zone. Other housing opportunities in the area are limited to condominiums and apartments. Small lot homes would allow for a transitional home ownership opportunity that is consistent with the social and economic identity of the area. Thus, the proposed small lot development would maintain and improve the existing social, economic, or physical identity of the site and surrounding area.

8. **Charter Finding – City Charter Finding 556.** When approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. If the Council does not adopt the City Planning Commission’s findings and recommendations, the Council shall make its own findings.

The project site is located within the Reseda – West Van Nuys Community Plan, which is one of 35 community plans that the Land Use Element of the General Plan is comprised of. The Community Plan designates the project site with the Low Residential land use designation, which lists the following corresponding zones: RE9, RS, R1, RU, RD6, RD5. As requested, the plan amendment would re-designate the site to Low Medium I Residential, which lists the following corresponding zones: R2, RD3, RD4, RZ3, RZ4, RU, and RW1. In conjunction with the proposed amendment, the applicant has requested a zone change from RA-1-RIO to (T)(Q)RD3-1-RIO.

The Community Plan sets forth goals in relation to residential development to maintain the community’s individuality by “preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing opportunities.” The project site is located within an area that has been developed with a mixture of single- and multi-family residential development. The project site is located in a transitional area between the single-family zoning to the south, southeast, and west and more intensive commercial and multi-family residential developments along Sherman Way, approximately 330 feet north of the subject property. Sherman Way and Tampa Avenue are both designated as Boulevard II under the Mobility 2035 Plan and serve as major thoroughfares within the San Fernando Valley. Along Sherman Way near the subject property are several multi-family developments in the C2, RD1.5, RD2, and R3 zones, at greater allowable densities than the instant request. The requested RD3 zone and corresponding Low Medium I Residential land use designation would serve as a buffer between the single-family zoning to the south, southeast, and west and the higher-intensity zones and uses along Sherman Way to the north. As such, the proposed amendment would coincide with existing development in the area and the purpose and intent of the Community Plan to provide for and accommodate additional housing.

9. **Charter Finding – City Charter Finding 558.** The proposed Amendment to the Reseda – West Van Nuys Community Plan will be in conformance with public necessity, convenience, general welfare and good zoning practice.
  - a. Public Necessity. On April 8, 2015, Mayor Eric Garcetti released the City’s first-ever Sustainable City pLAn. The pLAn is both a roadmap to achieve back to basics short-term results while setting the path to strengthen and transform our City in the decades to come. In it, the Mayor set forth a goal of creating 100,000 new housing units by 2021. The subject property is currently designated for low residential use, but is zoned for residential agriculture use, which allows for a maximum density of three single-family dwellings across three lots. The RA-zoned lots are remainder lots and are the

only RA-zoned lots left unentitled for higher density uses southerly of Sherman Way in the area. By re-designating the subject property to Low Medium I Residential under the Community Plan, the site will be permitted to be developed with multi-family residential uses, thereby increasing the number of residential units that can be developed on the site with housing that is compatible with the existing surrounding residential development. This, in turn, supports the Mayor's goal of 100,000 new housing units by 2021.

- b. Convenience. The project site is located in a transitional area between single-family zones and uses to the south, southeast, and west, and neighborhood-serving commercial and multi-family residential zones and uses to the north along Sherman Way. The proposed project would locate 22 new dwelling units within two miles of four schools: Shirley Avenue Elementary School (0.3 mile southwest), Diane S. Leichman High School (0.5 mile east), John A. Sutter Middle School (1.2 miles northwest), and Reseda High School (1.9 miles southeast). The property is also located near multiple Metro local lines and commercial, retail, and dining along Sherman Way. Re-designating the property to a Low Medium I Residential land use designation would allow future residents of the small lot homes access to shopping and dining within the immediate neighborhood, as well as the opportunity to send their children to nearby schools.
- c. General Welfare. The General Plan Amendment to Low Medium I Residential would allow the development of an underutilized lot in a transitional area couched between single-family zones and uses to the south, southeast, and west and higher-intensity commercial and multi-family residential zones and uses to the north along Sherman Way. The proposed development would serve as a buffer between two otherwise incompatible uses. As discussed above, the area is served by neighborhood-serving uses, including schools and retail and commercial establishments. The requested zone change will increase the City's housing stock, while minimizing any burden placed upon the existing infrastructure, including roads and utilities. Additionally, the proposed project would activate and enhance the aesthetic character of a currently vacant and underutilized site that might otherwise attract nuisance activities.
- d. Good Zoning Practices. The project site has a land use designation of Low Residential and is zoned RA-1-RIO. While the existing zone is considered to be consistent with the land use designation, the site is underutilized and underdeveloped given the existing designation and development patterns of the area. The area surrounding the site has been designated by the Community Plan for, and has been developed with, a mixture of single- and multi-family development. The project site is located in a transitional area between the single-family zoning to the south, southeast, and west and more intensive commercial and multi-family residential developments along Sherman Way, approximately 330 feet north of the subject property. Sherman Way and Tampa Avenue are both designated as Boulevard II under the Mobility 2035 Plan and serve as major thoroughfares within the San Fernando Valley. Along Sherman Way near the subject property are several multi-family developments in the C2, RD1.5, RD2, and R3 zones, at greater allowable densities than the instant request. The requested RD3 zone and corresponding Low Medium I Residential land use designation would serve as a buffer between the single-family zoning to the south, southeast, and west and the higher-intensity zones and uses along Sherman Way to the north. As such, the general plan amendment, in conjunction with the zone change, would be consistent with good zoning practices and development patterns in the immediate area.

## **Entitlement Findings**

### **10. Zone Change and “T” and “Q” Classification Findings.**

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

- a. Public Necessity. On April 8, 2015, Mayor Eric Garcetti released the City’s first-ever Sustainable City pLAn. The pLAn is both a roadmap to achieve back to basics short-term results while setting the path to strengthen and transform our City in the decades to come. In it, the Mayor set forth a goal of creating 100,000 new housing units by 2021. The subject property is currently designated for low residential use, but is zoned for residential agriculture use, which allows for a maximum density of three single-family dwellings across three lots. The RA-zoned lots are remainder lots and are the only RA-zoned lots left unentitled for higher density uses southerly of Sherman Way in the area. Granting the Zone Change to the (T)(Q)RD3-1-RIO Zone will increase the number of residential units that can be developed on the site with housing that is compatible with the existing surrounding residential development, thereby supporting the Mayor’s goal of 100,000 new housing units by 2021.
- b. Convenience. The project site is located in a transitional area between single-family zones and uses to the south, southeast, and west, and neighborhood-serving commercial and multi-family residential zones and uses to the north along Sherman Way. The proposed project would locate 22 new dwelling units within two miles of four schools: Shirley Avenue Elementary School (0.3 mile southwest), Diane S. Leichman High School (0.5 mile east), John A. Sutter Middle School (1.2 miles northwest), and Reseda High School (1.9 miles southeast). The property is also located near multiple Metro local lines and commercial, retail, and dining along Sherman Way. Granting the Zone Change to (T)(Q)RD3 would allow future residents of the small lot homes access to shopping and dining within the immediate neighborhood, as well as the opportunity to send their children to nearby schools.
- c. General Welfare. Granting the Zone Change to the (T)(Q)RD3-1-RIO zone would allow the development of an underutilized lot in a transitional area couched between single-family zones and uses to the south, southeast, and west and higher-intensity commercial and multi-family residential zones and uses to the north along Sherman Way. The proposed development would serve as a buffer between two otherwise incompatible uses. As discussed above, the area is served by neighborhood-serving uses, including schools and retail and commercial establishments. The requested zone change will increase the City’s housing stock, while minimizing any burden placed upon the existing infrastructure, including roads and utilities. Additionally, the proposed project would activate and enhance the aesthetic character of a currently vacant and underutilized site that might otherwise attract nuisance activities.
- d. Good Zoning Practices. The project site has a land use designation of Low Residential and is zoned RA-1-RIO. While the existing zone is considered to be consistent with the land use designation, the site is underutilized and underdeveloped given the existing designation and development patterns of the area. The area surrounding the site has been designated by the Community Plan for, and has been developed with, a mixture of single- and multi-family development. The project site is located in a transitional area between the single-family zoning to the south, southeast, and west and more intensive commercial and multi-family residential developments along Sherman Way, approximately 330 feet north of the subject property. Sherman Way and Tampa

Avenue are both designated as Boulevard II under the Mobility 2035 Plan and serve as major thoroughfares within the San Fernando Valley. Along Sherman Way near the subject property are several multi-family developments in the C2, RD1.5, RD2, and R3 zones, at greater allowable densities than the instant request. The requested RD3 zone and corresponding Low Medium I Residential land use designation would serve as a buffer between the single-family zoning to the south, southeast, and west and the higher-intensity zones and uses along Sherman Way to the north. As such, the zone change, in conjunction with the general plan amendment, would be consistent with good zoning practices and development patterns in the immediate area.

- e. “T” and “Q” Classification Findings. Per LAMC Section 12.32-G,1 and 2, the current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. The “T” Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The “Q” conditions that limits the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action

## 11. Building Line Removal Findings.

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

The 25-foot building line along Tampa Avenue at the subject property was established under Ordinance No. 105,340. The requested building line removal is in conformity with public necessity, convenience, general welfare, and good zoning practice in that its retention on the subject property is no longer necessary for the purpose of reserving a portion of the property for future highway dedication and improvement.

Historically, the primary function of the building line was to provide uniform setback of buildings. These are now considered unnecessary, as yard setbacks are required per the respective zone under the current LAMC. In addition, Building Lines were required before the imposition of “T” Conditions on zone changes, which allowed public improvements including street dedications on individual zone change requests. Pursuant to LAMC Section 12.22-C,27(e), the proposed small lot development is required to maintain a five-foot setback around the perimeter of the project site. The setback along Tampa Avenue exceeds this required depth: the project has been set back approximately 10 feet from the street to the post and porch and 15 feet from the street to the building faces of the small lot homes. The imposition of the 25-foot building line would require that the development be shifted away from Tampa Avenue and closer to the single-family residences to the rear.

Tampa Avenue is classified as a Boulevard II, dedicated to a 100-foot width at the project’s street frontage. As part of the proposed project, the Bureau of Engineering is requiring a two-foot dedication and improvements to complete the 52-foot half right-of-way on the westerly side of Tampa Avenue. After the dedication and improvements, Tampa Avenue will meet the City’s standards for Boulevard II. As such, the building

line will no longer be required on the subject property to ensure that dedication and improvements may occur at the subject site's frontage.

Furthermore, the building line removal is incidental to the proposed zone change to RD3 in that it would permit a small lot development in a multi-family zone consistent with the setbacks required for small lots. As such, staff recommends that the Commission finds that it is necessary to remove the building line in order to give proper effect to the zoning proposed, pursuant to LAMC Section 12.32-R,2.

## **12. Zoning Administrator's Adjustment Findings.**

In order for an adjustment from the zoning regulations to be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- a. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The applicant has requested adjustments to permit the construction of maximum 8.65-foot walls along the southerly side yard and the rear yard of the proposed development. As designed, the northerly side yard complies with existing code requirements by maintaining a variable 7.5 to 8-foot wall height. Thus, the request for an adjustment for the northern side yard is moot.

Zoning regulations limit the height of fences and walls on residentially-zoned property to provide visual consistency in neighborhoods. Pursuant to LAMC Section 12.22-C,20(f), fences or walls in the side or rear yards are permitted to reach a maximum height of eight feet. Such regulations, however, are written on a Citywide basis and cannot take into account the individual, unique characteristics that a specific parcel and surrounding area may have. In this instance, an elevation difference of approximately two feet exists between the Tampa Avenue frontage and the Aura Avenue frontage. The required grading of the site for proper drainage from Tampa Avenue to Aura Avenue results in a grading differentiation of zero to 2.65 feet below the proposed privacy walls for each home's backyard, resulting in walls up to 8.65 feet high along the southerly side and rear yards of the proposed development when measured from the lowest adjacent grade point. As such, providing a maximum eight-foot privacy wall in conjunction with the required grade change makes strict adherence to the zoning regulations impractical. The request is in keeping with the Code's objectives to buffer and provide privacy and separation from neighboring uses. As such, the request does not conflict with the spirit and intent of the Municipal Code.

- b. **In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The project site is located in an area where there is precedence for privacy walls within the side and rear yards of existing single-family residential developments. The installation of maximum 8.65-foot high walls along the southerly side and rear yards of



the proposed small lot development exceeds the allowable fence/wall height under the Municipal Code by a maximum of 7.8 inches. The additional height allowed under the subject request would not significantly differ from existing wall heights in the surrounding neighborhood or from what is otherwise permitted by the City's zoning regulations. The negligible increase in height would not change the essential function of the wall – to provide a privacy buffer between the project site and its adjoining neighbors, while providing the required slope and retaining walls for grading and drainage purposes. Furthermore, the walls will be lined with attractive landscaping to break up their size and massing.

As such, the request for over-in-height walls within the side and rear yards will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

- c. **The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of code requirements of the Los Angeles Municipal Code. Except for the entitlements described herein and those requested under approved Case No. VTT-74222-SL, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Reseda – West Van Nuys Community Plan has designated the site for Low Residential land uses corresponding to the RE9, RS, R1, RU, RD6, and RD5 Zones. The site is zoned RA-1-RIO, which is consistent with the land use designation as it is a more restrictive zone than the corresponding zones. As requested, the plan amendment would re-designate the site to Low Medium I Residential, which lists the following corresponding zones: R2, RD3, RD4, RZ3, RZ4, RU, and RW1. In conjunction with the proposed amendment, the applicant has requested a zone change from RA-1-RIO to (T)(Q)RD3-1-RIO, a zone corresponding to the Low Medium I Residential land use designation.

The Community Plan text is silent with regards to over-in-height fences in the side and rear yards of development projects. In such cases, the City Planning Commission must interpret the intent of the Plan. The grant of this request will not adversely affect any element of the General Plan. With approval of the requested plan amendment and zone change and fence heights as part of the overall plans, the basic use of the property is consistent with the General Plan, and the matter under review is not dealt with directly in any adopted General Plan element or the community plan. The site is not within the boundaries of any specific plan. Thus, the grant as conditioned is found to be in conformity with the purpose, intent and provisions of the General Plan.

### **13. Zoning Administrator's Determination Findings for Fences or Walls.**

In order for an over-in-height fence/wall request to be approved, all of the legally mandated findings in Section 12.24-X,7 of the Municipal Code must be made in the affirmative. The following section states such findings in bold type with the applicable justification set forth immediately thereafter.

- a. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

Per LAMC Section 12.24-X,7, the applicant requests a Zoning Administrator's Determination to permit the construction, use, and maintenance of a maximum eight-foot high fence/wall along Tampa Avenue in lieu of the three and one-half feet otherwise permitted within the front yard setback area.

Along Tampa Avenue, there will be a two-foot high landscaped slope that is three feet in depth, and planted with a variety of decorative shrubs. At the top of the slope, the project will install a 42-inch high decorative wrought iron fence that will run along the entire length of the Tampa street frontage, except for the driveway entrance. Additional decorative shrubs will be planted along the wrought iron fence. At the front entrance of the three homes, a 42-inch high swinging gate will be installed for pedestrian access from the public street. Taking into account the height of the slope, the height of the fence when measured from street level will be 5.5 feet. Six-foot vinyl fencing will be installed along portions of the Tampa street frontage to enclose the yards of the street-facing units; these will be set back approximately 15 feet from the property line. As fence heights are measured from the lowest adjacent grade point, the height of the vinyl fencing when measured from street level will be eight feet.

Pursuant to LAMC Section 12.22-C,20(f), a fence or wall in the front yards is permitted to reach a maximum height of 3.5 feet, or 42 inches. Thus, the request for a Zoning Administrator's Determination applies to both the wrought iron fence and vinyl fencing proposed within the front yard of the small lot development. In conjunction with the proposed landscaping, the fences would provide privacy, security, buffering from traffic, and protective visual buffering for the backyards of the three lots adjacent to the street. Tampa Avenue is a well-traveled thoroughfare. Thus, the fence will provide a protective barrier and a visually attractive and landscaped face to the community, which will enhance the appearance of the neighborhood. The wrought iron fence will provide more transparency and activation along the street frontage, while the set back vinyl fence and landscaping will provide the homes fronting Tampa Avenue with a degree of privacy and security.

- b. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The intent of the over-in-height fence is to increase safety and privacy for the residents of the subdivision due to the proximity to Tampa Avenue, a major thoroughfare. A number of single-family properties along Tampa Avenue to the south of the subject site also have decorative fencing and hedges at 42 inches and above within their front yards to increase privacy and create a better differentiation between the public sidewalk and private property. The project site will feature a 42-inch wrought iron fence approximately three feet from the property line; however, because of the slight grade change within the front yard, this fencing will be atop an approximately two-foot slope. Since fence heights are measured from the lowest adjacent grade point, the height of the fence would be a total of 5.5 feet. Though this fencing is considered to be over-in-height, it still maintains its essential function consistent with existing front yard fencing for single-family homes in the immediate surrounding neighborhood. Furthermore,

because the fence will incorporate landscaping and individual pedestrian gates, the street scene in front of the site will add visual variety and interest.

Six-foot vinyl fencing will be installed along portions of the Tampa street frontage to enclose the yards of the street-facing units; these will be set back approximately 15 feet from the property line. This fencing, when measured from street level, will be eight feet high, and also exceeds the limitations under the Municipal Code for fences and walls within the front yard. The vinyl fencing will be set back behind and screened with decorative landscaping. Thus, the visual impacts of this vinyl fences will be minimal from the public right-of-way and adjacent properties.

The proposed fence will not negatively impact the public health, welfare, or safety, as it is consistent with fences found in the surrounding community and does not impact the public right-of-way, vehicular traffic, or pedestrian access along Tampa Avenue. The fence is also intended to provide additional privacy and security to those residents within the subject site while leaving public property unaffected. Further, the proposed over-in-height fence would not block any views for adjacent properties or any dwellings within the subject site. For the reasons stated above, the project's location, size, height, and operations will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

**c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of code requirements of the Los Angeles Municipal Code. Except for the entitlements described herein and those requested under approved Case No. VTT-74222-SL, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Reseda – West Van Nuys Community Plan has designated the site for Low Residential land uses corresponding to the RE9, RS, R1, RU, RD6, and RD5 Zones. The site is zoned RA-1-RIO, which is consistent with the land use designation as it is a more restrictive zone than the corresponding zones. As requested, the plan amendment would re-designate the site to Low Medium I Residential, which lists the following corresponding zones: R2, RD3, RD4, RZ3, RZ4, RU, and RW1. In conjunction with the proposed amendment, the applicant has requested a zone change from RA-1-RIO to (T)(Q)RD3-1-RIO, a zone corresponding to the Low Medium I Residential land use designation.

The Community Plan text is silent with regards to over-in-height fences in the front yards of development projects. In such cases, the City Planning Commission must interpret the intent of the Plan. The grant of this request will not adversely affect any element of the General Plan. With approval of the requested plan amendment and zone change and fence heights as part of the overall plans, the basic use of the property is consistent with the General Plan, and the matter under review is not dealt with directly in any adopted General Plan element or the community plan. The site is not within the boundaries of any specific plan. Thus, the grant as conditioned is found to be in conformity with the purpose, intent and provisions of the General Plan.

- d. **Consideration has been given to the environmental effects and appropriateness of the materials, design and location, including any detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property.**

The fence design along Tampa Avenue is intended to provide a natural barrier between the public right-of-way and the project site without being visually obstructive to the environment. The fence design provides light, air and visual penetration leaving little to no effect. The proposed fence design blends in and is compatible with the architecture style of the small lot homes and creates no visual obstructions that might interfere with the function of the community. Because the fence will incorporate landscaping and individual pedestrian gates, the street scene in front of the site will add visual variety and interest. There are no identifiable detrimental effects on the view of occupants of adjacent properties. To the contrary, the proposed fence augments the front yard landscaping with compatible materials and design. It is essential to consider that the proposed fence will provide added security for the residents of the proposed small lot homes. There is no evidence indicating that the proposed fence presents a health and safety hazard. The benefits of having such a fence include added security to the residents and discouragement of break-ins, thereby benefitting the community as a whole.

Therefore it is reasonable to conclude that there are no environmental effects of the proposed fence.

### **Environmental Findings**

14. **Environmental Finding.** A Mitigated Negative Declaration (ENV-2016-4517-MND), along with mitigation measures and a Mitigation Monitoring Program, was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). The MND, mitigation measures, and Mitigation Monitoring Program were adopted by the City's Advisory Agency on April 21, 2017 in conjunction with the City's action in Case No. VTT-74222-SL. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds in its independent judgment and analysis that this project was environmentally assessed in Case No. ENV-2016-4517-MND. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.
15. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

## RESOLUTION

**WHEREAS**, the subject project is located within the area covered by the Reseda – West Van Nuys Community Plan, revised by the City Council on November 17, 1999; and

**WHEREAS**, the City Planning Commission recommended approval of a General Plan Amendment from Low Residential to Low Medium I Residential for the subject property; recommended approval of a Zone Change from RA-1-RIO to (T)(Q)RD3-1-RIO for the subject property; and recommended approval of a Building Line Removal of a 25-foot building line along the western side of Tampa Avenue, established pursuant to Ordinance No. 105,340; and

**WHEREAS**, the approved project is for the construction, use and maintenance of 22 small lot homes in conjunction with a small lot subdivision; and

**WHEREAS**, the City Planning Commission at its meeting on May 25, 2017 approved the General Plan Amendment and recommended approval by the City Council of a General Plan Amendment over the subject property; and

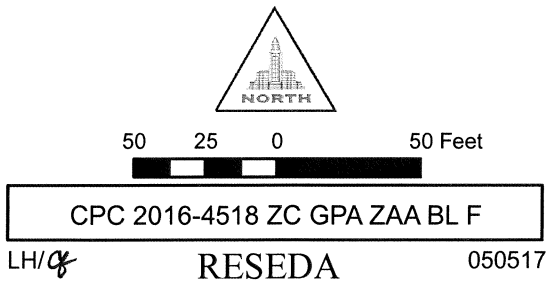
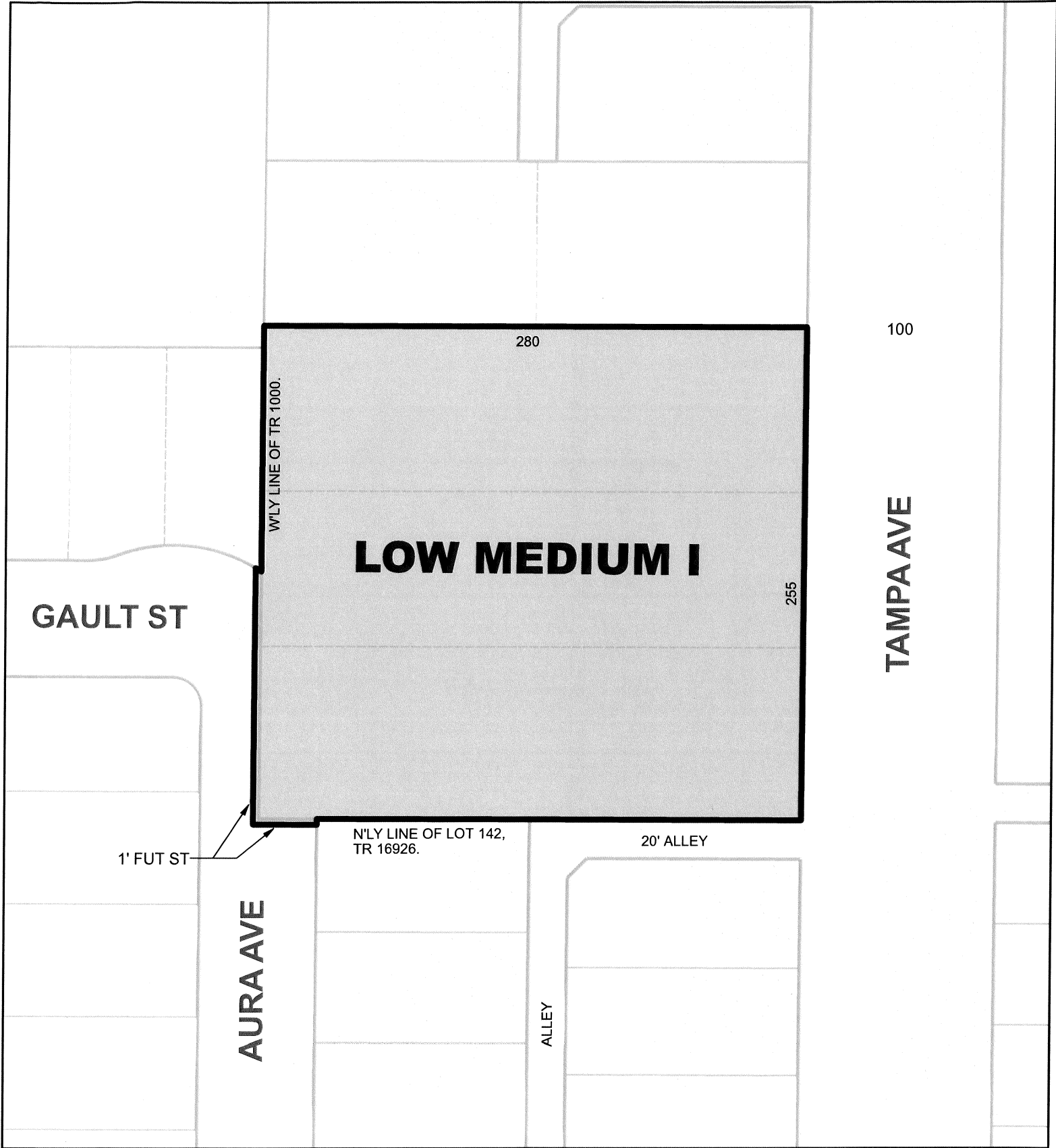
**WHEREAS**, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

**WHEREAS**, the requested General Plan Amendment is consistent with the intent and purpose of the adopted Reseda – West Van Nuys Community Plan to designate land use in an orderly and unified manner; and

**WHEREAS**, the Low Medium I land use designation and the (T)(Q)RD3-1-RIO Zone will allow the project as described above which is consistent with the Plan and Zone; and

**WHEREAS**, the subject proposal has prepared a Mitigated Negative Declaration No. ENV-2016-4517-MND in accordance with the City's Guidelines for implementation of the California Environmental Quality Act (CEQA);

**NOW, THEREFORE, BE IT RESOLVED** that the Reseda – West Van Nuys Community Plan be amended as shown on the attached General Plan Amendment map.



City of Los Angeles

