

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

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
APCNV-2016-0070-ZC	ENV-2016-0072-MND	7 - Rodriguez
<b>PROJECT ADDRESS:</b>		
12070 West Pierce Street		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Sergio Valencia 29111 Fuji Court Santa Clarita, CA 91387  <input type="checkbox"/> New/Changed	(818) 645-4137	<a href="mailto:vama1234@sbcglobal.net">vama1234@sbcglobal.net</a>
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Ramon Gallardo RG Design & Consulting 122 N Cordova St Alhambra, CA 91801	(626) 864-0927	<a href="mailto:rg-design1@att.net">rg-design1@att.net</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Peg Malone-Brown	(818) 374-5036	<a href="mailto:peggy.malone-brown@lacity.org">peggy.malone-brown@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Zone Change (ZC)		

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

**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):**

**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>
March 27, 2019	4 - 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
N/A	N/A
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Rocky Wiles Commission Office Manager	March 27, 2019



# NORTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: MAR 27 2019

Case No. **APCNV-2016-0070-ZC**

Council District: 7 - Rodriguez

CEQA: ENV-2016-0072-MND

Plan Area: Sunland – Tujunga - Shadow Hills –  
Lakeview Terrace – East La Tuna Canyon

Related Case: AA-2016-71-PMLA

**Project Site:** 12070 West Pierce Street

**Applicant:** Sergio Valencia  
Representative: Ramon Gallardo, RG Design & Consulting

At its meeting of **March 7, 2019**, the North Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

The construction, use, and maintenance of three new single-family dwellings each providing 2,472 square feet of floor area with a 387 square-foot garage, located on separate Parcels B, C, and D of approved Parcel Map AA-2016-71-PMLA, respectively; Parcel A will remain improved with an existing 1,268 square foot single-family dwelling, on an approximately 43,567 square-foot (1.0 acre) site. The proposed new residences will provide a minimum of two residential parking spaces per dwelling unit. Up to six of the eight trees located both on-site and within the adjacent public right-of-way will be removed, and the one on-site protected oak (*Quercus agrifolia*) tree will be preserved in-place. Minimal grading is proposed for the construction of the three proposed single-family dwellings.

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-2016-0072-MND, adopted on May 11, 2017; 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**, pursuant to Section 12.32 F of the Los Angeles Municipal Code, a Zone Change from A2-1 to (T)(Q)RS-1; and
3. **Adopted** the attached findings.

The motion was approved by the following vote:

Moved: Sampson  
Second: Diaz  
Ayes: Lopez-Ledesma, Nam

**Vote: 4 - 0**

Rocky Wiles, Commission Office Manager

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

**Effective Date/Appeals:** The decision by the North Valley Area Planning Commission is not appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

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:** Zone Change Ordinance, (T) Conditions, Findings

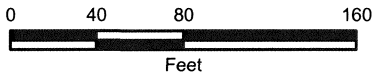
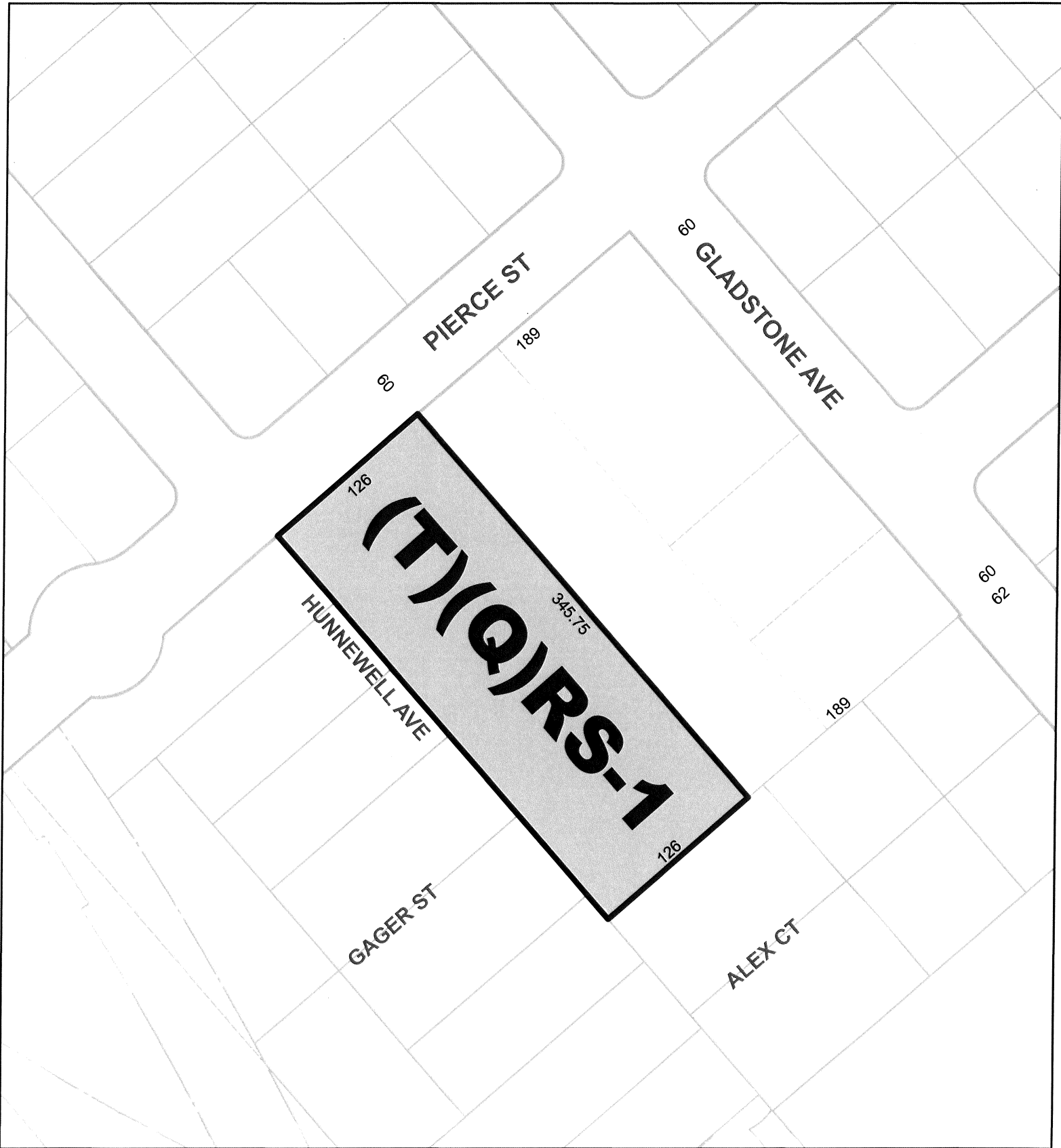
c: Michelle Levy, Senior City Planner  
Laura Frazin-Steele, City Planner  
Peg Malone-Brown, City Planning Associate

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:

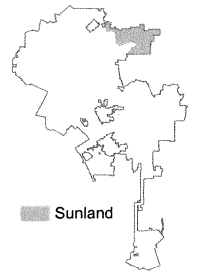


APCNV-2016-0070-ZC

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053017

City of Los Angeles



## (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.

### A. Development Conditions:

1. **Use.** The use of the subject property shall be limited to those uses permitted in the RS-1 Zone as defined in Section 12.07.1 of the L.A.M.C. and as shown on "**Exhibit A**", including all yards.
2. **Height.** No building or structure shall exceed 28 feet in height, as defined by Section 12.21.1 of the LAMC, and as shown on the project plans dated June 19, 2018 and labeled "**Exhibit A**", attached to the subject case file.
3. **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 by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be in substantial conformance with the plans dated June 19, 2018 and labeled "**Exhibit A**", attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
4. **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 that substantially conforms with **Exhibit A** and is prepared by a licensed landscape architect or licensed architect. Additionally, landscaping is required to complement the building design and shall comply with the City of Los Angeles Landscape Ordinance 170,978 and Section 12.40 of the LAMC.

### B. Environmental Conditions

#### 5. **Air Quality.**

- a. All off-road construction equipment greater than 50 hp shall meet US EPA Tier 4 emissions standards, where available, to reduce NOx, PM10, and PM2.5 emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- b. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NOx emissions requirements.
- c. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.



## 6. Tree Removal (Non-Protected Trees).

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54-inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- c. Removal of planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at (213) 847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

## 7. Tree Removal (Locally-Protected Species).

- a. All protected tree removals require approval from the Board of Public Works.
- b. A Tree Report shall be submitted to the Urban Forestry, Division of the Bureau of Street Services, Department of Public Works, for review and approval (213) 847-3077), prior to implementation of the Report's recommended measures. The Tree Report shall address retaining and protecting the existing oak tree on the subject property in place, and the following measure, in addition to any other measures as required by the Department of Urban Forestry, shall be implemented to assure its protection:
  1. Prior to the issuance of any grading permit, and for the duration of proposed construction activities, the applicant shall install orange staked construction fencing around the drip line of the one protected oak (*Quercus agrifolia*) tree located on Parcel A. Placement of this required fencing shall be verified a licensed Tree Arborist, and proof of such verification shall be provided (in a letter) to the Department of Building and Safety prior to the issuance of any grading permit.
- c. A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- d. The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- e. Bonding (Tree Survival):
  1. The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new protected tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's protected tree bond may be exonerated.
  2. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and

processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the protected trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

**8. Increased Noise Levels (Demolition, Grading, and Construction Activities).**

- a. Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

**9. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)**

- a. All exterior windows having a line of sight of a Major Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- b. The applicant as an alternative, may retain an acoustical engineer to submit evidence along with the application for a building permit and any alternative means of sound insulation sufficient to mitigate interior noise levels below CNEL of 45 dBA in any habitable room.

**10. Increased Noise Levels (Residential within 500 feet of Freeway)**

- a. Wall and roof-ceiling assemblies making up the building envelope shall have a Sound Transmission Class (STC) of at least 50, and exterior windows shall have a minimum STC of 30 as determined in accordance with ASTM E90, and ASTM E413, or any amendment thereto.

**C. Administrative Conditions:**

**11. 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 Planning Department for placement in the subject case file.

**12. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.

**13. 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 Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.

**14. 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.

15. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
16. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
17. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
18. **Indemnification and Reimbursement of Litigation Cost.** Applicant shall do all of the following:
  - i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of 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.
  - ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of 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.
  - iii. 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).
  - iv. 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).
  - v. 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.

## 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. **Parcel Map Approval.** All conditions of the 4-lot Parcel Map approval dated May 11, 2017 for the subject property (AA-2016-71-PMLA) shall be satisfied.
2. That a 24-foot wide private street easement be provided, including a turning area to serve the subdivision.
3. That a sanitary sewer easement be dedicated full-width of the proposed private street.
4. That the private street easement be part of the adjoining parcels acceptable to the City Engineer.
5. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary easements for ingress, egress and public facilities over the private street areas upon the sale of the respective parcels and they will maintain the private street free and clear of obstructions and in a safe condition for vehicular use at all times.
6. That a Covenant and Agreement be recorded stating that the private street will be posted in a manner prescribed in Section 18.07 of the Los Angeles Municipal Code (Private Street Regulations).
7. That the applicant submit an application to the Bureau of Engineering for approval of an appropriate private street name.
8. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. Improve Pierce Street adjoining the subdivision by the construction of the following:
    - 1) A concrete curb, a concrete gutter, a minimum 5-foot wide concrete sidewalk in a 12-foot wide border; planting trees and landscaping of the parkway area.
    - 2) Suitable surfacing to join the existing pavement and to complete an 18-foot wide half roadway.
    - 3) Any necessary removal and reconstruction of the existing improvements.
    - 4) The necessary transitions to join the existing improvements.
    - 5) Construct a standard concrete curb ramp at the easterly corner of the intersection of Pierce Street and Hunnewell Avenue (Private Street) in accordance with the provisions of "Americans with Disabilities Act."

- b. Improve the private street and the turning area being provided by the construction of a 2-foot wide longitudinal concrete gutter and suitable surfacing to complete a 20-foot wide roadway with any necessary removal and reconstruction of existing improvements.
  - c. Construct the necessary mainline and house connection sewers to serve each parcel and evaluate the existing house connection, or any other arrangement acceptable to the Valley Engineering District Office.
9. Standard 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.
  - c. That Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any trees in the existing or proposed public right-of-way area. The Bureau of Street Service, Urban Forestry Division, is the lead agency for obtaining Board of Public Works approval for removal of such trees. The applicant should contact the Urban Forestry Division for further information at (213) 847-3077.
10. Construction of necessary drainage facilities to the satisfaction of the Bureau of Engineering.
11. A driveway width of  $W=26$  feet is required for single family residential sites taking direct access to a 3 car garage and a driveway width of  $W=18$  feet is required for all other single family residential sites with direct street access.
12. A parking area and driveway plan should 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 Boulevard, Room 320, Van Nuys, CA 91404. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.
13. That the condition clearance fee be paid to the Department of Transportation as required per Ordinance No. 183270 and LAMC Section 19.15. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.
14. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering.
15. All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077.

16. Install tree wells with root barriers and plant street trees and parkway landscaping to the satisfaction of the City Engineer and the Urban Forestry Division of the Bureau of Street Services.
17. That Board of Public Works approval be obtained, prior to issuance of a Certificate of Occupancy for the removal of any tree in the existing or proposed public right-of-way area. The Bureau of Street Services, Urban Forestry Division, is the lead agency for obtaining Board of Public Works approval for removal of such trees.
18. Plant street trees and remove any 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.
19. Preparation of a plot plan to the satisfaction of the Fire Department.
20. 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.
21. 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.
22. Covenant. Prior to the issuance of any permits relative to this matter, the property owner shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Development Services Center Public Counter 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.
23. 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 new residential dwelling units as a part of a zone change.

## ZONE CHANGE FINDINGS

### A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan and is designated for Low Residential land uses, with corresponding zones RE9, RS, R1, and RU. The proposed Zone Change to RS-1 is consistent with the land use designation on the plan map and is therefore in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan.
2. **General Plan Text.** The City of Los Angeles General Plan Framework, an element of the City of Los Angeles General Plan, the Housing Element, the Plan for Healthy LA Element, and the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan includes the following relevant land use goals, objectives, policies and programs:

The Citywide Design Guidelines are an implementing tool of the Framework Element. However, these Guidelines address only Multi-Family Residential and Commercial Mixed-Use, Commercial, and Industrial projects. As such, no citywide design guidelines for single family residential projects which are not a small lot development currently exist. However, the proposed project includes design elements that can be found in both the Multiple Family and Mixed Use Residential Guidelines such as avoiding large blank elevation walls through the use of varied building materials, window openings, and the use of landscaping in key locations to soften the exterior building façade. Therefore, the recommended development meets the objectives of the Community Plan, is permitted in the RS Zone, and is consistent with the general plan land use designation.

The subject property is subject to ZI-2427 Freeway Adjacent Advisory Notice. The proposed project will further the purposes of the following General Plan policies from the Housing Element, and the Plan for Health LA, as they related to applicable to freeway adjacent uses:

**Housing Element Policy 4.1.9** Whenever possible, assure adequate health-based buffer zones between new residential and emitting industries.

**Housing Element Policy 2.1.2** Establish standards that enhance health outcomes.

**Plan for Healthy LA Policy 1.5** Plan for Health: Improve Angelenos' health and well-being by incorporating a health perspective into land use, design, policy, and zoning decisions through existing tools, practices, and programs.

**Plan for Healthy LA Policy 5.2** People: Reduce negative health impacts for people who live and work in close proximity to industrial uses and freeways through health promoting land uses and design solutions.

**Plan for Healthy LA Policy 5.4** Noxious activities: Protect communities' health and well-being from exposure to noxious activities (for example, oil and gas extraction) that emit odors, noise, toxic, hazardous, or contaminant substances, materials, vapors, and others.

**Plan for Healthy LA Policy 5.7** Land use planning for public health and GHG emission reduction: Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and others susceptible to respiratory diseases.



As shown in the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, the proposed project is located within an area planned and zoned for single-family residential uses and is not located proximate to any industrial use which would emit pollutants. The proposed project demonstrates conformity with the following project design and program concepts identified in ZI-2427 Freeway Adjacent Advisory Notice, which may reduce air pollution exposure and associated health risks, and contribute to well-being:

1. Sensitive uses including schools, day care facilities and senior care centers are not proposed on the subject property.
2. Occupied open space areas (play areas, courtyards, patios, balconies, etc.) are located to the rear of Parcels A, B, C, and D, and furthest from the freeway sources as possible given the lot configuration and orientation.
3. Proposed landscape including shrubbery and trees is located within the front yard area of Parcels B, C, and D, screening the proposed single-family homes.

The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan includes land use goals, objectives, policies, and programs for consideration when evaluating the proposed zone change. In general, the Community Plan has identified the need to preserve the residential character of existing single family neighborhoods, to foster good site planning and urban design, and to consider such factors as compatibility, livability, and impacts on infrastructure when evaluating new projects. Specifically, the Community Plan includes the following relevant land use goals, objectives, policies and programs:

**GOAL 4A:** An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

**Policy 4.1.7** Establish incentives for the development of housing units appropriate for families with children and larger families.

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

**Policy 1-1.1** Designate land for single and multi-family residential development.

**Policy 1-5.1** Promote greater individual choice in type, quality, and location of housing.

The proposed project will meet the above objectives and policies by providing additional housing at an appropriate density and location to meet the plan area's needs, matching the density that was envisioned for this area by the Community Plan's Low Residential land use designation. The site is located adjacent to other RS-zoned single-family lots of similar size to the north, south and west. Specifically, the lots along W. Pierce Street are approximately 7,500 square feet in size, while the lots along Hunnewell Avenue average approximately 9,500 square-feet in size. The proposed RS (Surburban) zone would permit development of three (3) new single-family homes on Parcels B, C, and D, with one existing home to remain on Parcel A, all on lots which range in size from approximately 8,355 to 10,151 net square feet in size. The subject property is located in an area transitioning from agricultural (A2) zoning to suburban (RS) zoning, in keeping with the property's Low Residential land use designation. The proposed zone change to the RS (Surburban) zone together with the approved 4-lot parcel map (AA-2016-71-PMLA) would permit development that is consistent and compatible with this surrounding RS zoned pattern of zoning and development. In addition, the site is not

subject to any Plan footnotes that affect this project, and is not otherwise located within any other specific plan or special land use district.

## **B. Entitlement Findings**

### **3. Zone Change, L.A.M.C. Sec. 12.32 F: The requested zone change is in conformance with the public necessity, convenience, general welfare and good zoning practice.**

The project is convenient in location to several major streets, such as Gladstone Avenue and the Interstate 210 Foothill Freeway, and as an infill project will have adequate access to existing City services and infrastructure. There is a necessity for housing in all income levels and housing types, and the project will create more opportunity for home ownership in the vicinity. Properties in the immediate neighborhood primarily consist of single family RS zoned lots to the north, south, and west of the subject property, with only a few remaining A2 (Agricultural) zoned properties to the east. A zone change from A2-1 to (T)(Q)RS-1 and the construction of three new single-family homes on an approved 4-lot subdivision would be compatible with the use and size of existing adjacent developments. In regards to any equine keeping uses on the adjacent property to the east, and consistent with the provisions of LADBS Information Bulletin P/ZC 2014-018 regarding Equine keeping, even if a building permit is granted to construct a dwelling unit within the required 35-foot buffer distance, legally established equine uses shall be allowed to be continued. Of note is that “**Exhibit A**” shows the three proposed single family homes are located approximately 30 feet from the rear property line, and the ZIMAS aerial photo shows that the potential equine keeping uses on the adjacent property to the east are also setback from the property line, consistent with the 35-foot buffer requirement. Further, Q Condition No. 1 requires that the use of the subject property be limited to those uses as shown on “**Exhibit A**”, including all yards. As such, legally established equine keeping uses on the adjacent A2-1 zoned property to the east would be protected. Therefore, the proposed zone change is in conformance with public necessity, convenience, and general welfare of the neighborhood. Furthermore, the subject zone change will be in good zoning practice by providing a harmonious density and land use activity consistent with development in the surrounding community.

The site is presently an approximately 1-acre property and one of the last remaining lots in the area zoned A2-1. As conditioned, the proposed project will be consistent with the use, height, yard, and area requirements of the RS-1 zone. The proposed zone change is more in keeping with the surrounding RS-1 zone pattern for the surrounding neighborhood, allowing the subject property to be zoned consistent with its existing Low Residential land use, as designated in the Sunland – Tujunga – Lake View Terrace – Shadow Hills – La Tuna Canyon Community Plan.

The recommended zone change has been made contingent upon compliance with the “Q” and “T” conditions imposed herein. Such limitations are necessary to protect the best interests of, and to assure developments and improvements more compatible with, surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

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

### **4. Q Condition Findings**

**a. *The Q limitations are necessary to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood.***

The proposed Q conditions contain provisions regarding site development; limit the use and building height; provide for on-site landscaping and in-home air filters; require protocols for protected and non-protected trees; reduce construction noise impacts; and require noise reduction construction materials. As such, the Q limitations serve to protect the best interests of the proposed development and the community as a whole.

***b. The Q limitations are necessary to secure an appropriate development in harmony with the objectives of the General Plan.***

To ensure that the development is in harmony with the General Plan, the proposed Q conditions contain provisions regarding site development; limit the use and building height; provide for on-site landscaping and in-home air filters; require protocols for protected and non-protected trees; reduce construction noise impacts; and require noise reduction construction materials. As such, the Q limitations serve to secure an appropriate development in harmony with the objectives of the General Plan.

***c. The Q limitation is necessary to prevent or mitigate adverse environmental effects of the zone change.***

Under Case No. ENV-2016-0072-MND, adopted on May 11, 2017, mitigation measures are imposed on the subject project to reduce impacts to a less than significant level in the areas of Air Quality, Biological Resources, and Noise. The Q limitations imposed herein address provisions for mitigation including construction equipment emissions limits and standards, protected and non-protected tree replacement requirements and protection protocols, and require construction noise minimization measures and use of noise reduction construction materials, in response to the analysis of environmental impacts and the mitigation monitoring program under Case No. ENV-2016-0072-MND. As such, the proposed Q conditions prevent or mitigate adverse environmental impacts from the project.

**5. T Condition Finding**

***Public necessity, convenience and general welfare require that provision be made for the orderly arrangement of the property concerned into lots and/or that provision be made for adequate streets, drainage facilities, grading, sewers, utilities, park and recreational facilities; and/or that provision be made for payments of fees in lieu of dedications and/or that provision be made for other dedications; and/or that provision be made for improvements; all in order that the property concerned and the area within which it is located may be properly developed in accordance with the different and additional uses to be permitted within the zone to which the property is proposed for change.***

The current action, as recommended, has been made contingent upon compliance with “T” conditions of approval imposed herein for the proposed project. Such 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 T Conditions ensure appropriate and necessary public and private easements, sanitary sewer, private street naming, street improvements on W. Pierce Street, construction of drainage facilities, adequate driveway and parking area plans, payment of fees to the Department of Transportation, compliance with LADWP water system rules and procedures, compliance with street tree protocols, compliance with Fire Department requirements, confirmation of payment for all applicable Recreation and Parks and Bureau of Engineering fees, and assure construction of required public improvements. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site.

### **C. CEQA Findings**

Based on the independent judgement of the decision-maker (Deputy Advisory Agency), after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-0072-MND, adopted on May 11, 2017 by the Deputy Advisory Agency in connection with AA-2016-0071-PMLA and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required. In response to the applicants project description change to retain at least two existing on-site trees, including one protected oak (*Quercus agrifolia*) tree, mitigation measure No. 8 [Tree Removal (Locally-Protected Species)] has been revised to require installation of orange staked construction fencing around the drip line of the one protected oak (*Quercus agrifolia*) tree located on Parcel A, consistent with the Department of Urban Forestry standards. As such, potential biological impacts would be less than significant and reduced, when compared to the potential impacts of the originally analyzed project in Mitigated Negative Declaration, No. ENV-2016-0072-MND, and none of the circumstances that would warrant the preparation of a Subsequent MND pursuant to Section 15162 of the CEQA Guidelines exists.

The records upon which this decision is based are with Valley Project Planning, Department of City Planning, 6262 Van Nuys Boulevard, Room 430, Los Angeles, CA 90012.