



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



### North Valley Area Planning Commission

<b>Date:</b>	October 2, 2014	<b>Case No.:</b>	APCNV-2014-1658-ZC-ZV-ZAA
<b>Time:</b>	After 4:30 p.m.*	<b>CEQA No.:</b>	ENV-2014-1659-MND
<b>Place:</b>	Marvin Braude Building First Floor Conference Room 6262 Van Nuys Boulevard Van Nuys CA 91401	<b>Incidental Cases:</b>	none
		<b>Related Cases:</b>	none
		<b>Council No.:</b>	6 - Martinez
		<b>Plan Area:</b>	Mission Hills – Panorama City – North Hills
<b>Public Hearing:</b>	July 18, 2014	<b>Specific Plan:</b>	None
<b>Appeal Status:</b>	Zone Change may be appealed by the applicant if denied. Zone Variance and Adjustment are appealable to City Council.	<b>Certified NC:</b>	Panorama City
		<b>GPLU:</b>	Community Commercial and Medium Residential
<b>Expiration Date:</b>	October 24, 2014	<b>Zone:</b>	[Q]C2-1VL, RS-1
<b>Multiple Approval:</b>	Zone Change, Zone Variance, Adjustment	<b>Applicant:</b>	15236 Parth, LLC Al Leibovic

**PROJECT LOCATION:** 15230 Parthenia Street

**PROPOSED PROJECT:** **The construction of a 41-unit residential apartment building**, comprised of four levels of residential uses and partial parking use on the ground-floor, over one level of subterranean parking, with a maximum height of 45-feet, located on two lots totaling 24,503 sq-ft in area. The project will include 90 vehicle parking spaces and 46 bicycle parking spaces.

**REQUESTED ACTION:**

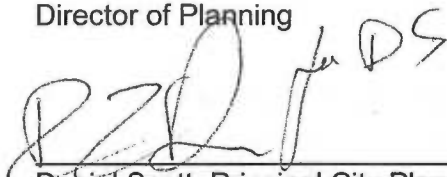
1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, the **Adopt** the Mitigated Negative Declaration (ENV-2014-1659-MND) for the above referenced project; and
2. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change:**
  - a. from [Q]C2-1VL (Commercial Zone) to (T)(Q)RAS4-1VL (Residential / Accessory Services Zone) for the northern portion of the property, for a depth of 119-feet, and
  - b. from RS-1 (Suburban Zone) to (T)(Q)R3-1 (Multiple Dwelling Zone) for the southern portion of the property, for a depth of 126-feet; and
3. Pursuant to Section 12.27 of the Municipal Code, a **Zone Variance** to permit:
  - a. the averaging of density across two zones, and
  - b. access from a more restrictive zone to a less restrictive zone; and

4. Pursuant to Section 12.28 of the Municipal Code, an **Adjustment** to permit:
  - a. a 0-foot rear yard in lieu of the required 5-foot rear yard in the RAS4-1 zone, and
  - b. a 0-foot front yard in lieu of the required 15-foot front yard in the R3-1 zone.

**RECOMMENDED ACTIONS:**

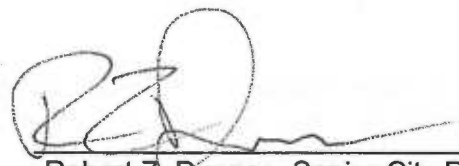
1. **Adopt** the Mitigated Negative Declaration, ENV-2014-1659-MND (Exhibit E-4);
2. **Approve** and **recommend** that the City Council **approve** the **Zone Change** from [Q]C2-1VL to (T)(Q)RAS4-1VL for the subject property, with the attached conditions of approval;
3. **Approve** and **recommend** that the City Council **approve** the **Zone Change** from RS-1 to (T)(Q)R3-1 for the subject property, with the attached conditions of approval;
4. **Approve** a **Zone Variance** to permit the averaging of density across two zones;
5. **Approve** a **Zone Variance** to permit access from a more restrictive zone to a less restrictive zone;
6. **Receive and File** an **Adjustment** to permit a 0-foot rear yard in lieu of the required 5-foot rear yard in the RAS4-1 zone;
7. **Receive and File** an **Adjustment** to permit a 0-foot front yard in lieu of the required 15-foot front yard in the R3-1 zone;
8. **Adopt** the attached Findings; and
9. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

MICHAEL LOGRANDE  
Director of Planning



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Daniel Scott, Principal City Planner



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Robert Z. Duenas, Senior City Planner



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**ADVICE TO PUBLIC:** \* The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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## PROJECT ANALYSIS

### Project Summary

The proposed project involves the development of a 41-unit residential apartment building on two vacant lots within a commercial and multi-family residential corridor. The property uniquely straddles two different land uses, making it impossible to re-zone the entire property with a common zone. Therefore, the applicant requests two Zone Changes for the property, to change the existing commercial zoning on the northern portion of the site to the RAS4 mixed-use zone, and to change the single-family zoning on the southern portion of the site to the R3 multi-family zone. This new zoning would allow for a common multi-family residential use on both portions of the site. In addition, due to the split zoning of the site, two Zone Variance requests are necessary to allow for the construction of a single continuous and uniform building across the zone boundary line. These Variance requests include: averaging density between the two zones and allowing access across zone lines.

Staff recommends approval of the Zone Change, as the (T)(Q)RAS4-1 and (T)(Q)R3-1 zones and resulting 41-unit apartment building would be compatible with the adjacent zoning and existing neighborhood character. Staff also recommends approval of the Variance requests, which are necessary due to the unique land use configuration of the property, in order to allow for a uniform development across the two zones. The Adjustment requests for the removal of the setback requirements along the zone boundary line are not necessary and are therefore recommended to be received and filed.

### Background

The subject site is split-zoned, with the northern portion of the property zoned [Q]C2-1VL and designated for General Commercial land uses (corresponding zones of C1.5, C2, C4, P, RAS3, RAS4), and the southern portion of the property zoned RS-1 with a land use designation of Medium Residential (corresponding zone of R3).

The site is located within the Mission Hills - Panorama City - North Hills Community Plan, and surrounding properties along Parthenia Street to the north, west, and east fall within a variety of zones ([Q]C2-1VL, P-1VL, C2-1, R3-1 and RS-1) and include mostly one- and two-story buildings containing residential and commercial uses such as apartment buildings, retail stores, offices, auto repair and a church. These lots are designated for General Commercial, Community Commercial, and Medium Density Residential land uses. Properties south of the site are zoned R3-1 and RD3-1 within the Medium Density Residential designation and are primarily developed with two- and three-story apartment buildings.

The rectangular-shaped site consists of two flat lots totaling 24,503 sq-ft of lot area, having a frontage of 100 feet on the south side of Parthenia Street (a designated Secondary Highway). The public right-of-way along Parthenia Street adjacent to the project site is currently improved with sidewalk, curb, and gutter. The site is currently vacant and undeveloped.

### ***Related Cases:***

#### ON-SITE:

*CPC-1986-602-GPC* - On May 29, 1989, Ordinance ORD-164750-SA2440 became effective as part of the City's General Plan Consistency program, which instituted a [Q] condition on the commercial portion of the property, limiting residential development to the RE11 zone and prohibiting hotel and motel uses.



**OFF-SITE:**

*CPC-2001-5472-ZC-GPA-F* - On July 18, 2001, a General Plan Amendment from Low Residential to Low Medium I Residential density was passed, along with Ordinance 174,139 granting a Zone Change from RA-1 to (T)(Q)RD3-1 for the development of 47 detached condominium units, and a fence approval for a six-foot fence in the front yard, in lieu of the maximum permitted three and one-half feet at 8554 Burnet Avenue (east of site).

*ZA-2003-8450-ZV* - On February 26, 2004, a Zone Variance was denied for the continued use and maintenance of an ice cream business with the open storage and parking of ice cream trucks overnight in the RS-zoned portion of the site. The Zoning Administrator recommended that the applicant instead file for a Zone Change request for the RS portion of the site.

*APCNV-2002-5946-ZC-ZAA* - On February 1, 2004, Ordinance 175,723 became effective granting a Zone Change from RA-1 to (T)(Q)RD1.5-1 for a 16-unit residential development at 9155 Tobias Avenue (north of site).

***City Agency Reports Received:***

Letters were received from the Bureau of Engineering and Bureau of Street Lighting prior to the completion of the Hearing Officer's report. These recommendations have been incorporated as conditions of approval.

***Hearing Officer Comments:***

***ZONE CHANGE REQUESTS***

The proposed project site is located within the Mission Hills - Panorama City - North Hills Plan area, within a land use designation of General Commercial for the northern portion of the site, and a land use designation of Medium Residential for the southern portion of the site. The General Commercial land use allows for corresponding zones of C1.5, C2, C4, P, RAS3, and RAS4, while the Medium Residential land use only allows the R3 zone. The proposed RAS4 and R3 zoning for the site will meet the zoning and density envisioned by the corresponding Land Use designations.

The Mission Hills - Panorama City - North Hills Community Plan also includes some relevant land use issues, goals, objectives, policies, and programs that must be considered when evaluating the proposed project. In general, the Community Plan has identified the need to preserve the residential character of existing single and multi-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. In addition, the General Commercial portion of the site is subject to two Footnotes of the Community Plan: Footnote 3 requires a height district of 1VL, and Footnote 7 states that the density of multiple residential developments should not exceed adjacent development, or that it be properly mitigated to ensure compatibility with the surrounding neighborhood.

In addition, the northern portion of the site, which is commercially-zoned, is currently subject to a Q-condition enacted in 1989, which prohibits multi-family residential development along the commercial corridor. This same Q-condition affects all properties with frontage on the south side of Parthenia Street, starting on the block containing the subject property and ending west of Sepulveda Blvd., as well as on both sides of Sepulveda Blvd., starting from Parthenia Street to the north and ending at Roscoe Blvd. to the south. With the exception of a few apartment buildings on Sepulveda Blvd. which pre-date the 1989 regulation, the remaining majority of commercial properties along these corridors are underutilized with a significant amount of surface parking and storage, including the two properties immediately adjacent to the subject

site. These commercial areas have generally seen minimal investment or building upgrades over the years. In addition, mixed-use zones such as the RAS3 and RAS4 zone did not exist at the time the Q-condition was set into place. Removal of the previous Q-condition, enacted 25 years ago, would allow for a new viable residential use on the site with mixed-use zoning, in lieu of the commercial-only restrictions of the corridor. In addition, residential uses would meet an unmet demand for the area, as U.S. Census data submitted by the applicant indicates that the vacancy rate for the Community Plan area is very low (approximately 2.5%), and justifies the critical need for additional multi-family development in the area.

The proposed RAS4 and R3 zoning and apartment development for the site would also be in-line with the character of the neighboring multi-family residential area to the south and east, and would be a compatible improvement to the mix of small-scale commercial uses along Parthenia Street. The project would also provide upgrades to the public right-of-way along Parthenia Street adjacent to the subject site. In addition, adequate access to the site could be provided from major streets, and the development of forty-one new residences on the site is not expected to have a significant impact on traffic, public services, or available utilities.

#### *ZONE VARIANCE REQUESTS*

Due to the unique configuration and combination of separate land use designations assigned the site; it is not possible to re-zone the site using one uniform zone. Therefore, the applicant has requested two separate multi-family zones (RAS4 and R3) which would allow for a common residential rental use of the site. However, the Municipal Code sets separate density requirements for each of these zones and also does not allow for more intensive uses in more restrictive zones.

The RAS4 zone for the northern lot on the site would allow for a density of one unit per 400 sq-ft of lot area, and the R3 zone for the south lot on the site would allow for a density of one unit per 800 sq-ft of lot area. If the applicant were to strictly follow the density allowances for each site, 29 units could be built on the RAS4 portion and 15 units would be permitted on the R3 portion, creating an unbalanced development. In addition, the Municipal Code would not allow the users of the RAS4 portion to be able to cross over into the less restrictive R3 zone, thereby requiring a separation of common areas such as parking, open space, and walkways. This would create practical difficulties in developing and accessing the building, especially since the R3 portion of the site does not have any frontage or access on a public street. Therefore, the applicant has requested Variances to allow for the blending of densities across zones and to allow for access between the two separately-zoned areas. These Variances would allow for a more uniform and practical use of the site.

#### *ADJUSTMENT REQUESTS*

At the initial filing of the application, Planning Staff required an Adjustment request to be included for the project in order to remove the setback requirements along the zone boundary line, where the proposed RAS4 and R3 zones meet. In some instances, zone boundary lines are treated as property lines, and may be subject to the setback requirements of the Code. However, Building and Safety confirmed that in this case, the setback requirements along the zone boundary line would not be enforced, and therefore the Adjustment requests are not necessary, and are recommended to be received and filed.

#### **Issues**

A public hearing was held for the subject Zone Changes, Zone Variances, and Adjustments on July 18, 2014. The hearing was attended by the project owner and representatives, who submitted new architectural plans for the project and added that the Neighborhood Council supports the development.



In addition, a letter was received from the office of Councilmember Nury Martinez, with comments stating that the project site and neighboring properties are in need of revitalization and redevelopment, and that the architecture, design, and landscape of the project should be elevated to provide a development that enhances the surrounding community, supporting the community revitalization being experienced south of the site, and improving and preserving the quality of life of nearby residents.

Since the public hearing, the applicant has put forth good effort to work with Planning Staff to revise the project's architectural plans for compliance with the Citywide Residential Guidelines. Revisions have included a redesign of the first floor to create more useable common and open space areas, and façade changes to create a consistent architectural style, a clean but well-articulated building design, and greater ground-floor transparency.

#### *FUTURE ALLEY*

Currently, a portion of an alley has been dedicated and improved along two properties east of the subject site, south of Parthenia Street with access from Burnet Avenue. However, the alleyway has not been dedicated or improved along the remainder of the properties within this block. Future continuation of the alleyway from Burnet Avenue to Columbus Avenue continues to be feasible, since no building or structure has been constructed within the future alley area. Therefore, the Bureau of Engineering has recommended that the subject property provide a 20-foot wide future alley dedication along the rear of the property for potential continuation of this alleyway. Directly abutting the site is a one-story retail store to the west and a two-story church on the east, with parking and vehicle storage areas located on the rear half of both properties. Neither of these properties has dedicated land for the alleyway, so if currently constructed, any alleyway improvements on the subject property would not be able to have legal access to an existing alleyway or street. Therefore, the project site is required to submit a future alleyway dedication, meaning that dedication will be required, but if no alleyway connection is established in the future, the land may be given back to be used for the subject property. Due to the potential future alleyway dedication, the rear open space areas were not counted towards meeting the open space requirement, and no significant permanent landscaping has been proposed for this portion of the lot.

#### **Conclusion**

The requested RAS4 and R3 zones are within the range of corresponding zones of the respective General Commercial and Medium Residential Plan designations, and are in conformance with the public necessity, convenience, general welfare, and good zoning practice. Staff's recommendation is for approval of the (T)(Q)RAS4 and (T)(Q)R3 zones with the attached (Q) Qualified and (T) Tentative conditions, which support the policies of the Land Use Element of the General Plan.

In addition, Staff recommends approval of the Zone Variance requests, which would allow for the logical development of the site with a contiguous structure, and should be granted based on the site's unique configuration with split-zoning.

Staff recommends receiving and filing the Adjustment requests, as they are not necessary for the proposed project.