



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### North Valley Area Planning Commission

**Date:** Thursday April 16, 2015  
**Time:** After 4:30 P.M.\*  
**Place:** Marvin Braude Constituent Service Center  
6262 Van Nuys Boulevard, First Floor  
Van Nuys, CA 91401

**Public Hearing:** February 3, 2015  
**Appeal Status:** Zoning Administrator's Determination is appealable to the City Council; Zone Change disapproval, in whole or in part, is appealable by the applicant to the City Council.  
**Expiration Date:** April 24, 2015  
**Multiple Approval:** Yes

**Case No.:** APCNV-2014-3240-ZC-ZAD  
**CEQA No.:** ENV-2014-3239-MND  
**Incidental Cases:** TT-72960  
**Related Cases:** None  
**Council No.:** 7  
**Plan Area:** Mission Hills-Panorama  
City-North Hills  
**Specific Plan:** None  
**Certified NC:** North Hills East  
**GPLU:** Low Medium I Residential  
**Zone:** RA-1  
**Proposed Zone:** RD3-1  
**Applicant:** Inland Communities Corporation  
**Representative:** Same

**PROJECT LOCATION:** 9223 North Lemona Avenue

**PROPOSED PROJECT:** The construction, use and maintenance of nine (9) detached residential condominiums units, with 18 residential tenant parking spaces and 4 guest parking spaces on a 29,204 square-foot net lot.

**REQUESTED ACTION:**

- 1) Pursuant to Section 12.32-F of the Los Angeles Municipal Code, a Zone Change from the RA-1 Zone to the RD3-1 Zone;
- 2) Pursuant to Section 12.24-X,7, of the Los Angeles Municipal Code, a Zoning Administrator's Determination to permit a 6-foot high over-in-height fence in the required front yard setback in lieu of the 42-inch maximum height required by Section 12.22-C,20(f)(2);
- 3) Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, adopt the Mitigated Negative Declaration (MND) for the above referenced project.
- 4) Adopt the proposed Mitigation Monitoring Program for the above referenced project. .

### RECOMMENDED ACTIONS:

- 1) **Approve and recommend** that the City Council adopt the Zone Change from RA-1 to (T)(Q)RD3-1.
- 2) **Approve** the Zoning Administrator's Determination to permit a 6-foot high over-in-height fence in the required front yard setback in lieu of the 42-inch maximum height required by Section 12.22-C,20(f)(2);.

- 3) **Adopt** the attached findings.
- 4) **Adopt** the Mitigated Negative Declaration No. ENV-2014-3239-MND.
- 5) **Adopt** the Mitigation Monitoring Program for Mitigated Negative Declaration No. ENV-2014-3239-MND
- 6) **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.
- 7) **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) Filing.

MICHAEL J. LOGRANDE  
Director of Planning

---

Charles J. Rausch, Jr.  
Associate Zoning Administrator

---

Jae H. Kim, Senior City Planner

---

Jordann Turner, Hearing Officer  
Telephone: (213) 978-1365

**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, Room 272, City Hall, 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 these 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.

# TABLE OF CONTENTS

<b>Project Analysis .....</b>	<b>A-1</b>
Project Summary	
Background	
Issues	
Conclusion	
<b>(T) Conditions.....</b>	<b>T-1</b>
<b>(Q) Qualified Conditions of Approval .....</b>	<b>Q-1</b>
<b>Conditions of Approval .....</b>	<b>C-1</b>
<b>Findings.....</b>	<b>F-1</b>
General Plan Land Use Designation	
Entitlement Findings	
Environmental Finding	
<b>Public Hearing and Communications .....</b>	<b>P-1</b>
<b>Exhibits:</b>	
A - Maps	
Vicinity Map	
Radius Map	
B - Plans	
Site Plan	
Floor Plan	
Elevations	
Renderings	
C – Tract Map- TT-72960-CN Letter of Determination	
D – Environmental Clearance (ENV-2014-3239-MND) and Mitigation Monitoring and Reporting Program	
E – Department Letters	
Bureau of Engineering, December 11, 2014	
Bureau of Street Lighting, November 13, 2014	
Department of Transportation, December 10, 2014	
Fire Department, December 18, 2014	
Department of Building and Safety, November 6, 2014	
Bureau of Street Services, Urban Forestry Division, February 2, 2015	

## PROJECT ANALYSIS

### Project Summary

The applicant is proposing to construct a nine unit detached residential condominium development with a total of 22 parking spaces including two per residential units (18 parking spaces) and four guest parking spaces on a 29,204 square-foot net site . The project includes nine four-bedroom units and a total of 2,025 square-feet of open space. Additionally, the applicant is proposing a 6-foot high fence located within the front-yard setback of the development.

### Background

The project site is a level, rectangular lot consisting of approximately 29,204 net square-feet located on the western side of Lemona Avenue between Tupper Street and Nordhoff Street in the North Hills community. The site is improved with a single-family dwelling constructed in 1950.

The site is currently zoned RA-1 with a land use designation of Low Medium I Residential. The applicant is requesting a zone change from RA1- to RD3-1 to permit the density for the nine residential units. Tentative Tract Map No. 72960 was approved on February 25 permitting the one-lot subdivision for the nine proposed detached residential condominium units and allowing an 8-foot separation between buildings in lieu of the ten-feet otherwise required.

### General Plan

The subject property is located within the Mission Hills-Panorama City-North Hills Community Plan area, which designates the site for Low Medium I Residential land use corresponding to the R2, RD3, RD4, RD5, RD6, RZ3, RZ4, RU, and RW1 Zone. The site is currently zoned RA-1 and the applicant is requesting a zone change to the RD3-1 Zone which is consistent with its land use designation. The subject property is not located within any specific plans, overlay districts, or interim control ordinances.

### Surrounding Properties:

Properties across Lemona Avenue to the east are zoned RS-1 and are improved with single-family dwellings. The adjacent properties to the north are zoned (T)(Q)RD3-1 and are improved with single-family dwellings. The adjacent property to the south is zoned (Q)RD3-1 and is improved with a detached two-story condominium development. The adjacent property to the west are zoned (Q)RD3-1 and is developed with detached two-story condominiums.

### Street and Circulation:

Lemona Avenue is a Collector Street, dedicated to a width of 64 feet and improved with asphalt roadway and concrete curb and gutter.

### Relevant Cases:

#### ON-SITE:

Case No. VTT-72960-SL - On February 25, 2015, the Deputy Advisory Agency approved Tentative Tract Map No. 72960-CN, to subdivide the project site for a maximum of nine (9) detached residential condominium units. This unit density is based on the RD3 Zone and

contingent upon the approval of this case. No appeals were filed.

#### OFF-SITE:

Case No. APCNV-2003-9302-ZC-ZAA - On May 11, 2005, the City Council approved a Zone Change from RA-1 to (T)(Q)RD3-1 in conjunction with the construction of 24 unit single-family detached condominium located at 9231-9251 Lemona Avenue.

Case No ZA-2004-6946(F) – On April 11, 2005, the Zoning Administrator approved the construction, use and maintenance of a 6-foot high over-in-height decorative masonry, occupying a variable zero to 5-foot depth front-yard for a linear distance of approximately 240 feet in the required front yard setback area located at 9231-9251 Lemona Avenue.

Case No. TT-60666 - On November 30, 2004, the North Valley Area Planning Commission, granted the appeal in part and modified the decision of the Deputy Advisory Agency to approve Tentative Tract 60666 for the construction of a 24-unit detached single-family condominium development located at 9231-9251 Lemona Avenue.

#### **Issue**

A joint public hearing conducted by the Deputy Advisory Agency and the Hearing Officer on this matter was held in Van Nuys on Tuesday, February 3, 2015. The concerns raised at the hearing and additional research and analysis by staff have identified the following relevant issues:

#### **Construction Impacts to Plummer Elementary School**

The main concern expressed from one member of the public was the impacts construction of the proposed project would have on Plummer Elementary School which is located approximately 400 feet north of the project site.

As part of the mitigation measures and the Mitigation Monitoring and Reporting Program imposed on the project via ENV-2014-3239-MND, the applicant, developer, and contractors are required to maintain ongoing contact with administrator of Plummer Elementary School. Additionally, the administrative offices of the school shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. Furthermore, the developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch. Lastly, no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school and no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

#### **Conclusion**

The existing RA lots are a couple of only a few remaining underdeveloped sites within the neighborhood. There is a need for additional housing within the community. Based on the information submitted, the surrounding uses, input from the public hearing, and the project's proposed compliance with the Mission Hills-Panorama City-North Hills Community Plan, the Department of City Planning is recommending that the North Valley Area Planning Commission approve the zone change from RA-1 to (T)(Q)RD3-1. It will provide for a low medium-density residential site that will become fully consistent with the General Plan and the General Plan Land Use Map for the Mission Hills-Panorama City-North Hills Community Plan Area. The approval of this Zone Change, with the imposition of the conditions of approval and mitigation measures, will

provide additional housing in an area of the Community Plan identified for Low Medium I Residential land uses and provide new investment in the community.

The concurrent Tract Map (TT-72960) was approved on February 25, 2015 contingent upon the zone change to grant the proposed density. The map was vetted by various City agencies which ensure the site plan was adequately reviewed for compliance. Other conditions attached to the project will lessen any impacts that may otherwise arise.

## **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. 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. Street Dedication (Lemona Avenue).
    - (1) That a 12-foot wide strip of land be dedicated along Lemona Avenue adjoining the subdivision to complete a 32-foot wide half right-of-way dedication in accordance with Collector Street Standards..
    - (2) That any fee deficit under Work Order No. EXT00579 expediting this project be paid..
    - (3) That Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any tree in the existing or proposed 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.
    - (4) That if necessary public sanitary sewer easements be dedicated on the final map based on an alignment approved by the Valley Engineering District Office.
  - b. Street Improvement (Lemona Avenue).
    - (1) A concrete curb, a concrete gutter, and a 5-foot concrete sidewalk and landscaping of the parkway.
    - (2) Suitable surfacing to join the existing pavements and to complete a 22-foot half roadway
    - (3) Any necessary removal and reconstruction of existing improvements.

- (4) The necessary transitions to join the existing improvements.
- (5) Construct the necessary on-site mainline sewers satisfactory to the City Engineer.

2. Street Lighting.

- a. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
- b. Construct new street light: one (1) on Lemona Avenue.

3. Department of Transportation.

- a. A minimum of 20-foot reservoir space is required between any security gate and the property line, after dedications, to the satisfaction of the Department of Transportation.
- b. 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. A driveway width of 28 feet is required for residential sites with less than 25 parking spaces. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.
- c. That a fee in the amount of \$197 be paid to the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

4. Bureau of Sanitation. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering.

5. Bureau of Street Services, Urban Forestry Division. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as require 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 planting, the applicant or contractor shall notify the Urban Forestry Division (213) 847-3077 upon completion of construction to expedite tree planting

6. Information Technology Agency. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be



submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, (213) 978-0856.

7. Recreation and Parks Dedication. Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
  
8. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

Notice: Certificates of Occupancies for the subject properties 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 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.

1. **Use.** The use of the subject property shall be limited to those uses permitted in the RD3 Zones as defined in Section 12.09.1 of the Los Angeles Municipal Code ("LAMC").
2. **Density.** A maximum of nine residential condominium units shall be permitted.
3. **Height.** The height of the buildings on the subject properties shall not exceed 30 feet. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties with single-family dwellings.
4. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "B," and as revised by this action.. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.

## CONDITIONS OF APPROVAL

Pursuant to Sections 12.32 and 12.24-X,7 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### **A. Entitlement Conditions**

1. **Parking.** A minimum of two covered off-street parking spaces shall be provided for each unit in accordance with LAMC Section 12.21-A,4(a).
2. **Bicycle Parking.** On-site bicycle parking shall be provided in compliance with LAMC Section 12.21-A,16,
3. **Driveways.** Any unused curb and driveways cuts shall be replaced with sidewalk and parkways to maintain continuity for pedestrians.
4. **Landscaping.** Preserve any trees in “good” or “excellent” condition which do not interfere with the proposed building footprints.
5. **Wall.** Approved is a the construction, use and maintenance of a 6-foot high over-in-height decorative masonry wall, occupying a variable zero to 5-foot depth for a linear distance of approximately 60 feet in the required front yard setback area, in lieu of the 42-inch maximum height required by Section 12.22-C,20(f)(2). Wall clinging vines shall be included within the landscaped setback.
6. **Term.** The term of these Conditions of Approval shall be for 6 years from the effective date of the Zone Change Ordinance.

### **B. Environmental Conditions**

1. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.
2. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
3. **Aesthetics (Glare).** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
4. **Air Pollution (Demolition, Grading, and Construction Activities)**
  - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
  - c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
  - d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
  - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
  - g. Trucks having no current hauling activity shall not idle but be turned off.
5. **Erosion/Grading/Short-Term Construction Impacts.** The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
6. **Geotechnical Report.**
- a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
  - b. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
7. **Green House Gas Emissions.** Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
8. **Stormwater Pollution (Demolition, Grading, and Construction Activities)**
- a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
  - b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

- c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
  - d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
  - e. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
9. **Increased Noise Levels (Landscape Buffer).** A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.
10. **Increased Noise Levels (Demolition, Grading, and Construction Activities).**
- a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
  - 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.
11. **Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
12. **Construction Activity Near Schools**
- a. The developer and contractors shall maintain ongoing contact with administrator of Plummer Elementary School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch at (213) 580-2950 or (213) 580-2900 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
  - b. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
  - c. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

13. **Public Services (Schools).** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
14. **Utilities (Local Water Supplies - Restaurant, Bar, or Nightclub)**
  - a. Install/retrofit and utilize only restroom faucets of a self-closing design.
  - b. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
15. **Recreation (Increased Demand For Parks Or Recreational Facilities).** Pursuant to Section 17.12-A or 17.58 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of dwelling units.
16. **Utilities (Solid Waste Recycling)**
  - a. **(Operational)** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
  - b. **(Construction/Demolition)** Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
  - c. **(Construction/Demolition)** To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.
17. **Utilities (Solid Waste Disposal).** All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

### **Administrative Conditions**

18. **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 Planning Department for placement in the subject file.

19. **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.
20. **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.
21. **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.
22. **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.
23. **Building Plans.** Page 1 of the grant 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.
24. **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.
25. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
26. **Expiration/Termination.** The subject (T)(Q)RD3-1 Zone shall become null and void, and the rezoning proceeding shall be terminated, (a) if the applicant fails to remove the T Tentative classification within the six year time period provided in LAMC Section 12.32-G,h, including any extensions or (b) upon applicant's delivery to the Director of City Planning of written notice terminating the (T)(Q)RD3-1 rezoning.
27. **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.





## FINDINGS

### A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the Mission Hills- Panorama City-North Hills Community Plan adopted by the City Council on June 9, 1999. The map designates the subject property for Low Medium I Residential land uses with the corresponding zones of R2, RD3, RD4, RD5, RD6, RZ3, RZ4, RU, and RW1. The proposed zone change recommendation from the RA-1 Zone to the (T)(Q)RD3-1 Zone is consistent with the current Low Medium I Residential land use designation and the range of zones for Low Medium I land use category. Furthermore the zone change is 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 Mission Hills-Panorama City Community Plan text includes the following relevant statements in the land use objectives, policies and programs section:
  - a. Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods. (Policy 1-3.1)
  - b. Provide for development of townhomes and other similar condominium type housing units to increase home ownership options. (Policy 1-5.4)

Properties across Lemona Avenue to the east are zoned RS-1 and are improved with single-family dwellings. The adjacent properties to the north are zoned (T)(Q)RD3-1 and are improved with single-family dwellings. The adjacent property to the south is zoned (Q)RD3-1 and is improved with a detached two-story condominium development. The adjacent property to the west are zoned (Q)RD3-1 and is developed with detached two-story condominiums.

The proposed project will develop nine (9) detached residential condominium units in conjunction with the approved Tentative Tract map, TT-72960. The project will provide needed new housing to meet the needs of projected population of the Community Plan. The project site is one of the last parcels that have not been rezoned to a multi-family residential zone. Therefore, the zone change to the RD3-1 Zone is in conformance with the land use aforementioned policies of the Mission Hills-Panorama City-North Hills Community 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 polices 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 provisions, objectives and policies 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.

Policy 3.7.1 - Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.

Policy 3.7.4 - Improve the quality of new multi-family dwelling units based on the standards in Chapter 5 Urban Form and Neighborhood Design Chapter of this Element.

The project site is currently developed with one single-family dwelling and is underutilized. The proposed project is an infill development that will create a total of nine (9) dwelling units that is within the Low Medium Residential I designation of the site and is compatible with the existing residential development pattern. The proposed Zone Change would enable the construction of additional housing which is consistent with the goals and policies of the Framework Element.

Additionally, the proposed project is consistent with these provisions in that it will be located within an established multiple-residential neighborhood where there is sufficient public infrastructure and services, in an area designated in the Community Plan for multi-family residential development, and will be subject to many "T" and "Q" conditions imposed herein to ensure the quality of new multi-family dwelling units and that their appearance and design will be compatible with the surrounding neighborhood.

4. The **Transportation Element** of the General Plan is not likely to be affected by the recommended action herein. Lemona Avenue which bounds the site to the east is designated as a Collector Street and is dedicated to a width of 64-feet. The Bureau of Engineering has requested a 12-foot dedication to complete a 32-foot half right-of-way dedication as well as improvements. Improvements will be completed to the satisfaction of the Bureau of Engineering, which will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Los Angeles Municipal Code Section 17.05

The Department of Transportation has reviewed the project and determined that the project does not require a traffic study and will have less than significant impacts on existing infrastructure and various modes of transportation.

5. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. Requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

## **B. Entitlement Findings**

### **1. Zone Change Findings.**

- A. Pursuant to Section 12.32-F 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 site is currently developed with one residence. It is one of a few under-improved RA zoned properties in the vicinity. The development of this residential project is an infill of an otherwise mixed-density neighborhood. The development of nine condominium units will be beneficial to the community as it provides more homeownership opportunities and is designed to fit into the existing development pattern. The zone change makes the project consistent with the public necessity, convenience, general welfare and good zoning practices.

Public Necessity: The granting of the proposed Zone Changes would result in a project that addresses public necessity by allowing the development of needed housing in the community and complimenting street improvements including creation of a sidewalk and connection to the existing sidewalk.

Convenience: Granting the proposed Zone Changes would result in a project that is consistent with the public's convenience. The project site is located in a residential neighborhood within the Mission Hills-Panorama City-North Hills Community Plan area. The site is located on the west side of Lemona Avenue between Nordhoff Street and Tupper Street. It is also located within two blocks of Plummer Elementary School. The residential use will serve the local neighborhood and the community at large by providing a new residential development and enhancing the character of the multi-family and single-family residential neighborhood.

General Welfare: Granting the requested zone change would be consistent with the General Welfare, in that the request involves a zone and use that is consistent with the plan's underlying Land Use Designation of Low Residential. The improvements resulting from the zone change will enhance the visibility and aesthetic character of the site. Further, the project would be designed in conformance with all applicable fire and safety codes which are intended to promote the General Welfare. Lastly, the applicant is proposing a project that would be consistent with all applicable zoning regulations.

Good Zoning Practice: The Mission Hills-Panorama City-North Hills Community Plan designated this neighborhood under Height District No. 1 which limits entire site to a floor area not to exceed three times the building area and limits the height to 45-feet. The proposed project involves the construction of nine (9) two-story detached residential condominiums. The development includes pitched roofs in lieu of flat roofs, which provides for better rain run-off and more architectural interest. The zone change of the RA-1 to RD3-1 will allow for greater density and be more consistent with the Plan's Low Medium I Residential Land Use Designation. The proposed zoning will allow more density and preserve and enhance the character of the surrounding neighborhood consistent with the intent and purpose of the Community Plan. The zone change will also allow a higher density closer to major thoroughfares.

2. Pursuant to Section 12.32.Q(a)(2) of the Municipal Code, the action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

## **2 Zoning Administrator's Determination**

- 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.**

The proposed over-in-height fence is part of a new nine (9)-unit detached single-family condominium project to be developed at this site. According to the applicant, the wall is necessary to provide privacy, security, buffering from traffic and protective visual buffering for the rear yards of the lots adjacent to the street. The applicant's testimony indicated that Lemona 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.

- 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 overall project is located in the Mission Hills-Panorama City-North Hills Community Plan Area on the west side of Lemona Avenue between Nordhoff Street and Tupper Street.. The area is predominantly a mix of single family on the east side of Lemona Avenue and low density multi-family uses. The fence has been conditioned in a manner that seeks to address design features so that they do not adversely affect the surrounding area. The fence has been conditioned to have a variable depth of 0- to 5-feet in order to provide visual variety to the wall and to allow a landscaped area between the wall and the sidewalk area.

Therefore, as conditioned and modified by this action, the fence is not anticipated to adversely affect or degrade adjacent properties.

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

The adopted Mission Hills- Panorama City-North Hills Community Plan designates the subject property for Low Medium I Residential land use with the corresponding zones of R2, RD3, RD4, RD5, RD6, RZ3, RZ4, RU, and RW1. The recommended zone change is consisted with the range of zones. The site is not located within a specific plan area. The project site consists of one record lot with approximately 29,204 net square feet of lot area. The underlying zone of the subject site is RA-1. In conjunction with the proposed subdivision, the Zone Change request RA1- to RD3-1 will allow the construction of nine (9) detached residential condominium units.

The grant of this request will not adversely affect any element of the General Plan as 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, the community plan, or any related specific plan. Additionally, the General Plan supports the development, maintenance and upgrading of residential areas, fostering public safety and providing for good zoning practices and the request is consistent with such goals.

- 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 proposed fence design 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 proposed fence design blends in and is compatible with the architecture style of the development housing complex and creates no visual obstructions that might interfere with the function of the community. The proposed fence augments the front yard landscaping with compatible materials and design. 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.

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

**C. Environmental Findings**

1. **Environmental Finding.** A Mitigated Negative Declaration (ENV-2014-3239-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. 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. I hereby adopt the Mitigated Negative Declaration and impose those conditions in this approval.
2. **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 Flood Zone C, areas determined to be outside the 0.2% annual chance floodplain. Currently, there are no flood zone compliance requirements for construction in these zones.

## **PUBLIC HEARING AND COMMUNICATIONS**

A joint public hearing conducted by the Deputy Advisory Agency and the Hearing Officer on this matter was held in Van Nuys on Tuesday, February 3, 2015.

1. Attendees

The hearing was attended by four people, including the applicant, the applicant's representative, one member from the public and the Planning Deputy for Council District 7.

2. Testimony

- a. Mohamed Younes, the applicant presented an overview of the project and stated that the project would be a compliment to the neighborhood and that the parcels to the north of the project site had previously been approved for a similar project.
- b. One member of the public spoke about his concern over project's impact on the nearby Plummer Elementary School.
- c. Claudia Rodriguez, Planning Deputy for Council District 7, stated Councilman Felipe Fuentes's support for the proposed project.