

## FINDINGS

### A. General Plan/Charter Findings

#### 1. General Plan Land Use Designation

The subject property is located within the Sun Valley-La Tuna Canyon Community Plan, as adopted by the City Council on August 13, 1999. The Community Plan designates the subject lot as Commercial Manufacturing/Commercial Industrial corresponding to the CM and P Zones. The 11,674 square foot subject site is zoned R1-1-CUGU, and as such, the zoning does not correspond with the land use designation. Therefore, the applicant's request is within the potential of the Community Plan.

The project site is not located within a specific plan area, but is located within a special overlay district designated under LAMC Section 13.18 as the Clean Up Green Up Supplemental Use District (CUGU). The purpose of the CUGU Supplemental Use District is to reduce cumulative health impacts resulting from incompatible land uses, including concentrated industrial land use, on-road vehicle travel, and heavily freight-dominated transportation corridors, which are incompatible with the sensitive uses to which they are in close proximity, such as homes and schools. The CUGU ordinance identifies a residential use as a Publicly Habitable Space, and includes development regulations for a Publicly Habitable Space that is adjacent to a Subject Use, which is a use that could have health impacts. The CUGU Ordinance identifies a warehouse as a Subject Use that could possibly be incompatible with a Publicly Habitable Space, which includes dwelling units, school, park, recreation center, day care center, hospital, medical building, and nursing home. Since the proposed Subject Use (warehouse) abuts residential uses, the proposed use is subject to applicable development regulations under the CUGU Ordinance (LAMC Section 13.18 F). For this particular site, the applicable development regulations address site planning requirements for trash receptacles; fencing; lighting; signage; building height; surface lot parking design layout, tree planting, and ground water recharge; driveways, and noise. The project has been designed and conditioned to require compliance with these applicable development regulations.

#### 2. Charter Section 555 Findings: That the Zone Change is in substantial conformance with the purposes, intent, and provisions of the General Plan.

**Framework Element.** The recommended Zone Change to (T)(Q)CM-1-CUGU conforms to the following objectives and policies of the Framework Element (Chapter 3-Land Use) as follows:

*GOAL 3J Industrial growth that provides job opportunities for the City's residents and maintains the City's fiscal viability.*

*Objective 3.14 Provide land and supporting services for the retention of existing and attraction of new industries.*

A change in zone, as requested by the applicant, would further the policies of the General Plan Framework Element by attracting new industry to an area currently developed with industrial uses, and provide job opportunities that serve City residents within the local

community. The requested zone change to the CM zone, a “Light” industrial zone, is a corresponding zone to the requested Commercial Manufacturing/Commercial Industrial land use designation.

Furthermore, the Citywide General Plan Framework Element (Chapter 7-Economic Development) states:

*GOAL 7B: A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.*

*Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

The applicant has requested a zone change from R1 to CM to permit commercial manufacturing/industrial development, specifically a 5,042 square foot warehouse storage use that offers employment opportunity to local residents, provides for economic growth, and is designed and conditioned in compliance with applicable CUGU regulations. Increased economic and employment opportunities are particularly important in the Sun Valley-La Tuna Canyon community, where a substantial proportion of the population lives below poverty (20% below poverty level per Demographic Research Unit statistics, Department of City Planning, 2016).

Chapter 5 of the Framework Element sets goals, objectives, and policies for Urban Form and Neighborhood Design. The Framework Element states:

*Policy 5.5.3: Formulate and adopt building and site design standards and guidelines to raise the quality of design Citywide.*

As shown in “**Exhibit A**” and as conditioned herein, the applicant has incorporated Industrial Citywide Design Guidelines as follows:

- Pedestrian-first orientation: As recommended by the Urban Design Studio/Professional Volunteer Program (UDS/PVP), the project is conditioned to use stamped/scored concrete or other decorative material along the driveway surface to give the appearance of a patio courtyard, which will enhance each entryway and guide pedestrians. Parking and loading areas are at the rear of the building to enhance the public right-of-way, as shown in “**Exhibit A.**”
- 360 degree design: The project is attractively designed from all views and is compatible in scale, massing, and height with single-family dwellings on Penrose Street and the industrial use to the immediate south, which is conditioned under Case No. APCNV-2008-3441-ZC-BL (Ordinance No. 181,134) to be designed with a building facade that complements the single-family homes along Penrose Street. The proposed project frontage along Penrose Street simulates the appearance of a single-family dwelling by incorporating a pitched roof, large windows, 3 foot high LID planter, and canopy. As noted by the UDS and PVP, the building materials are both attractive and durable (metal canopies, board formed concrete).
- Climate-adapted design: The decorative 36 inch in height LID planter contributes toward climate adaptation and provides a welcoming street frontage. To limit the

need for irrigation and to promote water conservation, all landscaping is drought-tolerant and palm trees are prohibited. As recommended by the UDS/PVP, the project is conditioned herein for onsite greywater use, permeable pavers, EV parking, and solar use.

**Health and Wellness, Mobility 2035, and Air Quality Elements.** The proposed project is designed to be climate-adapted; for example, the applicant's plans (see "Exhibit A") show metal canopies on all elevations and drought-tolerant landscaping, such as Fruitless Olive Trees and Agave 'Blue Glow.' Of the eight automobile parking spaces proposed by the applicant, one (5%) parking space is conditioned to be EV-ready and two (20%) spaces are conditioned to be capable of supporting future EVSE. Electrical vehicle parking supports the adoption of low and zero emission transportation fuel sources. The solar zone area that is equal to or greater than 760 square feet of the building's total roof area, as shown on "Exhibit A," will support the site's EV chargers and other site electrical uses to help reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, these design features provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.6 (resilience), 5.7 (reduce greenhouse gas emissions); Air Quality Element Policy 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel sources, new mobility technology and supporting infrastructure).

**General Plan/Community Plan.** The Sun Valley-La Tuna Canyon Community Plan includes the following goals, policies, and objectives:

*Goal 3: Sufficient land for a variety of industrial uses with maximum employment opportunities for the community's work force for the environment and which have minimal adverse impact on adjacent uses.*

*Objective 3-1: To provide for the retention of existing industrial uses and promote future industrial development which contributes to job opportunities and minimizes environmental and visual impacts.*

*Policy 3-1.2: Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses in accordance with design standards.*

Chapter 5 of the Sun-Valley La Tuna Canyon Community Plan includes the following Urban Design policies for Industrial uses:

*Designing the site and building(s) to convey visual interest and to be visually compatible with adjacent uses.*

*Requiring the enclosure of trash areas for all projects.*

The proposed project allows for the development of land that is designated by the Community Plan for Commercial Manufacturing/Commercial Industrial use and offers employment opportunities in proximity to housing. The project is attractively designed to

complement existing industrial and residential uses in the surrounding area. For example, the project to the immediate west of the subject site is conditioned under Case No. APCNV-2008-3441-ZC-BL (Ordinance No. 181,134) to be designed with a building facade that complements the single-family homes along Penrose Street and provides a 5 foot landscaped setback. The proposed project frontage along Penrose Street simulates the appearance of a single-family dwelling by incorporating a pitched roof, large windows, 3 foot high LID planter, and canopies. As shown on the applicant's plans ("**Exhibit A**"), the trash and recycling area is located at the rear of the property and screened by a minimum 6 foot in height covered enclosure to buffer noise and/or odor impacts on adjacent uses. For consistency with Case No. APCNV-2008-3441-ZC-BL, a minimum 5 foot setback is observed along the Penrose Street frontage.

Finally, the subject site is not located within any geographic Specific Plan area. Therefore, as designed and conditioned, the recommended development meets the objectives of the General Plan Framework, Health and Wellness, Mobility 2035, and Air Quality Elements; is consistent with the Community Plan; is permitted in the CM-1-CUGU Zone; and meets all applicable GUGU development regulations.

**3. Charter Section 558 Findings: That the action is in substantial conformance with the purposes, intent and provisions of the General Plan.**

The Planning Commission shall hold a public hearing and make a report and recommendation to the Council regarding the relation of the proposed Zone Change and Building Line Removal to the General Plan and whether adoption of the requested actions will be in conformity with public necessity, convenience, general welfare and good zoning practice.

**B. Entitlement Findings**

**4. Zone Change, Section 12.32 F of the LAMC: That the zone change is in harmony with the objectives of the General Plan and is in conformity with the public necessity, convenience, general welfare, and good zoning practice.**

Public Necessity. The subject property is located within the Sun Valley-La Tuna Canyon Community Plan, as adopted by the City Council on August 13, 1999. The Community Plan designates the subject lot as Commercial Manufacturing/Commercial Industrial corresponding to the CM and P Zones. The 11,674 square foot subject site is zoned R1-1-CUGU, and as such, the current zoning does not correspond with the land use designation. Therefore, the applicant's request for a zone change from R1 to CM would bring the zoning into conformance with the Community Plan.

Convenience. The proposed 5,042 square foot commercial warehouse/storage building is an infill development, and as such, will have adequate access to existing City services and infrastructure. The proposed Zone Change allows for the development of a commercial industrial use that is located in close proximity to housing and provides job opportunities for the neighboring residents. The project site is within three quarters of a mile from the Sun Valley Metrolink station, thus creating new employment opportunities near transit.

General Welfare. The surrounding area is developed with a mix of industrial, manufacturing, and single-family residential uses. The property abutting the subject site

to the west located at 10973-10975 Penrose Street is zoned [T][Q]CM-1-CUGU and designated Commercial Manufacturing/Commercial Industrial. Effective May 11, 2010, the City Council approved a Zone Change with conditions for the abutting site to the west from R1-1 to [T][Q]CM-1 (Ordinance No. 181,134) under Case No. APCNV-2008-3441-ZC-BL. The site was approved for the development of a 191 foot by 62 foot industrial building and 399 square foot mezzanine with a maximum height of 22 feet with a 15 foot setback along Luddington Street and a 5 foot setback along Penrose Street with no residential uses permitted. This site is under the applicant's ownership and is currently developed with an industrial building.

To the north and east of the subject site, the abutting properties are designated Commercial Manufacturing/Commercial Industrial and are zoned R1-1-CUGU. These sites are developed with single-family residences. To the east of the subject site and the south across Penrose Avenue, property is designed for Low Residential development and zoned R1-1-CUGU. These sites are developed with single-family residences.

To reduce the cumulative health impacts resulting from incompatible land uses, in 2016 the Los Angeles City Council adopted the Clean Up Green Up Supplemental Use District (CUGU) Ordinance No. 184,246. The subject site falls within the CUGU geography and is designed and conditioned herein to meet all applicable CUGU development regulations for a commercial warehouse/storage building that abuts residential uses. These development regulations include site planning requirements (trash enclosures and fencing); lighting; signage; building height; surface lot parking design layout, tree planting, and ground water recharge; driveways; and noise. According to information provided by the applicant, vans, rather than trucks, will be used to access the site to minimize disturbance to surrounding residential uses.

The proposed project is attractively designed to simulate the appearance of a single-family dwelling. The applicant is proposing the use of durable concrete materials and metal canopies. The applicant's plans show large windows and a LID planter at the Penrose Street frontage and drought tolerant landscaped buffers at the side and rear of the lot.

To enhance the general welfare of the surrounding neighborhood, the proposed project is conditioned to screen rooftop equipment from the view of abutting properties, and to prevent the posting of off-site commercial signage on the site during construction. The general welfare of the community is enhanced through conditions herein that regulate outdoor lighting to prevent excessive illumination while sufficiently illuminating the area to maximize safety and security. Sustainability and water conservation, which contribute toward the general welfare of the community, are addressed through conditions requiring greywater use and permeable pavers. Bicycle parking will be provided pursuant to LAMC requirements to encourage the use of alternative modes of transit and decrease automobile dependency.

The conditions that address EV parking, solar, and urban heat island effect conform with the Health and Wellness, Mobility 2035, and Air Quality Elements. The condition requiring a minimum of 20% of all Code required parking spaces to be EV-ready parking spaces and 5% of Code required parking to be further provided with EV chargers onsite will support the adoption of low and zero emission transportation fuel sources by the project's occupants and visitors. The condition requiring solar panels will support the site's EV chargers and other site electrical uses to help reduce the site's dependence on fossil fuels.

and carbon generating public utility electrical power. Taken together, these conditions provide for the general welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element Policy 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel sources, new mobility technology and supporting infrastructure).

*Good Zoning Practice.* The recommended zone change is consistent with good zoning practice by providing an attractively designed limited industrial use that is harmonious with the surrounding residential and industrial land uses. Designing the project to comply with CUGU Supplement Use District requirements is good zoning practice as it will protect residents from deleterious health impacts in a geographic area where they are exposed to an overconcentration of industrial uses. The project is further conditioned to protect neighboring residential uses by prohibiting open air storage, screening roof-top mechanical equipment from view, requiring lighting fixtures that promote safety and complement the building design, and regulating signage during construction. Additionally, the project is conditioned for greywater use and permeable pavers, EV parking, solar, and heat island effect, which is good zoning practice, particularly in this CUGU Zoned geography. Finally, to limit noise and glare impacts on neighboring residential uses, three of the eight automobile parking spaces will be enclosed in a 793 square foot garage.

Therefore, the proposed zone change is in harmony with the objectives of the General Plan and is in conformity with the public necessity, convenience, general welfare, and good zoning practice.

**5. Building Line Removal, Section 12.32 R.2 of the LAMC: The recommended building line removal is consistent with the General Plan and in conformance with the public necessity, convenience, general welfare and good zoning practice.**

*Public Necessity.* On August 2, 1960, the Los Angeles City Council approved Ordinance No. 116,781 to establish a Building Line of variable width on portions of both sides of Penrose Street extending from Tujunga Avenue to the southwest of the subject site to Glenoaks Boulevard to the northeast of the subject site. At the subject site, the Building Line width was established at 42 feet.

On September 7, 2016 the Los Angeles City Council adopted the Mobility Plan 2035. The Mobility Plan designates West Penrose Street as an Avenue II with a designated right-of-way width of 86 feet and a designated roadway width of 56 feet. Given the current Avenue II street designation and Bureau of Engineering recommendations for dedication and improvement as conditioned herein (T Conditions), the existing 42 foot Building Line no longer serves a purpose at this particular site.

*Convenience.* On May 11, 2010, a Building Line Removal ordinance (Ordinance No. 181,135) became effective for 10973-10975 Penrose Street (the abutting property to the west of the subject site) under Case No. APCNV-2008-3441-ZC-BL. Removal of the Building Line will allow for uniformity with the abutting property to the west of the subject site.

General Welfare. The Mobility Plan 2035, which is an element of the General Plan, provides a foundation for achieving a transportation system that balances the needs of all road users. As previously stated, Penrose Street is designated Avenue II under the Mobility Plan 2035, and the existing 42 foot building line at the subject site serves no real purpose. As such, removal of the building line is in conformance with the general welfare of road users and allows for systematic execution of the General Plan.

Good Zoning Practice. Providing for a uniform alignment of streets and facilitating adequate street improvements is good zoning practice. Additionally, removal of the 42 foot building line will allow for the development of the subject site to the capacity of the requested CM Zoning. Currently, the abutting property to the east of the subject site has a 20 foot building line under Ordinance No. 116,781, and the building line has been removed under a previous action on the abutting property to the west. Furthermore, on January 28, 2000, the Zoning Administrator approved with conditions a Zone Variance under Case No. ZA-1999-558-ZV to allow the construction, use, and maintenance of a one-story, industrial warehouse building in the R1-1 Zone and a variance to allow portions of the parking area to encroach into 42 foot Building Line at 10979 Penrose Street to the west of the subject site. Removal of the building line as requested at the subject site will allow for a more uniform street alignment and will facilitate adequate street improvements.

As such, removal of the building line is consistent with the General Plan and in conformance with the public necessity, convenience, general welfare and good zoning practice.

### C. CEQA Findings

The proposed project was analyzed under Mitigated Negative Declaration No. ENV-2016-4975-MND (“Mitigated Negative Declaration”) and the Mitigation Monitoring Program attached to this report as Exhibit I. The project was found to have potential impacts that could be mitigated to a less than significant level in the following areas:

- Aesthetics (landscape plan, light, glare),
- Noise (demolition, grading, construction activities; parking wall; adjacent to residential; commercial/industrial near Burbank Airport), and
- Transportation (safety hazards, transportation/traffic)

Therefore, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-4975-MND, as circulated on for a 20 day period beginning February 14, 2018 and ending March 6, 2018, (“Mitigated Negative Declaration”); and pursuant to CEQA Guidelines Sections 15162 and 15163, as supported by the Supplement dated October 1, 2019 no major revisions are required to the Mitigated Negative Declaration; and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; the mitigation measures have been made enforceable conditions on the project; and the Mitigated Negative Declaration includes a Mitigation Monitoring Program.

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 91401.