



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### ITEM 7

#### City Planning Commission

<b>Date:</b>	November 13, 2014	<b>Case No.:</b>	CPC-2014-1774-ZC-GPA-ZV-ZAA
<b>Time:</b>	After 8:30 a.m.*	<b>CEQA No.:</b>	ENV-2014-1775-MND
<b>Place:</b>	Los Angeles City Hall 200 N. Spring Street, Rm. 350 Los Angeles, CA 90012	<b>Incidental Cases:</b>	VTT-72867
<b>Public Hearing:</b>	Monday, October 6, 2014	<b>Related Cases:</b>	TT-61212
<b>Appeal Status:</b>	General Plan Amendment is not appealable. Zone Change may be appealed by the applicant if denied.	<b>Council No.:</b>	Six (6) – Martinez
<b>Expiration Date:</b>	November 29, 2014	<b>Plan Area:</b>	Van Nuys-No. Sherman Oaks
<b>Multiple Approval:</b>	General Plan Amendment, Zone Change, Zone Variance, and Zoning Administrator's Adjustment	<b>Certified NC:</b>	Van Nuys
		<b>GPLU:</b>	Low Residential
		<b>Zone:</b>	R1-1
		<b>Applicant:</b>	Mr. Aaron Mensch Firmament Village LLC
		<b>Representative:</b>	Mr. Sean Nguyen EZ Permits, LLC

**PROJECT LOCATION:** 7051, 7053, and 7061 North Firmament Avenue, legally described as Portion of Lot 9, Tract 10784, specifically shown in the application (see attached map).

**PROPOSED PROJECT:** The demolition of an existing single-family dwelling and the construction of thirteen (13) new single-family dwellings on thirteen (13) separate lots in a Small Lot Subdivision on a 44,973 square-foot lot. The Small Lot Subdivision is being processed under a separate application under Vesting Tentative Tract (VTT) No. 72867. Each lot will range in size from 2,700 square feet to 4,500 square feet. The dwellings will range in size from 2,400 square feet to 2,500 square feet and no dwelling will exceed the height of 24 feet. The project proposes 31 total parking spaces with 26 spaces for the dwellings (i.e., 2 spaces per dwelling unit) and 5 guest parking spaces.

**REQUESTED ACTION:**

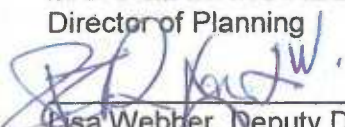
1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration (ENV-2014-1775-MND) for the above referenced project;
2. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from R1-1(One Family Dwelling Zone) to RD3-1 (Restricted Density Multiple Dwelling Zone);
3. Pursuant to Section 11.5.6 of the Municipal Code, a **General Plan Amendment** to the Van Nuys – North Sherman Oaks Community Plan to change the land use designation of the lot from Low Residential to Low Medium I Residential;
4. Pursuant to Section 12.27 of the Municipal Code, a **Zone Variance** to permit an exemption for the project from complying with all the open space requirements that apply as established in LAMC Section 12.21-G,2; and
5. Pursuant to Section 12.28 of the Municipal Code, an **Adjustment** to permit a:
  - a. Zero (0) foot building separation in lieu of the 20 feet required by LAMC Section 12.21-C.2(a);


- b. Five (5) foot front yard setback in lieu of the 20 feet required by LAMC Section 12.08-C.1; and
- c. Five (5) foot rear yard setback in lieu of the 15 feet required by LAMC Section 12.08-C.3.

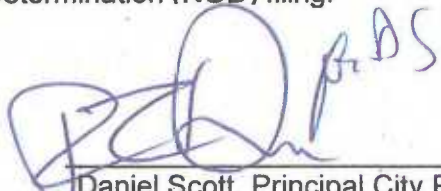
**RECOMMENDED ACTIONS:**

1. **Adopt** the Mitigated Negative Declaration (ENV-2014-1775-MND) for the above referenced Project.
2. **Disapprove** the requested **Zone Change** from R1-1(One Family Dwelling Zone) to RD3-1 (Restricted Density Multiple Dwelling Zone).
3. **Disapprove** the requested **General Plan Amendment** to the Van Nuys – North Sherman Oaks Community Plan to change the land use designation of the lot from Low Residential to Low Medium I Residential.
4. **Approve and Recommend** that the City Council **Approve** a **Zone Change** from R1-1(One Family Dwelling Zone) to (T)(Q)RD5-1 (Restricted Density Multiple Dwelling Zone) for the subject property, with the attached conditions of approval.
5. **Deny, as not necessary**, the requested **Zone Variance** to permit an exemption for the project from complying with all the open space requirements because the applicant has withdrawn the request.
6. **Deny, as not necessary**, the requested **Adjustments** to permit: (a) a Zero (0) foot building separation in lieu of the 20 feet required by LAMC Section 12.21-C.2(a); (b) a Five (5) foot front yard setback in lieu of the 20 feet required by LAMC Section 12.08-C.1; and (c) a Five (5) foot rear yard setback in lieu of the 15 feet required by LAMC Section 12.08-C.3, because the applicant has withdrawn the request.
7. **Adopt** the attached Findings.
8. **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 Student Housing Building project and the City may require any necessary fees to cover the cost of such monitoring.
9. **Advise** the Applicant that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing.

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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 applicant, Firmament Village LLL, has requested the following entitlements: a **Zone Change** from R1-1(One Family Dwelling Zone) to RD3-1 (Restricted Density Multiple Dwelling Zone); a **General Plan Amendment** to the Van Nuys – North Sherman Oaks Community Plan to change the land use designation of the lot from Low Residential to Low Medium I Residential, a **Zone Variance** to permit an exemption for the project from complying with all the open space requirements that apply as established in LAMC Section 12.21-G,2; and **Adjustments** to permit a) a zero (0) foot building separation in lieu of the 20 feet required by LAMC Section 12.21-C.2(a), b) a five (5) foot front yard setback in lieu of the 20 feet required by LAMC Section 12.08-C.1, and c) a five (5) foot rear yard setback in lieu of the 15 feet required by LAMC Section 12.08-C.3.

With these entitlements, the applicant proposes the demolition of an existing single-family 900 square-foot dwelling built circa 1950 and to be replaced with the construction of thirteen (13) new single-family dwellings on thirteen (13) separate lots in a Small Lot Subdivision on an existing 44,973 square-foot lot. [The Small Lot Subdivision, filed in May 2014, is being processed under a separate application under Vesting Tentative Tract (VTT) No. 72867. As of the time of this report, no hearing date has been set for the VTT-72867.] Specifically, each lot in the proposed 13-lot Project will range in size from 2,700 square feet to 4,500 square feet. The dwelling sizes will range from 2,400 square feet to 2,500 square feet and no dwelling will exceed the height of 24 feet. The project proposes 31 total parking spaces with 26 spaces for the dwellings (i.e., 2 spaces per dwelling unit) and 5 guest parking spaces. (See Proposed Project Plans in **Exhibit B**).

### Background

The Project site is located in the Van Nuys-North Sherman Oaks Community Plan area at 7051, 7053, and 7061 North Firmament Avenue (see **Exhibits A-1 and A-2**). The site is designated Low Residential land use on the Community Plan which was last updated on September 9, 1998 (**Exhibit A-3**). The site layout is a rectangular-shaped parcel of land composed of two lots tied together into a single 44,973 square-foot lot zoned R1-1 (**Exhibit A-4**).

The site is located in a “pocket” single-family enclave with homes built in the 1950’s known as Chisholm Estates. The neighborhood was developed as estate houses with uniform setbacks, large lots, large yards, and single-story ranch style designs which is typical of many San Fernando Valley neighborhoods post World War II. This “pocket” like many in the San Fernando Valley is surrounded by heavily travelled transit corridors with intense commercial activity and dense multiple-family residential patterns. In this specific case, this site is located between four (4) major arterials in the City including Sherman Way to the north, Sepulveda Boulevard to the east, Vanowen Street to the south, and the 405 Freeway to the west. This part of Van Nuys is considered one of the most urbanized areas in the Community Plan area. In fact, the Community Plan describes this area as one of many “multi-family areas that have developed fronting major and secondary highways such as Sepulveda Boulevard, Sherman Way, Burbank Boulevard, Vanowen Street, and Magnolia Boulevard. Multi-family areas have traditionally functioned as transitional areas or buffers protecting the single-family residential enclaves from commercial or industrial uses.

Since the last Community Plan update in 1998, the population growth places demands both in this Community and for the City as a whole to continue to provide more housing opportunities for all income ranges. Much of the residential growth in Van Nuys in the past 16 years since the last Community Plan update has been multiple-family developments. The Small Lot



Subdivision Ordinance provides for new single-family housing stock and a new and creative opportunity to provide housing ownership across income ranges.

The area is also characterized by some of the highest crime rates in the San Fernando Valley specifically related to prostitution and drug arrest rates in and around Sepulveda Boulevard. This activity spills into the single-family pockets in the form of crimes against property and persons. This crime is the constant concern for the safety of those residents and their families.

Finally, since this area is located at the vortex of three major transit corridors (Sepulveda Boulevard, Vanowen Street and Sherman Way), the residents experience several accessory impacts related to spill-over from those corridors. On-street parking is impacted by commercial and multi-family developments especially along Sepulveda Boulevard and Sherman Way which both lack adequate on-street parking. Additionally, traffic patterns are adjusted through this neighborhood as a result of the heavy traffic volumes along the corridors. Cut through traffic along Firmament Avenue and Orion Avenue from Sherman Way is specifically pronounced in this community, especially from the east bound Sherman Way exit off the 405 Freeway. That traffic spill-over not only impacts Firmament Avenue and Orion Avenue but other local streets in the neighborhood including Hart Street, Chisholm Avenue, Gault Street and Vose Street.

### **Subject Property**

The site's topography is flat and has its primary frontage along Firmament for approximately 180 linear feet. The lot is currently abandoned, fenced off, and is in disrepair.

Existing Land Use: Single-Family Dwelling (approximately 900 square feet).

Existing Plan Land Use: Low Residential (corresponding zones of RE9, RS, R1, RU, RD6, and RD5) - Van Nuys- North Sherman Oaks Community Plan.

Existing Zone: R1-1.

Site Lot Area: Approximately 45,000 square feet or 1.03 acres. The lot is the result of the tying of two 24,500 square-foot lots to create a single, legal lot.

### **Surrounding Land Use and Zoning**

The surrounding neighborhood is predominantly large-lot single-family in nature and is typical of the 1950's ranch-style with wide, "local" streets without sidewalks and with curbs and gutters not improved to current City standards. Adjoining properties to the Project site are detailed as follows (see Exhibit A1 – Radius Map):

<b>Direction</b>	<b>Land Uses/Improvements</b>	<b>Zones</b>	<b>General Plan Designation</b>
<b>North</b>	36-Unit Condominium and 5 Single-Family Dwellings <sup>1</sup>	[Q]RD-2; R1-1	Low Medium II Residential
<b>South</b>	Single-Family Dwellings	R1-1	Low Residential
<b>West</b>	405 Freeway	PF-1XL	Public Facilities
<b>East</b>	Single-Family Dwellings	R1-1	Low Residential

<sup>1</sup> The applicant stated that the Project abuts a 36-unit condominium to the north. Technically, the Project abuts 5 single-family dwellings zoned R1-1 fronting on Firmament Avenue and a 36-unit condominium which wraps around those 5 dwellings.

As stated above, the larger area is characterized by dense and intense transit corridors along Sepulveda Boulevard, Sherman Way, Vanowen Street and the 405 Freeway. This neighborhood has to deal with all the spill over activities related to heavily used transit corridors including parking impacts, cut-through traffic, noise, air quality, and higher crime.

### **Street Classification**

Firmament Avenue is designated as a Local Street with a fully-improved right-of-way of 60 feet but the sidewalk, curb and gutter are not improved to current City standards.

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

#### **ON-SITE:**

***Tentative Tract No. 61612*** – On August 15, 2005, the Advisory Agency approved a Tentative Tract Map at 7051-7061 North Firmament Avenue for a maximum of 6 single-family lots. That Map is still active and allows the applicant a by-right development on the site of 6 legal lots.

#### **OFF-SITE:**

No cases of significance are located in the surrounding properties within the 500-foot radius around the site.

### ***City Agency Reports Received:***

Prior to the completion of the Hearing Officer's report, no letters from Agencies were received.

### **Hearing Officer Comments and Conclusions**

#### ***General Plan Amendment and Zone Change:***

The applicant's current General Plan Designation is Low Residential in the Van Nuys-North Sherman Oaks Community Plan. That land use designation allows a range of zones which can be permitted by a zone change without amending the Plan. This range of zones includes RE9, RS, R1, RU, RD6, and RD5. The applicant has applied for a zone change to the RD3-1 zone and a General Plan Amendment to Low Medium I Residential which allows a range of zones including the requested RD3 zone as well as RD4, RZ3, RZ4, RU, RW, and R2 zones. The applicant is requesting the most permissive zone in the range of zones. In order to develop this Project as a Small Lot Subdivision, the applicant needs an RD or less restrictive zone.

The applicant states in the application to the City that their request to change the Plan designation on the site which "will employ a transitional zoning scheme" from the multiple-family uses to the north which will "serve to buffer the single-family neighborhood located on Firmament from the 405 Freeway which abuts the property to the west." However, the existing Plan designation of Low Residential does allow for a transitional zoning scheme to a multiple-family zone of the RD5 zone and RD6 zone through a zone change only without employing a Plan Amendment. Since the applicant is not denied a RD zone change within the current land use designation, a zone change only is an appropriate method to allow for a reasonable transition into this neighborhood without establishing a precedent of amending the General Plan.

Based upon the lot size of approximately 45,000 square feet, the following table displays the range of options for development of the existing site under the current request and its



environmental clearance and includes the applicant's by-right development under the existing zoning of R1-1 and the Tract Map approval under TT-61612:

<b>Zoning</b>	<b>General Plan</b>	<b>Density</b>	<b>Entitlement</b>
R1-1	Low Residential	6 Lots (By Right / TT-61612)	None (By Right/TT-61612)
RD6	Low Residential	8 Lots (Small Lot Subdivision) or 8-Unit Building	Zone Change Only
RD5	Low Residential	9 Lots (Small Lot Subdivision) or 9-Unit Building	Zone Change Only
RD4	Low Medium I Residential	11 Lots (Small Lot Subdivision) or 11-Unit Building	Zone Change and General Plan Amendment
RD3	Low Medium I Residential	13 Lots (Small Lot Subdivision) or 13-Unit Building	Zone Change and General Plan Amendment

Also, the project is located adjacent to the San Diego Freeway (I-405). While we concentrate on the Project's impact on its surrounding environment, it is important to also recognize the surrounding freeway's impact on the Project and its future residents. Residential is a sensitive receptor and as a result, several Q conditions have been imposed to help lessen the impact of the freeway on the future residents of the Project. As an example, an additional landscape buffer is required on the portion of the Project adjacent to the freeway.

Additionally, the Van Nuys-North Sherman Oaks Community Plan supports a reasonable transition within the existing Plan land use designation by stating that a primary goal is by "preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing. The proposed Project can support the goal of the Community Plan by providing a new housing opportunity in the form of a Small Lot Subdivision but at a land use designation consistent with the existing residential character and existing land use designation of Low Residential.

**Zone Variance and Adjustments:**

The applicant applied as part of the entitlement requests for the proposed Project to request a **Zone Variance** to permit an exemption for the project from complying with all the open space requirements that apply as established in LAMC Section 12.21-G,2 and **Adjustments** to permit a zero (0) foot building separation in lieu of the 20 feet required by LAMC Section 12.21-C.2(a); a five (5) foot front yard setback in lieu of the 20 feet required by LAMC Section 12.08-C.1; and a five (5) foot rear yard setback in lieu of the 15 feet required by LAMC Section 12.08-C.3. The purpose of the deviations was to allow the applicant to obtain a building permit as apartments in order to start construction prior to recording the tract map. However, these entitlements are no longer needed because of the Small Lot Subdivision Procedural Fix Ordinance enacted by City Council on July 30, 2014, under Ordinance No. 183,165 and effective on September 16, 2014. This "Fix" Ordinance enacted an amendment that allows developments which qualify for a Small Lot Subdivision, and which have yet to receive approval of their tract map, to apply for an early-start building permit in order to begin the physical construction of the subdivision developed consistent with the Small Lot Subdivision requirements but prior to the tract approval. However, in no case can the certificate of occupancy be issued until after the final tract map has been recorded. The applicant officially withdrew these entitlement requests in a letter dated October 17, 2014, attached to the administrative file.

***Applicant Statements:***

At the public hearing held on **Monday, October 6, 2014** in Van Nuys, the applicant stated that population growth trends will continue to place demands both in this Community and for the City as a whole to continue to provide more housing opportunities for all income ranges. The applicant is proposing a good, long-term development which will provide positive value to the neighborhood and provide for new single-family housing stock and a new and creative opportunity to provide housing ownership. Additionally, the applicant states that the proposed development of 13 lots is a good transitional development from the multiple-family condominium abutting the project to the north.

***Community Concerns:***

At the public hearing held, several members from the surrounding neighborhood attended to voice their opposition to the proposed Project. Their primary concern was the proposed density of 13 units was too dense and would destroy the character of the neighborhood which was built in the 1950s. While they all accepted a reasonable subdivision of the land, they felt that the 13 lots was going to establish a precedent which would continue into the neighborhood and eventually destroy the existing single-family character.

Also, as stated earlier, community members are always sensitive to development which could exacerbate the negative impacts that the neighborhood experiences including parking, traffic, noise, and crime. They feel that their neighborhood is already at capacity with its on-street parking and at capacity with traffic. They also feel that a more dense development will increase the noise impacts.

Finally, the neighborhood was developed in the 1950's as estate houses with uniform setbacks, large lots, large yards, and single-story ranch style design which is typical of many San Fernando Valley neighborhoods post World War II. Many stated that the proposed Project would destroy the aesthetic character of this neighborhood.

***Conclusion:***

Since the last Community Plan update in 1998, the population growth has placed demands both in this Community and for the City as a whole to continue to provide more housing opportunities for all income ranges. The proposed Project will provide for new single-family housing stock and a new and creative opportunity to provide housing ownership across income ranges. So while the development of the Small Lot Subdivision is consistent with the Community Plan's goal to provide new housing opportunities, the proposed density at 13 lots in the RD3 zone is not consistent with the Plan. The applicant is proposing a zone that is not consistent with the current Community Plan land use designation and as a result has applied for a General Plan Amendment to a higher density land use category (Low Medium I Residential) which allows the RD3 zone in its range of zones.

Moreover, the density proposed by the applicant is not consistent with the character of the surrounding neighborhood. The applicant states that the proposed development of 13 lots is a good transition from the multiple-family condominium abutting the project to the north. The community members concerned about the Project state that this lot should be allowed a transitional development but at a similar density to the surrounding neighborhood and not one at a similar density as that of the abutting condominium.

Additionally, the project is located adjacent to the San Diego Freeway and as a result, several development conditions have been imposed to help lessen the freeway's impact on the future residents of the Project.



Finally, the central fact is that the applicant can develop a Small Lot Subdivision within the range of zones specified in the current land use designation of Low Residential. This would still necessitate a zone change only. Staff recommends that the City Planning Commission approve and recommend to the City Council that they adopt a zone change to (T)(Q)RD5-1. This recommended zone would still permit a density similar to that of the R1-1 zone which is one (1) unit per 5,000 square feet of lot area. Staff further recommends that the City Planning Commission disapproved the General Plan Amendment to Low Medium I Residential over the Project site.

In conclusion, with this staff recommendation, the applicant would be permitted a 9-lot development which will be designed and provide overall density consistent with the R1-1 zone (i.e., one unit per 5,000 square feet) and will be consistent with the surrounding neighborhood.

## (Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

### A. Development Conditions:

1. **Permitted Uses.** The property shall be limited to the use and area provisions of the RD5-1 zone as defined in Section 12.09.1 of the Los Angeles Municipal Code, and as permitted in this grant.
2. **Site Development.** Prior to the issuance of any building permit, the applicant shall submit revised Site Plans, Floor Plans, and Building Elevations for development of the property in substantial conformance with the provisions of the RD5 zone.
3. **Height:** The project shall not exceed 2 stories and 24'-0" in height, as defined by Section 12.21.1 B.3 of the LAMC.
4. **Access.** Vehicular driveway access to the project shall be provided via Firmament Avenue.
5. **General Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
6. **Landscape Buffer from Adjacent Freeway:** A 10-foot wide landscape buffer shall be installed at the property's westerly boundary along the freeway right-of-way. The buffer shall be planted with any one or combination of the following species trees:
  - Morus – Mulberry
  - Prunus - Cherry
  - Gleditsia - Honey Locust
  - Arbutus - Strawberry Tree, Toyon
  - Cinnamomum - Camphor Tree
  - Olea - Olive (including fruitless)
  - Cercis - Redbud
  - Jacaranda
  - Eriobotrya – Loquat

These trees shall be spaced at 25 feet on center along with other trees, shrubs, and groundcover.

7. **Density along Firmament Avenue.** No more than two (2) lots shall be permitted within 40 feet of the property line along Firmament Avenue. Development of the dwelling units on these two lots shall comply with the following:
  - a. Front Yard Setback (Eastern Property Line/Firmament Avenue).

The Project shall observe the following Front Yard Setback requirements for the two lots fronting Firmament Avenue:



- i. Observe a minimum setback of 12 feet from Firmament Avenue.
- ii. The Firmament Avenue frontage shall be designed to give the appearance of a main entrance and porch.
- iii. Main windows shall be oriented toward Firmament Avenue.
- iii. There shall be a pathway connecting the Firmament Avenue entrances and porches to Firmament Avenue. This pathway shall be designed with enhanced paving materials.
- iv. There shall be no individual access from Firmament Avenue to the garages of these dwelling units.

b. Articulation.

The facades of the two dwelling units shall be relieved by one or more variations that, in total, shall not be less than twenty (20) percent of the facade and shall have a minimum average depth of five (5) feet.

c. Fences and shrubbery.

Fences and shrubbery are permitted but shall be within five (5) feet of the property line along Firmament Avenue and shall be limited to a maximum height of forty-two (42) inches. Solid masonry block walls or wood fences shall not be permitted, beyond 36 inches in height.

d. Landscaping (Trees).

A minimum of two (2) shade trees shall be planted in front of each lot within ten (10) feet of the property line along Firmament Avenue. The trees shall be spaced at least 15 feet apart.

8. **Parking:** The Project shall provide a minimum of two (2) parking spaces per dwelling unit. The project shall also provide a minimum of 1/2 guest parking space per unit. The applicant shall comply with the following:
  - a. The required parking spaces shall be in an enclosed garage.
  - b. Guest parking spaces shall be clearly identified by signs. The signs shall be in large, easy to read lettering and shall indicate the general location of guest parking. Sign wording shall be to the satisfaction of the Planning Department and shall indicate the number of reserved guest parking spaces.
9. **Balconies.** No second-story balconies shall be located on any portion of a dwelling unit facing the single-family property to the south.
10. **Exterior Windows.** All exterior windows shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition of any amendment thereto.

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 Department of City Planning.
2. **Aesthetics (Vandalism).** Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
3. **Aesthetics (Signage on Construction Barriers).** The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS". Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.
4. **Aesthetics (Outdoor Lighting).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties and shall be downward facing.
5. **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.
6. **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.
  - 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. All construction equipment including vehicles and trucks having no current hauling activity shall not idle but be turned off.
7. **Tree Removal (Non-Protected Trees).** Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.
8. **Cultural Resources (Archaeological).** If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:
- The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
  - The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  - The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
  - Project development activities may resume once copies of the archaeological survey, study or report are submitted to: SCCIC Department of Anthropology, McCarthy Hall 477, CSU Fullerton, 800 North State College Boulevard, Fullerton, CA 92834.
  - Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.

A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

9. **Cultural Resources (Paleontological).** If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:
- The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
  - The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.

- c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.

A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

**10. Cultural Resources (Human Remains).** In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- a. Stop immediately and contact the County Coroner: 1104 N. Mission Road, Los Angeles, CA 90033. 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays).
- b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
- c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or if the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

**11. Explosion/Release (Existing Toxic/Hazardous Construction Materials).** Due to the age of the building(s) being demolished, toxic and/or hazardous construction materials may be located in the structure(s). Exposure to such materials during demolition or construction activities could be hazardous to the health of the demolition workers, as well as area residents, employees, and future occupants. However, these impacts can be mitigated to a less than significant level by the following measure:

**Asbestos.** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

**Lead Paint.** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of



the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

12. **Increased Noise Levels (Demolition, Grading, and Construction Activities).** The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
  - 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.

C. Administrative Conditions:

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **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.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **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.
6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
7. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or

setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans.

8. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.

a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of project implementation as follows:

i. Pre-construction (prior to issuance of a building permit);

ii. Construction (prior to certificate of occupancy); and

iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.

c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.

d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

9. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding 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.



## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

1. **Dedication(s) and Improvement(s).** The applicant shall comply with all the requirements of the Bureau of Engineering, including any dedication and improvement requirements for the project. 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), the following:
  - A. **Responsibilities/Guarantees.**
    - (1) As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
    - (2) Prior to issuance of sign offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.
2. **Engineering – Sewer Facilities.** Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
3. **Engineering – Drainage Facilities.** Construction of necessary drainage facilities to the satisfaction of the Bureau of Engineering.
4. **Public Works – Street Trees.** Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
5. **Engineering and Transportation – Driveway and Parking Plans.** Preparation of a parking area and driveway plan to the satisfaction of the appropriate Valley District Office of the Bureau of Engineering and the Department of Transportation. A parking area and driveway plan shall be prepared for approval by the appropriate district office of the Bureau of Engineering and the Department of Transportation. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.
6. **Transportation – Site Access and Internal Circulation.** A final DOT approval shall be obtained prior to issuance of any building permits for the driveway, internal circulation, and parking scheme for the proposed Project. This shall be accomplished by submitting a

detailed and fully dimensioned site plan and parking layout, with a minimum scale of 1"=40', to the DOT Valley Development Review Section at 6262 Van Nuys Boulevard, Suite 320, Van Nuys, 91401, before submittal of building plans for plan check to the Department of Building and Safety.

7. **Public Works – Street Lighting.** Installation of street lights to the satisfaction of the Bureau of Street Lighting. The applicant shall be responsible for street lighting modifications required at an intersection if there are improvements by the Department of Transportation (also for off-site improvements).
8. **Fire Department.** The applicant shall 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.
9. **Department of Telecommunications – Cable Television Franchise.** Making any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights of way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05N, to the satisfaction of the Department of Telecommunications.
10. **Police Department.** The applicant shall a plot plan for approval by the Police Department either prior to the recordation of a final map or the approval of a building permit. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project Area if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213) 485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits. (Env'l)
11. **Engineering – Notice of Payment of All Engineering Fees.** Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 176,077 adopted by the City Council, must be paid in full at the Development Services Division office.
12. **Engineering – Notice of Completion of Construction of All Public Improvements:** Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.
13. **Planning - 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.



14. **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.

## FINDINGS

### A. General Plan/Charter Findings

1. **General Plan Land Use Designation – Disapproval of Applicant’s Requested Plan Amendment.** The subject property is located within the area covered by the Van Nuys-North Sherman Oaks Community Plan, updated and adopted by the City Council on September 9, 1998. The existing Plan designates the proposed Project site as Low Density Residential. The zone change recommendation by City staff for the Project site to the RD5 zone **IS CONSISTENT** with the land use designation of Low Density Residential and **IS IN SUBSTANTIAL CONFORMANCE** with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

Conversely, the applicant’s request for a zone change to the RD3 zone and a corresponding Community Plan Amendment to a higher land use designation, Low Medium I Residential, **IS NOT CONSISTENT** with the Community goal which states that applicants shall be permitted to apply for zone changes consistent with the Community Plan designation. The applicant’s proposed project at a RD3 zone density and Low Medium I Residential land use is greater than the prevailing density of the overall surrounding neighborhood. Specifically, the Plan states the following:

“1-1.6: The City should promote neighborhood preservation, particularly in existing single family neighborhoods, as well as in areas with existing multiple family residences.

Program: With the implementation of the Community Plan, single family residential land use categories, all zone changes, subdivisions, parcel maps, variances, conditional uses, specific plans, community and neighborhood revitalization programs for residential projects shall provide for Plan consistency.

In this case, a zone change within the existing Plan’s land use designation will permit the applicant to have a multi-family zone to allow for the development of a Small Lot Subdivision, while still providing for Plan consistency.

Additionally, the quality of life and stability of neighborhoods throughout Van Nuys-North Sherman Oaks critically depends on providing infrastructure resources (i.e., police, fire, water, sewerage, parks, traffic circulation, etc.) commensurate with the needs of its population. If population growth occurs faster than projected and without needed infrastructure improvements to keep pace with that growth, the consequences for livability within Van Nuys-North Sherman Oaks could be problematic. Accordingly, the proposed Plan has three fundamental premises. Thus a central focus of the Plan is to limit residential densities in various neighborhoods to the prevailing density of development permitted by the Community Plan in these neighborhoods.

Since the last Community Plan update in 1998, the population growth has placed demands both in this Community and for the City as a whole to continue to provide more housing opportunities for all income ranges. The staff recommendation for a zone change to the RD5 zone will allow for new single-family housing stock and a new and creative opportunity to provide housing ownership across income ranges. So while the development of the Small Lot Subdivision is consistent with the Community Plan’s goal to provide new housing opportunities, **THE PROPOSED DENSITY AT 13 LOTS IN THE RD3 ZONE IS NOT CONSISTENT WITH THE COMMUNITY PLAN.**



In conclusion, the applicant is proposing a zone that is not consistent with the current Community Plan land use designation and as a result has applied for a General Plan Amendment to a higher density land use category (Low Medium I Residential) which allows the RD3 zone in its range of zones. The central fact is that the applicant can develop a Small Lot Subdivision within the range of zones specified in the current land use designation of Low Residential. This would still necessitate a zone change only. This recommended zone would still permit a density similar to that of the R1-1 zone which is one (1) unit per 5,000 square feet of lot area. Staff further recommends that the City Planning Commission disapproves the General Plan Amendment to Low Medium I Residential over the Project site.

2. **General Plan Text.** The Community Plan text includes the following relevant land use goals, objectives, policies and programs related to the recommendation of a zone change to the RD5 zone within the existing Community Plan designation of Low Residential:

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

To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

**Objective 1-1:** Achieve and maintain a housing supply sufficient to meet the diverse economic needs of current and projected population to the year 2010.

**Policies:**

1-1.1 Maintain an adequate supply and distribution of multi-family housing opportunities in the Community Plan Area.

**Program:** The Plan Map identifies specific areas where multi-family residential development is permitted.

1-1.4 Protect the quality of the residential environment through attention to the physical appearance of communities.

**Program:** Design Guidelines and Standards for residential development are included in the Urban Design Chapter of the Community Plan.

**Objective 1-2:** Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services, and facilities.

**Policies:**

1-2.1 Locate higher residential densities near commercial centers and major bus routes where public service facilities, utilities and topography will accommodate this development.

**Program:** Maintain and continue the implementation of the City's Land Use/Transportation Policy.

**Objective 1-3** Preserve and enhance the character and integrity of existing single and multifamily neighborhoods.

**Policies:**

1-3.1 Seek a high degree of compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

**Program:** The Plan includes Design Guidelines which establish design standards for residential development to implement this policy.

**Objective 1-4:** Provide a diversity of housing opportunities capable of accommodating all persons regardless of income, age or ethnic background.

**Policies:**

1-4.1 Promote greater individual choice in type, quality, price and location of housing.

**Program:** The plan promotes greater individual choice through its allocation of lands for a variety of residential densities.

1-4.4 Increase home ownership options by providing opportunities for development of townhouses, condominiums, and similar types of housing.

**Program:** The Plan cannot require that condominium units be built instead of rental units; however, the Plan encourages such type of development by designating specific areas for Low Medium residential land use categories.

The staff recommended project will meet the above goals, policies, and objectives of the Community Plan by providing much needed housing. In the current housing market where a number of housing products are available, a housing development of a detached design will provide a diversified housing stock for the City's growing population. The proposal will replace vacant under-utilized residential property with a small-lot subdivision that will provide ownership opportunities to the vicinity. The recommended project is within the scale of other development in the area, especially to the north. The staff recommendation to allow 9 dwelling units on 9 separate lots is consistent with the Community Plan designation of Low Density Residential and meets the objectives of the Community Plan to provide more single-family housing opportunities.

**B. Entitlement Findings –Zone Change**

**Zone Change, L.A.M.C. Sec. 12.32.F:** The applicant's request is in conformance with the public necessity, convenience, general welfare, and good zoning practice.

There is a critical and well-documented demand for housing throughout the City of Los Angeles. To address these housing needs, the City of Los Angeles passed the Small Lot Subdivision Ordinance (Ordinance No. 176,354, effective January 31, 2005). The purpose



of this ordinance is to enable ownership of fee simple single-family homes. The ordinance permits the subdivision of multi-family and commercially zoned properties into small single-family or townhome style lots by reducing the minimum lot size and side yard requirements and eliminating requirements for conventional street frontage.

The City of Los Angeles Small Lot Design Guidelines state as follows:

*The City of Los Angeles has enacted the Small Lot Ordinance to allow the construction of fee-simple, infill housing on small lots in multi-family zones. The housing can take the form of single-family homes, duplexes, or triplexes. Small lot developments can offer a space-efficient and economically attractive alternative to the traditional condominium development.*

*Additionally, the ordinance offers a welcomed smart-growth alternative to the suburban single-family home. However, it brings a new set of spatial complexities...these spatial constraints and complexities require innovative design solutions.*

*Small lot design and layout is fundamentally a site planning challenge. It requires simultaneously addressing practical spatial requirements while creating high-quality living environments...each home must exhibit a high level of design quality: well-articulated entries and facades, proportionate windows, quality building materials, contextual landscaping.*

*Each infill project, however small, must add to a vital and coherent public realm - streets and sidewalks that are pleasant, interesting, and comfortable to walk down. To do so, one must consider the three-dimensional relationship between the infill project and the street and sidewalk. Key variables to consider are: building siting and orientation, height and massing; articulation of facades and entryways; placement and type of street trees; landscaping and transitional spaces; and location of driveways and garages.*

The applicant requested a Plan Amendment to Low Medium I Residential and zone change to the RD3 zone. As stated above, a better transition is Low Residential (current designation) corresponding to a zone change within the Plan Designation to the RD5 zone.

To address the site plan/layout design concerns, the recommended project to allow RD5 zoning will permit the subdivision of the property into a maximum of 9 single-family dwellings. The project has been conditioned to give the appearance along Firmament Avenue that development of its single-family dwellings is more in keeping with the surrounding, established neighborhood to the east. Additional design limitations include that all dwellings be limited to two stories in height (maximum height of 24 feet; landscaping required to be provided throughout the proposed subdivision; each dwelling unit must have a roof with a minimum pitch of ten (10) degrees; a minimum setback for dwellings along Firmament Avenue, and no second-story balconies be located on any portion of the dwelling unit facing the single-family properties to the east. The imposition of these conditions will insure that the development in general and its individual units are attractively designed with well-articulated entries and facades to enhance the surrounding neighborhood. Additionally, the Project has been conditioned to provide at least one pedestrian pathway that traverses the length of the development in order to facilitate pedestrian movement within the development beyond that allowed by the internal driveways.

The proposed project addresses the policies of the Community Plan by maintaining land designated for single-family development. Furthermore, the proposed subdivision promotes

greater individual choice in the type, quality, and location of housing and provides high-quality single-family dwellings that are attractively landscaped and architecturally compatible with the surrounding residential neighborhood.

Several conditions of approval have been imposed to insure that the protection of the surrounding neighborhoods, especially the neighborhood/homes directly to the east and south. These conditions include restrictions on prohibiting balconies on any portion of the project's dwellings facing the adjacent single-family dwelling to the south and a condition requiring all exterior windows in the project to be double-paned.

Also, the project is located adjacent to the San Diego Freeway (I-405). While we concentrate on the Project's impact on its surrounding environment, it is important to also recognize the surrounding freeway's impact on the Project and its future residents. Several Q conditions have been imposed to help lessen the impact of the freeway on the future residents of the Project. An additional 10-foot landscape buffer is required on the west side of the project adjacent to the freeway and a dual-purpose condition requiring all exterior windows in the project to be double-paned.

Finally, it is key to insure that this development maintain the appearance along Firmament Avenue of a stable, single-family neighborhood consistent with the development patterns of the R1-1-zoned neighborhood to the east and south. The community, both at the public hearing and in correspondences, stated the impact of the loss of the "large-lot feel" resulting from this Project. Several conditions have been imposed to insure that the "individuality" of each lot is emphasized along Firmament Avenue.

### C. CEQA Findings

**Environmental. Environmental.** A Mitigated Negative Declaration (ENV-2014-1775-MND) was prepared for the proposed Project. The Department of City Planning published Mitigated Negative Declaration for the proposed Project on September 25, 2014, with the comment period ending on October 15, 2014. The Department found that potential negative impact could occur from the project's implementation due to:

*Aesthetics (landscaping, vandalism, signage, light, and glare);  
Air Quality (stationary, construction);  
Biological Resources (tree removal);  
Cultural Resources (archaeological, paleontological, and human remains)  
Hazards and Hazardous Materials (release of toxic materials);  
Noise (construction, parking structure); and  
Public Services (fire, police, and schools).*

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND and listed as Environmental Conditions in this report, 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. Other identified potential impacts not specifically mitigated by these conditions are already subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

Finally, the proposed MND imposed a mitigation measure related to noise from a parking structure. However, the proposed Project does not propose a parking structure and as a result the mitigation measure is not necessary.



## **PUBLIC HEARING AND COMMUNICATIONS**

### **Public Hearing and Summary of Public Hearing Testimony**

The public hearing was held at the Marvin Braude Constituent Service Center on Monday, October 6, 2014. The public hearing was attended by approximately 40 individuals, including the owner/applicant's representative. No deputies from the council district representing the area (Council District 6) attended the meeting. The representative of the applicant, Mr. Mark Handel, presented an overview of the requested applications and the proposed Project, including a site plan, elevations, floor plans and a conceptual landscape plan. Mr. Handel also outlined the community outreach which was done for the Project. Mr. Handel also stressed that the proposed Project density at 13 dwelling units was consistent with adjacent development patterns to the north. Finally, the applicant stated the Project was submitted to the land use committee of the Van Nuys Neighborhood Council which did not support the proposed project at the density of 13 dwelling units. The applicant has yet to appear before the full board of the Van Nuys Neighborhood Council.

In addition to the applicant's representative, approximately sixteen (16) persons either spoke at the hearing or submitted speaker cards against the project. Additionally, one of the speakers against the project submitted a letter and signatures of over 60 persons in the neighborhood against the project.

Of those who spoke against the project, concerns raised included: potential traffic impacts to the neighborhood including cut-through traffic; and the density proposed is not compatible with the existing large homes and lots in the R1-zoned areas to the east and south; and the project does not provide sufficient guest parking onsite. Many stated that the on-street parking is impacted by commercial and multi-family developments especially along Sepulveda Boulevard and Sherman Way which both lack adequate on-street parking. Also, many stated that the area is also characterized by some of the highest crime rates in the San Fernando Valley specifically related to prostitution and drug arrest rates in and around Sepulveda Boulevard. This activity spills into the single-family pockets in the form of crimes against property and persons. This crime is the constant concern for the safety of those residents and their families.

Finally, the community was concerned that this Project would provide additional precedent to encourage higher density developments to dig further into their stable, single-family neighborhood. The community needed to make a stand at this Project site to prevent any further degradation of their community.

No-one spoke in support of the proposed project.

### **Communications Received**

At the time of this report, fifteen (15) e-mails/letters were transmitted to the hearing officer all against the proposed project as requested. Additionally, one letter against the project submitted a letter and signatures of over 60 persons in the neighborhood against the project.

Ms. Julie Mathis, in an email dated October 2, 2014, summarized the general concerns in opposing this project when stating:

"31 new cars in our neighborhood will result in increased traffic. The rush-hour traffic is already out of control in our neighborhood as drivers ignore the "no right turn" signs off of Sherman Way and use our neighborhood to cut-through to their destinations –

oftentimes blowing through stop signs and speeding down our streets. The look and feel of our Ranch Style neighborhood will be compromised as new multi-family dwellings creep in. Chisholm Estates has a distinguished look that has been nicely maintained since the area's development in the 1940-50s. "



## A1 – Vicinity Map



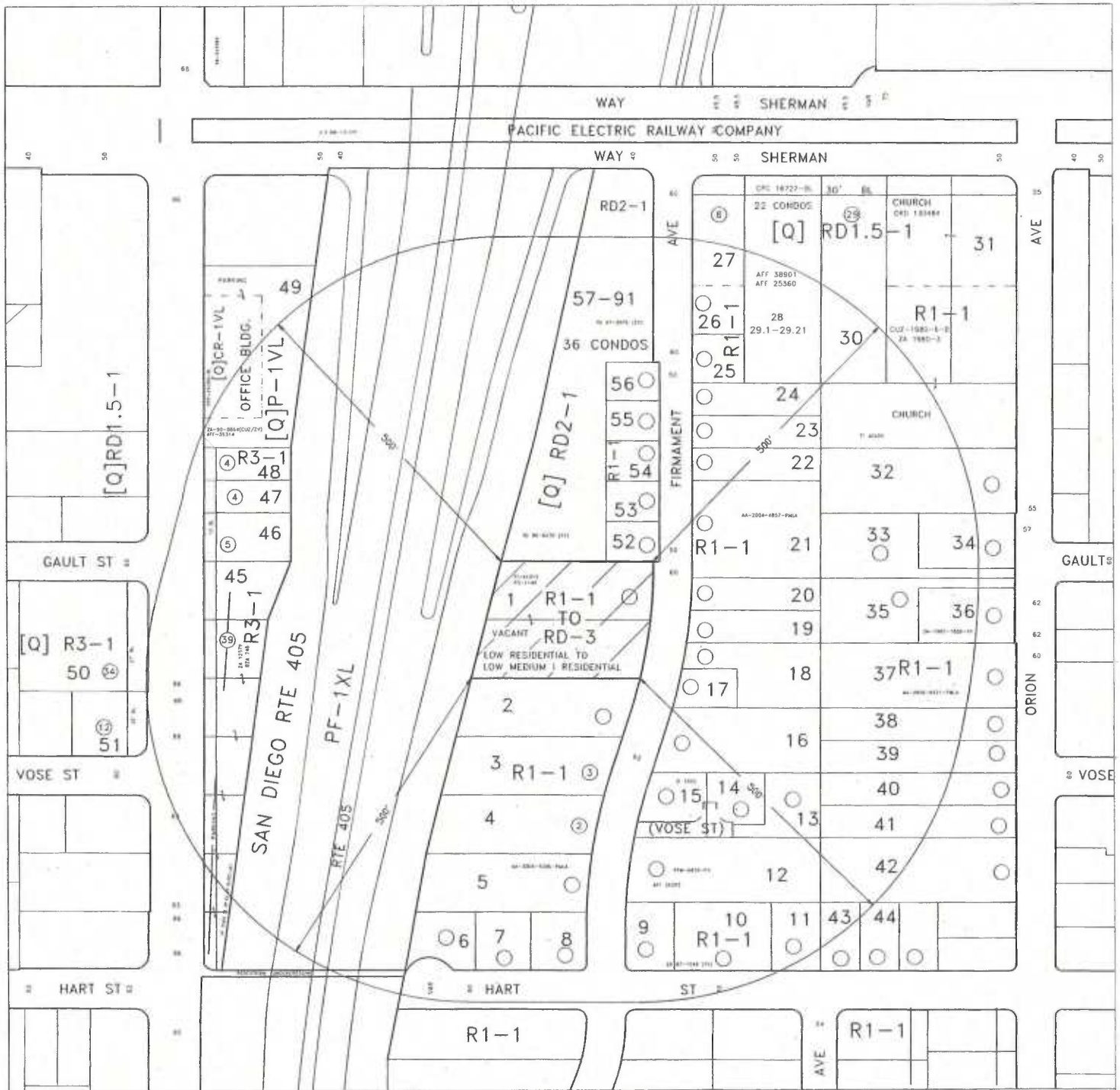
Address **7061 Firmament Ave**  
Van Nuys, CA 91406

VICINITY MAP





## A2 – Radius Map



**VESTING TENTATIVE TRACT MAP - SMALL LOT SUBDIVISION VTT-72867  
GENERAL PLAN AMENDMENT/ZONE CHANGE  
500 FOOT RADIUS MAP**

**CASE NUMBERS:**  
Recent Activity  
Subdivision/PM Case PS-1149  
Subdivision/PM Case TT-61212  
Private Tract PS-1149

**PARCEL LEGAL DESCRIPTION:**

Site Address 7061, 7051, 7053 N FIRMAMENT AVE  
ZIP Code 91406  
PIN Number 183B141  
Lot/Parcel Area (Calculated) 44,973.2 (sq ft)  
Thomas Brothers Grid PAGE 531 - GRID G5  
Assessor Parcel No. (APN) 2222036007 & 008  
Tract TR 10784  
Map Reference N B 185-18/19  
Block None  
Lot PDR B & 9  
Arb (Lot Cut Reference) None  
Map Sheet 183B141  
Community Plan Area Van Nuys - North Sherman Oaks  
Area Planning Commission South Valley  
Neighborhood Council Van Nuys  
Council District CD 6 - Nury Martinez  
Census Tract # 1277.12  
Special Notes None  
Zoning R1-1  
Zoning Information (ZI) ZI-2427 Freeway Adjacent Advisory Notice for Sensitive Uses  
General Plan Land Use Low Residential  
General Plan Footnote(s) Yes  
Hillside Area (Zoning Code) No  
Baseline Hillside Ordinance No  
Baseline Monumentation Ordinance Yes

DATE: 05/15/2014  
SCALE: 1" = 100'

**General Plan Amendment/Zone Change  
R1-1 TO RD-3  
LOW RESIDENTIAL TO LOW MEDIUM 1  
RESIDENTIAL**

**APPLICANT INFORMATION:**  
FIRMAMENT VILLAGE, LLC  
12034 NUGENT DRIVE  
GRANADA HILLS, CA 91344

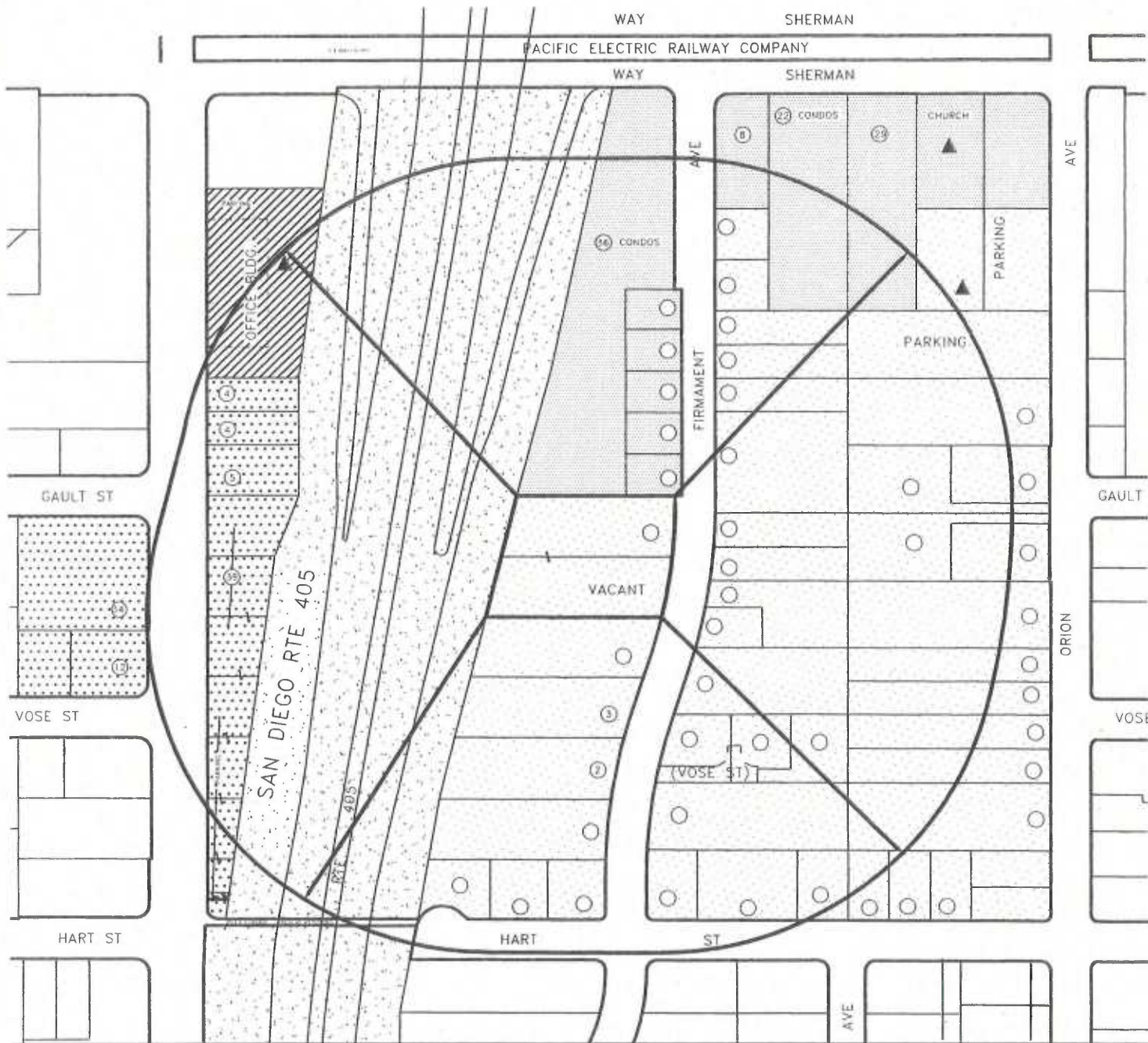
**CONTACT PERSON:**  
SEAN NGUYEN  
EZ PERMITS, LLC  
7251 N. OWENSMOUTH #2  
CANDOGA PARK, CA 91303  
213-880-6289  
E-MAIL: SEAN@EZPERMITSLLC.COM  
WWW.EZPERMITSLLC.COM

**PREPARED BY:**  
EZ PERMITS, LLC  
7251 N. OWENSMOUTH #2  
CANDOGA PARK, CA 91303  
213-880-6289





A3 – Existing General Plan Map



**EXISTING VAN NUYS - NORTH SHERMAN OAKS COMMUNITY PLAN**

- ② Number of dwelling units
- ▲ Non residential structure

Low (RE9, RS, R1, RU, RD6, RD5)

Medium (R3)

Low Medium I (R2, RD6, RD3, RD4, RZ3, RZ4, RU, RW1)

Neighborhood Commercial (C1, C1.5, C2, C4, RAS3, RAS4)

Low Medium II (RD1.5, RD2, RW2, RZ2.2)

Public Facilities (PF)

Address: 7051 N FIRMAMENT AVE  
 APN: 2222-036-007, 008

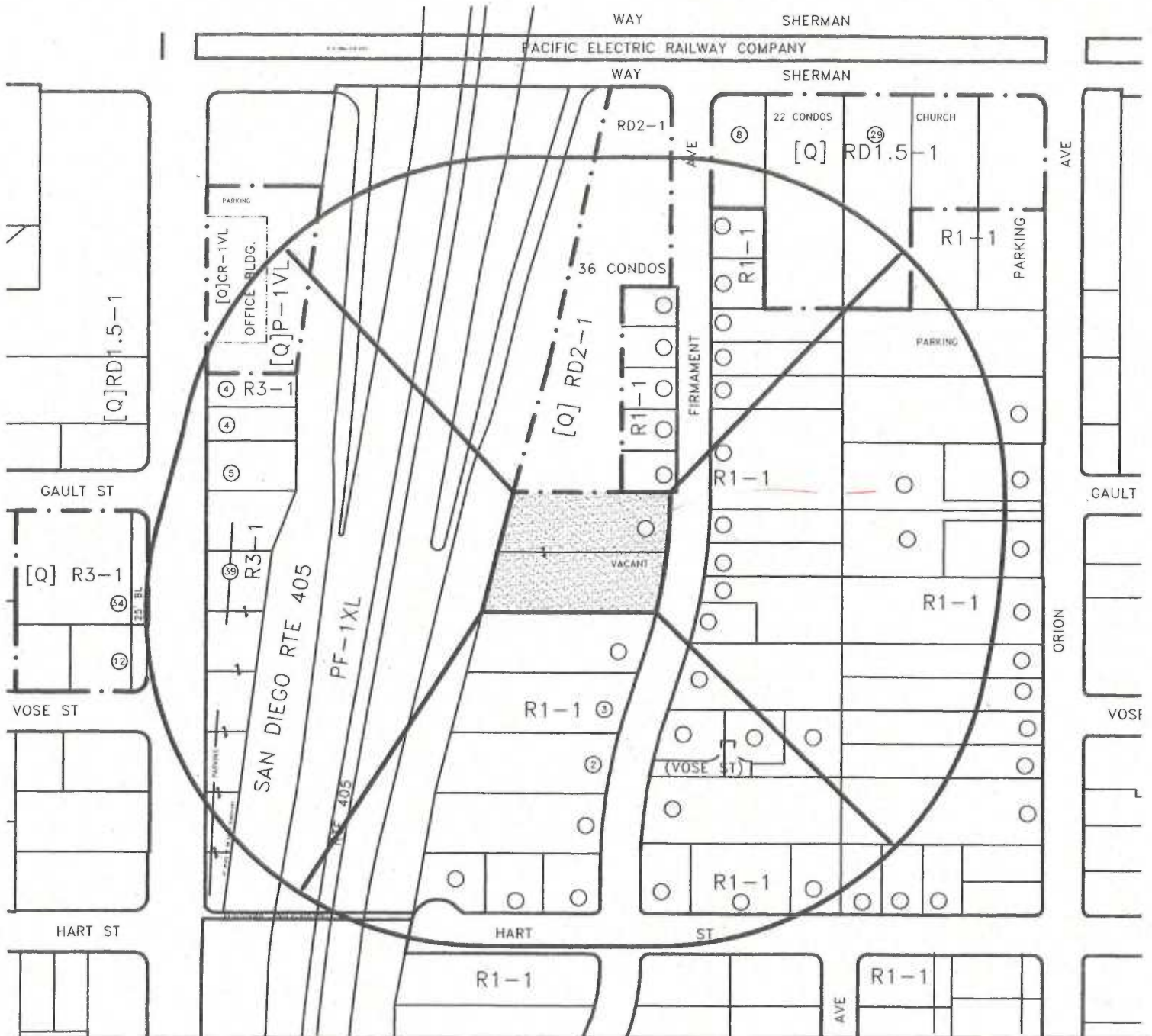
Scale 1" = 200'  
 03/06/14

PREPARED BY:  
 EZ PERMITS, LLC  
 7251 N. OWENSMOUTH #2  
 CANOGA PARK, CA 91303  
 213-880-6289

For Staff Use Only

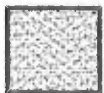


A4 – Existing Zoning Map



EXISTING ZONING

Request: R1-1 TO RD-3



Subject Property



Tentative Zoning Boundary (T or Q)

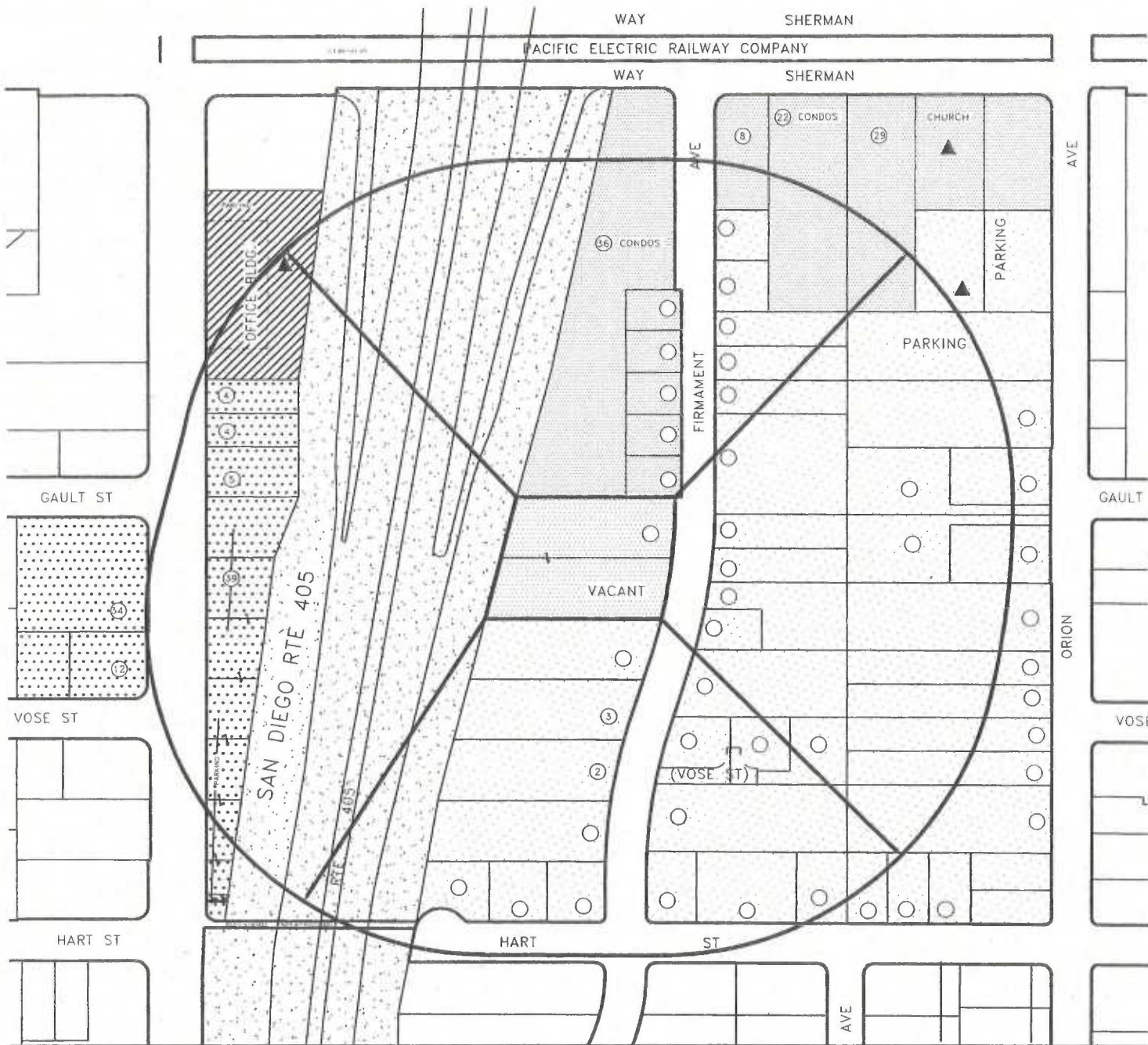
Scale 1" = 200'  
03/06/14

PREPARED BY:  
EZ PERMITS, LLC  
7251 N. OWENSMOUTH #2  
CANDGA PARK, CA 91303  
213-880-6289

For Staff Use Only



## A5 – Proposed General Plan Map



**REQUESTED VAN NUYS - NORTH SHERMAN OAKS COMMUNITY PLAN**

- ② Number of dwelling units
- ▲ Non residential structure

Low (RE9, RS, R1, RU, RD6, RD5)

Medium (R3)

Low Medium I (R2, RD6, RD3, RD4, RZ3, RZ4, RU, RW1)

Neighborhood Commercial (C1, C1.5, C2, C4, RAS3, RAS4)

Low Medium II (RD1.5, RD2, RW2, RZ2.2)

Public Facilities (PF)

Address: 7051 N FIRMAMENT AVE  
 APN: 2222-036-007, 008

Scale 1" = 200'  
 03/06/14

PREPARED BY:  
 EZ PERMITS, LLC  
 7251 N OWENSMOUTH #2  
 CANGA PARK, CA 91303  
 213-880-6289

For Staff Use Only



A6 – Photo Location Map and Photos

# PHOTO LOCATION MAP - PHOTOS TAKEN ON 05-01-14

ZIMAS PUBLIC

2011 Digital Color-Ortho

01/22/2014

City of Los Angeles  
Department of City Planning



Address: 7051 N FIRMAMENT AVE  
APN: 2222036008  
PIN #: 183B141 279

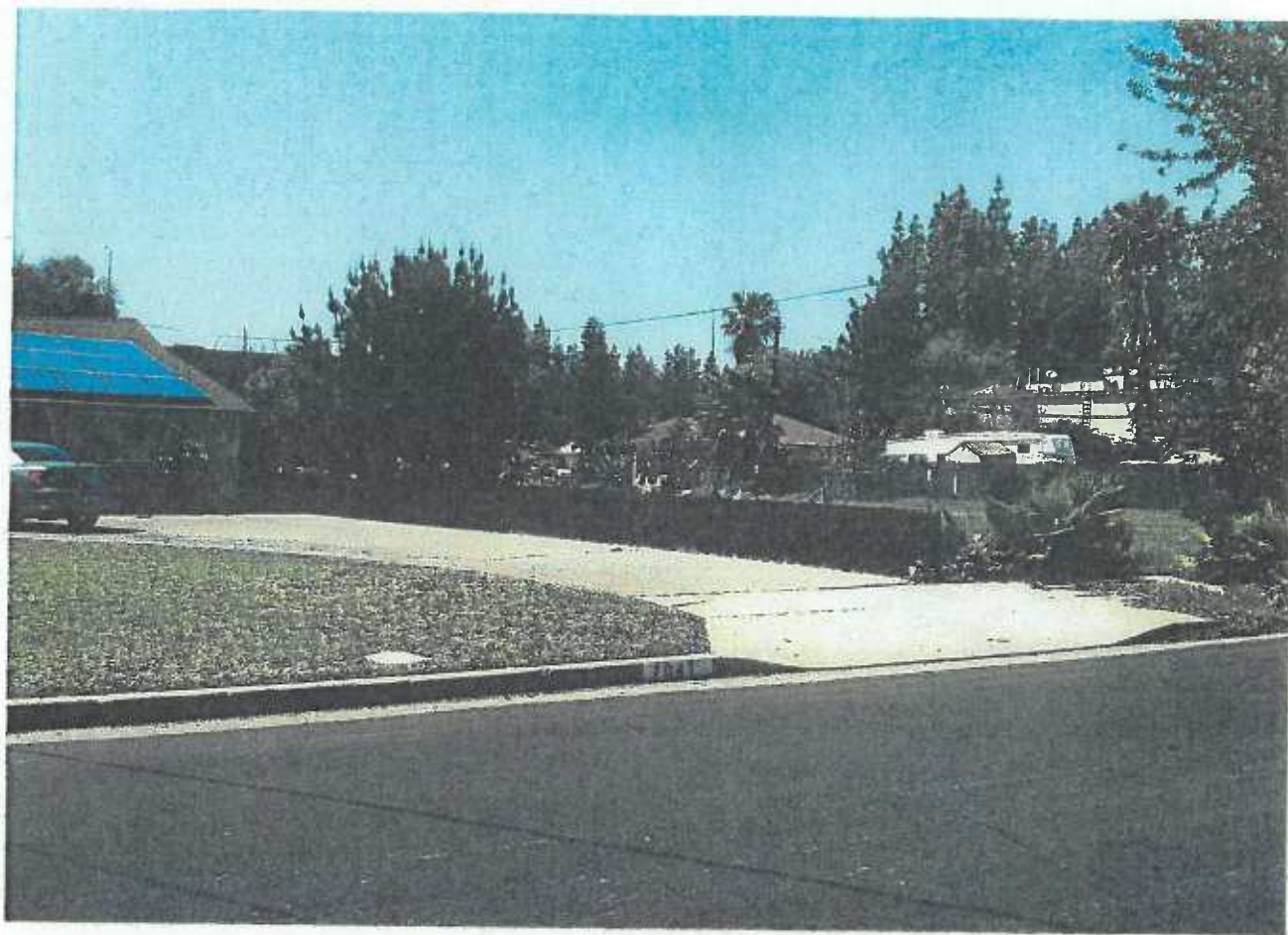
Tract: TR 10784  
Block: None  
Lot: POR 9  
Arb: None

Zoning: R1-1  
General Plan: Low Residential

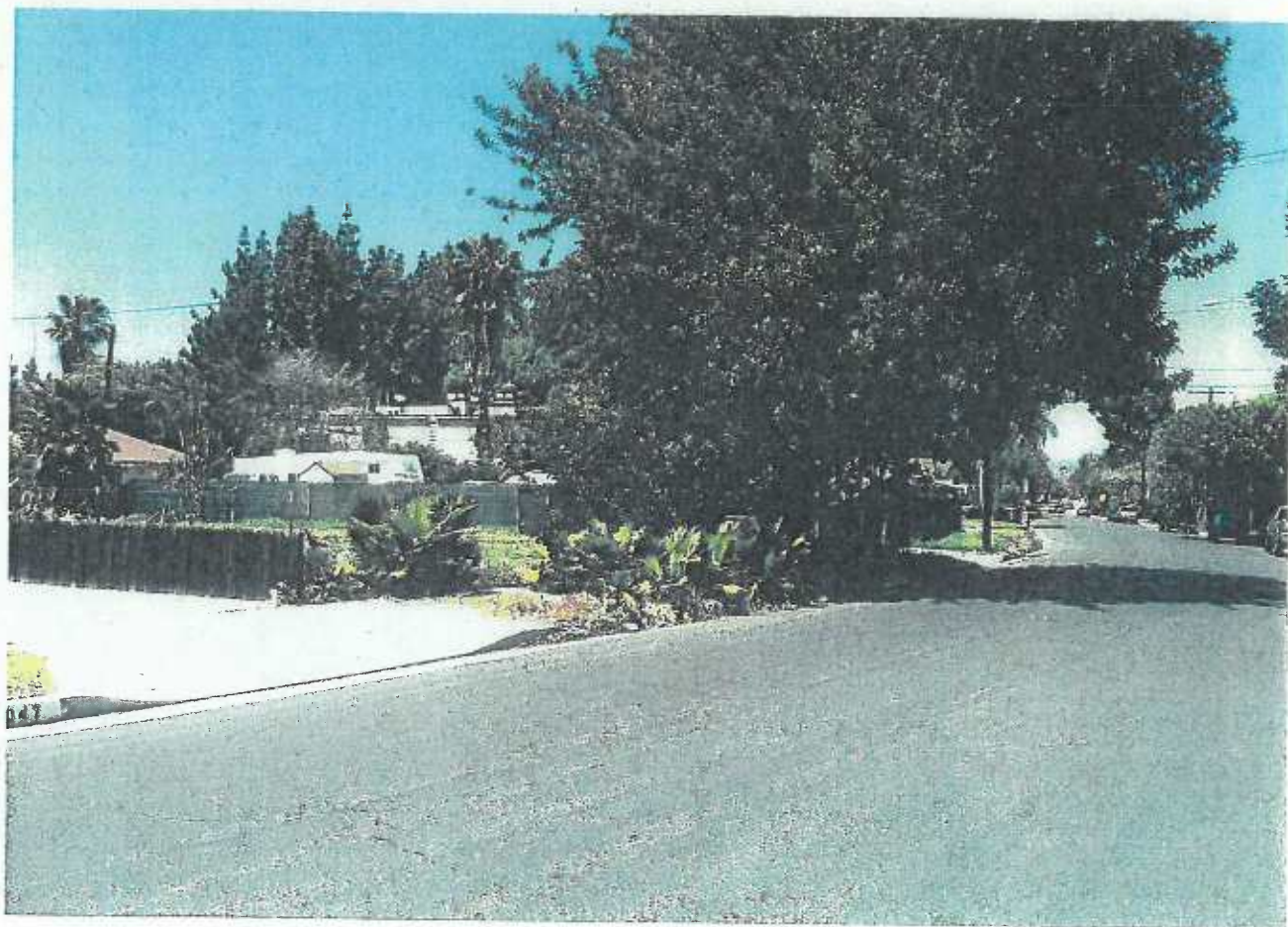




1



2





3

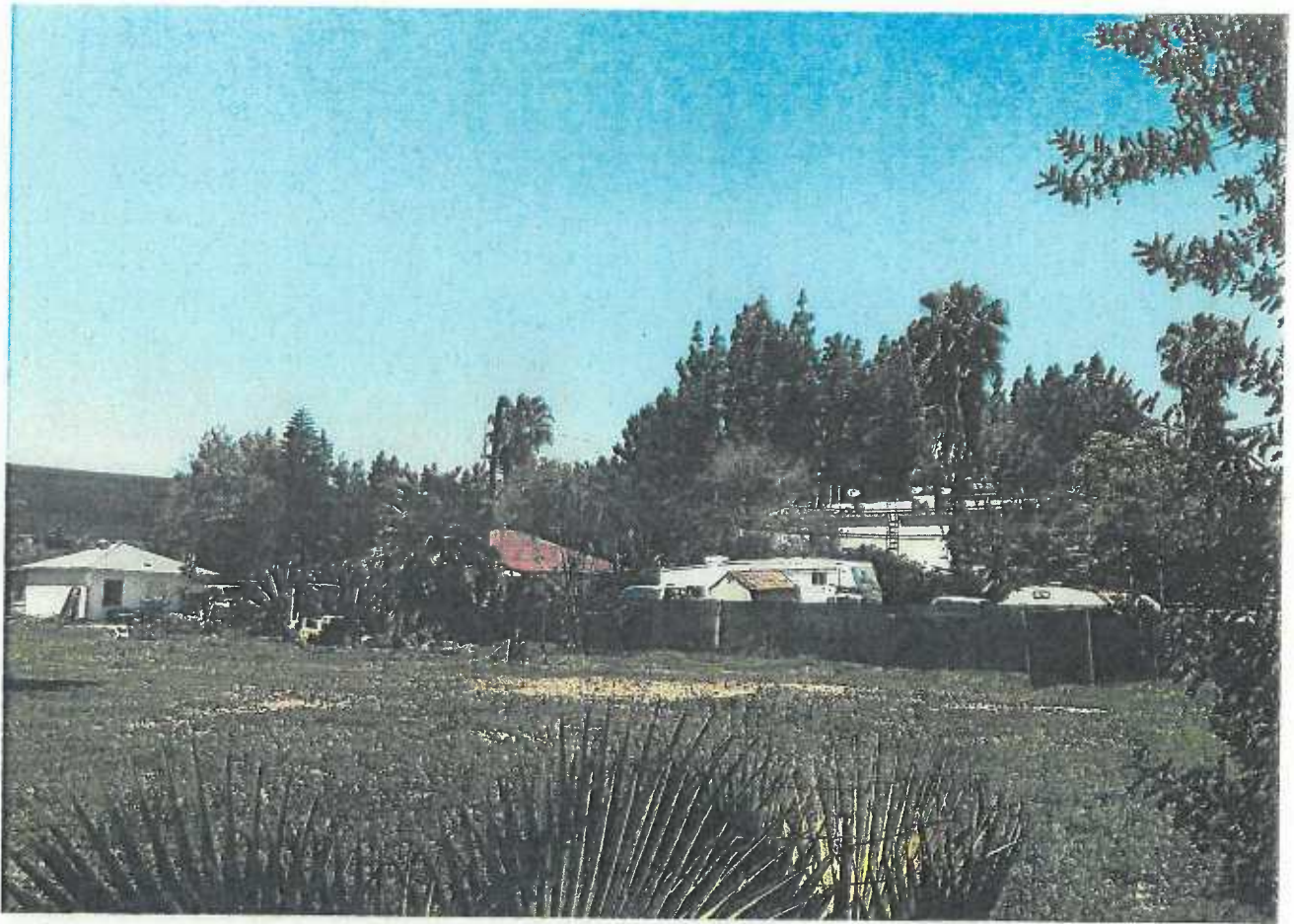


4

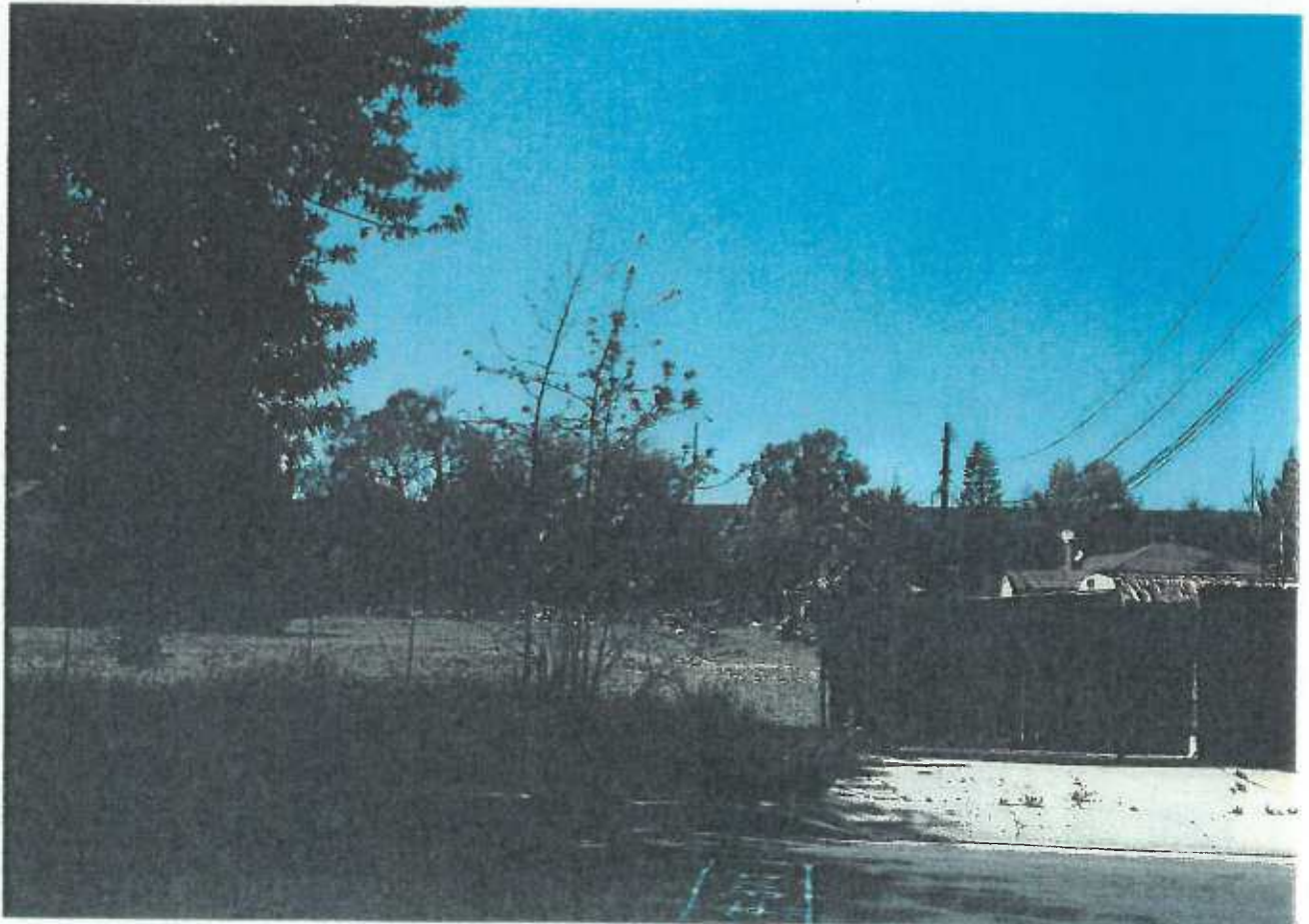




5



6





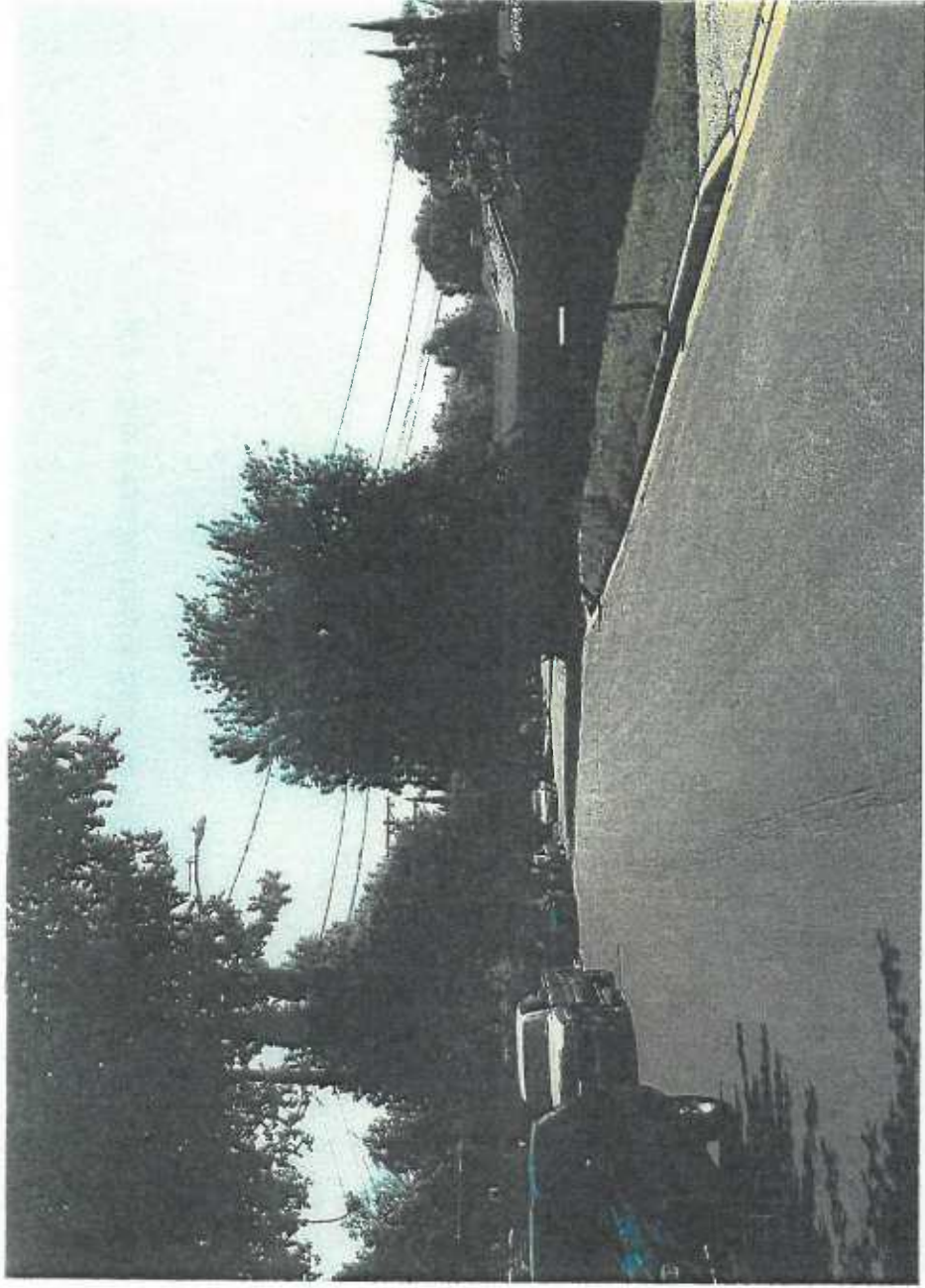
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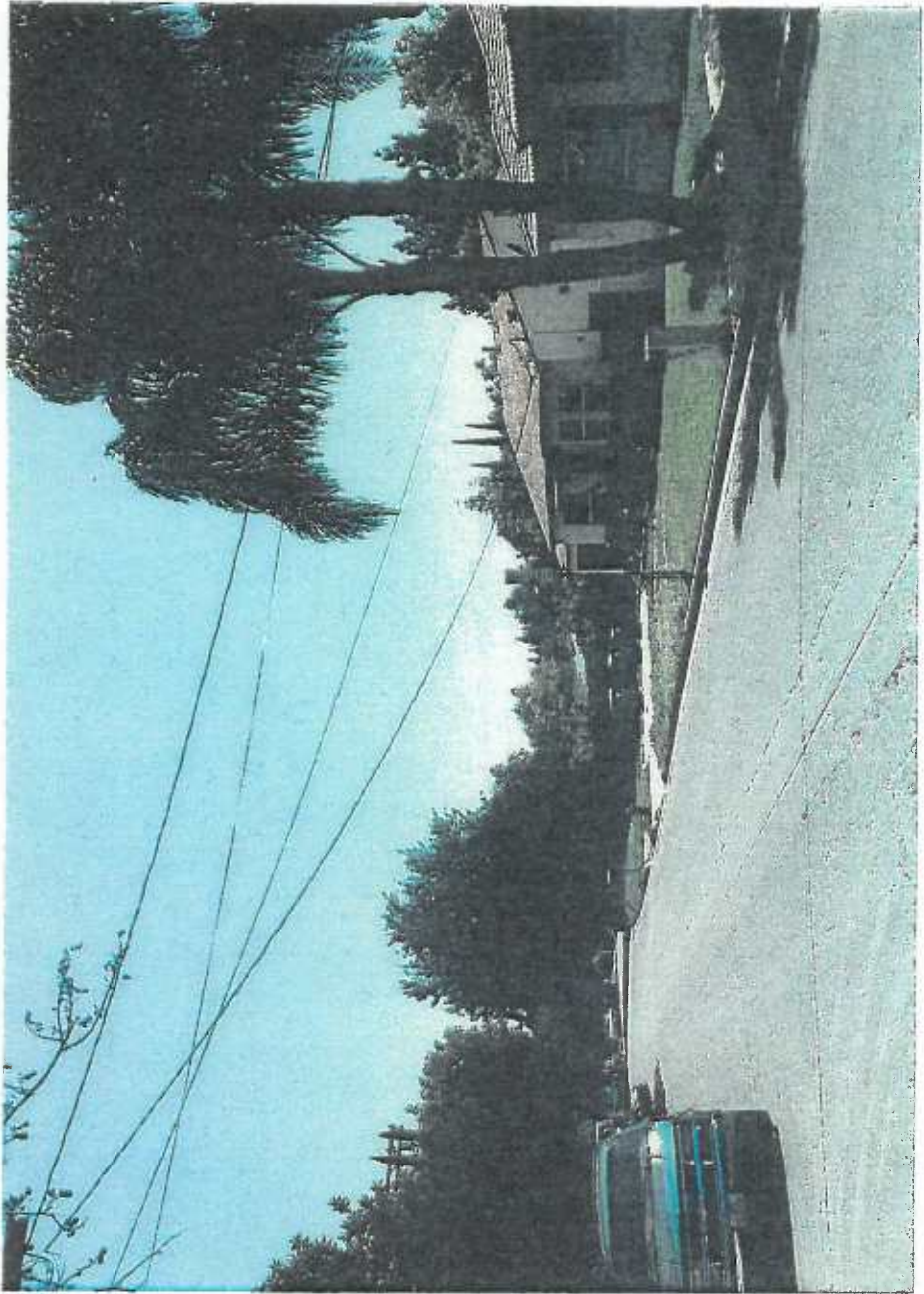
8







9



10

B1 – Site Plan for Entire Site (13 Lot Subdivision)



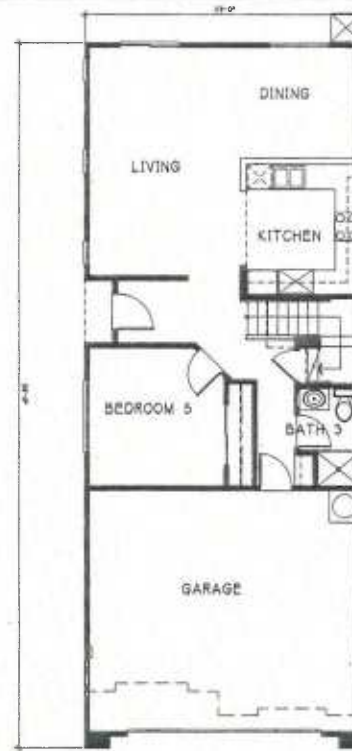


B2 – Floor Plans (13 Lot Subdivision)



SECOND FLOOR-PLAN "A"

SCALE: 1/4"=1'-0"



FIRST FLOOR-PLAN "A"

SCALE: 1/4"=1'-0"



FRONT ELEVATION #1

SCALE: 1/4"=1'-0"

(PLAN "A")



FRONT ELEVATION #2

SCALE: 1/4"=1'-0"

(PLAN "A")



FRONT ELEVATION #3

SCALE: 1/4"=1'-0"

(PLAN "A")

DEVELOPER:  
**FIRMAMENT VILLAGE LLC.**  
 12034 NUGENT DRIVE  
 GRANADA HILLS, CA 91344  
 (818) 357-5565

PROJECT NAME:  
**FIRMAMENT AVE. HOMES**  
 15 SINGLE FAMILY RESIDENCES  
 TRACT MAP VTT-72567  
 7001 - 7001 FIRMAMENT AVE., VAN NUYS, CA, 91406

FLOOR PLAN / ELEVATION EXHIBIT  
 DRAWN: K & S  
 DATE: 04/07/14  
 PLAN CHK:  
 PERMIT:

**KEN STOCKTON**  
**ARCHITECTS, INC. - AIA**  
 3600 N. GARDEN ROAD, SUITE 400, CALIFORNIA, CA 91303  
 (818) 358-9410 FAX: (818) 358-9604



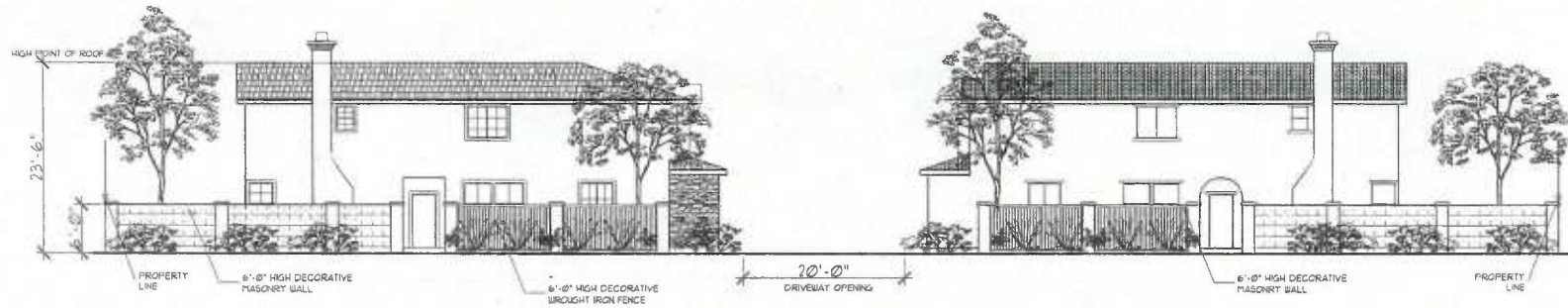
SHEET NO.

**A-2**

**SCHEMATIC PLAN**

B3 – Elevations (13 Lot Subdivision)





**FIRMAMENT AVENUE ELEVATION**  
 SCALE: 3/16" = 1'-0"

DEVELOPER  
**FIRMAMENT VILLAGE LLC.**  
 10234 NUGENT DRIVE  
 GRANADA HILLS, CA 91344  
 (818) 351-5585

PROJECT NAME:  
**FIRMAMENT AVE. HOMES**  
 13 SINGLE FAMILY RESIDENCES  
 TRACT MAP V11-128671  
 10511 10511 FIRMAMENT AVE. VAN NUYS CA 91411

**FLOOR PLANS & STREET ELEVATIONS**

DATE	REVISIONS
07/17/14	
07/17/14	
07/17/14	

DESIGNED BY: [blank]  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]  
 PERMIT: [blank]

**KEN STOCKTON**  
**ARCHITECTS, INC. - AIA**  
 13300 W. VAN NUYS BLVD. SUITE 100  
 VAN NUYS, CA 91411  
 TEL: 818-788-8888  
 FAX: 818-788-8888



SHEET NO.  
**A-1.1**

PRELIMINARY PLANS



SECOND FLOOR-PLAN "A"

SCALE 1/4"=1'-0"



FIRST FLOOR-PLAN "A"

SCALE 1/4"=1'-0"



FRONT ELEVATION #1

SCALE 1/4"=1'-0"

(PLAN "A")



FRONT ELEVATION #2

SCALE 1/4"=1'-0"

(PLAN "A")



FRONT ELEVATION #3

SCALE 1/4"=1'-0"

(PLAN "A")

SCHEMATIC PLAN

DEVELOPER  
**FIRMAMENT VILLAGE LLC.**  
 12024 NUGENT DRIVE  
 GRANADA HILLS, CA 91344  
 (818) 357-5565

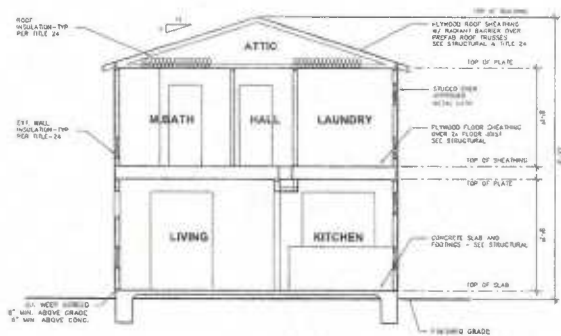
PROJECT NAME  
**FIRMAMENT AVE. HOMES**  
 13 SINGLE FAMILY RESIDENCES  
 TRACT MAP VTT-72867  
 7051 - 7061 FIRMAMENT AVE., VAN NUYS, CA. 91406

FLOOR PLAN / ELEVATION EXHIBIT  
 DRAWN: K.K.S.  
 DATE: 04/07/14  
 PLAN CHK.  
 PERMIT

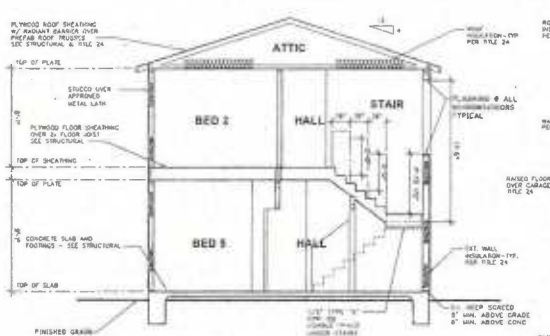
**KEN STOCKTON**  
**ARCHITECTS, INC. - AIA**  
 8520 W. AGORA ROAD, PMB 603, CALABASAS, CA. 91302  
 (PH) 818-8443 FAX (818) 881-8624



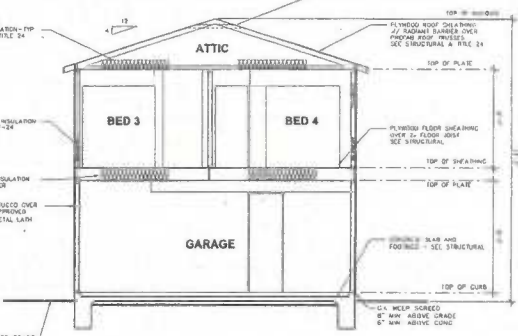
SHEET NO.  
**A-2**



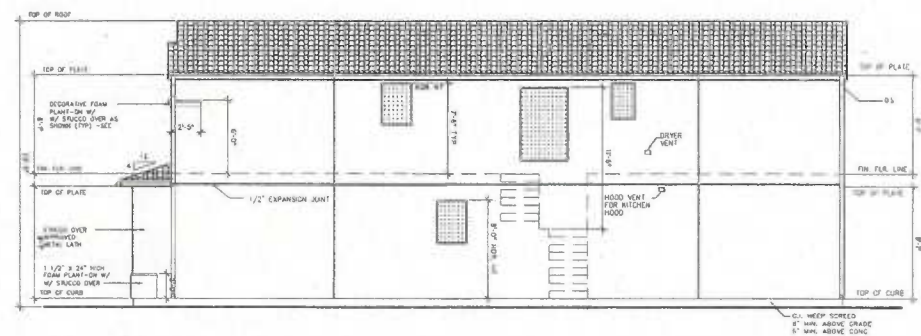
BUILDING SECTION - C  
SCALE: 1/4"=1'-0"



BUILDING SECTION - B  
SCALE: 1/4"=1'-0"



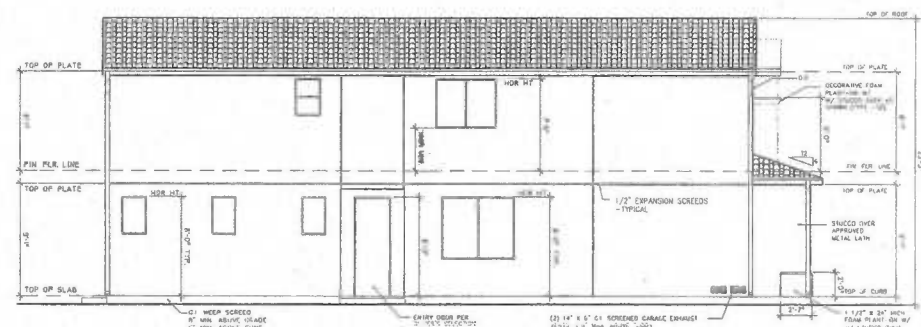
BUILDING SECTION - A  
SCALE: 1/4"=1'-0"



RIGHT ELEVATION - #1  
SCALE: 1/4"=1'-0"



REAR ELEVATION - #1  
SCALE: 1/4"=1'-0"



LEFT ELEVATION - #1  
SCALE: 1/4"=1'-0"

ELEVATION "A" / "MISSION"

DEVELOPER:  
**FIRMAMENT VILLAGE LLC.**  
12034 NUGENT DRIVE  
GRANADA HILLS, CA 91344  
(818) 357-5565

PROJECT NAME:  
**FIRMAMENT AVE HOMES**  
13 SINGLE FAMILY RESIDENCES  
TRACT MAP VTT-772867  
7031 - 7046 FIRMAMENT AVE, VAN NUYS, CA 91410

SECTIONS & ELEVATION #1  
DRAWN: R K S  
DATE: 06/20/24  
PLAN CHK:  
PERMIT:

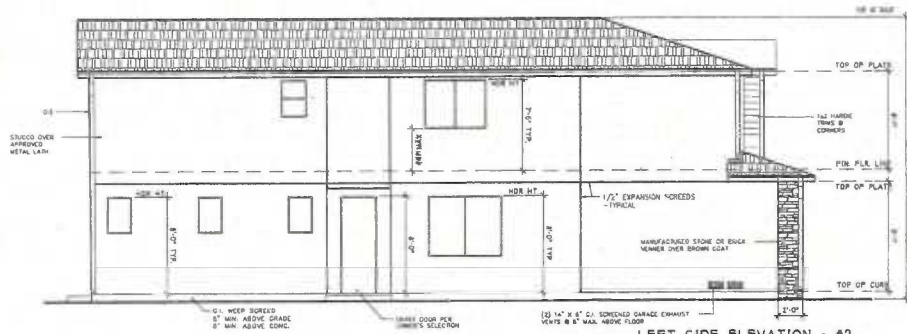
**KEN STOCKTON**  
**ARCHITECTS, INC. - A.J.A.**  
1600 W. 160TH AVENUE, SUITE 100, DENVER, CO 80230  
PHONE: 303.755.8888 FAX: 303.755.8888

SHEET NO.  
**A-3**

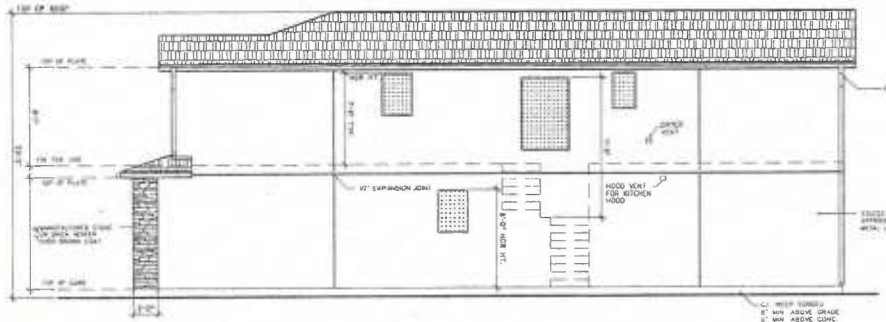
**SCHEMATIC PLAN**







LEFT SIDE ELEVATION - #2  
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION - #2  
SCALE: 1/4" = 1'-0"



REAR ELEVATION - #2  
SCALE: 1/4" = 1'-0"

ELEVATION "#2" / "CRAFTSMAN"

SCHEMATIC PLAN

DEVELOPER  
**FIRMAMENT VILLAGE, LLC**  
 12004 NUGENT DRIVE  
 GRANADA HILLS, CA 91544  
 (818) 357-5565

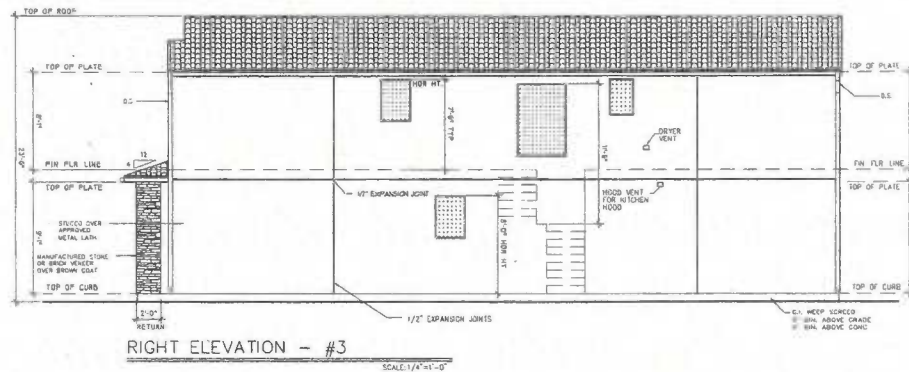
PROJECT NAME  
**FIRMAMENT AVE. HOMES**  
 FIRMAMENT FAMILY RESIDENCES  
 13 TRACT MAP VTT-77887  
 7000 - 7001 FIRMAMENT AVE., VAN NUYS, CA. 91405

ELEVATION #2	REVISIONS:
DRAWN: K K S	
DATE: 04/24/16	
PLAN CHK:	
PERMIT:	

**KEN STOCKTON**  
 ARCHITECTS, INC. - A.I.A.  
 1800 N. AZULRA ROAD, PO BOX 805, CALABASAS, CA 91302  
 818 355-8800 FAX 818 357-8800

SHEET NO.  
**A-4**

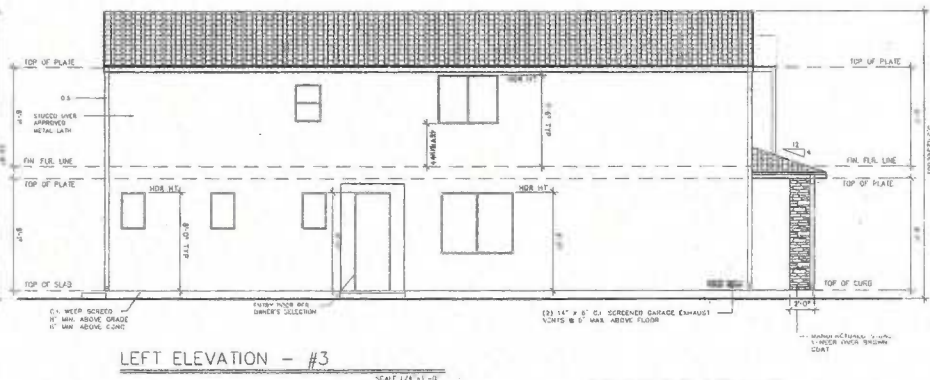




RIGHT ELEVATION - #3  
SCALE: 1/4"=1'-0"



REAR ELEVATION - #3  
SCALE: 1/4"=1'-0"



LEFT ELEVATION - #3  
SCALE: 1/4"=1'-0"

ELEVATION "#3" / "TUSCAN"

SCHEMATIC PLAN

DEVELOPER <b>FIRMAMENT VILLAGE LLC.</b> 12034 NUGENT DRIVE GRANADA HILLS, CA 91344 (818) 357-5565	
PROJECT NAME <b>FIRMAMENT AVE. HOMES</b> 15 SINGLE FAMILY RESIDENCES TRACT MAP VTT-72867 7055 - 7061 FIRMAMENT AVE., VAN NUYS, CA 91406	ELEVATION #3 DRAWN: R & S DATE: 08/08/20 PLAN: C/E PERMIT:
<b>KEN STOCKTON</b> <b>ARCHITECTS, INC. - A.I.A.</b> 8500 P. AUGER ROAD, PHOENIX, AZ, CALIFORNIA, CA 91021 (602) 998-1000 FAX: (602) 998-1000	
SHEET NO <b>A-5</b>	



B4 – Landscape Plan (13 Lot Subdivision)





### ARCHITECTURAL SITE PLAN - 13 HOMES

SCALE: 1" = 10'-0"

1. NET LOT AREA: 44,873.3 SF = 1.035 ACRES
2. EXISTING ZONING: R-1 (LOW RESIDENTIAL)
3. PROPOSED ZONING: RDL (LOW/MEDIUM RESIDENTIAL)
4. PROPOSED UNITS: 13 UNITS TOTAL
5. PARKING IN RD-3 ZONE: 3 SPACES PER UNIT REQUIRED = 39 SPACES (REQ'D)  
 COVERED PARKING PROVIDED = 28 SPACES  
 GUEST PARKING PROVIDED = 8 SPACES  
 TOTAL PARKING PROVIDED = 31 SPACES (PROVIDED)
6. DEMOLITION: ALL EXIST. STRUCTURES TO BE REMOVED
7. REQUIRED OPEN SPACE: NONE REQUIRED

Site Address: 7051 - 7061 N FIRMAMENT AVE  
 ZIP Code: 91105  
 PIN Number: 653141 579 & 244  
 Lot Area (Calculated): 44,873.3 (sq ft)  
 Thomas Brothers 4/14 PAGE 331 - 0810 03  
 Assessor's Parcel No. (APN): 1531026004 & 007  
 Tract: TR 10764  
 Map Reference: M 5 185-1818  
 Block Name:  
 Lot: PDR 8 & 9  
 Arb (Lot Cui) Reference: None  
 Map Sheet: 163314

DEVELOPER:  
**FIRMAMENT VILLAGE LLC**  
 10294 NISSET DRIVE  
 GRANADA HILLS, CA 91344  
 (818) 351-5565

PROJECT NAME:  
**FIRMAMENT AVE HOMES**  
 13 SINGLE FAMILY RESIDENCES  
 TRACT MAP XXXXXX  
 1051 - 1061 FIRMAMENT AVE, VAN NUYS, CA 91411

COLORED SITE PLAN EXHIBIT	
OWNER:	REVISION:
DATE:	DESCRIPTION:
BY:	DATE:
BY:	DATE:
BY:	DATE:

**KEN STOCKTON**  
**ARCHITECTS, INC. - AIA**  
 2400 W. GARDEN ROAD, P.O. BOX 1000, CALIFORNIA, CA 91301  
 (818) 888-8400 FAX: (818) 888-8400



PRELIMINARY PLANS

SHEET NO.  
**EX-1**

C - Environmental Clearance