

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

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2015-4684-ZC	ENV-2015-4679-MND	12 - Englander
PROJECT ADDRESS:		
23200 West Sherman Way		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Michael Harris, Sherman Way-West Hills Partners, LLC. 22801 Ventura Blvd. #111 Woodland Hills, CA 91364 <input type="checkbox"/> New/Changed	(818) 322-67777	landsocal@gmail.com
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Oliver Netburn	(213) 978-1382	oliver.netburn@lacity.org
APPROVED PROJECT DESCRIPTION:		
<p>A Zone Change from A1-1 to (T)(Q)RD3-1 in conjunction with the construction, use and maintenance of 36 Small Lot Homes. Each home will be two stories in height and will include two parking spaces within private garages.</p>		

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

On August 11, 2016, the City Planning Commission:

1. Find, based on its independent judgment, after consideration of the entire administrative record, that the project was environmentally assessed under Case No. ENV-2015-4679-MND;
2. Recommend that the City Council approve a Zone Change from A1-1 to (T)(Q)RD3-1 for the subject property ;
3. Adopted the attached Findings;
4. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring; and
5. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) Filing.

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

1. City Council adoption of the Zone Change from A1-1 to (T)(Q)RD3-1 for the subject property.

FINAL ENTITLEMENTS NOT ADVANCING:

None

ITEMS APPEALED:

None

ATTACHMENTS:

REVISED:

ENVIRONMENTAL CLEARANCE:

REVISED:

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other

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NOTES / INSTRUCTION(S):

FISCAL IMPACT STATEMENT:

Yes **No**

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- | | |
|--|---|
| <input checked="" type="checkbox"/> City Planning Commission (CPC)
<input type="checkbox"/> Cultural Heritage Commission (CHC)
<input type="checkbox"/> Central Area Planning Commission
<input type="checkbox"/> East LA Area Planning Commission
<input type="checkbox"/> Harbor Area Planning Commission | <input type="checkbox"/> North Valley Area Planning Commission
<input type="checkbox"/> South LA Area Planning Commission
<input type="checkbox"/> South Valley Area Planning Commission
<input type="checkbox"/> West LA Area Planning Commission |
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PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
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August 11, 2016	7 – 0
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LAST DAY TO APPEAL:	APPEALED:
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N/A	No
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TRANSMITTED BY:	TRANSMITTAL DATE:
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James Williams	November 29, 2016
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LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801
(213) 978-1300; planning.lacity.org

LETTER OF DETERMINATION

Mailing Date: **SEP 14 2016**

CASE NO.: CPC-2015-4684-ZC
CEQA: ENV-2015-4679-MND
Related Case: VTT-73714-SL-1A

Location: 23200 Sherman Way
Council District: 12 – Englander
Plan Area: Canoga Park-Winnetka-
Woodland-Hills-West Hills
Request: General Plan Amendment,
Zone Change

Applicant: Sherman Way-West Hills Partners, LLC
Rep.: Michael Harris

At its meeting of August 11, 2016, the Los Angeles City Planning Commission took the following action:

1. **Approved** a Zone Change from A1-1 to (T)(Q)RD3-1 for the subject property.
2. **Found**, based on its independent judgment, after consideration of the entire administrative record, that the project was environmentally assessed under Case No. ENV-2015-4679-MND.
3. **Adopted** the attached Conditions of Approval.
4. **Adopted** the attached Findings.
5. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
6. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) Filing.

Recommendations to City Council:

1. **Recommend** that the City Council adopt a Zone Change from A1-1 to (T)(Q)RD3-1 for the subject property.
2. **Recommend** that the City Council Find, based on its independent judgment, after consideration of the entire administrative record, that the project was environmentally assessed under Case No. ENV-2015-4679-MND.
3. **Recommend** that the City Council adopt the attached Findings.

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

This action was taken by the following vote:

Moved: Dake-Wilson
Seconded: Millman
Ayes: Ahn, Ambroz, Choe, Mack, Padilla-Campos
Absent: Katz, Perlman

Vote: 7 - 0



**James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission**

Effective Date/Appeals: The determination of the Los Angeles City Planning Commission is final and not appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Modified Conditions of Approval, Findings
City Planner: Heather Bleemers
City Planning Assistant: Oliver Netburn

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by 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.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary):

Responsibilities/Guarantees.

1. 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. **Bureau of Engineering.** Prior to issuance of sign offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
3. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.
4. **Bureau of Street Lighting.**
 - a. Prior to the issuance of any Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
 - b. Construct three (3) new street lights Sherman Way.
 - c. Construct three (3) new street lights Woodlake Avenue.
5. **Urban Forestry Division.** Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

(Q) QUALIFIED CLASSIFICATIONS

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

1. **Use.** The use and area regulations for the new development shall be developed for uses as permitted in the RD3 Zone as defined in LAMC Section 12.09.1, except as modified by the conditions herein or subsequent action.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated June 30, 2016, except as may be revised as a result of this action.
3. **Density.** A maximum of 35 dwelling units shall be permitted.
4. **Height.** All homes shall not exceed 25 feet and two (2) stories.
5. **Building Design.**
 - a. **Primary Entryways.** All Small Lot homes shall have a primary entryway. All primary entryways shall provide the address or unit identification, ornamental low-level lighting for illuminating the entry area, a landing area with enhanced paving material, different texture, or color, and at least three of the following elements:
 - i. The front door for each home shall be recessed from the building façade.
 - ii. The doorway shall be designed with an overhead projection such as an awning, and/or other architectural design features so as to distinguish the front door from the rest of the building façade.
 - iii. The entryway shall be raised or sunken at a minimum of 10 inches, with a minimum of two steps, from the pedestrian pathway to the landing area.
 - iv. The entryway shall be clearly marked with a side window panel, adjacent window, or a door with a window.
 - v. The entryway shall be recessed at least two (2) feet from the building façade.
 - b. **Dwelling Orientation and Entry.**
 - i. All Small Lot homes abutting Sherman Way and Woodlake Avenue shall orient the primary entryway ("front door") toward that street.
 - ii. All Small Lot homes located in the "interior" of the subdivision shall orient the primary entryway ("front door") toward and visible from the pedestrian pathway within the common access easement.
 - iii. The maximum height of any fence within the front yard of any of the lots which abut Sherman Way or Woodlake Avenue shall not exceed 42 inches.

c. **Façade Articulation.** All facades facing a public right-of-way, private street, or project perimeter, and all exterior building elevations located greater than 6 feet from an adjacent Small Lot home facade shall be treated with an equal level of details and articulation and shall incorporate a minimum of two of the following building articulation techniques:

- i. Varied windows treatment such as multi-pane, green house, bay, or block framed windows. Aluminum framed windows or doors that are flush with the plane of the building shall not be included as a change in material or break in the plane.
- ii. All windows shall have shutters which shall be designed to fit over windows.
- iii. Each Small Lot home shall include porticos, awnings, terraces, balconies or trellises.
- iv. Each Small Lot home shall include changes in exterior building materials such as stucco to one of the following: wood, glass, brick, metal spandrel, and/or tile.
- v. Each Small Lot home shall be designed to include a break in façade plane at a minimum depth of 6 inches for a minimum horizontal distance of 20 feet.

6. Traffic/Circulation.

- a. Parking stalls shall be designed so that a vehicle is not required to back into or out onto Woodlake Avenue.
- b. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 550.

7. Common Open Space Lots.

- a. Lot No. 21, as shown on Vesting Tentative Map No. 73714-SL (map stamp-dated December 24, 2015), shall be landscaped with trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette and shall otherwise remain undeveloped. The applicant or subsequent owner or the Homeowner's Association for VTT-73714-SL shall be responsible for maintaining Lot No. 21 in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted.
- b. A minimum of 2,715 square feet of usable open space shall be provided and maintained on Lot 29, as shown on Vesting Tentative Map No. 73714-SL (map stamp-dated December 24, 2015) and shall conform to the standards in Section 12.21-G,2(a) of the Los Angeles Municipal Code, with the exception of a minimum horizontal distance.

8. Fencing along Bell Creek. The fencing along Bell Creek shall be limited to six (6) feet in height, including wrought iron fencing above a maximum of two (2) feet of slumpstone.

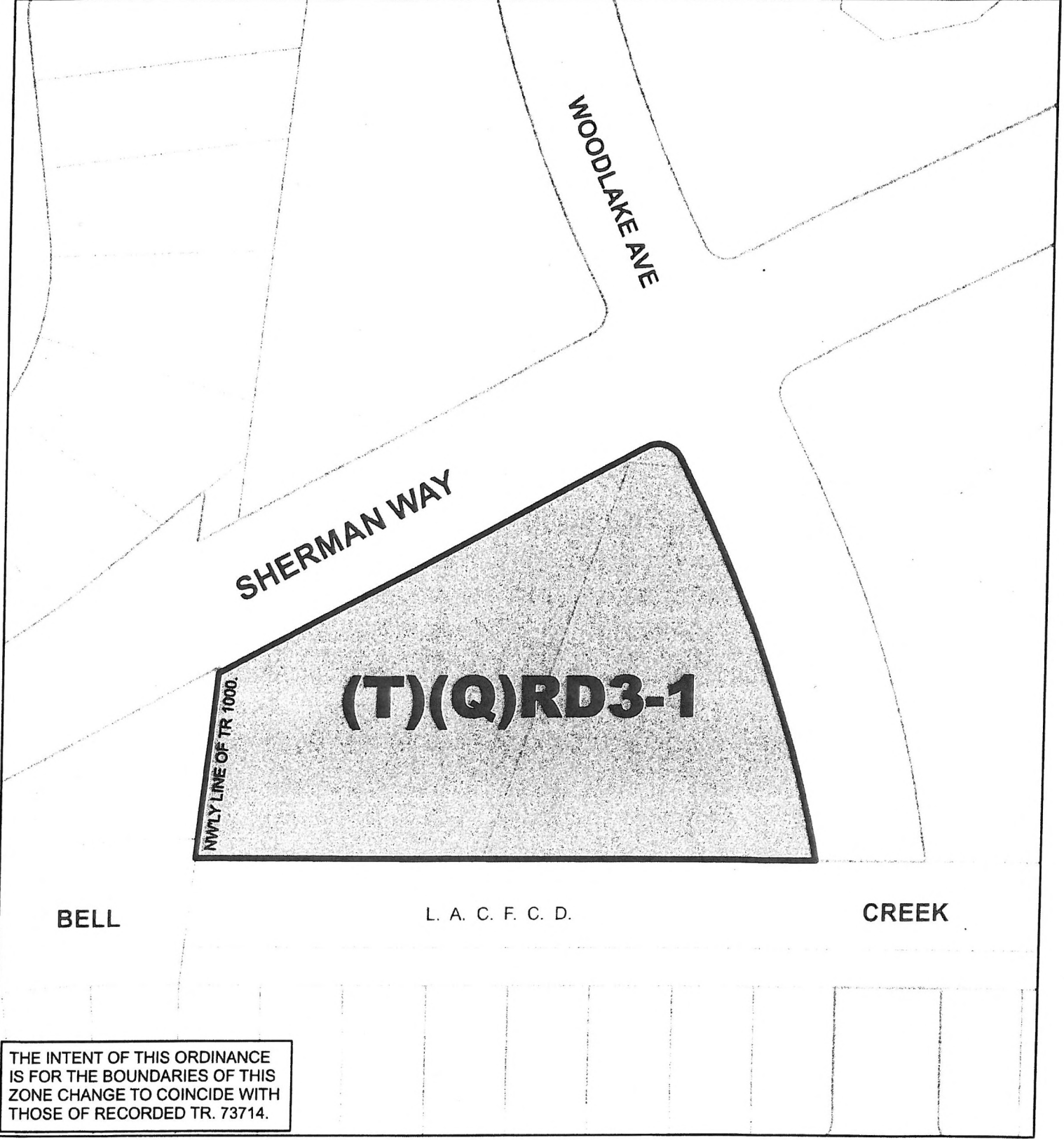
9. LEED Certification. All single-family dwellings shall obtain LEED Certification for single-family homes.

ORDINANCE NO. _____

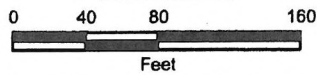
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section _____. Section 12.04 of the Los Angeles municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



THE INTENT OF THIS ORDINANCE IS FOR THE BOUNDARIES OF THIS ZONE CHANGE TO COINCIDE WITH THOSE OF RECORDED TR. 73714.



CPC-2015-4684-ZC

AA/CL

090116

City of Los Angeles



CONDITIONS OF APPROVAL

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

Environmental Conditions

1. **Habitat Modification (Nesting Native Birds, Hillside or Rural Areas).**

- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
 - i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
 - ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
 - iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
 - iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

2. **Tree Preservation (Grading Activities).** "Orange fencing" or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (trunk diameter of 8 inches or greater) non-protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.

3. Tree Removal (Non-Protected Trees).

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- c. Removal 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, Bureau of Street Services, Department of Public Works.
- d. All replacement trees shall be consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette.

4. Tree Removal (Public Right-of-Way).

- a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.
- b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).
- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.
- d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

5. Bell Creek Habitat.

- a. Lot No. 21 as shown on Vesting Tentative Map No. 73714-SL (map stamp-dated December 24, 2015), shall be landscaped with trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette and shall otherwise remain undeveloped. The applicant or subsequent owner or the Homeowner's Association for VTT-73714-SL shall be responsible for maintaining Lot No. 21 in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted.
- b. The applicant shall obtain a Revocable Permit from the Bureau of Engineering to allow for the installation of landscaping and pedestrian pathways behind the terminus of the

cul-de-sac, between the cul-de-sac and the Bell Creek right-of-way (see attached exhibit). The landscaping shall include trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette. The applicant or subsequent owner(s) or the future associations for VTT-73814-SL and/or VTT-73714-SL shall be responsible for maintaining the area between the cul-de-sac and the Bell Creek right-of-way in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted.

6. Cultural/Historic Resources.

- a. The historic pilasters on the Canoga Mission Gallery property shall be retained and preserved in situ or in place.
- b. Homes abutting the Canoga Mission Gallery Parcel shall not exceed a height of 25 feet.
- c. Structures abutting the Canoga Mission Gallery Parcel shall not exceed a height of 25 feet.
- d. The house on Lot No. 1 shall be turned to face Woodlake Avenue, allowing an open space on the corner of this property that is not enclosed by fencing to the lot line.
- e. Walls abutting the Canoga Mission Gallery parcel shall not exceed five feet in height. Additionally, adjustments to the slumpstone wall's placement were made at Lot No. 2, and small portions of lots Lot Nos. 1 and 3, stepping it back one foot-four inches to the south, to accommodate the Canoga Mission Gallery's wood split-rail fence with stone pilasters that extends in over the parcel line into the subject property.
- f. An 8,750 square-foot remainder parcel shall be left undeveloped as to provide a buffer between the monument and the new development. Should the remainder parcel be removed as a result of a Lot Line Adjustment, a Covenant and Agreement that shall run with the land shall be recorded prohibiting any development of that portion of the subject property.

7. Hydrology and Water Quality

- a. Lot No. 21, as shown on Vesting Tentative Map No. 73714-SL (map stamp-dated December 24, 2015), shall be used as a bio-swale for the purposes of stormwater management for VTT-73714-SL. With the exception of paving necessary for vehicular and pedestrian circulation across Lot No. 21, the lot shall be entirely permeable, unless otherwise required by the Bureau of Engineering or the Bureau of Sanitation.
- b. The area behind the terminus of the cul-de-sac, between the cul-de-sac and the Bell Creek right-of-way (see attached exhibit) shall be used as a bio-swale for the purposes of stormwater management for VTT-73714-SL and VTT-73814-SL. With the exception of paving necessary for sidewalk improvements the area shall be entirely permeable, unless otherwise required through the Revocable Permit process.

8. **Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures

must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

9. **Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

Administrative Conditions of Approval

10. **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 Department of City Planning for placement in the subject file.
11. **Code Compliance.** Area, height and use regulations of the (T)(Q)RD3-1 Zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
12. **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 Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
13. **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.
14. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
15. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
16. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code to impose additional corrective conditions, if in the Commission's or Director's opinion such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
17. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
18. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

General Plan

1. General Plan.

- a. **General Plan Land Use Designation.** The Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan was updated by the City Council on August 17, 1999 and designates the subject property for Low Medium I Residential land uses, corresponding to the R2, RD3, RD4, RZ3, RZ4, RU and RW1 Zones.

The Zone Change to the (T)(Q)RD3 Zone for the subject property is consistent with the current Low Medium I Residential land use designation. The Low Medium I Residential land use designation is intended to promote multi-family development with densities ranging from one (1) dwelling per 2,500 square feet of lot area to one (1) dwelling per 4,000 square feet of lot area. The density of the proposed project with a total of 35 Small Lot homes is one (1) dwelling per 3,154 square feet of lot area.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Framework Element and Community Plan.

b. Land Use Element.

Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan. The Community Plan text includes the following relevant land use goals, objectives and policies:

Goal 1: Safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan area.

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.

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

Policy 1-1.3: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses.

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

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

Policy 1-4.3: Ensure new housing opportunities minimize displacement of the residents.

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

The Zone Change to the (T)(Q)RD3-1 Zone for the 110,394 square-foot property provides for an increase in the allowable density from one (1) dwelling unit (the A1 Zone allows for one (1) dwelling unit per 2.5 acres of lot area) to 35 dwelling units (the RD3 Zone allows one (1) dwelling unit per 3,154 square feet of lot area), thereby contributing new housing units to the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan area. The proposed (T)(Q)RD3 Zone land would be located across from other multi-family zoned properties to the north. The single-family neighborhood to the south will be buffered by the Bell Creek Flood Control Channel and the single-family neighborhood to the northwest will be buffered by Sherman Way.

Consistent with the Community Plan, the project will result in increased home ownership through sale of fee-simple properties of Small Lot homes and will provide greater individual choice in housing type, quality, price and location, without removing any existing housing units.

Therefore, the project is consistent with the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan in that it implements the abovementioned goals, objectives and policies of the Plan.

- c. The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1.

Policy 3.1.5: Identify areas on the Long-Range Land Use Diagram and in the community plans sufficient for the development of a diversity of uses that serve the needs of existing and future

residents (housing, employment, retail, entertainment, cultural/institutional, educational, health, services, recreation, and similar uses), provide job opportunities, and support visitors and tourism.

The Zone Change to the (T)(Q)RD3-1 Zone for the subject property will allow for the development of a vacant, underutilized 2.53 acres site with new home ownership opportunities in the form of 35 Small Lot homes (approximately 14 units per acre), thereby accommodating development that supports the needs of the City's existing and future residents in accordance with the density outlined in Table 3-3 of the General Plan Framework Element, which is 10-17 units per net acre for Low Medium I land uses.

Therefore, the Zone Change is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

Goal 3B: Preservation of the City's stable single-family residential neighborhoods.

Objective 3.6: Allow for the intensification of selected single-family areas that directly abut high-density development as "transitions" between these uses.

Policy 3.6.1: Ensure that the new development of "duplex" or multi-family units maintains the visual and physical character of adjacent single-family neighborhoods, including the maintenance of front property setbacks, modulation of building volumes and articulation of facade to convey the sense of individual units, and use of building materials that characterize single-family housing.

Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

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

The Zone Change to the (T)(Q)RD3-1 Zone for the subject property will preserve the existing single-family neighborhoods to the south (across Bell Creek) and northwest (across Sherman Way), while allowing for infill development that it is compatible with and maintains the scale and character of those neighborhoods through the Small Lot subdivision process on a vacant and underutilized parcel of land.

Specifically, while the 37-lot subdivision (with 35 Small Lot homes and two (2) Open Space Lots) seeks to utilize the provisions of the Small Lot Ordinance, each of the Small Lot homes would include a two-car garage as well as a rear yard. No rooftop

open space is proposed. In addition, conditions have been imposed which restrict the maximum building height to 25 feet and two (2) stories, which is compatible with existing single-family dwellings in the surrounding area. Lastly, the setbacks established in Case No. VTT-73714-SL ensure that each unit is developed such that they maintain the appearance of a separate, standalone single-family dwelling.

In order to further ensure compatibility with the densities of the surrounding neighborhoods, the project has been limited to 35 dwellings and shall, as conditioned by the City Planning Commission, set aside Lot 21, as shown on VTT-73714-SL, to be landscaped and otherwise remain undeveloped.

Therefore, the Zone Change is consistent with the Single- and Multi-Family Residential goals, objectives and policies of the General Plan Framework Element.

- d. The **Housing Element** of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: Housing Production and Preservation.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

Objective 1.4: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

Policy 1.4.1: Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.

The Zone Change to the (T)(Q)RD3-1 Zone for the subject property will facilitate the increase in the supply of home ownership opportunities in order to meet current and projected needs, including single-family dwellings of a modest size, allowing for greater access to home ownership in the West Hills area.

Furthermore, the Zone Change, along with Case No. VTT-73714-SL, allows for a streamlined land use entitlement, environmental review, and building permit process by enabling the construction of 35 Small Lot homes under one approval, as opposed to the project going through multiple individual entitlements that would otherwise be required with the site's current A1 zoning.

Therefore, the Zone Change is consistent with the Housing Element goals, objectives and policies of the General Plan.

- e. The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Sherman Way, abutting the property to the

north, is a designated Boulevard II, dedicated to a width of 90 feet and improved with an asphalt roadway. Woodlake Avenue, abutting the property to the east, is a designated Avenue II, dedicated to a width of 80 feet and is unimproved. As part of the (T) Tentative Classification conditions and the conditions required under Case No. VTT-73714-SL, Sherman Way and Woodlake Avenue will be fully improved with asphalt roadway and concrete gutter, curb and sidewalk.

Lastly, the Department of Transportation submitted a Traffic Impact Assessment of the proposed project, dated April 7, 2016, and that determined that traffic impacts from trips generated from the project will be less than significant.

Therefore, the Zone Change to the (T)(Q)RD3-1 Zone is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

- f. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Zone Change and “T”/“Q” Classification Findings

2. **Pursuant to Section 12.32 of the Municipal Code, the zone change and classifications are necessary because:**
 - a. **Public Necessity:** On April 8, 2015, Mayor Eric Garcetti released the City's first-ever Sustainable City pLAN. The pLAN is both a roadmap to achieve back to basics short-term results while setting the path to strengthen and transform our City in the decades to come. In it, the Mayor set forth a goal of creating 100,000 new housing units by 2021. Granting the Zone Change to the (T)(Q)RD3-1 Zone will increase the number of residential units that can be developed on the site with housing that is compatible with the existing surrounding residential development, thereby supporting the Mayor's goal of 100,000 new housing units by 2021.
 - b. **Convenience:** The West Hills community is an established single-family neighborhood. The proposed project would locate 35 new Small Lot homes within 1.1 miles of an LAUSD elementary school (Pomelo Elementary School), 1.8 miles of an LAUSD middle school (Hale Middle School) and 2.2 miles of an LAUSD high school (El Camino High School). The project is also within .25 mile of the West Hills Post Office and the West Hills Hospital, and one (1) mile of the Fallbrook Center Mall. Granting the Zone Change to the (T)(Q)RD3-1 Zone would allow future residents to obtain services, shop and dine within the immediate neighborhood, as well as the opportunity to send their children to nearby schools.
 - c. **General Welfare:** Granting the Zone Change to the (T)(Q)RD3-1 Zone would allow the development of a vacant, underutilized lot within an established and stable single-family community with similar and comparable uses. As discussed above, the area is served by neighborhood-serving uses such as schools, a post office and other neighborhood-serving retail uses. The Zone Change to the (T)(Q)RD3-1 Zone will increase the city's housing stock, while minimizing any burden placed upon the existing infrastructure, including roads and utilities.

- d. Good Zoning Practices: The (T)(Q)RD3-1 Zone would allow for the development of Small Lot homes in a pattern consistent with the existing single-family development pattern of the surrounding properties to the east and south. As discussed above, the predominance of properties within the West Hills community are designated for single-family development. As such, the (T)(Q)RD3 Zone would ensure that the density of the development would be compatible with the existing surrounding development.
- e. "T" and "Q" Classification Findings: Per Section 12.32-G,1 and 2 of the Municipal Code, the current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval. Such limitations are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the required actions. The conditions that limit the scale, design and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of the existing single-family residential development in the community, to secure an appropriate development in harmony with the General Plan as discussed in Findings Section 1, and to prevent or mitigate the potential adverse environmental effect of adding additional single family dwellings to the established neighborhood.

Environmental Findings

3. **Environmental Findings.** A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2015-4679-MND), was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). The MND, mitigation measures, and Mitigation Monitoring program were adopted by the City's Advisory Agency on June 30, 2016 in connection with the City's action in Case No. VTT-73714-SL. On August 11, 2016, an appeal of the Advisory Agency's actions was presented to the City Planning Commission as the appeal body in Case Nos. VTT-73714-SL-1A and ENV-2015-4679-MND.

The City Planning Commission found substantial evidence in the appeal raised by the Santa Monica Mountain Conservancy (SMMC) pertaining to Mitigated Negative Declaration No. ENV-2015-4679-MND to add additional mitigations to ensure project impacts to be less than significant. Therefore, the Commission added Conditions Nos. 5 and 7 of the Conditions of Approval as mitigation measures to address habitat along Bell Creek and hydrology and water quality.

The comments submitted by the SMMC do not constitute new information of substantial importance, nor do they present new significant environmental effects or a substantial increase in severity of previously identified significant effects. Instead, they offered guidance by which impacts which had been previously identified could be further mitigated and reduced. Therefore, as the new mitigation measures herein are equivalent to or more effective than previous measures, consistent with Section 15073.5 of the CEQA Guidelines, no recirculation of the MND is required.

On the basis of the whole of the record before the lead agency including any comments received, and the action of the City Planning Commission on the appeals, the lead agency finds in its independent judgment and analysis that this project was environmentally assessed in Case No. ENV-2015-4679-MND. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

4. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Flood Zone X, areas determined to be outside the 0.2% annual chance floodplain. Currently, there are no flood zone compliance requirements for construction in these zones.

DETERMINATION MAILING
VTT-713714, VTT-713814
CPC-2015-4680, CPC-2015-4684
MAILING DATE: SEPT.14, 2016

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