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March 12, 2013

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CASE NO. ZA 2012-1146(ELD)(SPR)  
ELDERCARE/SITE PLAN REVIEW  
23200 Sherman Way  
Canoga Park-Winnetka-Woodland Hills-  
West Hills Planning Area  
Zone : A1-1  
D. M. : 183B093  
C. D. : 12  
CEQA : ENV-2012-1147-MND  
Legal Description: Lot Nos. 7, 8 and 11  
(PT 1056), Tract TR 1000

Pursuant to Los Angeles Municipal Code Section 14.3.1, I hereby APPROVE:

an Eldercare Facility Unified Permit granting the construction, use and maintenance of 268-unit Senior Independent/Assisted Living Care Facility and to allow reductions in yard setbacks to 15 feet for front yards from Woodlake Avenue, 15 feet for side yards on Sherman Way, and 5 feet for rear yards on the westerly property line in lieu of the 25 feet required for all yards in the A1-1 Zone.

Pursuant to Section 16.05, I hereby APPROVE:

Site Plan Review for a project creating more than 50 residential dwelling units, involving the construction, use and maintenance of a two building Eldercare Facility containing a total of approximately 204,000 square feet and consisting of 268 units of Senior Independent/Assisted Living Care Housing,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the revised plot plan signed and dated October 8, 2012 and submitted to the Zoning Administrator on October 9, 2012 and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. 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.
7. Approved herein is a two building Eldercare facility and accessory improvements as depicted on plans stamped Exhibit A and subject to the following restrictions:
  - a. Total maximum floor area shall not exceed 204,000 square feet.
  - b. The facility shall be limited to a maximum height of 26 feet for the Assisted Living Building and 40 feet for the Independent Living Building (with the exception of roof towers, stairs and elevator towers).
  - c. The facility shall be limited to a maximum of 200 Independent Living units (no bed limit), and a maximum of 68 Assisted Living units with a maximum of 110 beds.
  - d. Residents shall be at least 62 years of age or older.
  - e. Full-time medical services shall not be provided on the site.

8. A minimum 5-foot rear yard (western boundary) shall be maintained for Parcels A & B as depicted on Exhibit A.
9. A minimum 15-foot side yard (along Sherman Way) shall be maintained for Parcels A & B as depicted on Exhibit A.
10. A minimum 15-foot front yard (along Woodlake Avenue) shall be maintained for both structures as depicted on Exhibit A.
11. A minimum of 309 parking spaces shall be maintained on-site.
12. Employee shifts shall be staggered and the applicant shall provide employee incentives to encourage the use of public transportation. All staff and employees who drive to the site shall be required to park on-site.
13. Vehicular access from Vose Street shall be prohibited.
14. Prior to issuance of any permits, the parking and circulation plan shall be reviewed and approved by the Department of Transportation.
15. Dedications and Public Improvements:
  - a. A 2-foot dedication and improvement on Sherman Way to bring it into conformance with Major Highway Class II standards with 20-foot radius property line returns at the intersection with Woodlake Avenue to the satisfaction of the Bureau of Engineering.
  - b. Dedicate and improve Woodlake Avenue through the site to a 90 foot right-of-way including a 70-foot roadway in accordance with Secondary Highway standards, curbs, gutters and sidewalks. These improvements should suitably transition and join with existing improvements. Woodlake Avenue shall terminate north of Bell Canyon Creek with a rounded terminus.
  - c. Dedicate a one-foot strip of land at the terminus of Vose Street for sewer connection. No further dedication or improvement of Vose Street shall be required.
  - d. Improve a landscape buffer south of the terminus of Woodlake Avenue between the terminus and Bell Canyon Creek. The existing mature trees at the Bell Canyon Creek Flood Control Channel shall remain.
  - e. Sewers exist in Sherman Way, Vose Street and Woodlake Avenue. Construction of the on-site sewer in Woodlake Avenue and 6-inch house connection laterals to the new property line will be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

- f. Submit a parking area and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
  - g. Install tree wells with root barriers and plant street trees satisfactory to the Urban Forestry Division of the Bureau of Street Services.
  - h. Install street lights satisfactory to the Bureau of Street Lighting.
16. Hours for deliveries by vendors and trash pick-up shall be limited from 8:00 a.m. to 5:00 p.m. Monday through Friday and from 9:00 a.m. to 12 noon on Saturdays. No deliveries or trash pick-up shall be permitted on Sundays.
17. All deliveries and loading and unloading shall be conducted on-site from the parking area. Deliveries by 18-wheel trucks is prohibited. The applicant shall ensure that contracts with vendors and suppliers acknowledge this restriction.
18. Landscaping shall conform to the Landscape Plans as approved by the Zoning Administrator who may consider the preliminary plans submitted with the file dated October 4, 2012.

Trees shall be planted and located so that western views from second floor windows onto adjacent residential uses are reasonably screened from view.

All landscaped areas shall be maintained, including continuous operations of watering, mowing, trimming, plant replacement and other operations necessary to assure healthy and vigorous growth and appearance.

19. The outdoor trash and recycling areas shall be fully enclosed.
20. All exterior lighting shall be directed onto the lot and shielded from adjoining residential uses, and all flood lighting shall be designed to eliminate glare to adjoining properties. This Condition shall not preclude the installation of low-level security lighting nor outdoor, under canopy work lights.
21. The applicant shall be responsible for maintaining the exterior of the property, including any parking area specifically designated for use by patrons and the area adjacent to the premises, under its control, free of litter. Maintenance as prescribed by this condition shall occur daily.
22. The project operator shall provide transportation service to residents through the use of an on-site van service to area markets, shopping centers, houses of worship and medical appointments. Such service must be either free of charge or included as a part of the tenant's service package. In no case, may a per use fee be charged.

23. The project shall fully comply with all of the environmental mitigation measures identified in Environmental Clearance Case No. ENV-2012-1147-MND which have been adopted as conditions of this action and are listed below:

I-10. Aesthetics (Landscape Plan)

All open areas not used for buildings, driveways, parking areas, Recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.

I-50. Aesthetics (Surface Parking)

A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces. The trees shall be dispersed within the parking area so as to shade the surface

parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning's Development Services Center. Palm trees shall not be considered in meeting this requirement. The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No. 170,978), Guidelines K - Vehicular Use Areas.

I-80. Aesthetics (LA River)

Design parking areas and landscaping to minimize the visibility of parking areas from the Bell Creek Flood Control Channel right-of-way.

I-120. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

I-140. Aesthetics (LA River - Light/Glare)

Lighting abutting the Bell Creek Flood Control Channel right-of-way shall not impose undue glare to the area such that it may harm a users enjoyment and/or safety.

**III-10. Air Pollution (Demolition, Grading, and Construction Activities)**

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. 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. 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 the generation of excessive amounts of dust. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. Trucks having no current hauling activity shall not idle but be turned off.

**III-50 Air Pollution (Stationary)**

An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.

**III-60. Objectionable Odors (Commercial Trash Receptacles)**

Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.

**IV-70. 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.

## V-10. Cultural Resources (Designated Historic-Cultural Resource)

Prior to the issuance of any permit, the project shall obtain clearance from the Department of City Planning's Office of Historic Resources for the proposed work. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces shall be avoided. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken. Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved. Distinctive features, finishes and construction techniques or examples of skilled craftsmanship which characterize an historic property shall be preserved. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive historic feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

## V-20. 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; and a covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

VI-10. Seismic

The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

VI-20. Erosion/Grading/Short-Term Construction Impacts

The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

VI-40. Grading (20,000 Cubic Yards, or 60,000 Square Feet of Surface Area or Greater)

All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures: a deputy grading



inspector shall be on site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any of the conditions are violated; "silt fencing" supported by hay bales and/or

sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts; "orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities; and movement and removal of approved fencing shall not occur without prior approval by LADBS.

VII-10. Green House Gas Emissions

Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

VIII-20. Explosion/Release (Methane Gas)

All commercial, industrial, institutional and multiple residential Buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineers design recommendations subject to Department of Building and Safety and Fire Department approval. All multiple-unit residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the under-floor space in buildings with raised foundations.

VIII-40. Hillside Construction Staging and Parking Plan

No construction equipment or material shall be permitted to be stored within the public right-of-way along Sherman Way.

IX-20. Stormwater Pollution (Demolition, Grading, and Construction Activities)

Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into

the storm drains or the adjacent flood control channel. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills. Pavement shall not be hosed down at material spills.

Dry cleanup methods shall be used whenever possible. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

IX-40. Standard Urban Stormwater Mitigation Plan ( Multi-Family Dwellings)

Prescriptive Methods detailing Best Management Practices (BMPs) specific to this project category are available. Applicants shall comply with the City's Low Impact Development Ordinance or with BMPs of the City's Standard Urban Stormwater Mitigation Plan to the approval of the Department of Public Works. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website at: [www.lastormwater.org](http://www.lastormwater.org). (See Exhibit D).

IX-120. Flooding/Tidal Waves

The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172081 effective 7/3/98.

XII-20. 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. 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. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

XII-30. Increased Noise Levels (Parking Wall)

A minimum 6-foot-high solid decorative masonry wall adjacent to residential uses and/or zones shall be constructed if no such wall exists.

XII-170. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)

All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient

(STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

XIV-10. 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.

XV-10. Recreation (increased Demand For Parks Or Recreational Facilities)

(Apartments) Pursuant to Section 21.10 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings.

XVI-30. Transportation (Haul Route)

(Non-Hillside): Projects involving the import/export of 20,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.

XVI-40. Safety Hazards

The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

**XVII-10. Utilities (Local Water Supplies -Landscaping)**

The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and over-spray, set automatic

sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following: installation of a weather-based irrigation controller with rain shutoff; matched precipitation (flow) rates for sprinkler heads; drip/micro-spray/subsurface irrigation where appropriate; minimum irrigation system distribution uniformity of 75 percent; proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; use of landscape contouring to minimize precipitation runoff; and a separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

**XVII-20. Utilities (Local Water Supplies - All New Construction)**

If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate. Applicants shall install: high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute; a separate water meter (or submeter), flow sensor, and master valve shutoff for all landscape irrigation uses. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to, the sanitary wastewater system.)

**XVII-40. Utilities (Local Water Supplies - New Residential)**

Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the

project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

XVII-90. Utilities (Solid Waste Recycling)

(Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

(Construction/Demolition) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

(Construction/Demolition) To facilitate on-site separation and recycling of demolition- and construction- related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

XVII-100. Utilities (Solid Waste Disposal)

All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

24. If at any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's

compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

25. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

26. Prior to issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be

recorded in the County Recorder's Office. The agreement (standard master covenant and agreement for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

#### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

#### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

#### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection

with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in

the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **March 27, 2013**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

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.

### **NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Department of City Planning's Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in

order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### **FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on August 7, 2012, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a Eldercare Unified Permit as enumerated in Section 14.3.1-E of the Los Angeles Municipal Code have been established by the following facts:

### **BACKGROUND**

#### **Property Description**

The subject site is comprised of 194,122 square feet (4.46 acres) of area, over three separate parcels, zoned A1-1 and is vacant. The subject property has approximately 314 linear feet of frontage along the south side of Sherman Way. Woodlake Avenue is a Secondary Highway dedicated to a width of 90 feet within the property and is not improved. Sherman Way is a Major Highway Class II and improved to a 100-foot width at the project's street frontage. The site is located within the West Hills Neighborhood Council, a Methane Buffer Zone, and located 13.21794 km from the Simi-Santa Rosa Fault Zone.

The surrounding area is urban and improved with major, local and collector streets. To the north across Sherman Way are three condominium developments in the (Q)RD3-1 and (Q)CR-1VL Zones, abutting on the north is Canoga Mission Gallery (Historic/Cultural Monument No. LA-135) in the A1-1 Zone (see AA-2012-948-PMEX), to the east along Vose Street is a single-family neighborhood in the RS-1 Zone, the Los Angeles County Flood Control Channel (Bell Creek) is to the south in the OS-1XL Zone and beyond is a single-family neighborhood in the RS-1 Zone along Schoolcraft Street, to the west is vacant land abutting the creek in the A1-1 Zone, and to the northwest is a single-family neighborhood in the RE11-1 Zone. Further east is the West Hills Station Post Office and West Hills Hospital. Another notable recent improvement to the area, in close proximity, is the West Hills Hospital and Medical Center on the north side of Sherman Way.

Sherman Way, adjoining the subject property to the north, is designated a Major Highway Class II dedicated to a 100-foot width at the project's street frontage and is improved with curb and gutter on the projects' side of the street (no sidewalk). This segment of Sherman Way is also stripped with a bike lane on both sides of the street.

Woodlake Avenue, in the center of the project site, is a non-continuous Secondary Highway with a 90-foot width and not improved.



Vose Street, terminates at the easterly property line of the property. It is not dedicated or improved beyond its terminus.

#### **Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property**

AA-2012-948-PMEX: A lot line adjustment between two lots (APN 2026-001-018 and 2026-001-020) was conditionally approved by the Deputy Advisory Agency on August 3, 2012. A Categorical Exemption by ENV-2012-947-CE was issued on April 11, 2012. The purpose of the lot line adjustment is to create a lot that will just house the Canoga Mission, so the structure is not bisected over two lots.

There have been no affidavits, permits or orders issued for 23200 Sherman Way. The last order to comply for the owner's property to the north (23130 Sherman Way) was issued on June 16, 2008 for trash and debris on a vacant lot.

#### **Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties**

CPC-2007-1244(VZC)(HD)(BL)(SPR): On April 8, 2000, the City Planning Commission conditionally approved a Vesting Zone/Height District Change from [Q]C1-1VL to (T)(Q)RAS4-1D zone and recommended that the City Council adopt the ordinance to effect the change of zone and height district for the proposed construction, use and maintenance of a mixed used project with 160 dwelling units (apartments), 10,501 square feet of medical office space, and 229 parking spaces; approved a Building Line Removal of a 43-foot building line along Sherman Place as established by Ordinance No. 112,349; and, approved the requested Site Plan Review.

An appeal was filed by the Springfield Homeowners Association for part of the CPCs decision (traffic, parking congestion, proximity to Lederer Estate recognized as Historical Monument No. 204) and was DENIED by Council August 5, 2008, thereby approving the Site Plan Review for the property at 23133 Sherman Place.

#### **APPLICANT'S STATEMENTS AT THE PUBLIC HEARING AND SUBSEQUENT REDISIGN OF THE PROJECT AFTER THE HEARING**

The subject request is for a Zoning Administrator Decision to permit an Eldercare Facility Unified Permit, allowing the construction, use and maintenance of a Senior Independent/Assisted Living Care Housing development facility along the south side of Sherman Way established by Ordinance No. 178,063. Under the current A1-1 Zone, the maximum allowable density is one dwelling unit per 2.5 acres of land; however, pursuant to the Eldercare Facilities Ordinance, the applicant has requested a Zoning Administrator decision to allow a 310-unit facility for the much needed services and housing for the growing senior population of the City of Los Angeles.

The Senior Independent/Assisted Living Care Housing facility will consist of an arrangement of buildings and structures (including transitional height, bulk and setbacks); off street parking facilities (321 total parking stalls to be provided), loading areas, lighting,

landscaping, trash collection, and other pertinent improvements. The proposed project involves the construction, use and maintenance of an Eldercare Facility comprised of two buildings bisected by the currently unimproved Woodlake Avenue:

- a four-story, 44.5-foot high, approximately 155,282 square-foot building with 200-units (will include 184 one-bedroom units and 16 two-bedroom units) for Senior Independent Living (parcels A & B) on a 2.52 acre site west of Woodlake Avenue. Proposed ancillary facilities in the building include a recreation room, fitness room, library, computer room, an open courtyard, and a pool including a total of 28,611 square feet of common and private open space, and 224 on-site parking spaces.
- a three-story, 35.5-foot high, approximately 65,758 square-foot building with up to 110 guest rooms (providing a maximum of 110 occupied beds) for Assisted Living Care (parcel C) on a 1.94 acre site east of Woodlake Avenue. Proposed ancillary facilities in the structure include a fitness center, game rooms, media rooms, library, an open courtyard, outdoor covered dining patio, and a dining room including a total of 21,190 square feet of common and private open space, and 97 on-site parking spaces.

The proposed Senior Independent/Assisted Living Care Housing facility is completely residential and non-institutional in character.

The proposed development will improve and extend Woodlake Avenue bisecting the development, and it will serve as ingress/egress for the residents, staff members and guests. All vehicular access/parking will be served from the improved extension of Woodlake Avenue and there will be no driveways off of Sherman Way. Furthermore, the proposed project will be providing 321 off-street parking stalls.

The purpose of the Eldercare Facility Unified Permit (Ordinance No. 178,063 effective December 30, 2006) is to provide development standards for Alzheimer's/Dementia Care Housing, Assisted Living Care Housing, Senior Independent Housing and Skilled Nursing Care Housing under a single process for approvals and facilitate the processing of applications for such facilities. These facilities will provide much needed services and housing for the growing senior population of the City of Los Angeles.

The Zoning Administrator, as the initial decision maker, may permit an Eldercare Facility to be located on a lot or lots in the A1-1 Zone when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter or Citywide regulations adopted or imposed by City action. In order to approve the project, the Zoning Administrator shall ensure that it is in conformance with the provisions of LAMC Section 14.3.1, including the mandated findings.

The applicant is seeking a Zoning Administrator's Determination authorizing a unified permit to allow reductions in yard setbacks as follows: zero-foot front yard for parcels A, B & C, 6-foot side yard for parcels A & B, and a 15-foot rear yard for parcels A & B, all in lieu

of the 25 feet required for all yards in the A1 Zone. The Zoning Administrator also has the initial decision making authority relating to site plan approval and shall make the findings set forth in Section 16.05-F.

There are two single-family homes on Vose Street abutting the southeasterly property line. The proposal has designed the Assisted Living Care Housing with a 25 foot setback from the proposed structure to be located on Parcel C and has proposed a six-foot decorative masonry wall along the property line.

Any Eldercare Facility shall meet the following requirements, per Section 12.21-A,4(d)(5) for automobile parking spaces for each housing type within the facility: Senior Independent Housing = one automobile parking space for each dwelling unit (199 spaces and 2 paces for the manager's unit); and Assisted Living Care Housing = one automobile parking space for each dwelling unit or one automobile parking space for each guest room (110 spaces). The total required for both buildings would be 311 parking spaces and the plans state that there will be 224 spaces provided for the Independent Housing and 97 spaces for the Assisted Living for a total of 321 parking spaces, which exceeds the requirement by 10 parking spaces.

As a result of meetings with the West Hills Neighborhood Council, local community members, and the City Council Office and the suggestion of the Zoning Administrator, both prior to and subsequent to the public hearing, the building design was modified. The following is a summary of the proposed modifications, all of which are included in Exhibit A:

#### Streets

Redesigned Woodlake Ave to a rounded terminus north of Bell Canyon Creek.

Included a landscape buffer south of the Rounded Terminus of Woodlake Ave with the existing mature trees to remain at Bell Canyon Creek beyond the landscape buffer.

Vose Street to remain as existing. City to accept a one foot dedication to allow sewer and utility connections.

#### Assisted Living Building:

Reduced the building from three stories to two stories (from a height of 35.5 feet to 26 feet, except for roof towers, stairs and elevator towers).

Reduced the height along the eastern property line by a partial reduction to single story (units 2-3). Reduced the total number of units from (110 units / 110 beds) to (68 units/ 110 beds). Fully articulated all elevations with a Mission Revival influenced architectural style. Increased the setbacks along Woodlake Ave to a minimum of 15 feet.

Redesigned the Landscape Plan to enhance the buffer area adjacent to the eastern abutting single family homes.

Redesigned the parking plan to remove parking behind adjacent Lot 22 and adjacent to Lot 24.

Added a building monument and water feature at the northerly entrance to the parking lot.

#### Independent Living Building

Fully articulated all elevations with a Mission Revival influenced architectural style.

Increased the setbacks along Sherman Way to a minimum of 15 feet, along the south to a minimum of 25 feet, and along Woodlake Ave to a minimum of 15 feet.

The setback along the far western property line is a minimum of 5 feet adjacent to the City owned and un-buildable remnant property.

Reduced height by approximately 5 feet, and reduced roof top stairwell and elevator shafts by an additional 3-4 feet.

Redesigned the Landscape Plan to add a berm along Sherman Way.

Added a building monument and water feature at the corner of Woodlake Ave.

Reduced the number of parking spaces to 217 spaces and enhanced the landscaping in the parking lot.

Created openings in both building's facades to minimize the massing along Sherman Way and Woodlake Avenue.

#### Landscaping

Redesigned the Landscape Plan for the entire project to provide additional interspersed larger specimen trees (36" Brisbane Box) along the entire southerly boundary (Bell Canyon Creek) and continuing along the abutting neighbors on the east.

Retaining requested existing mature trees on site (per Landscape Plan).

The Bureau of Engineering found infrastructure deficiencies adjacent to the applicant's site and recommended approval subject to conditions pertaining to dedications and improvements along Sherman Way, Woodlake Avenue, and Vose Street in a memo dated July 31, 2012. These dedications and improvement are a part of the Conditions of Approval with the exception of a requirement for a cul-de-sac on Vose Street. This was done at the request of both the applicant and the residents along Vose Street who believed the current termination of Vose into a concrete block wall prevented traffic from turning onto Vose in search of a way out of the neighborhood.

The Department of Transportation's revised Site Plan Review Transportation Analysis dated July 3, 2012 stated that the project's trip generation calculation would not be significant and no traffic study would be required as the total number of trips generated by 200 attached senior units and 110 occupied assisted living beds is less than 1,000.

Councilman Zine issued a letter dated March 7, 2012 in favor of the project as long as it did not exceed 45 feet, that a proposed senior/community center be located on parcel 18 (which is not a part of this application) and that the project protect and preserve the existing historic Canoga Mission Gallery (LA Historic Cultural Monument No. LA-135.)

Sherman Way-West Hills Partners, LLC, Michael Harris, Mgr. - June 28, 2012

Thank you to the Department of City Planning staff in Van Nuys for meeting and working with our consultant Sean Nguyen on our pending "Elder Care Facility" application. We believe that the Zoning Administrator (ZA) does have the authority to waive any improvements of Vose Street. Therefore, we respectfully request that any improvements to Vose Street be waived.

#### BACKGROUND HISTORY REPORT ON CANOGA MISSION GALLERY

Chattel, Inc. Historic Preservation Consultants, Robert Chattel, AIA, President Justin Greving, Associate - November 12, 2012

#### Impacts Analysis for Proposed Landscape Plan

This memorandum evaluates impacts of a schematic Landscape Plan for 23200 West Sherman Way, in the West Hills neighborhood of the City of Los Angeles (subject property). The Landscape Plan is part of a larger project to construct an elder care facility (proposed elder care facility), although this memorandum evaluates only the Landscape

Plan. The subject property is adjacent to City of Los Angeles Historic-Cultural Monument (HCM) No. 135, the Canoga Mission Gallery, located at 23130 W. Sherman Way. Canoga Mission Gallery is a 1930s stable converted into its current gallery use in 1964; it is a historical resource for purposes of California Environmental Quality Act (CEQA) review.

A Mitigated Negative Declaration (MND) for the proposed elder care facility was issued August 15, 2012, finding the proposed elder care facility with mitigation has a less than significant impact on historical resources. This memorandum documents compliance with Mitigation Measure V.10 which addresses impacts on cultural resources, requiring plans conform with the *Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards)*. Projects in conformance with the *Secretary's Standards* are generally considered mitigated to a less than significant level or exempt under CEQA. Included is review of the Landscape Plan, dated October 4, 2012, Sheet PL1, prepared by Susan E. McEowen (Exhibit A), finding the Landscape Plan in conformance with the *Secretary's Standards*, partially meeting the requirements of Mitigation Measure V. 10. To fully meet the requirements of Mitigation Measure V. 10, construction documents for the larger proposed elder care facility, along with a more

detailed Landscape Plan, will be evaluated for conformance with the *Secretary's Standards* in a follow-on memo.

### Historic Context

The Canoga Mission Gallery was constructed originally as a stable sometime between 1934-1936 as part of a 250-acre celebrity ranch owned by Francis Lederer, a famous silent film actor. Lederer purchased the San Fernando Valley ranch in 1934 and made a number of improvements to the land that included construction of a private residence as well as the stable now known as the "Canoga Mission Gallery.

The Canoga Mission Gallery was originally constructed by Francis Lederer as a stable for his 250-acre "gentleman ranch" in the San Fernando Valley. Lederer commissioned the building to be constructed using the same materials as his ranch house up the hill-from stone said to be quarried on the ranch (Lederer's ranch house is also a designated HCM and is located northwest of the subject property). Because of his fascination with California history, Lederer wanted his ranch to reflect the era of the Spanish missions and later claimed the ranch house could be of value to scholars as a reproduction of mission

architecture. (Footnote 17) His fascination with the early history of California is seen in architectural elements of the Canoga Mission Gallery, with its mission style parapet, roof and extended loggia on one side of the building.

Lederer eventually divided up his ranch and while he was made wealthy through his real estate ventures, he lamented the development and suburbanization of the San Fernando Valley. Although his 250-acre ranch was intact in 1960, by 1968, his ranch house sat on less than 20 acres. At some point in time, Sherman Way was also constructed between the ranch house and the Canoga Mission Gallery.

After Lederer no longer required a stable for his horses, sculptor David Brockman was given permission to convert it into an art gallery in 1964. Brockman ran the gallery with John Naftzger until his death in 1966. On June 18, 1967, Lederer's wife, Marion Lederer, along with Jody Hutchison and Mary and Obdulio Galeana, took over operations and opened the Canoga Mission Gallery, a non-profit art center exhibiting the work of artists from around the world.

In 1974, the Canoga Mission Gallery was declared HCM No. 135 by the City of Los Angeles. During the nomination process, a member of the City of Los Angeles Cultural Heritage Board (now called the Cultural Heritage Commission) remarked that the stable, "was not a copy, but a 'paraphrase' of Spanish colonial architecture. Media commenting on the nomination of the property mentioned Lederer's fascination with California history and passion for collecting antiquities that led him and his wife to open the gallery. While the subject property no longer operates as a gallery per se, it still retains integrity from its original use as a stable and maintains a connection with the arts, functioning as an art and handicraft boutique.

The subject property, where the project is to be built, is largely unimproved, with a number of pepper and palm trees dotting the area, and wild grass interspersed with a number of wire fences. It retains a rustic, rural character without concrete curbs and gutters and sparse plantings.

Canoga Mission Gallery sits on a small parcel of land located immediately north of the subject property. It is a two-story building with a primary facade three bays wide underneath a peaked red tile roof that follows the line of a curved Mission style parapet. Materials of the stable are largely the blocks of stone reportedly quarried on site and filled with a rough mortar, giving the entire building a rusticated feel. Stonework features careful delineation of arches, and in some areas, such as along the curved roof parapet, smaller bricks are used to give a slight emphasis to the roofline. Other elements, such as the red tile roof, contribute to its character. The current tenant has made some improvements to the parcel, including installation of a few gates and support structures, and maintenance of a small garden immediately adjacent to the west elevation of the Canoga Mission Gallery. A wood split rail fence with stone pilasters runs along the southern boundary of the Canoga

Mission Gallery, at times crossing the lot line onto the subject property. The fences appear to be original and were likely built to serve as corral spaces for ranch animals. The material of the pilasters match the stone used on the Canoga Mission Gallery.

As previously noted, this memorandum evaluates only the Landscape Plan of the proposed elder care facility. The proposed elder care facility itself will be comprised of two buildings bisected by the currently unimproved Woodlake Avenue (West Building and East Building). Woodlake Avenue is proposed to be improved between Sherman Way and Bell Creek, a channelized waterway located south of the subject property. Improvements to Woodlake Avenue include the construction of a curb and gutter system along the street as well as a sidewalk to the corner of Sherman Way. The West Building will be larger than the East Building, centered on a courtyard with a parking lot to the south. The East Building will be smaller with a parking lot to the north. The East Building will be located directly south of the Canoga Mission Gallery. A lot line adjustment has been implemented so the subject property does not contain the physical footprint of the Canoga Mission Gallery or its fences with pilasters, creating a buffer zone between the elder care facility and the historical resource.

A parking lot is proposed to be located south of the Canoga Mission Gallery. Brown asphalt is proposed for the majority of the lot, except in parking spaces immediately adjacent to Canoga Mission Gallery, which will be composed of compacted decomposed granite, with individual spaces delineated by brick or stone striping lines. Spaces lining the southern boundary of Canoga Mission Gallery will be divided into two sections, with 8 compact spaces to the west, and 20 spaces to the east, interrupted by a small landscape feature. A strip of landscape will provide a buffer between the parking spaces and Canoga Mission Gallery and will consist of mulch and a selection of grasses.

The Canoga Mission Gallery's wood split-rail fence with stone pilasters formerly extended in two places over the former parcel line into the subject property. The approved lot line adjustment places all but four of the stone pilasters of the curving fence on the property of

the Canoga Mission Gallery. Because the fence has been identified as a character defining feature of the Canoga Mission Gallery, it will be retained on both properties.

Two pepper trees located at Canoga Mission Gallery near the subject property will remain. A number of California sycamores, and smaller Brisbane box and crape myrtle trees are proposed to be planted in the parking lot to provide a rustic feel.

Mitigation Measure V. 10 of the MND is consistent with the Secretary's Standards for Rehabilitation. The following analysis describes how the Landscape Plan meets the requirements of Mitigation Measure V.10 and is therefore in conformance with the *Secretary's Standards*. It should be noted that the Landscape Plan is schematic and will ultimately need to be developed to show more specifics. Follow-up review of a final Landscape Plan with details and the larger elder care facility project will be necessary to achieve full compliance with Mitigation Measure V. 10.

The schematic Landscape Plan that is the subject of this review is in conformance with the *Secretary's Standards* and, therefore, will not cause a substantial adverse change to the significance of the adjacent Canoga Mission Gallery. Additional review of a more detailed Landscape Plan, as well as plans for the larger proposed elder care facility is required to finalize this analysis and will be provided in a follow-up memo.

#### **Letters from government agencies.**

Council Member Dennis Zine, Third District, March 7, 2012

I am writing to offer my conditional support for the Sherman Way-West Hills Partners, LLC intended use of this property for up to 110 assisted living units, up to 200 independent living units and a senior/community center. As we all know, the demand for senior housing is on the rise in Los Angeles and will only increase as people live longer and look for facilities to support their needs. My support is contingent upon the assisted living units and the independent living units being located on parcels 017, 019, and 020, and that they not exceed the existing 45 foot height limit. The senior community center, to be located on parcel 018, will protect and preserve the existing historic Canoga Mission Gallery (LA Historic Cultural Monument No. LA-135).

West Hills Neighborhood Council, Chris Rowe, Environment Committee Chair - August 3, 2012

On Wednesday, August 1st, 2012, the West Hills Neighborhood Council. approved the senior living facilities that are proposed by Mr. Michael Harris and his partner Mr. David Spiegel for 23200 Sherman Way - with many conditions. One was to include their entire property for the CEQA analysis - not just the three lots that they are building the senior center on. I was told by an Environmental Attorney that to do otherwise is called "segmenting" - breaking up the project. It is my understanding that is a 'no - no" under CEQA. Department of City Planning staff specifically told me to contact the staff of the Office of Historic Resources in regards to this project. Staff stated that he had met with the



developers, and he had warned them regarding CEQA. The applicants have four lots on Sherman Way, and at this time, they are only developing three. Staff stated that you cannot look at the project phases without doing CEQA for the whole project. The MND for this project did not go to the Office of Historic Resources because of the address 23200 Sherman Way. The Hidden Chateau or Canoga Mission Gallery is on 23130 Sherman Way. In other words, the applicants will want a lot line adjustment which will impact their other parcel - lot 18 - where the historic Canoga Mission is aka: the Hidden Chateau. This is the parcel that they are promising the WENC that they will build a 10,000 community center on in the future. The applicants believe that the mission structure - what was originally a barn - is the only thing historic on the property. They may want to remove the historic fence posts, etc. While the City may allow them to move them, the City must be noticed via CEQA before the rest of the project is approved. The reality is - if the WUNC agrees to the senior living projects because of true need - they fall under the Elder Care Ordinance - and they do not do a EIR or MND for the whole project due to the "Mission" - then we could find out later that they cannot put in the community center that they are promising because it cannot be mitigated. While some West Hills stakeholders want a community center or a senior center on the site, a number of the local neighbors prefer to have the scope of the senior living facilities cut back due to the potential traffic, noise, and aesthetics of the building. What is necessary on this project is to request that the applicants include the whole piece of property in the environmental analysis. While it is important to build senior facilities, it is also important that we follow applicable laws including CEQA and any other applicable historic preservation laws or acts.

West Hills Neighborhood Council, Stephen A Lenske, President /Co-Chair September 26, 2012

On September 20, 2012, at a regularly noticed "special meeting" of the West Hills Neighborhood Council ("WHNC"), the matter of discussion and possible action regarding the reconsideration of the WHNC's earlier approval on August 1, 2012, of the proposed multi-building elder care facility comprised of 310 senior independent and assisted living care rooms at 23200 Sherman Way came before the Council once again. Following a presentation of the matter by representatives of the WHNC's Zoning & Planning Committee and Environment and Public Safety Committee, consideration of comments from the stakeholders and earlier information provided at meetings with the developers, the WHNC voted to withdraw its prior approval of the project and conditionally approve such project on restated terms, conditions and for reasons set forth in more detail below.

The Council's withdrawal of its prior approval of the subject matter and reconsideration of this particular elder care project arose as a result of several factors. First, the Council had inadequate time to fully consider all the ramifications of the project and the MND together with taking appropriate comment on the project from the community which was quite concerned about potential future re-zoning for non-restricted use apartments, reviewing of staff reports and consulting with experts in the field. Second, it appeared that the project had been fast-tracked and was to be brought before the Zoning Administrator sooner than normally expected. Third, the extent of the project design, its mass and the community impact of the project on the local community had not been fully assessed at the time of the earlier approval, necessitating a greater amount of community input, a need to preserve

the historical site, effect on community quality of life, investigation into the nature of the elder care facility and the limited number of senior services offered by the project and the regulations governing such development along with a more thorough review of the design and projected use of the facility under the 1999 Community Plan, to name only a few of the reasons supporting the WHNC's reconsideration of its action taken earlier.

While the West Hills Neighborhood Council is not opposed to an elder care project in concept, the Council is of the opinion that some compromise is required in regards to design, size and density of any project which meets all applicable codes. The Council is also concerned with the quality of life issues related to the impact on the neighbors to the project as well as the community as whole, considering the magnitude of this project in a basically residential area. Based upon the aforementioned reasons and following extensive discussion and additional considerations by the Council and its committees, the West Hills Neighborhood Council unanimously approved the following resolution regarding the elder care project:

Whereas the Elder Care Ordinance application sets forth the following requirements for approval of an elder care facility unified permit:

- a. That the project' s location, size, height, operations and other significant features shall be compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.
- b. That the project shall provide services to the elderly such as housing, medical services, social services, or long term care to meet citywide demand.
- c. That the project shall not create an adverse impact on street access or circulation in the surrounding neighborhood.
- d. That the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.
- e. That the project is in substantial conformance with the. purposes, intent and provisions of the General Plan, applicable community plan, and with any applicable specific plan.

Whereas the parcel at 23200 Sherman Way is zoned A1-1 in which the Maximum Density / Intensity allowed by Zoning is one unit allowable;

Whereas the General Plan Use for the area of this project is Low Medium 1, Residential, Low Residential, Very Low Residential;. the Maximum Density / Intensity allowed by Plan Designation per the MND is 5 6 units; and a density bonus may be allowed;

Whereas the size, height and density, of the proposed assisted living facility and the independent care facility are not compatible with the surrounding community of single family residences to the east and to the south of the project;

Whereas the Elder Care Ordinance require setbacks of 25 feet in an A1-1 zone;

Whereas the parking under the Elder Care Ordinance for assisted living facilities is 1 space per unit but the parking under the Elder Care Ordinance for Independent Living Facilities is 1 space per unit; and the parking can be reduced under the Elder Care Ordinance if any of the residents are designated disabled and unable to drive, or if they have Alzheimer's Disease or Dementia.

Therefore, the West Hills Neighborhood Council respectfully requests that the Zoning Administrator:

1. Require the applicant to comply with all applicable codes under the Elder Care application in terms of setbacks, height, density, and parking in- compliance with the requirements of the application: That the project provide for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood;
2. Require a full CEQA review of the complete parcel to determine the impact of the proposed senior living facilities, and the impact of a community center and parking that would be necessary for that community center's use, on Lot 18 which is the Historical - Cultural monument parcel;
3. Require preservation of the Lot 18 which includes the Historical Cultural Monument known as the "Canoga Mission Gallery" and the periphery which includes but is not limited to the fence posts, the fences, the lattice, the established trees, and the landscaping which has made this a "community center for the residents of Canoga Park and West Hills for more than 36 years;
4. Require an easement on the new parcel on which the assisted living project is sited for any fences, trees, or other parts of the Historical Cultural Monument parcel that have been moved to that parcel by the lot line adjustment made on August 3, 2012;
5. Require that the project conform to the 1999 community plan in terms of "size, density, height" in keeping with the adjacent single family residences, and to comply with the recommendations of the MND;
6. Require setbacks of 25 feet per the Elder Care Ordinance in an A1-1 Zone;
7. Recommend the use of transitional height for buildings on the project and recommend that the applicant break up the mass in terms of the exterior walls;

8. Recommend that the applicant submit landscape plans that would incorporate lavish landscaping in a park-like setting to include evergreen trees of a mature nature in 3 6" boxes;
9. Recommend that both senior living buildings, on all sides, maintain the exterior design of "Mission Style" to better fit in and esthetically match the existing Historical Chateau structure more in the character of the mission style design similar to that used at Pierce College.

#### **Letters in Support of the Project:**

One Generation, Judy Hamilton-Cantu, President and CEO - Support - October 4, 2012

Please accept this letter of my support for the West Hills Elder Care Facility Project. This project will provide critical housing for our older community members when staying in their own homes is no longer a safe option. This project is critical for the aging population in our community. Every year the number of people turning 65 increases. In less than 20 years, this age cohort is expected to double-and with that the need for senior services- housing being number one-will also increase. It takes visionary leaders to see the need for safe and secure housing and prepare for it. ONE generation has been serving seniors since 1978, and we see the West Hills Elder Care Facility Project as a commitment to security for our seniors. A safe haven where needs are met while independence is maintained. The project will benefit the community in a multitude of ways. For some, the greatest benefit is safety. There will be people around to help them walk, be another set of eyes, or help them up from a chair. If they have an accident, a health emergency or a fall, they will not be alone. Isolation can be debilitating for a senior. Assisted living provides a constant source of friendship. As we age it becomes harder to shop for groceries and prepare nutritious meals. Driving, while often seen as a sign of independence by the elderly, can present a danger to the senior and other people on the road. At an assisted living community there will be transportation available to doctors appointments, shopping, recreation and even visiting friends. The West Hills Elder Care Facility Project will provide an environment I would want my own aging loved one to be in. The beauty and serene setting will make aging gracefully a reality for seniors.

Hidden Chateau and Gardens, Jill Milligan - Support - October 4, 2012

By way of re-introduction, I'm the owner and operator of the Hidden Chateau and Gardens, a business located on a small portion of the property cited above. I'm also a West Hills resident who attended and spoke at the August 7th Zoning meeting re: the proposed the elder care facility currently under consideration. I voiced my support for the project at that time, and although I may be the most personally affected should the project come to pass, I want you to know that my support continues without reservation. In my 7 years of love, care, and hard work at the property, I was fortunate to become friends with the late Mrs. Lederer, who - as I'm sure you know - has a long and distinguished history of philanthropy and property bequeathal in the West Hills community. Over the years, Mrs. Lederer and I had several conversations regarding what she'd like to see done with the property; and I'm confident that she'd be thrilled with the current proposal. I can also tell you that Mrs.

Lederer's West Hills heir (niece Ann Charney) is in total support of the project as well. Because I'm on the property pretty much 24/7, I've had numerous discussions with the developers regarding the project's impact on my business, I can tell you that they've been entirely above board with me and - from what I've observed - with various neighborhood groups at the several local meetings I've attended. It's my view that they're committed to doing what's best for West Hills. And, because they're both longtime residents of West San Fernando Valley, it's nice to know that they're not the type who will build it, then beat it.

#### **Letters In Opposition to the Project:**

- The City's land use is proposed for residential, but not the high density and height that is currently proposed. A 310-unit project violates the land use designations. The penthouse roof height well exceeds the 45-foot maximum. Concerns include the heat factor, odor, traffic, noise, addition of service trucks, strain on public utilities, and change in character to the neighborhood including the skyline. The need for such a large increase in elder care housing is questionable. Large complexes are better suited for Warner Center where there are more commercial amenities. At the WHNC meeting there was virtually unanimous consensus of the residents that attended that the housing density and building height would not be compatible with surrounding neighborhoods. The project as designed does not meet the Eldercare Facility findings: it's incompatible with the neighborhood, it is a change in character as it is too large and tall, it is in excess of the Master Plan's collective density of 56 residences on these parcels (a 454% increase), and even with a 35% density bonus, only 75-units would be permitted. A gated senior detached or duplex complex would be better suited for the site and less dense;
- I support the development of the subject site with an Eldercare Facility; however, the current proposal for 310 units greatly exceeds the intensity designated for this site within the Community Plan. For example, parcels A and B of the project site are designated Low Medium I Residential in the Community Plan. Although these parcels are zoned for A1-1 use (i.e. one single-family home), the land use designation supports R2, RD3, RD4, RZ3, RZ4, RU and RW1 zones, which have a range of allowed density between one unit per 2,300-4,000 square feet of lot size. Because the size of parcels A and B total approximately 109,000 square feet, development on this portion of the project site should not exceed 47 dwelling units. Similarly, parcel C is designated Low Residential in the Community Plan, in which RE-11, RE-15, RE-20 and RA are the corresponding zones. These zones have a range of allowed density between one unit per 11,000-20,000 square feet of lot size. As a result, the maximum number of dwelling units that should be permitted on Parcel C is 8 units. Even if the developer provided enough affordable housing to qualify for a 35% density bonus, the maximum theoretical density would be 64 units on Parcels A and B, and 11 units on Parcel C. As a result, the proposed 200 unit independent living facility on Parcels A and B, and the 110 unit assisted living facility on Parcel C greatly exceed the intensity for this site, as designated in the Community Plan. The applicant claims do not meet the findings required in section 14.3.1 of the LAMC to approve an Eldercare Facility Unified Permit and therefore

- should not be approved at this density. Any approvals for the subject site should be compatible with the Community Plan, specifically the density should be limited to the zones that correspond with the site's land use designation. Additionally, architectural elements should be incorporated on all elevations of the buildings in order to ensure that the facility looks like a residential building from all directions. Other multi-family development in the general vicinity includes: 64-units (1 unit per 3,067 square feet of lot area), 39-units (1/2,358), and 120- units (1/2,031). The project is proposing one unit per 626 square feet of lot area;
  
- The scope of the project is incompatible with the general use plan and will create an adverse impact on all residents' standards of quality of life (noise/air pollution, sanitation odors etc.), privacy, home values and lessen the sense of community as a result of the development of this imposing monster. We would be going from having a peaceful plot of land, with no neighbors on it and natural light, to buildings which will be the equivalent in size to placing both a Costco and a large Supermarket with lighting that would be consistent with a huge commercial project both interior and exterior. The human population on that land would be in the hundreds including both residents and staff. The staff creating their own set of issues such as: coming and going 24/7, starting car engines, slamming car doors, having conversations, smoking breaks, trash and possible bio-hazard being emptied in outside dumpsters all time of the night and day. Increased traffic would add to the already heavily traveled Sherman Way with both vehicle traffic and a certain increase in ambulance traffic at all hours of the day and night with sirens blaring taking the projects client base to our local hospital and other facilities in the Valley. The ideal situation for the residents of this community would be to stop the development all together, if that were not possible I would implore the powers that be to limit the size of this project to that of a small tasteful residential type project. The parking size and the building footprint and height are not even remotely conducive to the current community plan and to the residents' wishes;
  
- While I support senior housing, I object to this proposed project. This is an in-fill project, and as such, should conform to the established character of the neighborhood. Scale, mass and density are wrong. All existing structures along Sherman Way are either one- or two-story, including all single-family homes, commercial, educational and religious structures. The north side of Sherman Way contains multi-unit complexes comprised of clustered 2.5 story buildings (two-stories plus garage). The blocky style, courtyard buildings proposed here are too big to blend with this established massing. Again referring to the existing multi-unit housing facing the proposed site, there are 48 condos, 16 condos and 39 condos. The existing complexes demonstrate that projects of less than 50 dwelling units fit well into this neighborhood. Currently there are over 30 assisted living facilities within West Hills. All but five of them are six-bed facilities (converted single-family houses). The five assisted living facilities that are larger are all two-story courtyard structures located at the edge of retail shopping areas. They provide a transition between the single-family houses and the block-style shopping centers set back

from the street by their parking lots. Locating assisted living facilities within walking distance of retail centers provides an exercise destination for residents and allows them to be part of the social life of the neighborhood. The only walkable destination for this project is the West Hills hospital complex. This is ironic, since assisted living facilities are intended to help seniors AVOID medical facilities. The proposal requested reductions in yard setbacks. Landscaped open space is important to healthy aging. While the scale of the project should be greatly reduced, the temptation to minimize on-site parking should be avoided. For seniors, nothing defines "independence" like the automobile. Fitting into the Neighborhood: Parcel A has a common boundary with the Canoga Mission Gallery and development should be respectful of the character and scale of this landmark. The impact of this project on the existing condo complex on the north side of Sherman Way should be considered. Landscaping the street side of the proposed wall will help reduce noise. The projected increase in traffic at the intersection should be evaluated. I urge the proposal to be reduced to less than 50-units following the established two-story, eight-unit clustered building complex design, include adequate parking for residents and staff, adequate landscaped open space, traffic and noise impacts should be minimized. With these adjustments, housing for seniors could be an asset for the neighborhood. The addition of a 10,000 square foot for ANY reason, including a "community center", should be rejected;

- On August 1, 2012 the WHNC approved the senior living facilities with many conditions, including extending the CEQA review and no segmenting to exclude the lot that the Canoga Mission Gallery is located on at 23130 Sherman Way. We want to be assured that the community center that is promised can be mitigated on the historic site. This parcel should be part of the application. There are concerns with grading and methane. To lower the height it is requested that parking be designed below grade as this is not in a liquefiable area. We requested architectural rendering and landscape plans in order to adequately analyze the project; and

- Petition in Opposition - Approximately 82 Signatures

Such proposal to build a multi-story Resident Care/ Assisted Living facility is in violation of the A1-1 Zoning. The construction project would increase the traffic on Sherman Way, Woodlake Avenue, Schoolcraft St. and Vanowen Street to levels beyond safety norms for the residents and traffic, at all hours of the day and night. The project would adversely impact the natural flora and fauna of the areas around and including the Los Angeles Flood Control Chanel, including, but not limited to the Wild Falcon, Owl, Raccoon, Opossum, Hare, Squirrel, and Swallow population which would in turn increase the Norwegian rat and mouse population. The project would increase the noise level due to employees arriving and leaving employment given a 24 hour Resident care/ Assisted living facility, to unacceptable levels. The increased noise level of emergency vehicles, including but not limited to Ambulances and Fire Engines, arriving and leaving at all necessary hours, with only one entrance and exit access, would rise to unacceptable levels. There is only one entrance and exit path for fire and police vehicles which could cause a danger of

fire, crime and traffic for the residents of the project and of West Hills. The increased importation of controlled substances, to treat the patients of the Resident Care/ Assisted living facility which would be dispensed with little or no supervision, see The Los Angeles Daily News July 19, 2012, Section 1 page 1, causing the arrival of unsavory elements into the area. During construction of said project, the large growth of trees would be destroyed, adversely affecting the air in the area. Building a multi-story project would destroy the northbound view of the houses facing the Los Angeles Flood Control Chanel, thereby lowering the property values, which are already at the lowest in 5 years. We, the undersigned do protest and request that the Department of City Planning reject the proposal.

### **ZONING ADMINISTRATOR'S OVERALL DISCUSSION**

The subject request is for a Zoning Administrator Decision to permit an Eldercare Facility Unified Permit, allowing the construction, use and maintenance of a Senior Independent/Assisted Living Care Housing development facility along the south side of Sherman Way. Under the current A1-1 Zone, the maximum allowable density is one dwelling unit per 2.5 acres of land; however, pursuant to the Eldercare Facilities Ordinance, the applicant has requested a Zoning Administrator decision to allow a facility with a total of 310-units for the much needed services and housing for the growing senior population of the City of Los Angeles.

The proposed Senior Independent/Assisted Living Care Housing facility, that was heard at the public hearing, consisted of an arrangement of buildings and structures (including transitional height, bulk and setbacks); off street parking facilities (321 total parking stalls to be provided), loading areas, lighting, landscaping, trash collection, and other pertinent improvements. The proposed project involves the construction, use and maintenance of an Eldercare Facility comprised of two buildings bisected by the unimproved Woodlake Avenue:

- a four-story, 44.5-foot high, approximately 155,282 square-foot building with 200 units (will include 184 one-bedroom units and 16 two-bedroom units) for Senior Independent Living (parcels A & B) on a 2.52 acre site west of Woodlake Avenue. Proposed ancillary facilities include a recreation room, fitness room, library, computer room, an open courtyard, and a pool including a total of 28,611 square feet of common and private open space, and 224 on-site parking spaces.
- a three-story, 35.5-foot high, approximately 65,758 square-foot building with up to 110 guest rooms (providing a maximum of 110 occupied beds) for Assisted Living Care (parcel C) on a 1.94 acre site east of Woodlake Avenue. Proposed ancillary facilities include a fitness center, game rooms, media rooms, library, an open courtyard, outdoor covered dining patio, and dining room including a total of 21,190 square feet of common and private open space, and 97 on-site parking spaces.

The proposed development would improve and extend Woodlake Avenue bisecting the



development and serve as ingress/egress for the residents, staff members and guests. Vehicular access/parking will be served from the improved extension of Woodlake Avenue off of Sherman Way. Furthermore, the proposed project will be providing 321 off-street parking stalls.

The purpose of this Eldercare Facility Unified Permit (Ordinance No. 178,063 effective December 30, 2006) is to provide development standards for Alzheimer's/Dementia Care Housing, Assisted Living Care Housing, Senior Independent Housing and Skilled Nursing Care Housing under a single process for approvals and facilitate the processing of applications for such facilities. These facilities provide much needed services and housing for the growing senior population of the City of Los Angeles.

The Zoning Administrator, as the initial decision maker, may, permit an Eldercare Facility to be located on a lot or lots in the A1 Zone, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, or Citywide regulation adopted or imposed by City action. In order to approve the project, the Zoning Administrator shall ensure that it is in conformance with the provisions of LAMC Section 14.3.1, including the five mandated findings.

The applicant is seeking an Eldercare Facility Unified Permit to allow reductions in yard setbacks as follows: zero-foot front yard for parcels A, B & C, 6-foot side yard for parcels A & B, and a 15-foot rear yard for parcels A & B, all in lieu of the 25 feet required for all yards in the A1-1 Zone. The Zoning Administrator also has the initial decision making authority relating to site plan approval and shall make the findings set forth in Section 16.05-F.

Additionally the Zoning Administrator has noted that:

- At the time of report preparation, the Department of Transportation and the Bureau of Engineering were the only two agencies that had submitted any written comments for the case.
- The Bureau of Engineering found infrastructure deficiencies adjacent to the applicant's site and recommended approval subject to conditions pertaining to dedications and improvements along Sherman Way, Woodlake Avenue, and Vose Street in a memo dated July 31, 2012.
- The Department of Transportation revised their Site Plan Review Transportation Analysis on July 3, 2012 stating that the project's trip generation calculation would not be significant and no traffic study would be required as the total number of trips generated, 200 attached senior units and 110 occupied assisted living beds, is less than 1,000.
- Councilman Zine issued a letter dated March 7, 2012 in favor of the project as long as it did not exceed 45 feet and that the senior/community center, to be located on

parcel 18, will protect and preserve the existing historic Canoga Mission Gallery (LA Historic Cultural Monument No. LA-135).

The Zoning Investigator also stated that the applicant had verbally stated that the number of beds/units would not exceed that which would require a traffic study. If anything, the project may be reduced in scale if they decided to provide more than one bed per unit in the Assisted Living Building.

The South and West Elevations on the Assisted Living Building as designed prior to the public hearing are monotonous. The facades are flat and unvaried on the elevations that face the surrounding single-family residential neighborhood, which contains the most impacted neighbors.

The buildings, as applied for, conflict with the required setbacks of the existing A1-1 Zone and the assumed highest planned densities under the given land uses, RE11, RD5, and RW1 Zones. Provisions of the Baseline Mansionization Ordinance would only apply to the assumed RE11 and RD5 Zones (Parcel C), which would limit the maximum Residential Floor Area to 40 percent of the lot size, or 33,752 square feet. The applicant is proposing 65,758 square feet. However, as a proposed Eldercare Facility, the Zoning Administrator has the discretion to allow the development even when it does not meet the use, area, or height provisions of the respective zone, or Citywide regulation adopted or imposed by City action, but shall ensure that it is in conformance with the provisions of LAMC Section 14.3.1, including the five mandated findings.

As to the concerned citizens that telephoned about the Woodlake Avenue extension across Bell Creek, staff informed them that the Bureau of Engineering is currently requesting the development improvement of the extension up to the creek, not as a cul-de-sac as proposed on the applicant's plan. There is currently no City funding to extend the bridge after the development of this project. However, the Community Plan's Generalized Circulation map does call for that extension in the future.

The applicant has reviewed the draft Mitigated Negative Declaration issued July 26, 2012 and is requesting that the historic mitigation measures be removed, as the lot line adjustment approved on August 3, 2012 under Case No. AA-2012- 948-PMEX, incorporated the Canoga Mission Gallery onto the lot abutting on the north of the project. As this lot is owned by the applicant, the Zoning Investigator requested that the mitigation measures remain to ensure that the City Historic Monument is not damaged during the construction on the proposed project.

Lastly, it was observed that the Canoga Park-Winnetka-Wood land Hills-West Hills Community Plan Map designates the property for Low Medium I Residential, Low Residential, and Very Low Residential land uses with corresponding zones of R2, RD3, RD4, RZ3, RZ4, RU, and RW1; RE9, RS, R1, RU, RD6, and RD5; and RE20, RA, RE15, and RE11, respectively. The property is not currently within the area of any specific plans or interim control ordinances.

In order for an Eldercare Facility to be approved under the Unified Permit Process all five of

the mandated findings delineated in Article 4.3, Section 14.3.1 of the Los Angeles Municipal Code must be made in the affirmative as well as an additional unnumbered finding requiring that the Zoning Administrator must find that strict application of the land use regulations would lead to unnecessary hardships inconsistent with the intent of the Plan and the zoning regulations. Following (highlighted is a delineation of the findings and the application of the relevant facts of the case to same:

### Overall Required Finding

**The Zoning Administrator shall not grant the approval unless he or she finds that the strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general Purpose and intent of the zoning regulations.**

The strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations because the Zoning Code sets forth regulations to promote orderly development and to maintain compatibility between respective land uses. Specifically, Section 12.02 of the Los Angeles Municipal Code (L.A.M.C.) outlines the purpose of the zoning regulations as follows: "...to designate, regulate and restrict the location and use of building, structures and land, for agriculture, residence, commerce, trade, industry or other purposes ... in order to encourage the most appropriate use of land..."

The subject site contains approximately 194,122 square feet (4.46 acres) and is designated for Low Medium I Residential uses, Low Residential uses, Very Low Residential uses and is zoned A1-1. Uses permitted by-right in the A1 Zone include single-family dwellings, parks, playgrounds or community centers when operated by a government agency, golf courses, farming, animal keeping and other accessory uses. The provisions of the A1 Zone are generally intended to apply to those uses permitted by-right in the zone. The A1 Zone also requires a minimum front yard equivalent to 20% of the lot depth and a minimum rear yard and side yards, equivalent to 25% of the lot depth, but in any case, the front, rear or side yard need not exceed 25 feet. In addition, the maximum height permitted in the A1-1 Zone, pursuant to Section 12.21.1 is 45 feet.

After the public hearing on the project, the applicant reduced the size of the requested project to the approval of a two building Eldercare Facility with a maximum of 268 units. The Assisted Living Care Housing Building (the eastern

building on Parcel C adjacent to the single family homes on Vose Street) will have 68 units and a maximum of 110 beds. The structure was reduced in height from three stories to two stories with the two units closest to the single family homes to the east reduced to one story. The originally proposed 25-foot setback remained and the landscaping in the setback was increased by including more trees to help further screen the project from the homes. The Independent Living Building (the

western building on Parcels A & B) will have 200 units. The buildings were also redesigned in conformance with the City Planning Commission's recently enacted design guidelines to have all four walls of the structures articulated and with a common design instead of only those walls visible from the streets. No full time medical care will be provided in the facility and it will not operate as a skilled nursing facility. Residents of the facility will have to be at least 62 years of age or older to be eligible for residency.

While the proposed Eldercare facility is not permitted by-right in the A1 Zone, pursuant to Section 14.3.1 of the Los Angeles Municipal Code (L.A.M.C.), the Zoning Administrator may permit an Eldercare Facility to be located on a lot or lots in the A1 through the R3 Zones, or in the RAS3, R4, RAS4 and R5 and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, subject to establishing the required findings outlined herein.

As revised following the public hearing, the Assisted Living Building (easterly structure) will have a maximum height of 26 feet and will maintain a minimum rear and side yards of 25 feet as required in the A1-1 Zone. The Independent Living Building will have a maximum height of 40 feet and will maintain a minimum southern side yard of 25 feet as required in the A1-1 Zone. However, due to the scope and nature of the proposed use, the proposed number of units, and the architecture and site lay out, the 15 foot front setbacks along Woodlake Avenue, the 15 foot side yard setback for parcels A & B along Sherman Way, and the 5 foot rear yard for parcels A & B, are less than the minimum setback permitted in the A1-1 Zone. In all other respects, the project is in conformance with the physical requirements of the A1-1 Zone.

In addition, in response to residents' concerns to screen the facility from adjacent residential uses, a 6-foot estate wall will be provided along the western and southern perimeter of the site. Substantial landscape buffers and 36" box trees are included in the project. In many cases, existing mature trees will be retained. Also, in order to provide a greater separation between the facility and adjacent single-family dwellings to the east, the footprint of the Assisted Living Building was shifted west to provide a 25' rear yard, and portions of the Assisted Living Building closest to the adjacent single-family dwellings have been reduced in height to a single story.

The proposed facility will contain approximately 204,000 square feet. However the proposed facility will not exceed the maximum allowable floor area or lot coverage. Much of the site will remain open areas consisting of generous landscaped setbacks along the perimeter of the site, open courtyards, walkways, a pool and other resident amenities, and surface parking. Significant square footage is devoted to

common areas or nonresidential space consisting of on-site amenities and support services such as kitchens, common living, dining, family and sun rooms, and offices and ancillary uses for support staff, laundry and housekeeping services. Thus, given the nature of the proposed use, a significant amount of common areas and open

space is required to provide an enriched environment and on-site support services to meet the needs of the elderly residents with special assisted living needs.

Moreover, the site is located on the intersection of Sherman Way, a Major Highway, and Woodlake Avenue, a Secondary Highway. The subject site contains approximately 4.46 acres and has approximately 389.5 feet of frontage along Sherman Way. The size and scope of the proposed Eldercare Facility is reasonable and appropriate in view of the site's capacity and its location at the crossing of a Major Highway and a Secondary Highway. In addition, the proposed facility is consistent with other residential and nonresidential uses located on Sherman Way in proximity to the site.

Properties adjoining the east side of the subject site along Vose Street are zoned RS- 1 and consist of lots ranging in size and approximately in conformance to the 7,500 square-foot minimum lot area of the RS Zone, and are improved with single-family dwellings.

The entire south side of the project site is adjacent to the 100' wide Los Angeles County Flood Control Channel (Bell Creek). The properties south of the Flood Control Channel along Schoolcraft Street are zoned RS-1 and consist of large lots ranging in size and approximately in conformance to the 7,500 square-foot minimum lot area of the RS Zone, and are improved with single-family dwellings.

However, lots fronting along Sherman Way immediately east of the site and across the street from the site contain commercial and residential zones with a mix of large multifamily buildings, commercial, medical and other nonresidential uses, and the rear yards of some single family homes. These include two, three and four story multi-family residential complexes, the Canoga Mission Gallery, the United States Post Office and the West Hills Hospital and Medical Center. Thus, while a few adjacent lots on the north side of Sherman Way are zoned RS, the land use pattern has a higher residential density and includes non-residential uses as well as commercial uses along the Sherman Way corridor.

As a result, the proposed use falls within the range of existing uses located along Sherman Way, which includes both residential and non-residential uses. Moreover, the proposed eldercare facility is more characteristic of a residential use than the existing non-residential uses such as the nearby Medical Center and Post Office. As previously noted, no full time medical care will be provided in the facility and the facility will not operate as a skilled nursing facility. Moreover, the relatively large size of the site is suitable to accommodate the scope and size of the proposed facility and the site's location on a Major Highway and a Secondary Highway is reasonable and appropriate for the type of use proposed.

The strict application of the zoning regulations to the proposed elder care facility, a unique use relative to other uses generally permitted by-right in the A1 Zone, would

limit the site's ability to provide needed on-site amenities and support services to the detriment of the project's occupants or would limit the number of units, which would result in significant under-utilization of the site and would not permit the operator to achieve the economy of scale required to provide the level of on-site support services and amenities required for the eldercare facility's unique population. Denial of the request would therefore preclude the provision of much needed housing for the elderly population.

In this case, granting the request will allow efficient use of the site's larger lot size which is well suited for the proposed use, and will enable reasonable use of the site both commensurate with its capacity and consistent with the range of uses located on Sherman Way. Moreover, the facility's design is sensitive to the adjoining residential uses to the extent feasible. As described in more detail under Finding

No. 2 below, the buildings are broken up into various components and are oriented in a manner to minimize impacts on the adjoining single-family residential lots.

In view of the foregoing, the strict application of the zoning regulations would be impractical and result in an unnecessary hardship inconsistent with the general purpose and intent of the zoning regulations.

### **Additional Mandatory Findings**

The Zoning Administrator must also find:

- 1. That the project's location, size, height, operations and other significant features shall be compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The project's location, size, height, operations and other significant features are compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety because the project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection and other pertinent improvements, which is or will be compatible with existing and planned future development on neighboring properties because the project has been designed and conditioned herein to be compatible with existing and planned future development on neighboring properties. As previously noted under the General Finding of strict application of the zoning regulations resulting in practical difficulties or unnecessary hardships inconsistent with the general purpose of the land use regulations above, the architecture, massing, site layout and orientation of the proposed facility is designed to minimize impacts on the adjoining

single-family lots. The building mass is broken up into various components that create the appearance of multiple interconnected buildings.

As redesigned since the initial application, the Assisted Living Building will have a height of 26-feet and will maintain rear and side yards of 25-feet as required in the A1-1 Zone. The Independent Living Building will have a maximum height of 40-feet and will maintain a minimum southern side yard of 25-feet as required in the A1 Zone. However, due to the scope and nature of the proposed use, the proposed number of units, and the architecture and site layout, the 15-foot front setbacks along Woodlake Avenue, the 15-foot side yard setback for Parcels A & B along Sherman Way, and the 5-foot rear yard for Parcels A & B are compatible with the existing and planned future development in the neighborhood, despite being less than the minimum required setback in the A1-1 Zone. Because Woodlake Avenue between Sherman Way and Bell Creek passes entirely through the site, the only property affected by the 15-foot front yards on Woodlake is the project itself.

The facility is oriented toward Woodlake Avenue and vehicular access to the site will be provided from two driveways on Woodlake Avenue. A total of 269 on-site parking spaces are required for the revised facility pursuant to Sections 12.21-A,4(d)(5) and 12.21-A,4(u) of the L.A.M.C. which take into account residents, visitors and staff based on the type of eldercare facility. Over 300 on-site parking spaces will be provided. A 25-foot landscaped buffer will be maintained along the site's eastern side next to the adjacent single family homes. In addition, a minimum 6-foot high estate wall is proposed along the western and southern perimeter of the site to further shield the project from the adjacent single family homes and those across Bell Creek. The 6-foot high walls also help to attenuate any noise created by the project as well as provide privacy to both the project's residents and neighbors.

The facility will have significant open areas consisting of landscaped setbacks along the perimeter of the site, open courtyards and landscaped walkways, as well as the surface parking oriented on Woodlake Avenue and along the Flood Control Channel but concealed behind the estate wall and landscaping. Exterior security lighting will be provided to illuminate the building, entrances, walkways and parking areas. All lighting will be directed onto the site to avoid spillover lighting on adjacent properties. The facility will contain centralized trash and recycling collection areas located inside each building, and an enclosed trash and recycling area will be located in the parking lots, away from any adjoining residential uses and completely screened from view from adjacent properties by the enclosure and by the estate wall.

In order to minimize potential impacts on surrounding residential uses from commercial deliveries to the site, the Conditions of Approval require that deliveries by vendors and trash pick-up be limited from 8:00 a.m. to 5:00 p.m. Monday through Friday and from 9:00 a.m. to 12 noon on Saturdays. No deliveries or trash pick-up is permitted on Sundays. In addition, all loading and unloading is required to be conducted on-site within the parking area and deliveries by 18-wheel trucks is prohibited.

**2. That the project shall provide services to the elderly such as housing, medical services, social services, or long term care to meet citywide demand.**

The project will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand that was previously noted. The proposed facility will have a total of 200 Independent Living units and 68 Assisted Living units with a maximum of 310 beds. Residents of the facility are required to be at least 62 years of age or older. The Assisted Living Facility is required to be licensed by the California Department of Social Services and is required to comply to applicable assisted living care program regulations. The California Department of Social Services does not set-forth minimum staff to resident ratios for Assisted Living Facilities. According to the applicant, a total of 20 employees will staff the facility on staggered shifts. The applicant also indicates that the facility would provide a unique universal worker staffing model allowing care-givers to focus a majority of their attention on the residents and constantly monitor their condition and well-being by having a greater care-giver-to- resident ratio and will emphasize greater hands-on interaction between the care-givers and the residents.

The Assisted Living Facility's model is to provide long-term care in a home-style setting and to provide a wide range of supportive services tailored to the individual needs of each resident. Residents will have independent choices with respect to activities, meals and daily routine. The facility's model is designed to provide daily living and aging in place services and includes professionally designed programs to keep residents' minds sharp and to preserve their physical agility. A broad range of options will allow residents to exercise their independence and to socialize with their neighbors, and to retain as healthy and active a life-style as possible for each individual resident. The aging in place model is designed to provide a continuum of care by handling the needs of residents as they age to prevent the trauma associated with moving to a new environment.

Numerous common areas and amenities are maintained on-site for the benefit of the residents and to provide an enriched environment. Indoor amenities include common areas such as kitchens, dining, living, family and sun rooms. Substantial open space is provided for passive use and the guest rooms are designed so that all guest rooms adjoin or overlook a courtyard or landscaped walkway or patio.

The Senior Independent Living Building will provide apartment style housing for seniors 62 years of age or older. On-site management and limited services will be provided. Amenities will include a recreation room, fitness room, library, computer room, an open courtyard, a pool and spa.

Questions were raised by local residents concerning the scope and size of the proposed facility relative to other existing eldercare facilities which are much smaller than the proposed facility and typically consist of a single-family dwelling or smaller



multi-family dwellings that were converted to eldercare facilities. In addition, questions were raised concerning the need or demand for the facility. Claims were made that there are a significant number of eldercare facilities in proximity to the site or in the larger community that have high vacancy rates (although no data was submitted to identify the specific facilities or the vacancy rate at each facility).

Nonetheless, according to a Forbes Magazine article, as quoted by the applicant:

([www.forbes.com/sites/howardoleckman/2012/03/07/not-your-grandmothers-assisted-living-facility](http://www.forbes.com/sites/howardoleckman/2012/03/07/not-your-grandmothers-assisted-living-facility)), a study by the National Center for Health Statistics looked at a wide range of eldercare facilities, from small homes with four to ten beds to large 100+ bed institutions. The study found that, *"In 2010, about 31,100 facilities owned about 972,000 licensed beds. However, they served only about 733,000 residents, for a vacancy rate of about 25%. About half of care homes have 10 residents or less and only about 2,100, or 7 percent, have more than 100 beds. However, almost a third of all assisted living residents live in those big facilities"*. Hence a 75% average occupancy rate in the Assisted Living Industry appears to be the norm. Moreover, according to Forbes, the findings of the study indicate that with average fees running about half that of nursing facilities, and with an environment that is often more attractive to seniors, residential care facilities are becoming a more popular choice between moving to a nursing facility or staying at home.

The applicant noted that the proportion of the population over the age of 75 is expected to double in the next 20 years generating a strong need and demand for eldercare facilities. A review of the Administration on Aging website . . . provides census data, statistics and population projections for the elderly. The data indicates that in 2009 the number of persons 65 or older numbered 39.6 million or 12.9% of the population. By 2030, there will be about 72.1 million older persons, more than twice their number in 2000.

The City of Los Angeles Housing element recognizes the unique needs of the elderly population with respect to housing and recognizes the challenges faced by the elderly in finding affordable housing suitable for their unique needs. Specifically, the City of Los Angeles Housing Element 2006-2014, adopted January 14, 2009 on Page 1-11 notes as follows: "[c]ertain persons or households face greater challenges than the general population in finding housing given their unique special needs and circumstances. Such circumstances range from fixed incomes to limited mobility to large households. Not all housing units in the general housing stock can meet the housing needs of persons or households with such special needs, therefore, efforts must be made to ensure that decent, affordable and accessible housing is available to all such special needs populations. These populations include elderly persons, persons with disabilities, large families, female-headed households, homeless persons, persons living with HIV/AIDS, and farm workers, and each represents a significant part of the City's population..."

The City, Housing Element cites approximately 9 percent of the City's population is currently aged 65 years and older. One-fifth of all households citywide (256,432 of 1,284,124 households in 2005) are headed by elderly persons, of which 100,120

households are elderly persons who live alone, while the rest are households comprised of elderly heads-of-household living with other person(s).

In view of the foregoing, the proposed project will provide needed housing and long term care services to the elderly to meet the citywide demand.

**3. That the project shall not create an adverse impact on street access or circulation in the surrounding neighborhood.**

The project shall not create an adverse impact on street access or circulation in the surrounding neighborhood because the site is located at the intersection of Sherman Way (a Major Highway), and Woodlake Avenue (a Secondary Highway) and contains approximately 194,122 square feet (4.46 acres). The site has approximately 389.5 feet of frontage along the south side of Sherman Way and 358 feet of frontage on both sides of Woodlake Avenue. The site also has approximately 755.5 feet of frontage along the north side of the Los Angeles County Flood Control Channel (Bell Creek). The project will result in the widening of Sherman Way to current standards for major highways and the improvement of Woodlake Avenue from Sherman Way to Bell Creek. This portion of Woodlake is currently dedicated, but it is not improved. By improving Woodlake Avenue through the site, access to the project can be taken from Woodlake obviating the need for curb cuts for vehicular access directly onto Sherman Way. This will also result in no vehicular access crossing the sidewalks which will be developed on Sherman Way.

The Department of Transportation Revised Site Plan Review Transportation Analysis, dated July 3, 2012, states that the project's trip generation will not be significant as the total number of trips generated by 200 attached senior units and 110 occupied assisted living beds is less than 1,000 total traffic trips.

A minimum of 269 on-site parking spaces are required for the proposed facility pursuant to Sections 12.21-A,4(d)(5) and 12.21-A,4(u) of the L.A.M.C. which take into account residents, visitors and staff based on the type of eldercare facility, in this case Assisted Living and Independent Living. Over 300-on site parking spaces will be provided. According to the applicant, the facility will have approximately 20 employees on staggered shifts and the peak shift would consist of approximately 10 employees who would also have staggered shifts. For example, administrative staff would be on-site from approximately 9:00 a.m. to 5:00 p.m.; one maintenance staff would be on site beginning at 7:00 or 8:00 a.m. for a 7 ½ hour shift, in addition to one housekeeping staff and one universal care-giver. Hence, employee parking would turn-over on a staggered basis. Even at its peak use by employees, more than 20 extra parking spaces would remain available for residents and guests.

Neighbors expressed concerns that the provided parking would not be adequate to accommodate employee and resident parking and would create significant spill over parking impacts on the adjoining residential streets. However, many residents are not expected to own or drive a car. Residents must be at least 62 years of age or older, and the residents of the Assisted Living Building will require assistance with at

least two or more non-medical activities of daily living. Therefore, many residents would not drive or own a car. Condition No. 22 has been placed in the Conditions of Approval to require that on-site support services shall provide transportation services to local shopping/retail areas, medical offices, houses of worship, and the like for the residents, eliminating the need for separate transportation arrangements and additional vehicle trips to and from the Eldercare Facility. Such services may be provided either by vans provided by the operator or contracted for but on-call for project residents. A requirement was included in the condition to prohibit a per use fee to encourage tenants to use the service, reduce individual automobile trips and reduce vehicle miles traveled by the overall project on the local roadways.

Moreover, the staff report prepared for proposed Ordinance No. 178063 indicates that a study by the American Seniors Housing Association concluded that the average number of resident vehicles at an Independent Senior Housing Facility or Assisted Living Facility is 0.05 vehicles per unit. The report indicates that because most residents of Eldercare Facilities do not drive, vehicles operated by the facility usually accommodate their transportation needs. Given the site's substantial street frontage, any potential spill-over parking impacts would likely be limited to street parking along the site's Sherman Way and Woodlake Avenue frontages. There is no direct vehicle or pedestrian connection between the site and the adjacent single family residential neighborhood. Therefore, no significant on-street parking impacts on the adjacent residential uses are anticipated.

4. **That the project provides for an arrangement of uses, buildings, structures, open space and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.**

The project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection and other pertinent improvements, which is or will be compatible with existing and planned future development on neighboring properties because the project has been redesigned and conditioned herein to be compatible with existing and planned future development on neighboring properties. As previously noted under Finding Nos. 1 and 2 and the General Finding above, the architecture, massing, site layout and orientation of the proposed facility is designed to minimize impacts on the adjoining single-family lots. The building mass is broken up to into various components that create the appearance of multiple interconnected buildings.

As redesigned since the initial application, the Assisted Living Building will have a height of 26-feet and will maintain rear and side yards of 25-feet as required in the A1-1 Zone. The Independent Living Building will have a maximum height of 40-feet and will maintain a minimum southern side yard of 25 feet as required in the A1 Zone. However, due to the scope and nature of the proposed use, the proposed number of units, and the architecture and site layout, the 15-foot front setbacks along Woodlake Avenue, the 15-foot side yard setback for Parcels A & B along Sherman Way, and the 5-foot rear yard for Parcels A & B are compatible with the existing and planned future development in the neighborhood, despite being less than the minimum required setback in the A1-1 Zone.

The facility is oriented toward Woodlake Avenue and vehicular access to the site will be provided from two driveways on Woodlake Avenue. A total of 269 on-site parking spaces are required for the proposed facility pursuant to Sections 12.21-A,4(d)(5) and 12.21-A,4(u) of the L.A.M.C. which take into account residents, visitors and staff based on the type of eldercare facility. Over 300 on-site parking spaces will be provided. A 25-foot landscaped buffer will be maintained along the site's eastern side next to the adjacent single family homes. In addition, a 6-foot high estate wall is proposed along the western and southern perimeter of the site.

The facility will have significant open areas consisting of landscaped setbacks along the perimeter of the site, open courtyards and landscaped walkways, as well as the surface parking oriented on Woodlake Avenue and along the Flood Control Channel. Exterior security lighting will be provided to illuminate the building, entrances, walkways and parking areas. All lighting will be directed onto the site to avoid spillover lighting on adjacent properties. The facility will contain a centralized trash and recycling collection areas located inside each building, and an enclosed trash and recycling area will be located in the parking lots, away from any adjoining residential uses and completely screened from view from adjacent properties by the enclosure and by the estate wall.

In order to minimize potential impacts on surrounding residential uses from commercial deliveries to the site, the Conditions of Approval require that deliveries by vendors and trash pick-up be limited from 8:00 a.m. to 5:00 p.m. Monday through Friday and from 9:00 a.m. to 12 noon on Saturdays. No deliveries or trash pick-up is permitted on Sundays. In addition, all loading and unloading is required to be conducted on-site within the parking area and deliveries by 18-wheel trucks is prohibited.

5. **That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and with any applicable specific plan.**

The project is in conformance with the applicable provisions of the General Plan in that the Community Plan designates the Project Site for Low Medium I Residential, Low Residential and Very Low Residential land uses with corresponding zones of

R2, RD3, RD4, RZ3, RZ4, RU and RW 1; RE9, RS, R 1, RV, RD6 and RD5; and RE20, RA, RE 15, and RE 11, respectively. The Project Site is zoned A1-1.

The Community Plan does not identify specific locations for Eldercare Housing. In recognition of the fact that these facilities provide much needed services and housing for the growing senior population of the City of Los Angeles, the LAMC was amended by the City Council (Ordinance No. 178,063) to allow Eldercare Housing within numerous zones, including the A1 Zone, subject to the requisite findings of approval by the Zoning Administrator. The required findings in support have been

made herein. As such, and based on the consistency analysis below, the proposed Eldercare Facility will be consistent with the goals, objectives, and policy of the General Plan.

The proposed Eldercare Facility is in conformance with the City's Framework Element, the Housing Element, and the Community Plan, all of which contain goals, objectives, and policy relevant to the proposed Eldercare Housing project. The proposed Eldercare Facility will provide 200 Independent Living units and 68 Assisted Living units with a maximum of 110 beds of service-enriched housing to residents age 62 years and older, and as such is most like a multiple-family residential development. The Code's definition of Eldercare Housing supports this

premise, by requiring that ... "A minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing." This requirement ensures that the principal use within Eldercare Housing will remain residential. On this basis, the Code permits Eldercare Housing to be located within residential areas, subject to the approval of a Zoning Administrator.

In addition, the following General Plan goals, objectives, policy, and design guidelines that pertain to either Eldercare Housing, or to multiple family residential development, are relevant to the proposed Eldercare Facility. These include:

- General Plan Housing Element Objective 1.3, *"Encourage the provision of housing with support services for persons with special needs (e.g., homeless, mental or physical disability, elderly, large families, and persons living with HIV/AIDS) "*.

The proposed Eldercare Facility is required to be licensed by the California Department of Social Services and to comply with assisted living program regulations, including requirements for 24-hour care for the residents. It will provide 68 units with a maximum of 110 beds of Assisted Living housing and 200 units of Independent Living housing. The Assisted Living units will provide long-term care for persons 62 years of age and older who require assistance with two or more non-medical activities of daily living. In addition, other on-site social services will be provided to residents would include daily living and aging in place programs, as

previously described in more detail under Finding No. 2. As such, the proposed Eldercare Facility is consistent with Objective 1.3 of the General Plan Housing Element.

- General Plan Housing Element Policy 1.3.1, *"Take an active role in broadening the accessibility and availability of special needs and service-enhanced housing for all City residents, including the homeless, elderly, persons with mental, physical, and developmental disabilities, persons with drug and alcohol dependency, large families, female-headed households, and persons living with HIV/AIDS."*

The proposed Eldercare Facility would be centrally located within the San Fernando Valley at the intersection of Sherman Way, a Major Highway Class II, which traverses the Valley from east to west, and Woodlake Avenue, a Secondary Highway, facilitating the availability of this service enriched housing within the Community Plan Area and the City. The proposed Eldercare Facility will provide service enriched housing totaling 268 units, as well as social services and long term care, thereby furthering the goal of making this service enriched housing available to elderly persons. As such, the proposed Eldercare Facility is consistent with Policy 1.3.1 of the General Plan Housing Element.

- Community Plan Goal 1, *"A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the... Community Plan Area"*, - and Community Plan Objective 1-4 *"Provide a diversity of housing opportunities capable of accommodating all persons regardless of income, age or ethnic background."*<sup>2</sup>

The Project Site is designated for Low Medium I Residential, Low Residential and Very Low Residential land uses within the Community Plan. The proposed Eldercare Facility would provide 268 units of Eldercare Housing for persons age 62 years or older who either: 1) require assistance with two or more non-medical activities of daily living (in the case of the Assisted Living Care portion) or; 2) can utilize Independent Living facilities.

As such, the proposed Eldercare Facility is consistent with Goal I and Objective 1-4 of the Community Plan.

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

Access to and from the proposed Eldercare Facility will be provided off of Sherman Way, a Major Highway Class II, and a newly improved Woodlake Avenue, a Secondary Highway. There is no vehicle or pedestrian access to the site from adjoining local residential streets. The site is located within close proximity to and is accessible to medical, commercial and retail services. As part of the on-site support

services provided to the residents of the Eldercare Facility, transportation services will be provided for residents to nearby medical, commercial and retail shopping and services, places of worship, doctor appointments, and other locations, thereby reducing vehicle trip generation within the surrounding residential community. As such, the proposed Eldercare Facility is consistent with Objective 1-2 of the Community Plan.

Community Plan Objective 1-3 *"Preserve and enhance the character and integrity of existing single and multifamily neighborhoods"*; and Community

Plan Policy 1-3.1 *"Seek a high degree of compatibility and landscaping for new in-fill development to protect the character and scale of existing residential neighborhoods"*.

The proposed Eldercare Facility would include extensive landscaped grounds, including courtyards, open space, amenities and a 25-foot wide landscaped setback area adjacent to residential uses on the east. The design and layout of the proposed Eldercare Facility is oriented towards Sherman Way and Woodlake Avenue, with all vehicle access and parking provided off of Woodlake Avenue, a Secondary Highway. The building architecture will include mission elements to reflect its location adjacent to the Canoga Mission Gallery and all four walls of the structures will be articulated and architecturally treated. The project will include extensive landscaping, including 36" box trees. A solid 6-foot high estate wall along the western and southern perimeter will provide buffering to existing adjacent residential uses.

No vehicle access to the proposed Eldercare Facility will be provided from Vose Street immediately adjacent to the east of the Project Site. The activity center on the Project Site (i.e., the parking areas and the main entrances to the Facility) is located in the center of the Project Site, along Woodlake Avenue, separated from the adjacent single-family residential uses to the east by a 25-foot landscaped buffer and the one and two-story Assisted Living Building. As such, the proposed Eldercare Facility is consistent with Objective 1-3 and Policy 1-3.1 of the Community Plan.

In view of the foregoing, the proposed Eldercare Housing project, as an allowed use subject to the required findings established in the affirmative herein, is consistent with the Community Plan.

#### **SITE PLAN REVIEW FINDINGS**

6. **That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan Map designates the property for Low Medium I Residential, Low Residential, and Very Low Residential land uses with corresponding zones of R2, RD3, RD4, RZ3, RZ4, RU, and RW1; RE9, RS, R1, RU, RD6, and RD5; and RE20, RA, RE15, and RE11, respectively. The property is not within the area of any specific plans or interim control ordinances. The subject site is not in an adopted redevelopment plan area.

As found above in Finding No. 5, the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and with any applicable specific plan.

Additionally, it has been observed that the proposed Eldercare Facility will comply with all applicable provisions of the Planning and Zoning sections of the Los Angeles Municipal Code except for deviations approved herein pertaining to the allowable density and the required setbacks. The Project Site is not located within an approved Specific Plan area. While the proposed Eldercare facility is not permitted by-right in the A1 Zone, pursuant to Section 14.3.1 of the Los Angeles Municipal Code (L.A.M.C.), the Zoning Administrator may permit an Eldercare Facility to be located on a lot or lots in the A1 through the R3 Zones, or in the RAS3, R4, RAS4 and R5 and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, subject to establishing the required findings outlined above (Finding Nos. 1 through 6).

The existing A1-1 Zone limits residential density on the site and requires minimum front, rear and yard setbacks of 25 feet. In addition, the maximum height permitted in the A1-1 Zone, pursuant to Section 12.21.1 is 45 feet. The Assisted Living Building will have a maximum height of 26-feet and will maintain minimum rear and side yards of 25-feet as required in the A1-1 Zone. Only the front yard along Woodlake Avenue, on the opposite side of the building from the adjacent single family homes, will have a reduced 15-foot front setback. The Independent Living Building, which is already located on the western portion of the project site, away from the adjacent single family neighborhood, will have a maximum height of 40-feet and will maintain a minimum southern side yard of 25-feet as required in the A1-1 Zone. The reduced 15-foot setbacks along Sherman Way and Woodlake Avenue, and the 5-foot setback adjacent to the vacant remnant City parcel, are consistent with other setbacks in the community and are not adjacent to any existing single family neighborhood. The proposed number of units and beds is consistent with the density allowed for other Eldercare Facilities given the size of the parcel and the buildings to be constructed.

Nevertheless, the site will still include open areas consisting of generous landscaped setbacks along the perimeter of the site, open courtyards, amenities, walkways and greater than required parking.



In order to screen the facility from adjacent residential uses, a 6-foot high estate wall will be provided along the western and southern perimeter of the site. Also, in order to provide a greater separation between the facility and adjoining single-family dwellings to the east, the building footprint was shifted west to provide a greater landscaped rear yard.

Although no particular amount of open space is required for an Eldercare Facility, the proposed Eldercare Facility is planned to provide ample useable open space, which includes landscaped outdoor courtyards. In addition, the proposed Eldercare Facility provides interior common areas, including recreation rooms, living rooms, family areas and libraries.

Off-street parking for the proposed Eldercare Facility is provided in parking lots located on the Project Site, accessed from Woodlake Avenue. Consistent with

Section 12.21-A,4(u) of the Code, a total of 269 parking spaces are required. Over 300 parking spaces will be provided and maintained on-site.

Therefore, as approved, with specific deviations, the proposed Eldercare Facility will comply with all other the applicable provisions of the LAMC.

7. **That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The project has been found to consist of an arrangement of buildings and structures (including heights, bulk and setbacks), off-street parking facilities, load areas, lightning, landscaping, trash collections, and other such pertinent improvements, which is or will be compatible with existing and future developments, which is or will be compatible with existing and future development on the neighboring properties. Details of this development scheme have been related elsewhere in this Letter of Determination in Findings 1 through 3.

8. **That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The project which contains residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate in that the proposed Eldercare Facility will provide 200 Independent Living units and 68 Assisted Living units with a maximum of 110 beds of Eldercare housing. A total of 269 on-site parking spaces are required and over

300 parking spaces are provided. As previously noted, numerous common areas and amenities are maintained on-site for the benefit of the residents to provide an enriched environment. Indoor amenities include common areas such as kitchens, dining, living, family and recreation rooms.

The facility will provide service amenities appropriate for Eldercare Housing. On-site services will include a full range of support services including daily living and aging in place services. Transportation services to local shopping/retail areas, medical offices, houses of worship, and the like will also be provided for the residents, eliminating the need for separate transportation arrangements and additional vehicle trips to and from the Eldercare Facility.

Substantial open space is provided for passive use and the guest rooms are designed so that all guest rooms adjoin or overlook a courtyard or landscaped walkway or patio. Outdoor recreational opportunities include landscaped pedestrian walkways with sitting areas and interconnected courtyard areas with patios.

There are separate outdoor landscaped courtyard areas that are integrated into the ground floor plan on both sides of the Project Site, in addition to the substantial landscaped setback areas. These landscaped areas afford additional separation and buffer to adjacent single-family residential uses. There is an on-site swimming pool on the westerly end of the project and each structure contains fitness rooms, libraries and recreation rooms.

In light of the above, the proposed Eldercare Facility provides its residents with appropriate type and placement of recreational facilities and service amenities to improve their daily living activities and habitability and, as a result, minimize the possible impacts on neighboring properties.

#### **ADDITIONAL MANDATORY FINDINGS**

9. 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 the property is located in Zone A, which has a 100 year flood status. (The property abuts the Bell Creek Flood Channel, a 100 year flood area.)
10. Pursuant to Section 15072 of the California Environmental Quality Act (CEQA Guidelines) the Department of City Planning Department issued a Notice of Intent to Adopt a Mitigated Negative Declaration under Case No. ENV-2012-1147-MND on July 26, 2012. A public comment period of 20-days was indicated ending on August 15, 2012. I hereby adopt that action. The project incorporates feasible mitigation measures identified in the mitigated negative declaration which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA because on July 26, 2012, a Mitigated Negative Declaration (ENV-2012-1147-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including

any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. In addition, the Zoning Administrator has imposed site-specific conditions of approval on the grant to ensure the use remains compatible with surrounding uses and in so doing has adopted the environmental clearance action reference above.

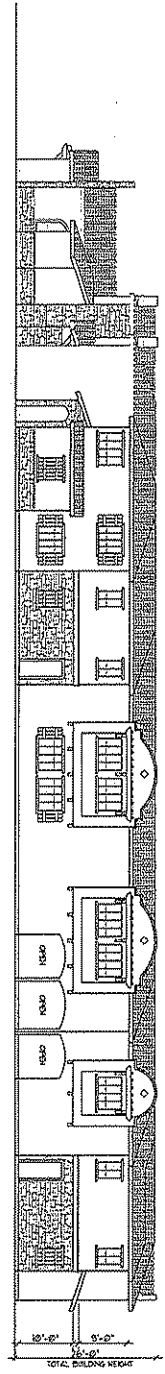
A handwritten signature in black ink, reading "Charles J. Rausch, Jr.", with a long horizontal line extending to the right.

CHARLES J. RAUSCH, JR  
Associate Zoning Administrator  
Telephone Number 213-978-1306

AL:CJR:Imc

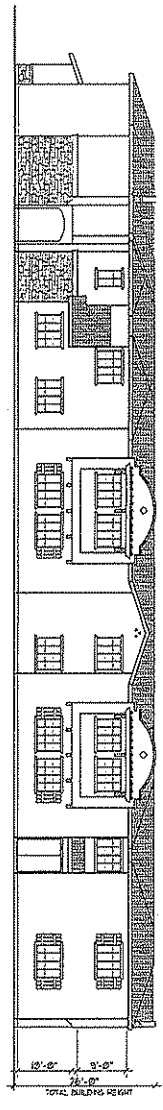
cc: Councilmember Mitchell Englander  
Twelfth District  
Adjacent Property Owners





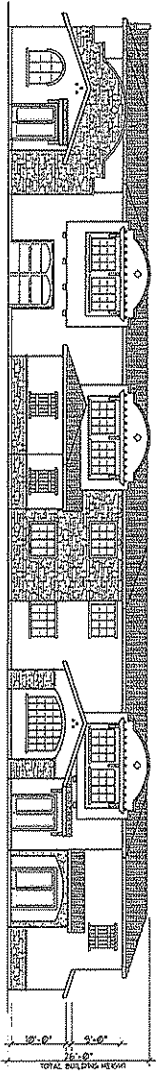
68-UNIT - WEST ELEVATION (WOODLAKE)

SCALE 1/8" = 1'-0"



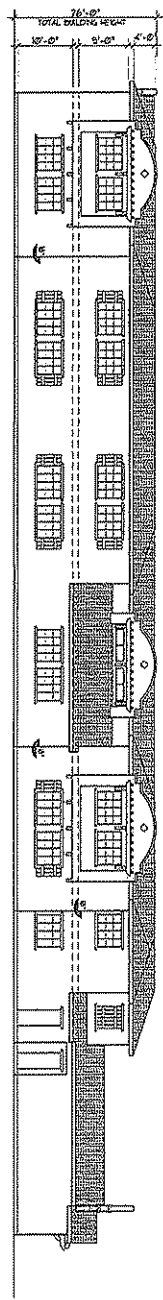
68-UNIT - SOUTH ELEVATION (BELL CREEK)

SCALE 1/8" = 1'-0"



68-UNIT - NORTH ELEVATION (PARKING LOT)

SCALE 1/8" = 1'-0"



68-UNIT - EAST ELEVATION (VOGEL)

SCALE 1/8" = 1'-0"

**EXHIBIT "A"**  
 Page No. 2 of 3  
 Case No. ZA 2012-1146 CE-LD(SPR)

68 UNIT ASSISTED SENIOR BUILDING

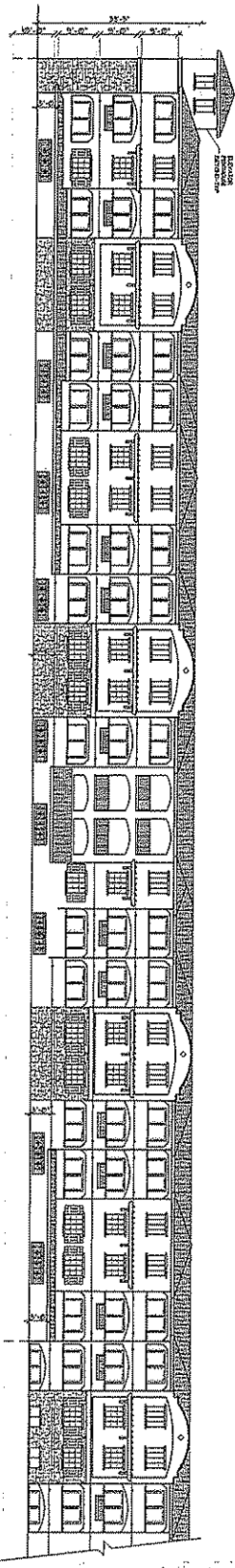
SCHEMATIC PLANS

<b>A1.6</b> SHEET NO.	<b>KEN STOCKTON ARCHITECTS, INC.</b> 11400 E. ADDISSA ROAD, P.O. BOX 844, DALLAS, TX 75241 (214) 230-1443 FAX: (214) 639-9604	<b>68-UNIT ASSISTED SENIOR- EXT. ELEVATIONS</b> DRAWN: RKS DATE: 02/27/12 PLAN CHK: PROJECT:	<b>PROJECT NAME:</b> <b>WEST HILLS SENIOR</b> SENIOR CITIZEN HOUSING 1400 WOODLAKE AVE WEST HILLS, CA	<b>OWNER:</b> <b>SHERMAN WAY-WEST HILLS PARTNERS, LLC</b> 21201 VENTURA BLVD., #1, WOODLAND HILLS, CA 91367
	68 UNIT ASSISTED SENIOR BUILDING			

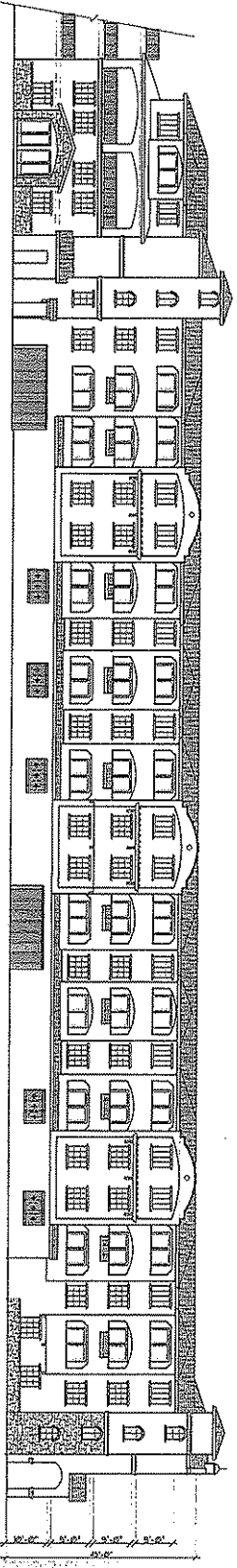
**EXHIBIT "A"**

Page No. 3 of 3

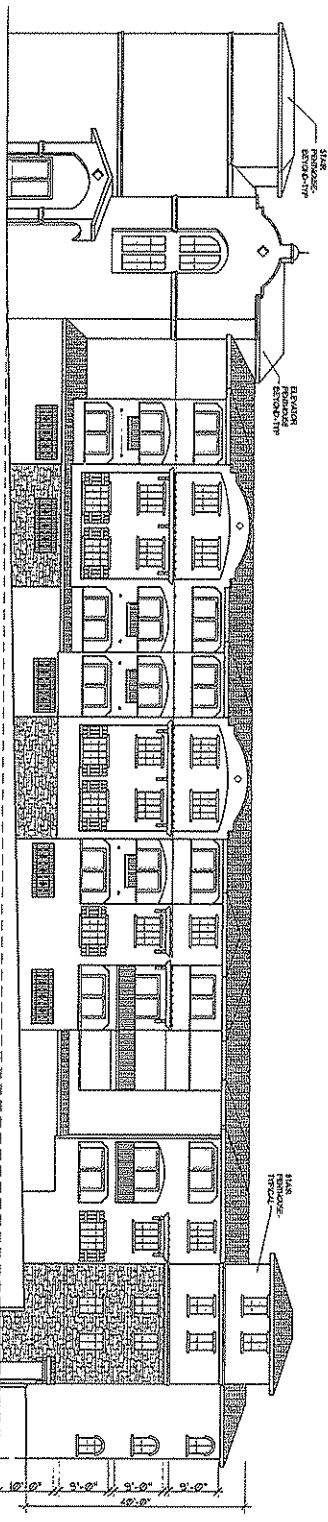
Case No. ZA-2012-1146 (E/L/D) (PR)



200 UNIT - NORTH ELEVATION (SHERMAN WAY)



200 UNIT - SOUTH ELEVATION (BELL CREEK)



200 UNIT - EAST ELEVATION (WOODLAKE)

200 UNIT SENIOR INDEPENDENT LIVING

**SCHEMATIC PLANS**

<p><b>A2.6</b></p>	<p><b>KEN STOCKTON</b> ARCHITECTS, INC. 19400 H AGONA ROAD, FORTY-FOUR, CALIFORNIA, CA 92501 (951) 800-1940 FAX (951) 800-1944</p>	<p>200-UNIT INDEPENDENT SENIOR EXT. ELEVATIONS</p>	<p>PROJECT NAME:</p>	<p>OWNER:</p>
		<p>DATE: 04/20/12</p> <p>PLAN NO.:</p> <p>PER: JH</p>	<p><b>WEST HILLS SENIOR</b> 6000 SHERMAN WAY 3200 SHERMAN BLVD WEST HILLS, CA</p>	<p><b>SHERMAN WAY - WEST HILLS</b> PARTNERS, LLC 27801 VENTURA BLVD., #1, WOODLAND HILLS, CA 91367</p>