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December 30, 2011

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CASE NO. ZA 2010-1694(ZAD)(SPR)
ZONING ADMINISTRATOR'S
DETERMINATION; SITE PLAN REVIEW
18719 Calvert Street
Reseda-West Van Nuys Planning Area
Zone : RA-1-1K
D.M. : 177B121
C. D. : 3
CEQA : ENV 2010-1696-MND
Legal Description: Lot 41, 42, 43, Tract
7691

Pursuant to the provisions of Section 12.21-A,2, I hereby

a Zoning Administrator's Interpretation that [REDACTED] ordinance
No. 179,883) does not apply to the Eldercare Facility;

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

a Zoning Administrator's Determination granting the construction, use and maintenance of an Eldercare Facility with no less than 75 percent of the floor area, exclusive of common areas, consisting of Senior Independent Housing and/or Assisted Living Care Housing; and

Pursuant to Los Angeles Municipal Code Section 16.05, I hereby APPROVE:

Site Plan Review for construction of a 74,436 square-foot, one- and two-story Eldercare Facility with up to elderly housing units including administrative offices, common multi-purpose space, a central kitchen, local country kitchens and dining areas with open space courtyards, gardening areas, dining patios, multi-use patio areas, swimming pool, landscaped open space and parking for 56 cars,

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 plot plan submitted with the application 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 Zoning Administrator 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 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 be~~ be responsible to defend, indemnify, or hold harmless the City.
7. Approval of Plans Review:

In order to provide for reexamination of the matter one year after the effective date of this Determination, an "Approval of Plans" shall be filed. This time period may be adjusted to coincide with issuance of the Temporary or Permanent Certificate of Occupancy. The applicant may amend the authorization to include expanded space if the expansion is to provide American with Disabilities Act access or larger bathrooms.

Said application must be filed no later than three months prior to the one year and said application must be made on the appropriate forms and fees paid. The application shall be accompanied by the payment of appropriate fees, as governed by Section 19.01-E of the Los Angeles Municipal Code, and must be accepted as complete by the Planning Department public counter. The completed application shall be accompanied by owner notice labels for abutting properties, and include the Council District, Neighborhood Council, and individuals on the interested parties list related to the subject grant.

The applicant/owner shall provide appropriate documentation to substantiate ongoing compliance with each of the conditions contained herein at the time of filing the Approval of Plans review application. The applicant shall submit proof that at least a summary of the compliance documentation was mailed to address labels noted above which included a statement that "In compliance with the conditions of approval, the attached documentation is mailed to interested parties. To assist the Planning Department in determining if a public hearing shall be held, interested parties should contact the Planning Department within two weeks."

The Zoning Administrator may elect to waive the public hearing if the applicant has fully complied with the conditions of approval, ~~and the operation of the facility would not adversely impact the surrounding community, and the matter is likely to be resolved quickly.~~

8. Authority/Limitation:

- a. The total building footprint of 39,902 square feet shall cover no more than 32 percent of the total site area. (*Mutual agreement between Tarzana Neighborhood Council and Project Proponent*)

- 1) Total floor area shall not exceed 74,436 square feet.
- 2) The number of stories shall not exceed two.
- 3) The maximum number of guest rooms shall not exceed 128, providing a maximum resident capacity of 156.

- b. Residential types are limited to (Ordinance No. 178,063):

SENIOR INDEPENDENT HOUSING – Residential housing that consists of dwelling units for persons 62 years of age and older and may include common dining areas or other community rooms. Full time medical services shall not be provided on the premises. It may be a component of an Eldercare Facility.

ASSISTED LIVING CARE HOUSING – Residential housing that is licensed by the California Department of Social Services and provides assistance to people 62 years of age or older who require assistance with two or more non-medical activities of daily living as defined in the Department of Social Services licensing requirements. The residential units may consist either of dwelling units or guest rooms. Full time medical services shall not be provided on the premises. The housing may be a component of an Eldercare Facility.

ALZHEIMER'S/DEMENTIA CARE HOUSING – Residential housing that is licensed by the California Department of Social Services and provides 24-hour care for people suffering from Alzheimer's disease or other disorders resulting in dementia. The residential units shall be guest rooms only. The housing may be a component of an Eldercare Facility.

- c. Residential Mix (Ordinance No. 178,063)

- 1) Construction. Plans submitted to the Department of Building and Safety for obtaining a building permit shall indicate a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Senior Independent Housing and/or Assisted Living Care Housing.
- 2) Operation. The license and subsequently renewals from California Department of Social Services, Community Care Licensing Division shall reflect a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Senior Independent Housing and/or

Assisted Living Care Housing Residential mixed, as required for the project. Verification of compliance shall be submitted to the Office of Zoning Administration upon obtaining the final Certificate of Occupancy, at the time of Approval of Plans review, and anytime verification is warranted.

9. Environmental Mitigation Measures. Comply with the environmental mitigation measures of Mitigated Negative Declaration No. ENV 2010-1696-MND, attached (*complete copy of mitigation measures in Environmental case file*). Pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that any mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
10. Intergenerational Program. Prior to issuance of the temporary or permanent Certificate of Occupancy, a plan which details intergenerational services shall be submitted to the Office of Zoning Administration. The plan shall identify alternatives to the current relationship with Discovery School in order to maintain the Eldercare Facility as intergenerational with nearby public or private schools.
11. Landscape. A landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor shall be submitted to the Office of Zoning Administration. All landscape areas shown on the landscape plan shall be in accordance with the tentative landscape plan in the case file. The Zoning Administrator shall determine whether the landscape plan is in conformance with tentative plan, Section Nos. 12.40 (Landscape – General), 12.41 (Landscape – Water Management), 12.42 (Landscape), and 12.43 (Source Reduction of Waste) of the Los Angeles Municipal Code, and provisions below:
 - a. General. Landscaping shall consist of plant materials such as trees, shrubs and planted ground cover. All grade level planting areas shall be contained within a minimum 6-inch-high continuous concrete curb.
 - b. General. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan.
 - c. Perimeter landscaping along Calvert and Yolanda Streets shall screen the building from public view with a landscape plan prepared by a licensed Landscape Architect to the satisfaction of the City Planning Department. (*Mutual agreement between Tarzana Neighborhood Council and Project Proponent*)
12. Lighting:
 - a. The parking areas shall be illuminated in order to make easily discernible the appearance and conduct of all persons on or about the property.
 - b. All lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to shine directly onto any adjacent property. This condition shall not preclude the installation of low-level security lighting.

(Mutual agreement between Tarzana Neighborhood Council and Project Proponent, Modified by the Zoning Administrator)

13. Maintenance. The property, including any associated parking facilities and abutting streets, sidewalks and alleys, shall be maintained in a neat and attractive condition at all times and shall be kept free of trash and debris on a daily basis.

14. Noise:

- a. Noise shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,571, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. The use of any outdoor public address or paging system is prohibited.
- c. Truck deliveries to the site and trash pick-up from the site shall occur only between the hours of 8 a.m. and 5 p.m., Monday through Friday. The trash hauling company and all major vendors shall be informed by the applicant that all activity associated therewith shall be conducted between 8 a.m. and 5 p.m. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent)*
- d. Any outside compactor, compressor or generator, if any, shall be fully enclosed with sound attenuation materials to the satisfaction of the Office of Zoning Administration. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent, Modified by the Zoning Administrator)*

15. Parking/Transportation:

- a. Parking shall be provided in accordance with requirements of the Los Angeles Municipal Code and to the satisfaction of the Department of Building and Safety. No deviation from requirements has been requested or granted herein.
- b. Execute and record a covenant running with the land identifying how additional parking spaces will be developed, if the development ceases to qualify for the reduced parking (i.e., not qualify pursuant to Section 12.21-A,4(u)(1) of the LAMC).
- c. A minimum of 56 on-site parking spaces shall be provided or as required by the Municipal Code, whichever is greater. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent, Modified by the Zoning Administrator)*

All employees driving a personal vehicle to the site shall be instructed in writing by the owner/operator to park on-site during the hours they are working at the subject facility. No facility vehicle shall be parked on adjacent streets at any time. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent)*

- e. The owner/operator shall implement a transportation program providing incentives for all employees to participate in, but not be limited to ride share, car pool, van pool, and public transportation on the neighboring Orange Line and/or any other mass transit system. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent)*
- f. The owner/operator shall offer programs providing transportation of residents, via passenger van or otherwise, to doctor's visits, shopping, recreational outings, etc. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent)*
- g. To the greatest extent feasible all drop-off and pick-up shall occur on-site.
- h. Transportation Demand Management. Include information in brochures programs and flyers advertising activities encouraging alternative transportation and offer incentives to users who use alternative means of transportation other than single-occupancy vehicles.
- i. Use due diligence in seeking additional sites for parking, if other mitigation measures are found deficient. Use of a residential lot may require review and approval of City Planning Department.
- j. To reduce potential spillover parking in residential areas, place signs or notices or in key locations on-site or by other means presenting parking policies and warning drivers of the possibility of being towed for noncompliance with Municipal Code parking laws and regulation herein.
- k. Special events at the site shall not be scheduled at the same time special events are scheduled at the Discovery School site, unless the events are intergenerational between the two uses. A copy of a current yearly calendar of such scheduled events shall be provided upon request of the designated representative of a recognized local neighborhood organization or Office of Zoning Administration. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent, Modified by the Zoning Administrator)*

16. Employees/Staffing:

- a. The facility shall be professionally staffed 24 hours, daily. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent)*
- b. Employee shifts shall be staggered as follows: *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent, Modified by Project Proponent's November 15, 2010 Letter)*
 - 1). Day shift:
 - 7 a.m. to 3:30 p.m. (approximately 13 employees)
 - 7:30 a.m. to 4 p.m. (approximately 13 employees)
 - 2). Evening shift:
 - 3:45 p.m. to 11:45 p.m. (approximately 10 employees)
 - 4:45 p.m. to 12:45 p.m. (approximately 10 employees)

START
152
152

- 3) Night Shift: 12:30 p.m. to 7:15 a.m. (approximately 12 employees)
17. Public Services – Streets Public Improvements shall be to the satisfaction of the Bureau of Engineering and Los Angeles Department of Transportation.
- a. Controlled Intersection. Yolanda Avenue and Calvert Street currently have a two-way stop sign on both sides of Calvert Street. The project proponent shall request Los Angeles Department of Transportation and if allowed shall install additional signage creating a four-way stop allowing for safer crossing.
 - b. The project proponent shall install a crosswalk crossing Calvert Street to the southeast and any necessary street improvements, to the satisfaction of Bureau of Engineering and Los Angeles Department of Transportation.
 - c. Dedications and improvements shall be provided to the satisfaction of the Bureau of Engineering:
 - 1) Calvert Street – Calvert Street is a designated Collector Street and currently consists of a 30-foot half right-of-way including a 20-foot half roadway and existing curb and gutter along project frontage. BOE cross section standard of a Collector Street is to have a 32-foot half right-of-way containing a 22-foot half roadway and a 10-foot sidewalk. A 2-foot dedication and construction of the sidewalk is recommended to bring this section of Calvert Street up to the aforementioned standard.
 - 2) Yolanda Avenue – Yolanda Avenue is a Local Street and currently consists of a 30-foot half right-of-way including an 18-foot half roadway and existing curb, gutter and sidewalk along project frontage. Bureau of Engineering cross section standard of a Collector Street is to have a 30-foot half right-of-way containing an 18-foot half-roadway. The existing right-of-way and roadway match the Standard Street Dimensions specified in the aforementioned standard. Therefore, DOT has no recommendation of specific improvements to this street required by the applicant in conjunction with this project.
 - d. Reduce or eliminate access and curb cuts along the Yolanda Avenue frontage by closing all unused driveways and finish with curb and parkway to match existing improvements.
 - e. Street lights shall be installed to the satisfaction of the Bureau of Street Lighting.
 - f. Street trees shall be planted and maintained along the streets. Construction of tree wells and planting of street trees and parkway landscaping shall be to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
 - g. All driveways shown on the site plan shall include a width dimension of 30 feet for two-way driveways. This width dimension does not include the width of the driveway aprons.

18. Rooftop Mechanical Equipment and/or ductwork that exceed the roof ridge or parapet wall, whichever is higher, shall be screened from horizontal view with materials compatible with the design of the building.
19. Signs. Signs shall comply with Section 12.21-A,7(i) and not exceed 18 square feet. Prior to the issuance of a building permit, a master sign plan shall be submitted indicating the general type, size, and location of any identification sign, parking signs, directional signs, or new signs. The signs shall be in easy to read lettering and shall be sensitive to the residential nature of the area. The sign plan shall be to the satisfaction of the Zoning Administrator.
20. Stamped concrete shall be installed at the driveway/sidewalk transition for pedestrian safety.
21. Site Plan Modifications:
 - a. Three storage containers shown at the northwest corner shall be removed or fully incorporated into the project with similar design.
 - b. The plans shall show all loading areas and loaded to the satisfaction of the Zoning Administrator.
22. Trash/Storage. Open areas devoted to trash storage or other storage shall be buffered so as not to result in noise, odor, or debris impacts. A solid masonry block wall or similar material as the building or attached structure, a minimum of 6 feet in height, shall enclose trash and other storage areas. The trash area shall not be located along the northeast property line near residential uses. There shall be no openings except for gates. *(Mutual agreement between Tarzana Neighborhood Council and Project Proponent, Modified by the Zoning Administrator)*
23. Utilities. All new utility lines that directly service the site shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 \$1,000 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 JANUARY 17, 2011, 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 Zoning Administrator who acted on the case. 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, the statements made at the public hearing on February 14, 2011, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The project site is a level, square-shaped, corner parcel of land, comprised of eight lots and approximately 125,460 square feet (2.88 acres), with a 340-foot frontage on the west side of Yolanda Avenue and a 369-foot frontage on the north side of Calvert Street (both Local Streets). The property is zoned RA-1-K and has a Land Use Designation of Very Low I Residential (RA, RE20), is located within the Reseda-West Van Nuys Community Plan Area, within 500-feet of a school zone (Sherman Oaks CES Magnet School), in an Airport Hazard Area 400' Height Limit Above Elevation 790, and a Liquefaction Area.

The property is developed with five single-family dwellings (built in 1926, 1938, 1948, 1951 and 1955) on five separate lots and associated accessory buildings. Three of the dwellings front Calvert Street and two front Yolanda Avenue. The other three lots are vacant and appear to be partly used for storage. The properties have various front yard fencing up to 6 feet in height. A significant number of mature trees and vegetation are located on the project site.

The surrounding properties are zoned RA-1-K and primarily developed with single-family dwellings to the north, east, and southeast. The northwest adjoining property is developed with a church. The south abutting property is developed with a private preschool/kindergarten (Discovery School- same owner), the southwest abutting property is a residential vacant lot, and the west adjoining property is developed with a single family dwelling, however appears to be also used for open storage. The area is zoned as an equine keeping district "K" however no obvious signs of equine keeping was observed. The area appears to be a mix of partly semi-rural character with mature landscaping, large lots, no sidewalks (i.e., subject block), and more densely developed or smaller single-family lots to the east and southeast. Non-residential uses, such as churches, schools, plant nurseries, also exist in the neighborhood. The MTA Orange Line Busway is approximately 480 feet south of the subject property and approximately 1,900 feet to the bus station on Reseda Boulevard.

Calvert Street, adjoining the property on the south is a Local Street with a width of 60 feet and partially approved (across the street) with a concrete and asphalt roadway, concrete curb and sidewalk.

Yolanda Avenue, adjoining the property on the east is a Local Street with a width of 60 feet and partially improved with an asphalt roadway, concrete curb and sidewalk

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. CPC 2002-6071(CU) – On May 3, 2005, the subject request was terminated per applicant request. The project was for the demolition of four single-family dwellings and remodeling of one single-family dwelling for use as a school administrative office and the establishment of a new private elementary school to be developed in three phases.

Surrounding Properties

Case No. ZA 2009-0717(ZV) – On December 28, 2009, the Zoning Administrator approved a Variance for the continued use and maintenance of a landscaping/sprinkler business including the outside storage of materials, trucks, tractors, bulldozers and trailers, on an approximately 101,605 square-foot site in the RA-1-K Zone, located at 18800 West Calvert Street, approximately 145 feet southwest of the subject property. The approval included 18 conditions. The grant was for a six-year period with a Plan Approval Review in two years. Similar term grants were previously approved under Case Nos. ZA 2000-3014(ZV) and ZA 95-0120(ZV).

Case No. ZA 2008-0536(CU)(ZV) – On August 19, 2009, the Zoning Administrator approved a Conditional Use authorizing the continued use and maintenance of a dog care and wellness facility within 500 feet of a residential use; and approved a Zone Variance to permit the use of a portion of the P Zone for an exterior, enclosed one-on-one dog training area and separate enclosed dog exercise area, all on a 23,010 square-foot property in the M1 and P Zones, located at 18603 Topham Street, approximately 494 feet southeast of the subject property.

Case No. APCSV 2003-7329(ZC)(ZAA)(SM) – On August 18, 2004, the South Valley Area Planning Commission (and later City Council) a zone change from RA-1-K to RE-11-1-K, approved a Zoning Administrator Adjustment to allow lot areas of 9,000 square feet for Parcels "A" and "B" in lieu of 11, 000 square feet, and approved a Slight Modification to allow lot widths of 64 feet in lieu of 70 feet, for a properties located at 18631, 18635 Calvert Street, and 18626, 18632 Delano Street, approximately 190 feet east of the subject property.

Case No. ZA 95-0965(CUZ) – On March 18, 1996, the Zoning Administrator approved a Conditional Use at 18719 Topham Street (south abutting property, same owners) to permit the addition of kindergarten to 5th grade to existing preschool.

Case No. CUZ 81-107 – On July 24, 1981, the Zoning Administrator denied a Conditional Use at 18719 Topham Street to permit a Nursery School for 405 children.

Case No. ZA 91-0641(ZV) – On October 4, 1991, the Zoning Administrator approved a Variance to permit the use and maintenance of a wholesale plant nursery with a modular office structure, accessory uses and structures related to the

planting, growing, maintenance and storage of trees and plants in potted containers in the RA-1 Zone and a Variance to permit the continued use and maintenance of decomposed granite and pebble surfacing for driveways and parking areas on a property located, at 18818 Erwin Street., approximately 380 feet northwest of the subject property.

PUBLIC HEARING


On July 15, 2011, notice of the public hearing was mailed to 280 property owners/occupants within a 500-foot radius and to interested parties of which 54 were returned. At the time of preparation of the Project Planner's Report, the Los Angeles Department of Transportation (LADOT) submitted a memorandum dated January 24, 2011 stating LADOT conducted a careful review of this traffic study's pertinent assumptions, analyses and conclusions, and conducted independent field studies and research to validate the data. Also, the following correspondence was received from the general public:

Letters in support submitted with the application:

- 5700 Harlene Place, Tarzana – October 25, 2010 – Supports request – will bring new and modern center to our area, mother will probably need for dementia (currently cared for at home), like the intergenerational program.
- Jeff Friedman – SFV Marketing and Admissions Professionals for Seniors – Strongly support, strong need, beautiful design, excited to see seniors connected to a neighborhood and intergenerational component, based on experiences with senior facilities, they have minimal impacts, relatively quiet and self-contained.
- Peter and Dr. Jean Kravitz – 5044 Otis, Tarzana - October 25, 2010 – Strongly support – kids go to Discovery School, mother is impaired, may eventually need similar care, like intergenerational component and location, will beautify neighborhood.
- Dave Aviram – 18614 Calvert and 18625 Topham (Thrifty Tree Service) - October 18, 2010 – Support because it will increase jobs, revenue and beauty to the area. Area on Calvert between Wilbur and Yolanda is in need of improvement.
- John Witt – Burco Sprinklers, Tarzana – September 23, 2010 – Owns 18731 Topham – Supports project, area in need of street improvement and revitalization, beautiful quality building.
- Sylvia Silverstein – 18709 Topham – Support project because we need quality senior care. Will be nice improvement to the area.
- K9's Only – 18603 Topham – Support because will provide positive growth to the community. We intend to partner with the facility by providing pet therapy.
- Ira Handleman – 16633 Ventura Blvd. – October 20, 2010 – Support – My mother was a resident at the Levi's board and care facility, Shalev Senior Living, for almost two years – they provided phenomenal senior care.

- Michael Silverstein – Medic ID;s International – 18709 Topham - October 20, 2010 – Support because I believe in the need for quality senior care and will be a nice improvement to the area. As a Discovery School neighbor, I never had problems with the Levi Family.
- Tyler Inglett–Property owner of 18625, 18606, 18001, 18558 Calvert, 18539, 18551, 18552 Topham – October 20, 2010 - Firmly support because will provide much needed benefits to the area, will boost job growth, and will enhance looks and feel of the area.
- Yoram Kesten – Property owner 18631 Topham and 6120 Yolanda – October 14, 2010, Support ,same as above.

Tarzana Neighborhood Council – Submitted a letter in support with recommended conditions, dated January 27, 2010.^{1/} The letter included attachments and concluded with,

 "[w]e have attached a ZIMAS map and excel sheets showing that this area is predominantly zoned RE11, and not RA-1 For the past ten years, requests for zone changes from the RA-1 Zone to the RE11 zone have been approved by the City Planning Dept. with the full support of the neighbors. This Calvert/Erwin/Topham area is unique and contains a variety of uses. This Eldercare Facility will be a positive enhancement to Calvert Street.

We urge you to support the Tanana Neighborhood Council's position and not dismiss it, or in any way, compare it to Melody Acres."

Tarzana Neighborhood Council Recommended Conditions:

1. Maximum height of new structures shall not exceed 35 feet.
2. The total building footprint of 39,902 square feet shall cover no more than 32% of the total site area.
3. The building shall not exceed:
 - a. 74,436 Square feet of floor area
 - b. 2 stories
 - c. 128 living units, consisting of a resident capacity of 156.
4. The facility shall be professionally staffed 24 hours daily.
5. Perimeter landscaping along Calvert and Yolanda Streets shall screen the building from public view with a landscape plan prepared by a licensed Landscape Architect to the satisfaction of the City Planning Department.

6. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped in accordance with a landscape plan, prepared by a licensed landscape architect for review by the Tarzana Neighborhood Council and the approval of the City Planning Department.
7. The site operator shall implement a transportation program providing incentives for all employees to participate in, but not be limited to:
 - a. ride share
 - b. car pool
 - c. van pool
 - d. public transportation on the neighboring orange line and/or any other mass transit system.
8. Employee shifts shall be staggered as follows:
 - a. Day shift:
7 a.m. to 3:30 p.m. (approximately 13 employees)
7:15 a.m. to 3:45 p.m. (approximately 13 employees)
 - b. Evening shift:
3:30 p.m. to 11:30 p.m. (approximately 10 employees)
3:45 p.m. to 11:45 p.m. (approximately 10 employees)
 - c. Night Shift:
11:30 p.m. to 7:30 a.m. (approximately 12 employees)
9. A minimum of 54 on-site parking spaces shall be provided.
10. All employees driving a personal vehicle to the site shall be instructed in writing by the business operator to park on site during the hours they are working at the subject facility. No facility vehicle shall be parked on adjacent streets at any time.
11. Truck deliveries to the site and trash pick-up from the site shall occur only between the hours of 8 a.m. and 5 p.m., Monday through Friday. The trash hauling company and all major vendors shall be informed by the applicant that all activity associated therewith shall be conducted between 8 a.m. and 5 p.m.
12. The site operator shall offer programs providing transportation of residents, via passenger van or otherwise, to doctor's visits, shopping, recreational outings, etc.
13. Special events at the site shall not be scheduled at the same time special events are scheduled at the Discovery School site. A copy of a current yearly calendar of scheduled events shall be provided upon request of the designated representative of a recognized local neighborhood organization.

14. Trash containers shall be shielded from view by an enclosure constructed of materials which match the color and materials of the nearest exterior wall of the building. The enclosure shall have a locked gate and not permit direct views through the gate.
15. Any outside compactor, compressor or generator, if any, shall be fully enclosed with sound attenuation materials to the satisfaction of the Department of Building and Safety. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent residential properties.
16. Performance Review: At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City Planning Dept. 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 and the effectiveness of these conditions. The applicant shall prepare a radius map and cause for notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, Tarzana Neighborhood Council, and the Los Angeles Police Department corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the City Planning Dept. may modify, add or delete conditions and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

Eileen Rabach, Melody Acres Neighborhood – Letter of Opposition (*via email dated February 11, 2011*) stating strong opposition to proposed elder care development in that "...we struggle to maintain the rural RA setting of our neighborhood, our residential status needs to be preserved, this commercial development, with the traffic, parking, noise, is change that will be destructive to our investment and our neighborhoods, disagree with Tarzana NC, elder care facility not needed, there are two elder care facilities in our neighborhood that have empty beds."

Project Planner's Report (*entire version in case file*)

Prior to the public hearing, staff of the Office of Zoning Administration conducted a site visit of the property and observation of the immediate area. The following information was obtained from information presented in the application and research of the Project Planner:

The proposed project is the demolition of thirteen structures consisting of five single-family dwellings totaling approximately 5,150 square feet, and eight accessory buildings and the construction of a new 74,436 square-foot Eldercare Facility with up to 128 units housing up to 156 elder residents on 2.88 acres.

The proposed building is one- and two-story and a maximum height of 29 feet, and includes a multi-purpose room, central kitchen, multiple dining and lounge areas, administrative offices, and lobby area. Two surface parking lots totaling 54 parking spaces are proposed, one located at the rear of the site along the north property line

with two-way access from Yolanda, and one near the southeast corner of the site with two-way access from Calvert. Open space areas are proposed to include two garden areas, a swimming pool, multiple outdoor patio areas and outdoor dining areas. A total of approximately 64 trees are proposed to be removed.

The facility will operate 24 hours, daily with three shifts (day, evening, night), however the day and evening shifts will be slightly staggered to two different start and end times, resulting in approximately a 15 minute difference. A maximum of 26 employees will be on-site at one time.

The project requires a Zoning Administrator's Determination pursuant to Los Angeles Municipal Code Section 14.3.1 for an Eldercare Facility in the RA-1-K Zone, a Site Plan Review pursuant to Los Angeles Municipal Code Section 16.05.C for a project of 50 or more dwelling units or guest rooms, or combination thereof, and a Zoning Administrator's Interpretation pursuant to Los Angeles Municipal Code Section 12.21-A,2 that the Baseline Mansionization Ordinance No. 179,883 does not apply to the Eldercare Facility, which will be discussed in more detail below.

Eldercare Ordinance and Project Detail

On December 30, 2006, Eldercare Facilities Ordinance No. 178,063 became effective, which more clearly defined different types of senior housing (for ages 62 and older), and resulted in more appropriate development standard and requirements, such as parking ratios. The ordinance also resulted in a single approval process for these uses, now referred to under Section 14.3.1 of the Los Angeles Municipal Code.

The proposed facility will provide the following:

- 68 Assisted Living Care studio units - approximately 300 square feet each
- 28 Assisted Living Care one-bedroom units which include two beds and a kitchen area – 482 square feet each
- 32 Special Needs (Skilled Nursing Care and/or Alzheimer's/Dementia Care) units – 300 square feet each

The Eldercare Ordinance requires that a minimum of 75 percent of the floor area (exclusive of common areas) shall consist of Senior Independent Housing or Assisted Living Care Housing. In this case, the project is providing 75 percent for Assisted Living Care ($96/128 = .75$). Additionally, 24-hour care will be provided on-site, which is required for Alzheimer's/Dementia Care and may be provided for Skilled Nursing Care.

It is noted that the project summary compared to type units shown on the submitted plans differ slightly in that the plans show there are 40 Special Needs units. The Project Planner assumes this is incorrect, and that the summary information is correct, otherwise the minimum requirement of 75 percent floor area for Assisted Living Care would not be met.^{2/} In any event, final plans would need to be

2/

AZA Commentary: The method to determine compliance with the Eldercare Facility definition is not accomplished by calculating a minimum of 75 percent of the units. Rather, it is calculated using floor area (exclusive of common areas). (Section 12.03 of the Los Angeles Municipal Code)

corrected. Additionally, the applicant advised staff to ignore the Phase I and Phase II break out in that no phased project is proposed.

The Eldercare Facility Ordinance requires one parking space for an Assisted Living Care unit or guest room and 0.2 parking is required for a Skilled Nursing Care or Alzheimer's/Dementia Care guest bed. A parking reduction of 50 percent is allowed for the assisted care units which the project meets, therefore the required parking is $96 \times .5 = 48 + 6 = 54$. The project meets the parking reduction criteria in that every unit will be occupied by a disabled person (defined in the Ordinance) or 62 years or older and that there will be at least 10 square feet of indoor recreation space and at least 50 square feet of outdoor usable open space for each dwelling unit, accessible to all the residents of the development. Thus, in this case, 1,280 square feet of indoor recreational space and 6,400 square feet of usable outdoor open space would be required. The project is providing 2,451 square feet of indoor recreation space in the multi-purpose room (not including additional indoor open space areas such as lounge areas) and over 24,000 square feet of usable outdoor open space consisting primarily of garden areas and courtyards. A covenant and agreement is also required that if the development ceases to qualify for the reduced parking (i.e. operational changes), the owner will at the written request of the Department of Building and Safety develop the additional parking spaces otherwise required for the development.

According to the applicant:

Regarding Eldercare Facility Requirement

"...Any outright prohibition of Eldercare Facilities creates unnecessary hardships for the elder community as well as the owners of appropriately situated properties inconsistent with the general purpose and intent of the zoning regulations because a large and growing segment of the population would be deprived of appropriately supervised housing and day-to-day care absolutely necessary for the elder community.

As provided in LAMC Section 12.02, among the purposes of the comprehensive zoning ordinance, LAMC Section 12.00 et seq., is to "encourage the most appropriate use of land . . . and to promote health, safety, and the general welfare all in accordance with the comprehensive plan." . . .the US Census estimates that beginning in 2011, the population of people aged 65 and over in California will grow at a faster rate than the total population of the state. With this demographic shift, we will be faced with a daunting task of providing housing to a population that is currently underserved. A strict application of the use limitations of the RA Zone by not allowing an Eldercare Facility at the Property would be inconsistent with the stated purpose of providing for the general welfare of all members of the community.

... the Eldercare Facility in the requested location will not be materially detrimental or injurious to properties and improvements in the immediate area, but will compliment and enhance them. The project and the design of the facility is completely residential and non-institutional in character.

A unique opportunity presents itself in this case. Immediately across the street is a preschool owned and operated by the Applicants, called Discovery School. The Applicant also operates two additional preschools in the vicinity of the Property. The community of seniors at the Eldercare Facility will provide a loving home for its residents, but it is important to maintain a connection between the elder residents and the younger generation. One of the most unique features of the community will be the inter-generational component of the program which will allow a social and educational connection between the Eldercare Facility's residents and the preschoolers. Regular interaction between the residents of the Eldercare Facility and the preschoolers is mutually beneficial to both programs...

The Applicants have been running pre-schools for 16 years and assisted living and skilled nursing/dementia care housing for four years.

The close proximity of the two properties lends itself perfectly to the enhancement of the two communities...

The proposed Eldercare Facility will not merely follow Social Services regulations of an assisted living or dementia unit staff-to-resident ratio, but will greatly exceed these regulations in both the Assisted Living and Special Needs wings. The significantly increased staff will allow caregivers to focus more attention on the individual, and constantly monitor the residents' conditions, adding to resident safety.

Additionally, California regulations require that in a residential care facility for the elderly of 100-200 residents, there must be at least one staff member awake at night, one asleep, and one that can arrive within ten minutes if necessary. Most facilities currently have night staffing that is not drastically different from what regulations require. However, the proposed facility will exceed this regulation as well. Night staffing will be roughly equivalent to the standard day staffing at most other facilities."

Regarding Assisted Living

"... The focus of the staff in the Assisted Living area will be balancing the residents' need for care, with their desires to remain independent. Each day is filled with independent choices in terms of activities, meals and daily routine, but immediate assistance is always available."

Regarding Skilled Nursing; Care Housing; and/or Alzheimer's/Dementia Care Housing

"This area of the facility is designed to answer the needs of residents with varying levels of dementia or other degenerative conditions. Here, an even greater amount of caregiver oversight and supervision is provided to prevent accidents that may occur otherwise. Additionally, this area of the Property will be more confined, as residents are often less ambulatory..."

Regarding Aging in Place

"... one of our top priorities of this facility is to have the ability for residents to age in place. This is often referred to as a "continuum of care" - the ability of one facility to handle the needs of the resident as they age, preventing a traumatic move to a new environment..."

Regarding the Daily Program

"... Examples of classes and activities include cooking, exercise, water aerobics, cards and games, music, ballroom dance, memory enhancement, art, gardening, Tai Chi, book club, current events and pet therapy.

The Eldercare Facility will not create an adverse impact on street access or circulation in the surrounding neighborhood.

A Traffic Impact Analysis ("Traffic Analysis") was prepared for the Eldercare Facility at the Property by Overland Traffic Consultants Inc. and found no significant traffic related impacts are created by the proposed Eldercare Facility. See Traffic Analysis dated April 2010, included as a part of the environmental review.

Additionally, hybrid jitney vehicles will transport individuals or small groups for outings, shopping, religious observances and family activities. Traffic analyses and data show that family visits are not a significant source of noise or traffic congestion. The design of this corner site screens traffic and parking from the surrounding properties. Ingress and egress is to and from Yolanda. There is an easy and proximate connection to the Topham/Oxnard Busway. The near proximity of the busway will allow staff and visitors to use public transportation as a convenient and reliable alternative to driving their own cars."

Regarding Site Plan and Eldercare Facility Requirement

"The Eldercare Facility 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 the existing and planned future development on neighboring properties.

The proposed project and the design of the facility is completely residential and non-institutional in character. The completed facility will resemble a series of modestly scaled homes set well back from Calvert and shielded by extensive landscaping. The project is a significant residential upgrade to the existing improvements on the Property.

The facility entrance and access to the administrative area is through a modestly scaled two story house and broad, welcoming, entry porch. Offices and administrative staff will greet residents and families within a living room setting. Covered porches and walkways lead to two story residential clusters of about 48 units each. In each cluster there is a "Country Kitchen" serving as a dining room and social center for each of the clusters. The country kitchens

are the size of a family room in typical homes in the neighborhood. The use of covered porches and walkways, arched openings and gabled roof lines present residential scale and well thought through home environment.

Loading areas are located entirely on site, well within the property boundaries and away from the nearby properties as is the trash storage area. A comprehensive landscape plan is included with this application. The plan provides a tasteful and sustainable landscape scheme which will prove beneficial to the facility residents and the surrounding community alike.

The Eldercare Facility is conscientiously designed to compliment the surrounding single family development in size, scale and design. The maximum height of the buildings on site is 29'0".

The design includes large open spaces throughout the Property. The Central Courtyard consists of 9,000 square feet of open space, including a large swimming pool, multi-use patio and dining patio. The Special Needs Garden consists of 7,520 square feet of open space, including an open patio, raised planters, and a dining patio. The West Courtyard consists of 4,020 square feet of open space, including an open patio surrounding a large decorative fountain and an additional multi-use patio adjoining another open multi-use area consisting of 7,350 square feet. The Assisted Living Garden consists of 4,100 square feet of open spaces including additional raised planters.

The Eldercare Facility is precisely on point with all six of the Design requirements of the Urban Design Chapter that the "design of all buildings....be of a quality and character that improves community appearances by avoiding excessive variety or monotonous repetition." see p. V -4, Community Plan.

The architecture makes great use of building articulation, recesses and surface perforations to break up the building facades.

The Eldercare Facility will resemble a series of modestly scaled homes set back from Calvert and complimented with extensive landscaping. The front elevation includes multiple recesses and a heavily articulated facade and roofline.

The building facade is treated throughout with varying depths of stucco wainscoting and trim complimenting ceramic tile and Spanish barrel tile roofing.

The design includes archways defining the first floor elevations and alternating gables, hips and varying roof lines defining the second floor elevations.

The facility design takes advantage of necessary building fixtures such as the security walls and gates to compliment and enhance the building's overall presence rather than distract from it.

All roof top equipment will be effectively screened from view as will building appurtenances with the creative use of landscaping and softening architectural elements.

An area is specifically designated to contain trash receptacles and is completely enclosed with decorative masonry walls.

The neighborhood is a transitional area originally developed with single-family residential homes consisting primarily of deep RA zoned properties, many of which are now used for non-residential uses such as plant nurseries, landscape business, nursery school, truck storage and a church.

The design of the facility takes thoughtful consideration of the established single-family homes as well as the reality of the ongoing transition to non-residential uses. The design is architecturally compatible with the residential character of the area and is arranged and organized in a fashion minimizing any potential impacts on the residential community. "

Regarding Zoning Administrator's Determination

"Ordinance No. 179,883, known as the Baseline Mansionization Ordinance ("BMO"), effective June 29, 2008, applies to residential construction in the RA Zone. Among other things, the BMO includes limitations on maximum residential floor area. The definition for "residential floor area" in Section 12.03 provides, in relevant part, "[t]he area is square feet confined within the exterior walls of a building or accessory building on a lot in an RA, RE, RS, or R1 Zone. Although the BMO is applicable only to the single-family residential zones listed in the definition, the definition does not specify that the residential floor area limits apply only to single family dwellings.

It is well established that the process to establish the BMO legislation was undertaken to reign in the "mansionization" of single family homes in single-family neighborhoods where out of scale development was thought to have negative impacts on surrounding properties. Realizing that the BMO's intention from its inception was to target single family development, its limitations should not be applicable to an Eldercare Facility.

"The Zoning Administrator shall have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation." LAMC Section 12.21-A. This Zoning Administrator's determination request is filed in an abundance of caution so the record is clear that the BMO does not apply to the proposed Eldercare Facility for this Property.

In further support of this determination is the description of authority included within the Eldercare Facility Unified Permit Process Ordinance No. 178,063, effective December 30, 2006, to wit:

"The Zoning Administrator, as the initial decision maker, may, upon application, permit an Eldercare Facility to be located on a lot or lots in the A1 through R3 Zones. ... when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, or the

requirements of any specific plan, supplemental use district, "T" classification, "Q" condition, "D" limitation, 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 this section" LAMC Section 14.3.1 B.

Thus, on its own terms, the Eldercare Facility Unified Permit Process supersedes any limitations on use, area, or height contained within any other provision of the City's zoning regulations."

Project Planner's Observations:

Regarding Tarzana Neighborhood Council letter dated January 27, 2011 - The earlier volunteered conditions from November 15, 2010, differ slightly in time as follows: Evening Shift – 3:45 p.m. to 11:45 p.m. and 4:15 p.m. to 12:45 p.m. Night Shift – 12:30 p.m. to 7:15 a.m. The original submittal information has the following time shifts: 7 a.m. to 3 p.m. (26 employees); 3 p.m. to 11 p.m. (20 employees); 11 p.m. to 7 a.m. (ten employees)

Regarding the Project Proponent's statements - Ingress and egress is from Yolanda Avenue and from Calvert Street. The Orange Line Busway station is approximately 1,800 feet or 1/3-mile from the subject property.

Staff reviewed the submitted plans and conducted a site visit on February 8, 2011, at approximately 2:30 p.m. and on February 10, 2011 from 7:50 a.m. to 8:15 a.m. to watch a.m. peak traffic in the neighborhood.

Review of Submitted Plans

The submitted plans indicate the buildings will be interconnected with a special needs wing along the west side of the property and three assisted living wings in a U-shaped like formation on the east half of the property, which opens up towards the Yolanda frontage with a large courtyard, veranda, and garden area in the middle. The end of each assisted living wing on is setback 25 feet from the Yolanda frontage.

The building facing Calvert Street will be a long contiguous building with varied and more significant setbacks ranging from 25 feet at the west end, to 88 feet at the east end, closest to the northwest corner of Calvert and Yolanda. Suggested environmental land use mitigation was to have separation of buildings along the Calvert Street frontage to look more residential.

The administration building and multi-purpose room will be located at the westernmost end on Calvert. The multi-purpose room was originally setback 10 feet from the west property line (i.e. subject side yard), however the applicant has revised the setback to 25 feet to provide a greater distance/buffer between the multi-purpose room and the west adjoining single-family property. In doing so, it also appears a 24-inch diameter sycamore tree, slated to be removed, can be saved, however plans will need to be revised to reflect this. It should be noted that although the west adjoining property (18743 Calvert) has 341 feet of adjoining land with the subject property, thus could be considered the most impacted property with respect to noise or privacy for example, aerial photos indicate the property may also

be used for a sheet metal business and/or open storage of metal parts. Case history also reveals that a previous zone change from RA-1-K to RE11-1-K was approved in 1990 for the creation of three single-family lots, however it was never effectuated. In any event, it is likely the property will change in the future. As well, the conceptual landscape plan indicates there will be a significant number of trees planted along the west property line.

As noted, two parking lots will be provided, one along the Calvert Street frontage with a 25-foot landscaped area in front of it, and one along the north property line for staff and resident parking. Plans show there is a 2-foot landscape buffer between the rear parking lot and north adjoining properties however a minimum 7-foot landscape buffer is required when next to a residential use per Landscape Ordinance Section 12.42-B,7(a).

Other items that may need attention with respect to site plan review:

- The trash area is located in front of the building facing Calvert. Although it is enclosed and setback approximately 60 feet from Calvert, discussion may be warranted for a more interior location or basement area.
- Storage Containers – Three storage containers are shown to be located in the northwest corner of the property. More detail may be needed as to the height of the containers, whether they will be fully contained with a roof, and what will be stored in them. The adjoining properties may not be affected as they are not residential uses (i.e., one appears to be a landscape nursery, the other is the rear yard lawn area of a church).
- Plans do not identify a specific loading area (i.e., front or rear or both). It is likely there will be a variety of deliveries, from food supplies, clean towels/bedding, etc.

Overall, the elevations, renderings, and conceptual landscape plan indicate considerable effort was made for the facility to blend in with a residential setting, by keeping it low scale two-story, having significant design variation/detail and by providing generous landscaping along the street frontages with meandering pathways around the site as well as outdoor open space and garden areas. As presented, the site is open as viewed from the each street without high fences or walls (i.e., 42-inch max) which looks more residential and less institutional.

Baseline Mansionization Ordinance Review

The Baseline Mansionization Ordinance (BMO) requirement for the RA Zone reads (in part) as follows:

"...the maximum residential floor area contained in all buildings and accessory buildings shall not exceed 25 percent of the lot area, except that when the lot is 20,000 square feet or greater, then the residential floor area shall not exceed 20 percent of the lot area or 5,000 square feet, whichever is greater.

An additional 20 percent of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed."

In this case, 20 percent of the total project area of 125,460 square feet would be 25,092 square feet as the maximum residential floor area. An additional 20 percent bonus of the maximum residential floor area would be 5,018 square feet for a total of 30,110 square feet.

Site/Neighborhood Observations

The immediate subject block consists of large RA lots, ranging roughly from 27,000 to 43,000 square feet with depths of approximately 340 feet. Aerial photos and staff knowledge of the area reveal that many of the lots are used for non-residential purposes, such as religious institutions, landscape nurseries, open storage of vehicles, etc. Most of the non-residential uses have existed in the neighborhood for decades and have been approved, however there are some uses that are likely not approved such as the west adjoining property. Many of the residential properties appear underutilized with large yard areas such as the subject site.

The Project Planner did not observe animal or equine keeping in this area. Case history indicates that the "K" Equine District may have been established back in 1979 per Case No. ND-79-654-SUD-K.

The immediate block and block directly east of the site (across Yolanda) both have Very Low I Residential land use designations however the east block is comprised of many lots zoned RE11-1-K and are much smaller lots overall, therefore both blocks are characteristically different in that the east block appears fully developed with single family homes, with similar open front yard setbacks versus the subject block which is less developed, has a mix of uses, appears partly semi-rural due to more mature trees, and less uniform in appearance.

Traffic

As noted, a traffic study was conducted and accepted by DOT as adequately assessing the project impacts which do not exceed thresholds that would result in a significant impact. In summary, the use will generate 415 new daily trips, 22 new a.m. peak hour trips and 34 new p.m. peak hour trips. DOT requires street dedication and sidewalk improvement on Calvert Street however no dedication and improvement is required for Yolanda.

Environmental review of the traffic study identified that although not required, the study did not include non-signalized intersections. Staff suggested mitigation be included for a Level of Service (LOS) study (e.g., before and after project) at non-signalized intersections such as Yolanda and Calvert. Part of the reasoning is that the neighborhood already has traffic impacts due to the Sherman Oaks CES School (SOCES) and other non-residential uses.

Staff later observed the subject intersection of Yolanda and Calvert during the a.m. peak time arrival and start of SOCES between 7:50 and 8:15 a.m. Staff observed that there was little traffic at this intersection overall (maybe a total of 15 to 20 cars).

It appears the intersection at Erwin Street and Yolanda (which has a four-way stop sign) and from Yolanda to Victory are used the most for the school and includes significant bus traffic. Staff observed only two buses that used Calvert Street to Yolanda.

Of safety concern however is the fast speed in which vehicles travel on Yolanda and Calvert. This was observed during both site visits. The speeding vehicles are likely non-residents passing through the neighborhood. Yolanda and Calvert has a two-way stop sign on both sides of Calvert Street and no crosswalks. A four-way stop sign and marked crosswalks to allow for safer crossing at this intersection, especially for the eldercare residents, should be required.

Improvements along the Yolanda frontage should also be required to include closing all unused driveways and finishing with curb and parkway to match the existing improvements. Such improvements will allow for additional street parking on Yolanda, (which appears needed as staff observed this area between Calvert and Erwin on Yolanda filled up with parked cars on both sides during the SOCES a.m. peak arrival time), and improve the frontage appearance with more parkway grass. Other considerations would be to provide handicap access at the corners (not provided at present) and additional off-site improvements by completing and extending the sidewalk from the southwest corner of Yolanda and Calvert to the sidewalk of the Discovery School, to the west, which will allow for safe crossing of both preschoolers or seniors for the intergenerational gatherings. At present that section is unimproved and has a tree in the public right-of-way (see staff photos).

Tree Preservation

A tree report dated June 22, 2010 was provided with the submittal information. The site has a number of mature trees. The project proposes the removal of 64 trees (four are protected trees) ranging from 6 inches to 84 inches in diameter. A total of 38 trees are proposed to remain. Staff was informed during a site visit that there are nesting hawks in the large eucalyptus tree (No. 15) slated for removal. Environmental review suggests additional preservation for significant trees (36 inches or greater in diameter, in good condition) be preserved, which is approximately 10 trees include tree No. 15.o

PUBLIC HEARING TESTIMONY

The public hearing was held February 14, 2011 and attended by the project proponents, their representatives, concerned residents from the immediate area, other interested parties, and representatives from Tarzana Residents Against Poor Property, Tarzana Neighborhood Council, Leddel Company, and Walnut Acres Neighborhood Association. The Office of Zoning Administration had exceeded the 75-day requirement for making a determination. By means of conducting the public hearing, the Zoning Administrator retained jurisdiction.

The public hearing was conducted in an open forum format to allow dialog between all interested parties rather than the linear hearing format of presentation, public testimony, and project proponent's rebuttal. Oral testimony was obtained from the following interested parties:^{3/}

3/ Submitted speaker slips. Oral testimony is mirrored in written testimony submitted to the case file and presented below.

Kevin McDonnell, JMBM project proponent's representative, *(For proposal)*
 Justin Levi, Levi Family Partnership - project proponent, *(For proposal)*
 Mia Levi, Levi Family Partnership - project proponent, *(For proposal)*
 Evan Levi, Levi Family Partnership - project proponent, *(For proposal)*
 Herbert Hirsh, resident of Calabasas, *(For proposal)*
 Cheri Hoffman, resident of Tarzana, *(For proposal)*
 Lisa Cerda, representative of Tarzana Residents Against Poor Property Development, *(Against proposal)*
 Hilary Ebenstein, Topanga Canyon Blvd., *(For proposal)*
 Barbara Kingston, resident of Tarzana and works in senior living industry, *(For proposal)*
 Joel Jaffe, resident of Tarzana and member of Tarzana Neighborhood Council on Land Use Committee, *(For proposal)*
 Kathy Delle Donne, representative of Tarzana Neighborhood Council, *(For proposal)*
 Robert Berland, resident of Encino, *(For proposal)*
 Philip W. Leddel, The Leddel Company, *(For proposal)*
 Denyse C. Selesnick, representative of Tarzana Neighborhood Council, *(For proposal)*
 David A. Green, resident of Tarzana, *(Against proposal)*
 Nancy McLean, representative of Walnut Acres Neighborhood Association, *(Against proposal)*
 Donna Schuele, representative of Walnut Acres Neighborhood Association, *(Against proposal)*
 Monique Bryher, representative of Melody Acres Neighborhood Association, *(Against proposal)*
 Dave Destler, representative of Melody Acres Neighborhood Association, *(Against proposal)*
 Gonzalo Conde, resident of Tarzana, *(Against proposal)*
 (First name) London, resident of Tarzana, *(Against proposal)*
 Lea Cohen, resident of Tarzana, *(Against proposal)*
 Galit London, resident of Tarzana, *(Against proposal)*
 Jill Haber, resident of Tarzana, *(Against proposal)*
 Ronald D. Cerda, representative of Tarzana Residents Against Poor Property Development, *(Against proposal)*
 Pham NHA Do, resident of Tarzana, *(Against proposal)*
 Terry Saucier, resident of Tarzana, *(Against proposal)*
 Jonathan Brand, residential of Third Council District, *(General Comments and Against the proposal)*

The following documents were submitted at the public hearing:

Lisa Cerda – Chair, Tarzana Residents against Poor Property Development (TRAPPD), not dated:

First, thank you for your time and consideration in this matter. I will be providing you a broader overview of this project than contained within the application as well as responses to the applicants permit request.

For the last 6 years TRAPPD has served the community by reviewing projects that impact Tarzana residents and worked to have the projects conditioned properly in order to mitigate any nuisances associated with the new requested use. When it becomes clear that mitigation is not a viable

option we oppose the project outright. We also do clean ups and beautification projects locally.

HISTORY

Please see attachments from the LA City Planning Dept. and the LA City Planning Commission regarding this applicant's withdrawal of a prior request for the same site to build a private school. This request united the community in opposition. We gathered over 1,000 signed petitions. While the use is slightly different the impact is not. The traffic, noise of late night and early morning deliveries of service and products, setting of a new precedence, up zoning an RA-K-I to the maximum zone, a commercial use, abutting horse and animal keeping properties, the lack of need for it, it's placement less than 500 feet from the largest magnet school in the L.A. with 1800 or more students and near 3 churches and daycare with 20.0 students Petitions are included.

This application has additional conflicts than the prior request for a private school. The conflict with the Baseline Ordinance No 179,883. an ordinance meant to protect communities and neighborhoods from overbuilt projects.

APPLICANTS CHARACTER

This applicant has a long history of negatively impacting the community. His operation of Child's World and The Discovery School are perfect examples of how poorly he resolves issues, and how he ignores C.U.P. conditions. Our complaints to the neighborhood councils, city council members, and Building & Safety have provided no relief or aid. These issues go to the heart of the matter when dealing with this applicant. I shall list several of the issues:

- Parents parking throughout the neighborhood, on parkways, in red zones, blocking driveways and traffic, double parking, parents throwing baby diapers, star buck coffee cups and trash along our streets costing residents to pay for bins and have to clean up every few months.
- Washing animal waste from his animal farm through pipes on to our streets in front of our homes.
- Building without permits over height walls. (B&S forced compliance)
- Parent using the rear side teacher's entrance and parking along Calvert, which is prohibited in conditions of CUP (and only recently resolved due to this current application.)

Let's look at how Levi has used the site in question over the past 5 years and the impact to our community. The information I am providing you is verifiable through the Neighborhoods Prosecuting Attorney.

- The applicant rented a single home (part of this site) to man who had a diesel semi-truck with attached 40 ft. trailer parked in the front yard. Late one evening the man decided it was a good idea to walk down our street shooting his rifle and gun. Police and swat responded and arrested him caught in the act. We asked Mr. Levi to evict the man for being a nuisance and threat to our neighborhood. He refused. We

contacted the Neighborhoods Prosecuting Attorney and he met with Mr. Levi and again he refused stating that he made good money from the tenant. When I personally spoke to him on the matter, he said he would raise his rent and not renew his contract after it expired which was a year later. This house is. Across the street from his Discovery School and next door to his infant day care. He showed no concern for their safety.

- Another of the properties in question he rented to a young tenant who had constant rave parties that brought out the police frequently.
- Another property was rented to a construction company with dozens of large earth movers that came and went between 12:00 am and 5:00 am forcing the widowed abutting resident to sue. (Councilman was taken to the site, there wasn't a CUP in place, and as landlord he is responsible for how the property is used)

Mr. Levi demonstrates a total disregard to the community, so much so that Kathy Delle Donne, INC's Land Use Chair had attended every hearing dealing with his properties in Reseda and Tarzana to prevent expansion, or to further condition his use.

Mr. Levi joined the INC land use subcommittee in 2005 at the exact same time of his first application in order to influence board decisions. It was no surprise that he did not attend the monthly meetings unless it directly impacted his property. No surprise too that again in 2010 he joined the TNC board of governors in conjunction with the new application TNC should have had this application heard by a neighboring NC.

NEIGHBORHOOD COUNCILS HEARINGS

Notifications came in August when abutting property owners were on vacation so no one was notified. The second hearing was noticed by email blast for those signed up, with a few days warning. The third meeting no email blast was sent, the INC website gave the wrong address for the meeting notification, everyone went to "open night" at the local school with 500 other parents, to realize that it must be held at the hospital site, then we were charged eight dollars to park, residents who found it, missed half of the presentation, standing out in the hallway because their wasn't seating available for the public. The community was told that those who had spoken on the issue at a prior meeting was unable to speak on the issue even though no information was provided to the public at prior meetings. The Brown Act was violated by not having copies of the application and materials for the viewing public. Only one copy was provided at one of the hearings which was "not to be removed" Making the viewing of this material impossible by the assembled community.

Having served on the Land Use committee and subcommittee as Secretary for five years, and the "Tarzana Crossings" Ad hoc committee, I can tell you that the vote on this application was unique to this board:

1. Due to the fact that NO conditions were placed on it as part of the approval process, for the size of this project, this was unheard of. The approval wording was so convoluted that Jonathan Brand remarked on it.
2. When the vote was taken by the committee, the vote was 4-3 to approve, however a committee member asked to change her vote to abstain as she did not realize she could, and Kathy Delle Donne refused stating the vote was done. The seventh member was late and missed part of the presentation.
3. The Board of Governors was never informed that the vote was split. As is the case, the board votes to approve the Chairs recommendations consistently.
4. Prior to the 3rd land use meeting a request for copies of the minutes of the first and second meetings were requested but never received by Sharon Brewer for our review. We only received a copy of the application.
5. No notification was given to other neighborhood councils even though this project is the first of its kind to use the Eldercare Ordinance and that sets precedence for all other communities. They were unable to weigh in and should have been given that opportunity.
6. The community is now boycotting Tarzana Neighborhood Council as it has failed to represent the opinion of the majority of stakeholders.
7. More often than not, Kathy Delle Done admonished committee members to seek only to condition projects "because the city will approve them". Instead of reporting what the community desires.
8. TNC board members did not have competition in the recent elections and were elected not on merit but because of the lack of effort to get candidates and involve community in the decision making process.

Arguments to oppose this project:

1. When the Los Angeles City Council passed the Eldercare Facility Unified Permit Process Ordinance on Dec. 30, 2007 their decision was based on factors that are no longer valid - The lack of commercial property to meeting aging populace. The economic downturn hit hard in 2007 with foreclosures of homes and businesses nationwide but most strongest in California and Los Angeles in particular. Suddenly there was a surplus of vacant commercial sites and homes. Building starts declined to its lowest point in 100 years. The City Council did not foresee this when considering this ordinance.
2. This project is the worst case scenario for applying the Eldercare Facility Ordinance as it is placed in a RA-IK Zone.
3. It is taking the minimum zone and maximizing it

4. It is attempting to avoid the Baseline Ordinance which should apply in residential areas.
5. It is 500 ft. from the largest magnet school with 1800 - 2,300 students
6. It is over height
7. The hours of operation and employee shifts coincide with school hours
8. It erodes the residential cushion surrounding the school which is part of good planning.
9. The owner is not in good terms with the community due to his disregard to C.U.P. conditions at local school.
10. The loss of five existing single homes in Tarzana's earliest built farming community.
11. The likelihood of financial failure as a private adventure in current economy and subsequent sale and differing uses likely.
12. It is oversized.
13. The owner will not suffer hardship by the denial of this application, nor is he entitled to maximum profitable use as he intends.
14. The aging populace will be hard pressed to pay for such care as declining home values, and escalating health care cost collide with government taxation and budget cuts.
15. Current area has sufficient facilities to meet Tarzana's needs with ample vacancies.
16. Traffic impact. Both Reseda Blvd and Wilbur have substantial traffic impact due to MTA bus crossing slowing the 5500 parents heading to Portola, Van Alden, Tarzana, Wilbur, SOCES Schools.
17. The reduced amount of parking will only meet staff, employees, and delivery needs not guest or residents.
18. Late night and early morning daily deliveries will be a nuisance in a quiet RA-1-K
19. Ambulance and fire department response will be a nuisance to our quiet use of our land.
20. Several homes owners own more than one property in the area in an attempt to preserve the historical area and their investments would be greatly diminished by this approval creating a financial hardship on them as they try to find tenants willing to live near this site.

21. Loss of animal keeping rights by abutting rear neighbors.
22. Student drivers frequently collide at the corner of Yolanda and Calvert, and police do not make reports on collisions unless it is a fatality.
23. This is not a small country porched residential home for small groups of elders. It does not blend, is not visually compatible with RA - residential
24. Using a ZA's discretion in approving a development project is proof that the system is broken: due to the flawed Condition Development Management System they rely on, and lack of condition enforcement and oversight. None of which is under the ZA's control.
25. The use is not consistent with the RA-1-K and attacks the preservation of these communities.
26. The owner can as easily sell the homes and buy a property that is well suited for eldercare, in walking distances of pharmacies, banks, restaurants, and stores. Where that walk is safer, with sidewalks, lighting, safe streets that are well paved, and not near an area where transients frequently use the Orange Liner paths and parking lots to seek shelter.
27. The project is not green, does not have solar panels, does not have tank less water heaters. A project of this size heavily impacts conservation efforts. It should irrigate sheet flow and redirect it to storm drains, none of which are present in residential areas.
28. The neighborhood is in transition due to three contributing factors. One is that our area is the Bermuda Triangle of many bad ZA rulings, allowing inconsistent uses in our neighborhood. This is a constant disregard to plans and relying on conditions that aren't enforced or monitored.

The planning department does not have a reporting system that tracks complaints and actions related to complaints. Second, B&S is full of B.S. when it comes to oversight. They are notoriously understaffed and only respond to complaints instead of being proactive. Third, the neighborhood has 7 new homes, 13 new remodels or improved landscaping. That is a trend of improvement. Moreover it suggests to those new home owners that their investment is safe and they should not suspect a whimsical change in zoning and use. And that any such rezoning would require public input and an opportunity to divest and move to a city where their investment is protected.

29. Our Streets have NEVER been paved, the damage is so great from the 100 daily school buses coming and going, that the streets on both Topham and Calvert have the highest rating for damage and the highest repair costs as reported by inspectors, so the city will simply bypassus. Contributing to this damage is all the ZA approved

businesses with heavy duty earth moving equipment driving on our streets each day.

30. The loss of trees degrades the ecology and appearance of our area.
31. The fact that multiple agencies can change conditions unbeknownst to the others, is a red flag that indicates no matter how well intentioned and thorough the ZA is, their work ends with the determination and leaves communities relying on flawed systems with no check and balances.
32. Very few applications are rejected outright, and the mitigation mantra and assessment is smoke and mirrors. It operates under the belief that everything can be mitigated. That very premise suggests that zoning is unnecessary. It has contributed to the proliferation of discretionary actions to "approve with conditions". And the degradation of our neighborhood.
33. This historic weakness of the overall planning process in L.A. Has encouraged the proliferation of discretionary actions to side step the City's legally adopted zones and plan designations. It operates in a "business friendly" culture which translates into haphazard enforcement of codes. Giving new money the highest priority instead of valuing the stabilized communities.
34. Programs of such local agencies as the MTA and LAUSD operate on their own missions and agendas and their linkage to the general plan is coincidental and determined by political rationale not planning. The collective impact of these agencies on our area is far reaching. We are the only portion of the Orange Line to NOT receive a sound wall. Which was considered necessary to protect the health of our youth and elderly. Now this application should necessitate the building of that sound wall should it be approved.
35. Up-zoning and up-planning generally favors the speculators and investors, regardless of consistencies with adopted plans or the best interests of the residents. Pandering to the greed of one and making sacrificial lambs of the collective. No superficial Solomonic approach by a ZA will resolve the impact. Developers and applicants anticipate that their projects will be downsized and conditioned, so their requests are at a "maximum" to offset the prudent "downsizing" of the project. Which in the end means the developers or investors get just what they wanted. On the other hand the residents know by experience that any approval of a rezoning or intense use is a tomb stone to their investments and they are no longer young enough to go out into the world and make enough money to upgrade to a new community, or that their property will attract the right tenants with reasonable rent, and they do not wish to become landlords as seniors, but they have to consider this due to the numerous intrusive ZA's nods of approval. For what would happen to the investor who is rejected outright by a ZA? Would it be reasonable to expect him to buy in the appropriate place, operate according to zone, and be accountable to the community of

- which he works? I have you no faith in the zone designations to let them provide the full protection or in the investors to be more prudent in their land purchases? Your approvals are systemic training for them to ignore all planning requirements.
36. It is exceedingly rare for the City Attorney's office to prosecute violators. Instead they ignore citations, take their chances and seldom regret it. Leaving our City a "free for all"
 37. Any benefit derived from approving this project would best be reaped at an appropriate site.
 38. The decline in L.A.'s appearance, function, quality of life, peaceful use of properties, are tied more to the Cities blind eye towards planning, failing to update mandatory and legally required specific and general plans. Less money is spent to create great neighborhoods through plan updates, and more is spent to police the deteriorating neighborhoods created by spot zoning and ZA approvals. While we recognize this culture was not made by ZA's but reflect the department's departure from true planning, the ZA must live with contributing to the degradation of Los Angeles.
 39. Just look where your approvals occur, the variances and spot zoning are not a positive change but an avalanche of even worse decisions to come, each hinged to the prior flawed thought process, and continuously used to justify another bad decision and approval. The domino affect destroys neighborhoods where great planning had existed and served the community well. This application site is the perfect example of that.
 40. CDMS has been an unprecedented failure, with inaccurate info, using outdated standard conditions, time consuming, with limited use of entered information that is unclear and not specific.
 41. Pierce College is a local agriculture college and it would be tragic for there to be no more agriculture properties in the Valley to benefit from their expertise. The history of the valley is agricultural.
 42. An adverse ruling would not economically harm the applicant. He is quite capable of purchasing commercial properties.

History of ZA's prior approvals and subsequent consequences in local area

1. Case No. ZA 2008-0536(CU)(ZV) K-9's (Council office notified of violations)
 - The kennel uses air horns (used in stadiums) to break up dog fights in the play area
 - In order for the parking to be made available to the Kennel's employees, Thrifty Tree Trimming company entered into a covenant to provide parking, and as the community stated that parking wasn't available on site and now the company has

dumped all their construction bins and equipment into the residential area of Yolanda, Calvert and along Topham.

2. Case No. ZA 2004-1986(ZV)(YV)(PA1), Case No. ZA 2007*5104
 - Built as a 12 bedroom room residential home the builder built with the intention to use as an elderly care. It lacked parking, only have two garaged parking spaces and a small turnabout driveway. When this project was built it failed to get approval 3 times generated by 3 sellers all trying to use the property as elder care. This has forced the community to fight the same project 3 times. At no time has a ZA required the owner to convert the 2 front bedrooms to garage spaces, thus creating more parking spaces and simultaneously reducing 2 rooms to a less intense use and providing adequate parking for staff. Even as I write another application is pending by a new owner. Eventually a ZA will approve it as an act of sympathy to the investors instead of the community who fought it successfully 3 times.
3. 18731 Topham CUP:
 - Still has a large portion of their 80 employees parking along Yolanda, Topham, and they are still dumping materials from their work trucks onto the MT A curbs.
4. 18709 Topham:
 - Built over height and ignored setbacks
5. 18743 Topham:
 - Massive earth movers and equipment parked along Topham, contributing to the broken streets that never get repaved.

Folder submitted of Discovery School Violations Pictures showing violations of applicant's business CUP, double parking, parking in red and on sidewalks.

Lynn and Neil Johnson – February 14, 2011. Do not believe the project would be in the best interest of the neighborhood and the Levi's have not meet the necessary material satisfactions for the five conditions to prove the project is necessary in that there does not seem to be a financial hardship as the partnership currently has occupants paying rent, and there is no disadvantage to use the property according to its current use as all other properties are zoned similar and used in a similar fashion. The project would adversely impact the area due to traffic, increased noise, loss of agricultural uses around the property, and the project does not conform to the general plan and disregards all planning elements to reduce the impact on our communities.

Kelleen Hamermesh – February 14, 2011. Opposed to the project because it does not belong on a residential neighborhood, the market is saturated with this type of business, and parking would be insufficient. What will happen if the beds don't full

up since the law allows for it to uses by drug rehab. It will affect the value of homes in the area.

Colleen Marmor – February 13, 2011. Opposed to the project. I attended a forum on Development Review and Reform and the number one problem identified was how zoning in the west valley is consistently disregarded. Simply put an eldercare facility is not currently an allowed use and it is not appropriate for this neighborhood. The applicant has failed to and cannot meet the required five findings for approval of a variance.

Julie Hoffman – February 13, 2011. Opposed to the project. This eldercare project will have the following impacts: the facility does not fit in the surrounding area, zoning changes would open the door to similar inappropriate projects, there is an overabundance of similar facilities, it would have unpredictable hours and noise from emergency vehicles resulting, overflow parking would be needed, and the zoning in place would once again be rendered meaningless by this spot zoning.

Donna Marie Baker – February 12, 2011. Opposition since variance findings cannot be made. The eldercare should not be allowed since it is substantially inconsistent with the limitations on the other properties in this zone.

Petition of Opposition signed by seventeen residents citing the project is intensive in size for use of a RA residential area, it should not have reduced parking, there will be an increase in traffic, it is a commercial use, it will result in the loss of five residential homes, it changes the density from the lowest to the highest.

Petition of Opposition signed by 53 residents citing they oppose abandoning the Baseline Ordinance and its protection, reduced parking, traffic impact on a congested school zone, commercial use resulting in the loss of residential homes.

Petitions of Opposition related to "new private Elementary School; developed in three phases with a maximum enrollment of 420 students. At 18701-1837 W. Calvert Street." (*Unrelated to the subject case*)

At the conclusion of the public hearing, the Zoning Administrator determined additional time was necessary to review the record and research the conflicting testimony obtained at the public hearing. Also, the "Record was Left Open" to allow for additional written testimony.

The following documents were submitted after the public hearing:

David R., Tarzana Property Owners Association, February 15, 2011, (*via email*)

Thank you for allowing me sufficient time to make the case against the proposed development. I certainly agree that the informal hearing you conducted provides far greater clarity of positions than the very constrained formal 2-minute presentations.

Attached is a written exposition of the position taken by the Tarzana Property Owners Association.

There are really three primary reasons to reject the proposed facility:

1. It does not belong there. It would place a commercial use right in the center of a viable RA-1 neighborhood. The property, and surrounding properties on all sides, are zoned RA-1-K, the General Plan Land Use designation is Very Low Residential, and the Community Plan designation is Single Family Residential.
2. Even if the use was permitted, the density of development is too high and it would not conform to the Baseline Mansionization Ordinance. The plot is approximately 125,460 square feet, or approximately 2.88 acres. The BMO would allow approximately 25,000 square feet of building on the property or approximately 30,000 square feet if the structure qualifies for a bonus. It's hard to accurately measure the square footage of the proposed structures from the plot plan, but my conservative estimate is approximately 50,000 square feet. That does not count covered parking spaces and other possible uses not readily apparent from the plot plan.
3. The neighborhood is not deteriorating and permitting the facility would greatly change the character of the neighborhood. There are four new single family houses in the immediate neighborhood. As Lisa Cerda pointed out at a recent TNC Board meeting, more than a dozen homes in the neighborhood have either recently been built or have had substantial remodeling. If there is concern that the fenced properties to the west are out of conformance with the permitted RA uses or that they are a public nuisance, they should be dealt with through the appropriate channels.

Let's look at the specific language of the Eldercare Facilities Ordinance, approved in 2006, but never utilized. The unbolded material is directly from the ordinance, contained in Article 4.3 of the Code. The bolded material indicates non-compliance with the ordinance for this project.

- E. Findings for Approval. In order to grant the approval, the Zoning Administrator must find 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. Not the case: there are other uses consistent with the General Plan, Community Plan, and zoning regulations.

The Zoning Administrator must also find that the Eldercare Facility:

1. Will not be materially detrimental or injurious to properties or improvements in the immediate area. Not the case: the viability of single family residential uses would be degraded by the project.
2. Will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand. Speculative: it is impossible to forecast future demand. The National Association of Real Estate Investment Trusts, a national trade association of real estate investment companies, has indicated that there may be overbuilding in the elder care industry due to the inability of prospective residents to afford the cost for residence at the facilities.

3. Will not create an adverse impact on street access or circulation in the surrounding neighborhood. Not the case. The afternoon staff shift change proposed for the facility occurs at the same time as schools in the area let out, potentially causing significant traffic tie-ups
4. 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. Not the case. The area is a viable single family residential area which has seen the recent addition of four new residences in the immediate neighborhood.
5. Is in conformance with any applicable provision of the General Plan. Not the case: The General Plan designates the property, and surrounding area, as Very Low Residential.
- F. Conditions of Approval. In approving any Eldercare Facility pursuant to this section, the Zoning Administrator may impose those conditions, based upon written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, or to ensure that the development is compatible with the surrounding properties or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood, or to secure appropriate development in harmony with the objectives of the General Plan. Not the case. The proposed project is certainly not "in the best interests of the surrounding properties or neighborhood", is not "necessary to prevent any detrimental effect on the surrounding property or neighborhood" and is not "in harmony with the objectives of the General Plan"

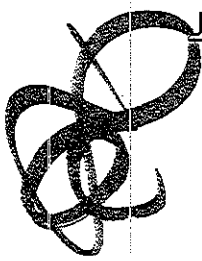
Bottom Line: We urge you to deny the facility application

Jack Silva, resident, February 15, 2011, Opposes the request because RA area has been overrun with a saturation of temples, churches, schools, day care, nurseries, commercial, and apartments. A care facility would increase parking problems. Who would guarantee that the facility would remain a care for the elderly. It increases the density, increases traffic, parking problems, and decreases property values and interferes with family RA way of life.

Rrotteran@earthlink.net, Vice-President. Accredited Nursing Care, February 15, 2011 (*via email*):

Mr. Brown- I am in support of this senior care project. As a gerontologist, I feel the Levi family is proposing a project that is must needed to the quality of life of seniors in our community. The Levis have proven a level of service beyond what is offered at other service care facilities. Having researched intergenerational benefits, I can speak to the value of bringing children and seniors together. This has a profound impact on 'community' and sets a path of understanding and acceptance for children as they develop into decision-makers and leaders of the future. This project is unique due to the amount of free space for the residents. With the available space, seniors will have a chance to exercise and experience the beauty of the outside rather than be confined to a building. I foresee tremendous value for the fastest growing

segment of our population - seniors. I hope this project will become the standard for future developments to come. I respectfully submit my support for this project. Neil Rotter, MSG, MSW. Vice-President. Accredited Nursing Care. 5955 Desoto Ave #160. Woodland Hills 91367. 818-205-0434

 Jonathan Brand, Council District Representative, February 16, 2011, (via email):

Thank you for taking the extra time at the hearing yesterday and giving everybody a chance to speak at length. Everyone had a chance to be heard. I want to put in writing the Councilman's position on this case for you to have in the file. Councilman Zine has a long history of supporting seniors and eldercare centers including the Jewish Home for the Aging, Monarch Village, One Generation, Canoga Park Senior Center, Sunrise Assisted Living, Woodland Park Retirement Hotel, and Topanga Park Retirement Center.

Both the Councilman and myself have been following this case very closely. We have been by the location both at day and night. We understand that east of Yolanda on Calvert there is an RA and RE11 single family zoned neighborhood with several homes under major construction or that are relatively new. We also understand that along Calvert to the west there are long-standing nonresidential uses like a nursery, school, and houses of worship. We have reviewed the proposed plans, seen the letters, emails, and petitions both in opposition and support. I am aware of the majority support from the Tarzana NC and the lengthy debate that went on in their Land Use Committee. We understand that the Tarzana Property Owners Association is in opposition. I have carefully reviewed section 14.3.1 of the code that addresses eldercare facilities.

There is no question that the Levi's have successfully operated their other six-bed eldercare facilities and the Discovery School. It is a fact that as the baby-boomers age the number of seniors will rise at the same high rate as they were born in the post-war era, thus expanding the need for these types of facilities. This entitlement request is not about whether or not this is a good use, but whether or not this is a good use at this location.

The proposal wants to take five RA zoned houses on a total of about three acres of land to build a 156 bed, 74,000 square foot eldercare facility. It will have over 50 employees spread out over several staggered shifts and have a 54-car parking lot. No question this is a major increase in density over 20 times the current density, bulk in the size of building (about double that of what would be allowed under the BMO), and cars coming in and out compared to the current single family use.

While there are long standing non-single family residential uses in the immediate area to the east this proposal just does not fit in with the established and somewhat thriving residential neighborhood that is directly adjacent to the west of this proposal.

The proposal surely does meet finding 4 of the eldercare ordinance as the proposal does not consist of an arrangement of buildings and structures, off street parking, loading areas, lighting, landscaping, trash collection which is compatible with existing development on neighboring properties. First of all

the structures are going to be twice that of what the BMO allows for the RA, require more that 500% more parking than what single family homes would require, would require off-street loading for daily deliveries of goods and services that single family homes do not require.

While there are not a significant amount of peak hour trips the project will produce 415 new daily trips. That number may not be significant if the proposal was on a major street like Wilbur, Victory, Tampa, or Vanowen, but these are local streets without uniform infrastructure. Such a proposal will create an adverse impact on street circulation in the surrounding neighborhood.

Most importantly the ordinance states that "in order to grant the approval, the ZA must find 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". This finding cannot be made. Just down the street numerous properties have been improving their single family home properties consistent with that of low-density single family zones and have done so without asking for a 20 fold increase in density.

That said, if you disagree with the statements above and do make all of the findings for approval we want to make sure that the infrastructure in the neighborhood is adequate and does not pose a threat to the public safety for the residents of the subject property and their desired uses. Also, these improvements will help lessen but not fully mitigate the adverse impacts on street access and circulation and will better help provide the services to the elderly that they are aiming for. We want to see sidewalks constructed on both sides of Calvert from Yolanda to Wilbur with appropriate street lighting. This will ensure that the seniors and the children from the Discovery School which they wish to have an inter-generational program will have safe access to the neighborhood and can be part of the community. Also, we would want to see the resurfacing of the intersection of Calvert and Yolanda, Yolanda to Erwin to the intersection and Calvert west to Wilbur with the necessary ADA ramps.

Phil Leddel, The Leddel Company, February 21, 2011 (via email):

I was in attendance at last Monday afternoon's zoning hearing on behalf of the Levi family. I had hoped to speak but due to a previous commitment at 5:30 PM; I quietly excused myself promptly at 5PM before I had the opportunity to introduce myself. I sit on the Board of Directors of the Alzheimer's Association as well as own an insurance company, The Leddel Company, specializing in long term care planning.

Whether I wear my Alzheimer's Association badge or brandish my business card, the theme seems to be consistent and the mood quite humbling and somber. We're in the midst of a paradigm shift that is going to change how we perceive this country, but the theme can be universally applied all over the globe. 78 million baby boomers in the USA live on the verge of defying traditions of mortality. Actuaries project that we will live longer, although not

necessarily healthy. It's a quantity over quality dichotomy. Aging dramatically changes the modus operandi!

Diseases that were death sentences two decades ago have become chronic illnesses. Statistics state that death by cancer and heart disease over the past 5 years has dropped; yet death by Alzheimer's is up 46.1% in that same time frame. Why is this alarming? Because good people plagued by this horrible disease don't die quickly? It's not unusual for someone with Alzheimer's to take years before they pass away; and in those years, families disintegrate and have no option but to let go and lose control; facilities, humane and decent facilities are needed to provide a home to these dear members of my family, your family and everyone else touched by this monstrous disease. I'll give you one more statistic that just scares the heck out of me. At age 85, 1 out of 2 (50%) human beings live with dementia.

I have several points specific to the Levi Family. I know these people. They have proven to me that their heart is in the right place. I see how their philosophy of righteousness pervades in the way they treat their house guests in their existing board and care operations. Their continual dedication and support for the Alzheimer's Association has been exemplary without quid pro quo remuneration that so many people expect when they write checks or exert themselves in the name of a cause. These are fine people. I'm impressed with their concept and the plans to create a lovely building which would enhance any neighborhood. I had the pleasure to speak last year to a group of seniors at a very attractive facility called Bridge Point in Beverly Hills, located on North Clark Drive, a residential neighborhood (mixed single homes and condominiums). Based on estimated property values and generalizations which are curiously wrong as often as they are right, I would say that the Beverly Hills location probably would be considered a higher end street than the street in question regarding the issue at hand. Interestingly, I didn't see a building on North Clark in Beverly Hills that was nicer than the Bridge Point facility. An attractive building doesn't bring down the value of a street; it only enhances it. And, knowing the value of possession that this family brings to the table, they will without question build a "home" that will reflect that pride.

Two more thoughts: One gentleman made a comment about noise, specifically ambulance sirens. I find it curious that anyone dwell on ambient noise in a city of this size. My wife and I live in a lovely little home in Sherman Oaks and despite the fact that we don't live near the 101, the din of freeway cacophony seems to pierce the sacred veil of our little neighborhood; and helicopters overhead have become a continual part of our Valley spectacle. We live in the second most populous community in the United States. We have a noise problem and it's not going to disappear; sadly it's a reality. If you want quiet, you need to realize that the heart of urban L A is not going to provide you that option. I can't imagine that the noise of an ambulance is much different than the noise of a helicopter!

It's true there are a good number of facilities throughout this great city. And there are vacancies in many of them. But as a member of the Baby Boomer generation, I look at what is currently offered and it scares me because we don't have anywhere close to what we will eventually require.

78 million boomers: there is only one industry that can accommodate the need for those baby boomers; it will be the industry that services the transition of those boomers once they've lost their health. We currently aren't prepared to handle that transition. We need facilities; and we're so darn far from what we'll need!

Final thought: If my health transitioned tomorrow. Where would I want to be? Would I want to be in some sterile cookie cutter facility looking vacuously out a window as 4 lanes of nonstop cars whizz past, horns blasting and tempers on edge? Of course not, I'd want to be in my home nearest to the people that I love.

But, as often becomes the case, what if my family can no longer handle my needs? Where do I want to be? I want to be in a place that simulates the feelings, sounds, and culture of my own home. I don't want to be isolated. I'd want to be on a pretty street with a lovely garden, hearing children playing and life going on as I knew it.

The concept of a beautiful facility on a normal street in suburbia is much more appealing than a cookie cutter facility on a busy thoroughfare in a commercial area. And, like Bridge Point and the facility that the Levi family wants to provide to their community, this will become the norm not the exception. Aging doesn't mean that you stop living; why should anyone be penalized just because they age or because their health has changed. Shame on us for throwing away our senior citizens and not providing them the quality of life they deserve. The Levi's really understand what senior's desire and need.

Flora Greenhill (Assisted Home Hospice), February 22, 2011 (*via email*)

I wish to lend my support to the Shalev Senior Living assisted living community proposed by the Levi family in Tarzana.

The Levi family has been active in the San Fernando Valley for many years, working to meet the needs of the community – the needs of the young, of the elderly, and of those of us who are in between.

With advances in modern medicine, such as ever-improving medical technology, diagnostic techniques, and treatment modalities, people are living much longer. While an aging senior might reach the stage where they are no longer able to live independently at home, they can still maintain an excellent quality of life by residing in an assisted living community such as that planned by the Levi family.

Shalev Senior Living has always placed a premium on maintaining a high standard of care. I am a Hospice Community Liaison for Assisted Home Hospice. We have had the privilege of serving several residents at Shalev. The staff is kind, caring, and skilled. Family members of these residents have told me how much their loved ones benefit from Shalev's compassionate approach to care.

The Levi family operates senior living homes that offer a multi-generational approach, mingling children and senior residents. The business is family-owned, so clients and providers can avoid having to deal with an impersonal, faceless corporation.

The proposed facility is aesthetically beautiful. Lovely outdoor areas are planned, and it appears that the parking needs of the new building will be addressed.

I understand that there has been some concern over traffic and noise. I live in the Beverly Center area of Los Angeles. A large assisted living facility was recently constructed nearby (Silverado on Hayworth). There has been absolutely no increase in traffic. We do not hear ambulance sirens continually. As a matter of fact, when a senior resides in an assisted living community, the care is typically so much greater than what they would receive at home, that 911 and emergency service calls are actually lessened. Also of interest, Belmont Village Hollywood Hills was built and opened in recent years. My mother happens to live up and over the hill behind that facility. Initially, there was some concern on the part of homeowners in the area that property values would go down. To the contrary, property values in the neighborhood continued to rise. The only downturn occurred when the current economic situation affected all real estate values. There was also no increase in traffic or noise.

In conclusion, I believe the proposed facility would enhance the neighborhood in which construction is planned. I hope you will agree and will allow this assisted living community project to move forward.

Monique Bryher, Broker-associate/Realtor, Pinnacle Estate Properties, February 23, 2011 (via email):

Thank you for conducting the hearing on this proposed development on Feb. 14.

I understand you will be taking comments on the application until the close of February 28, is that correct?

Can you tell me how long after that until you will issue your decision? And what is the process for doing so? I'm sure you notify the applicant, what about those who are opposed?

I will be emailing you signatures from neighbors who are opposed to this project.

Thank you again for your terrific management of the meeting.

Justin Levi, Project proponent, February 25, 2011 (via email) ^{4/}

My name is Justin Levi, and I am a part of the Levi family, as well as a part of the family business. I spoke at the Zoning Administrator hearing regarding the proposed assisted living facility on Calvert St. on February 14th, and I wanted to add a few remarks.

Before I begin, let me say how much I appreciated the way you conducted the hearing. Your dedication and fairness were truly admirable.

First of all, when I spoke, you had asked me to send you, in writing, a breakdown of the various license classifications for elder care in the State of California. They are as follows:

Independent Living Facility – This type of community is, generally speaking, exemplified by senior apartments, or in the case of Leisure World, a sprawling residential community. Most importantly, such a facility/community is not required to be licensed, as it simply provides services and amenities for seniors that you would find, for example, in a luxury hotel. Actual care is not provided.

Residential Care Facility for the Elderly (RCFE) – This type of facility is a broad classification that includes multiple types of facilities. The two major, albeit unofficial sub-groups are Assisted Living (the type of facility we are attempting to build), and the smaller Board and Care model. No matter what type, all facilities of this classification receive the same license from the California Department of Social Services, Community Care Licensing Division. Assisted Living facilities are for seniors who have reached a point where they need actual care. This includes medication management, assistance with activities of daily living (ADL's), etc. Board and Care homes are generally situated in smaller single-family homes. They usually have no

4/ Confirmation that this email amended the application was subsequently received on November 22, 2011. The project proponent's representative wrote, "[T]his is in response to your inquiry about whether it is the applicant's intention to include Skilled Nursing Care Housing at the proposed Eldercare facility. Although references to Skilled Nursing Care Housing are included in the initial application materials, there is no intention to include any Skilled Nursing Care Housing at the facility. To the extent such a use is implied in the application, this e-mail shall serve as the applicant's formal withdrawal of any request to include Skilled Nursing Care Housing in the facility.

For your information and use, the term "Skilled Nursing Care Housing" appears in the following locations in Exhibit "A" that was submitted with the Master Land Use Permit Application:

- Last paragraph, p. 1
- Footnote 6, p. 4
- Title of paragraph #2, bottom p. 5
- First paragraph, p. 9
- Two times at mid-page 24
- Bottom of p. 6

In those places where "Skilled Nursing Care Housing" is included in Exhibit "A," it generally appears included in the combined phrase "Skilled Nursing Care Housing and/or Alzheimer's/Dementia Care Housing."

more than six residents (hence the term "Six Packs") because of state law which allows six or fewer residents to be admitted to a facility in a residential neighborhood without conflicting with zoning requirements. These facilities, such as the ones we currently own and operate, are designed for residents somewhat similar to those in larger assisted living facilities, but perhaps with different needs.

Skilled Nursing Facilities – These types of facilities include nursing homes, long- and short-term rehabilitation facilities, convalescent homes, etc. These are actual medical facilities, and are, in some ways, like miniature hospitals. They are licensed by the California Department of Health Services, and are completely different from the type of facility we are trying to build.

To clarify further, the "Special Needs" unit of our proposed facility is for dementia care, as such units are quite commonplace in larger facilities. I want to stress, however, that we are absolutely not attempting to build any sort of skilled nursing unit. Our facility is strictly residential.

There were many concerns raised and points made at the hearing by the opposition. I would like to address several of them here.

It was suggested that a facility of this kind, if situated in a residential neighborhood, would constitute an undue infringement on the residential feel of the area. Furthermore, it was insinuated that placing a facility in this neighborhood would be rather unprecedented in the City of Los Angeles, and would negatively affect the area, lower property values, etc.

First of all, there are quite a few larger facilities in residential neighborhoods throughout Los Angeles, including some of the more notable ones. The Village at Sherman Oaks is located in a particular area quite similar to the area of the proposed project – residential, mostly R1, and across the street from a school. This facility has been there for years, the neighborhood is quite peaceful, and property values have been positively affected by a beautiful property. Hayworth Terrace Assisted Living and Silverado Beverly Place, located near Fairfax and Beverly Blvd., represent two facilities right across the street from each other on a quiet avenue. In addition, quite a few assisted living facilities have been built in residential areas in Beverly Hills, Santa Monica, Hancock Park, Westwood, and many parts of the San Fernando Valley. Complaints of disturbances, noise, or decreased property values are almost non-existent in these areas. (I have attached several pictures of some of these facilities, as well as of the surrounding areas. Some will appear in subsequent e-mails. If you would like more, please do not hesitate to ask.)

Currently, we operate five board and care facilities, known as Shalev Senior Living, located in Valley Glen, all within a very tight geographical radius – no more than a quarter mile. Collectively, we have 30 residents, many of whom require a somewhat higher level of care than those that would become residents of our proposed facility in Tarzana. Yet, the neighborhoods are quiet, ambulances are a rarity, and our relationship with our neighbors remains strong. If this project is approved, I am confident the situation in this part of Tarzana would be identical.

It was also suggested at the hearing that the massive explosion of senior citizens in this country, and particularly in Los Angeles, over the next decade will not necessarily lead to an increase in demand for senior care facilities. Forgive me for being so blunt, but such a notion is utterly absurd. It is like saying that if you suddenly brought a million children into the city, they would not necessarily all need a school to attend.

In this day and age, we are living much longer than even the previous generation of elderly. This results in a far larger elderly population suffering from age-related ailments, most notably Alzheimer's disease and other forms of dementia. Furthermore, other diseases that were once terminal, such as some forms of cancer, heart disease, etc., have become more chronic conditions that require a high level of care and monitoring.

If the opponents of this project were to attend any of the numerous elder care conferences, seminars, and networking meetings held on a regular basis in Los Angeles, they would not only find that the demand for more senior care facilities exists, but that the senior care industry is, in fact, bordering on panic mode at the prospect of a shortage of adequate senior housing. As an example, the Jewish Home for the Aging, of which Councilman Dennis Zine is a board member, has a waiting list of more than 800, with several hundred of those being wait-listed for assisted living. Imagine how long this list will be in five years.

It is quite clear that the opponents used an inaccurate sampling of assisted living facilities to make the claim that they all have vacancies. The reality is far different than they make it appear.

I was also troubled by another aspect of the opponents' presentation. While the argument being made was that an assisted living facility does not belong in a strictly residential zone, many of the examples they cited of facilities having negative impacts on an area were those in commercial areas. Indeed, the site of the proposed project is directly adjacent to a sheet metal shop. Clearly, these neighbors are not simply opposed to an assisted living facility in a residential zone. Rather, they are opposed to a facility being constructed anywhere in the area. This poses a huge problem. If they are allowed to block the construction of this facility, they would be able to make the same arguments and block another facility from being built in a less residential area. If this trend develops, the resulting shortage of senior housing will be disastrous for the elderly community in this city.

In conclusion, this project is not only vital to the senior population of Los Angeles, but it will clearly have a positive impact on the area. I urge you to approve the project.

Kevin McDonald, Project proponent's representative, February 28, 2011 (via email):

As you know, this office represents the Levi Family, owners of the Property and applicants ("Applicants") of the proposed Eldercare Facility referenced above (the "Project"). At the conclusion of your hearing on February 14, 2011, you announced you would hold the record open until the end of

business on February 28,2011, unless the applicant requests an additional extension of time to address your specific questions and provide additional information you requested.

At your hearing, you took testimony from interested members of the public concerned about whether an Eldercare Facility such as the one proposed by the Levi Family is appropriate in this RA zoned residential neighborhood. We provided you with a written narrative describing how each of the required findings in LAMC Section 14.3.1 E can be made in the affirmative. It is also important to remember that several supporters of the Project were present at the hearing. Attached hereto as Exhibits "A" and "B" respectively, are a collection of support letters and support petitions from members of the eldercare industry and others in the vicinity of the Project site.

WALKABILITY:

You also asked us to provide a thorough analysis of the "Walkability Checklist." Rather than provide a long narrative explanation of how the project exemplifies the City's objectives for a more walkable community, our architect prepared a graphic display showing how each applicable walkability objective is satisfied by referring to the actual design feature included in the site plan/landscape plan overlay attached hereto. See Exhibit "C" attached. This is an especially effective representation since the design objectives of the Project focuses on accessibility, aesthetic and visual compatibility with its surroundings and open space amenities for residents, visitor and the public.

LANDSCAPING:

You also asked us to address the City's landscape point system. As you know, the point system cannot be fully evaluated without final landscape plans. At this point in the process, preliminary plans are complete (included with the file) and final plans are pending the approval of the Project. Using the preliminary plans as a guide, our landscape architect was able to project the anticipated points that will be awarded. Attached hereto for your use as Exhibit " " is a tabular summary of the points anticipated referencing the preliminary landscape plan sheet numbers. As you will see in the summary, the Project's Landscape Points add up to 291 points total, far exceeding the 60 points required. Also, the Project's Water Management Points add up to 825 points total, in excess of the 800 points required.

REBUTTAL TO OPPOSITION:

This letter also serves to provide rebuttal to testimony in opposition to the Project. The comments in opposition focused on two main issues. First, the potential for setting a negative precedent for alternative uses in RA zoned areas. Second, the perception that the Project's impacts to its surroundings may be similar to impacts caused by commercial or high density residential uses in a single family zone.

Uses in the RA Zone:

Much of the concern expressed at the hearing focused on the "rural" character of RA zoned property. Interestingly, virtually every person speaking

to this point does not live in the immediate area. Speakers identified themselves as living in Melody Acres (a community more than a mile away to the west), Walnut Acres (a community even further west in Woodland Hills) or just Woodland Hills. All of these communities are not only geographically removed from the Project location, but have different use characteristics than the project site which is situated in a primarily RA zoned area under transition.

The RA Zone requires a minimum lot area of 17,500 square feet and allows for limited domestic livestock and equine use. You received testimony describing how the Melody Acres and Walnut Acres communities enjoy this country-like character and the threat that an Eldercare Facility may pose on their neighborhoods. The concerns, when viewed in a vacuum suggest perhaps that, if an Eldercare Facility can be built in this RA zoned area what is preventing one from being building in Melody Acres or Walnut Acres?

The answer is that each case is reviewed case-by-case. As you mentioned at your hearing, although schools, churches or child care facilities may not be allowed in other single family zones as a "by-right" use, each has its place depending on the details of the individual operation and the surroundings. As we mentioned at your hearing, the immediately surrounding community already includes schools, churches, child care, community service facilities and other non-residential or commercial uses. According to the testimony, such is not the case in Melody Acres and Walnut Acres. The point, of course, is that the Project is not located in either of these communities and any project proposed in either of these areas would necessarily have to be evaluated based on the unique characteristics of these areas and the use proposed. The issue is not whether the proposed Eldercare Facility is appropriate in the RA Zone in general, it is whether the Project, as proposed, is appropriate in this particular area that happens to be zoned RA.

Commercial Versus Residential Use:

Another related concern repeated in opposing testimony was that the proposed Eldercare Facility is a commercial use and does not belong in a residential neighborhood. Even by operation of its own definitions, the uses included in the Project are residential uses. As we said, the uses proposed include only Alzheimer's/Dementia Care Housing and Assisted Living Care Housing.

LAMC Section 12.03 defines "ALZHEIMER/DEMENTIA CARE HOUSING. Residential housing that is licensed by the California Department of Social Services and provides 24-hour care for people suffering from Alzheimer's disease or other disorders resulting in dementia. The residential units shall be guest rooms only. The housing may be a component of an Eldercare Facility."

LAMC Section 12.03 defines "ASSISTED LIVING CARE HOUSING. Residential housing that is licensed by the California Department of Social Services and provides assistance to people 62 years of age or older who require assistance with two or more non-medical activities of daily living-as defined in the Department of Social Services licensing requirements. The

residential units may consist either of dwelling units or guest rooms. Full time medical services shall not be provided on the premises. The housing may be a component of an Eldercare Facility."

Further, the percentage of Assisted Living to Alzheimer/Dementia Care is 75% to 25%, as provided by the LAMC definition for Eldercare Facility.

LAMC Section 12.03 defines "ELDERCARE FACILITY. One functionally operated facility, which provides residential housing for persons 62 years of age and older, and which combines in one facility, two or more of the following housing types: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer's/Dementia Care Housing. 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.

It is noteworthy that the residential uses proposed are not medical or convalescent type uses requiring Skilled Nursing Care. The LAMC distinguishes the proposed uses from Skilled Nursing Care.

LAMC Section 12.03 defines "SKILLED NURSING CARE HOUSING. Residential housing that is licensed by the California Department of Health and provides acute, intermediate, or long-term skilled nursing care and consists only of guest rooms for its residents. Full time medical services may be provided on the premises. It may be a component of an Eldercare Facility.

Further, under the Department of Social Services licensing requirements, Residential Care Facilities for the Elderly represent a broad classification including multiple types of facilities. Among these are Assisted Living Care Housing. The housing offered for the Project facility receive the same license from the California Department of Social Services, Community Care Licensing Division. Assisted Living facilities are for seniors who have reached a point where they need actual care. However, "persons who require health services or have a health condition including but not limited to those specified below shall not be admitted or retained in a residential care facility for the elderly:

- (1) Stage 3 and 4 dermal ulcers.
- (2) Gastrostomy care.
- (3) Use of liquid oxygen.
- (4) Naso-gastric tubes
- (5) Staph infection or other serious infection.
- (6) Residents who depend on others to perform all activities of daily living for them as set forth in Section 87584.
- (7) Tracheostomies. Sections 1569.30 and 1569.698(c), Health and Safety Code. Reference: Sections 1569.2(a), (e), and (j), 1569.30, 1569.312, and 1569.72; Health and Safety Code.

Thus, by operation of law, an Eldercare Facility is a residential housing use, with limited care and no medical use.

Residential Density:

Also at your hearing, concerns were expressed about potential impacts associated with residential density. Comparisons were made to other Eldercare Facilities located in commercial zones and multi-family residential zones having higher residential densities provided for in the underlying zone. Of course, the vast majority of these facilities pre-date the Eldercare Ordinance. It is for this reason, the Eldercare Ordinance provides for approval of Eldercare Facilities when located on a lot or lots in the AI through R3 Zones, or in the RAS3, R4, RAS4, 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, or the requirements of any specific plan, supplemental use district, "T" classification, "Q" condition, "D" limitation, 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 this section.

"In addition, if the proposed Eldercare Facility is located within the boundaries of an adopted specific plan, notwithstanding the provisions of Section 11.5.7 C. of this Code, the Zoning Administrator shall have the initial decision making authority to decide whether the proposed Eldercare Facility is in conformance with the applicable regulations of the specific plan. In making this determination, the Zoning Administrator shall make each of the findings set forth in Section 11.5.7 C.2. of this Code, following the provisions set forth in this section. Further, if the proposed Eldercare Facility is subject to site plan review, notwithstanding the provisions of Section 16.05 of this Code, the Zoning Administrator shall have the initial decision making authority relating to site plan approval. In making this determination, the Zoning Administrator shall make each of the findings set forth in Section 16.05 F. of this Code, following the provisions set forth in this section."

In speaking with City Planning Department staff involved in the legislative process resulting in the Eldercare Ordinance, the intention was that the strict requirements and limitations included in the individual zoning designations such as lot area and density, setbacks, height and floor area ratio should not limit the ability of the decision maker to approve Eldercare Facilities. It is for this reason, the Eldercare Ordinance includes that the decision maker can consider imposing conditions that assure the required findings will be satisfied.

"In approving any Eldercare Facility pursuant to this section, the Zoning Administrator may impose those conditions, based upon written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, or to ensure that the development is compatible with the surrounding properties or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood, or to secure appropriate development in harmony with the objectives of the General Plan." LAMC Section 14.3.1 F.

It is noteworthy that the decision maker's consideration of conditions tracks almost precisely that of the mandated findings, which include:

"In order to grant the approval, the Zoning Administrator must find 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 Zoning Administrator must also find that the Eldercare Facility:

1. Will not be materially detrimental or injurious to properties or improvements in the immediate area; and
2. Will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand; and
3. Will not create an adverse impact on street access or circulation in the surrounding neighborhood; and
4. 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; and
5. Is in conformance with any applicable provision of the General Plan." LAMC Section 14.3.1-E.

Thus, the Eldercare Ordinance serves to limit the amount of judgment or discretion involved in the decision making process. Instead, the decision maker is to review the unique characteristics of a particular project and fit any needed conditions to the required findings. The Eldercare Ordinance recognizes that, in providing for the well documented need for providing housing for the elderly, the design including height, bulk, and setbacks will minimize any adverse impacts to its surroundings. Therefore, the Eldercare Ordinance is intentionally void of any specific quantification of density, floor area ratio or other details included under the underlying zoning.

Baseline Mansionization:

Included with the application is a request for Zoning Administrator's Interpretation ("ZAI") that the Baseline Mansionization Ordinance (the "BMO") does not apply to Eldercare Facilities. As was stated repeatedly, the request was made out of an abundance of caution with great confidence that the BMO never intended to apply to anything other than single family development. Conversations with City Planning Department Staff before and after your hearing confirm this.

Further, attached for your convenience as Exhibit "E" is an excerpt from the City Clerk's Case File website. Note that the title of the report for Council File No. 06-1293, the Council File for the Eldercare Ordinance No. 178,063 is "Size of Single- Family Homes." Note that the description following includes consideration of the size of single-family homes and does not mention any other use.

Moreover, the operation of the Eldercare Ordinance outlined above makes it abundantly clear that the decision maker is not to confine its reasoning to

specific requirements of the underlying zone, including the BMO. For these reasons the ZAI is repetitive and redundant with the main request for an approval of the Project under the Eldercare Facility Unified Permit Process of LAMC Section 14.3.1. Section 14.3.1.

Donna Schuele, President of the Walnut Acres Neighborhood Association,
February 28, 2011 (*via email*):

Please find attached a written memorialization of the comments that I provided at the ZA hearing on February 14, 2011, in case no. ZA-2010-1694-ZAD-SPR-ZAI, involving 18719 Calvert St. I have pasted the comments below in case you have trouble opening the attachment.

Meanwhile, I remain puzzled as to why, at the hearing, you inquired of my opinion and the opinion of Dave Garfinkle, regarding what sorts of nonresidential development would be allowed in an RA neighborhood. My opinion, Mr. Garfinkle's opinion, or, for that matter, your opinion, is irrelevant. What is relevant, as Mr. Garfinkle made clear in his testimony, are the regulations governing land use in the RA neighborhoods. I would appreciate it if that portion of my testimony is stricken from the record as not relevant.

Memorialization of comments provided at ZA hearing on February 14, 2011:

My name is Donna Schuele and I live at 23058 Califa St. I am President of the Walnut Acres Neighborhood Association. Walnut Acres is an RA-zoned neighborhood in Woodland Hills.

Let's not lose sight of the real issue here. The only question relevant to this hearing is whether zoning and other land use requirements should be disregarded to allow commercial development, and substantial commercial development at that, in the middle of a purely residential neighborhood.

This commercial developer argues that he should be granted a complete exemption from all zoning requirements that the people have put in place to protect the property values and integrity of the RA neighborhood. He attempts to lull the ZA into thinking that precedent already exists for allowing commercial use. According to this time-worn strategy, the developer argues that the integrity of the residential neighborhood has already been altered by commercial encroachment and even tries to convince you that he is entitled to approval of his commercial use.

If the ZA approves this project, he will be opening the door to an assault on every other RA neighborhood in the Valley. Smaller-scale commercial developers will argue that they are entitled to approval because their projects are less intrusive. Similar commercial developers will argue that they are entitled to approval because their projects are no more intrusive. What will we be able to keep out of the middle of our residential neighborhoods? Perhaps only a Wal-Mart.

It is insulting to characterize, as both the ZA staff investigative report and the developer does here, the property in the subject neighborhood as "underutilized." The RA zone is a vital aspect of the San Fernando Valley's

distinctive character. It is a current and very real manifestation of the Valley's history and is part and parcel of why the Valley's jewel, Pierce College, is an agricultural college. Moreover, how an individual property owner "utilizes" the back yard of his RA property is none of the city's (or a developer's) business, beyond uses that are obnoxious. Whether an RA property owner chooses to plant an orchard or garden, or keep animals, or put in a pool or a swing set, or simply let his property grow wild and serve as a private park, is that owner's business and can never be the basis for diminishing the quiet enjoyment of his private property. It is a breathtaking violation of the privacy of the private property owners in this or any neighborhood for the developer to snoop into backyards and then seek to destroy the owners' quiet enjoyment of that private property based on such snooping. And it is beyond the pale that the ZA's staff dignifies such snooping in its report.

In a down market, residential sellers always seek commercial buyers willing to pay more for their property. But the down market is a fact of life, and it is not the ZA's duty to provide a government bailout to sellers wanting an up-market rate of return. There is plenty of commercial property on the market today. Our residential neighborhoods, and particularly the RA neighborhoods, must not be sold out.

The commercial developer here seems to believe that as long as it looks like a duck, it is a duck. The effort to make this commercial development look like single family residences simply underscores the absurdity of this proposal. There is far more to a residential neighborhood than simply a façade. This project might be made to look like a duck. But it will never walk like a duck or quack like a duck – it will never be a duck, no matter how much the commercial developer might try to fool us. This commercial development will destroy the residential character of this neighborhood.

It is appalling that a developer would waste taxpayer resources seeking approval of commercial use of 3 acres of residential/agricultural property located inside a west San Fernando Valley neighborhood. At a time when our city government has no choice but to cut vital services left and right, waste like this should not be tolerated.

Office of Zoning Administration to Project Proponent, August 11, 2011 (via email):

I have reviewed your February 28, 2011 submittal providing a tentative landscape plan, walkability checklist, and responses to comments in opposition. Thank you for such a comprehensive discussion. In the attached letter you stated, "[i]n speaking with City Planning Department staff involved in the legislative process resulting in the Eldercare Ordinance, the intention was that the strict requirements and limitations included in the individual zoning designations such as lot area and density, setbacks, height and floor area ratio should not limit the ability of the decision maker to approve Eldercare Facilities."

This statement is reiterated in the Eldercare Ordinance. What is missing from the ordinance is a clear understanding of the procedure. Upon reading the Staff Report to City Planning Commission, I read, "[t]his unified permit approval must adhere to a single set of findings and the decision maker will

be the Zoning Administrator with appeals to the Area Planning Commission. The discretionary actions previously required would be combined in the unified permit. It may include requests to modify required height, front yards, side and rear yard setbacks, lot area, loading space, density, parking requirements, floor area, allowable uses, and other discretionary actions. Relief from a specific plan may be included in the unified permit process but changes to the existing zone or a community plan may not. Whereas, under these proposed new regulations, these applicants would apply for Eldercare Facility Unified Permit approvals. They will need to describe, as part of their application, all the requested uses, deviations, and/or relief from the L.A.M.C. and any applicable specific plan. (CPC 2003-1038-CA, May 8, 2003, pg. (11)) (Underline added)

There is always a learning curve in implementing a new ordinance. In fact, by now you may be aware that the Department assigns the ELD suffix to Eldercare applications versus the method required at the time of your application. This furthers the intent of the ordinance to create a unified entitlement process. The Eldercare Ordinance has eliminated multiple applications, additional fees, and redundant or conflicting findings. However, it appears from the Staff Report, the Zoning Administrator must be very clear on what deviations are requested from the Municipal Code, Specific Plan, or other governing regulation or policy. Therefore, consistent with the above statement from the Staff Report to City Planning Commission, additional information is needed. Otherwise, I am not able to appropriately review your request.

On or before September 2, 2011 or mutually agreed upon date, please submit a discussion of the following to the Valley Office of Zoning Administration:

Deviations from RA Zone requirements including use, setbacks, height, if required.

Deviation from the General Plan designation (i.e., density not within any corresponding zone).

Deviation from Section 12.21-C,3 (Yards for Institutions, Churches , etc.), if required.

Deviation from Section 12.07-C,5 (Maximum Residential Floor Area) (i.e., include a request and justification to deviate rather than only requesting a ZAI) .

Deviation from Section 12.21-G (Open Space Requirements for Six or More Residential Units), if required.

Site Plan Review Supplemental Application

Kevin McDonald, Project proponent's representative, September 9, 2011 (via email)

On behalf of our client, the Levi Family, owners of the Property and applicants ("Applicants") for the proposed Eldercare Facility referenced above (the "Project"), this responds to your request for additional discussion regarding specific land use regulatory considerations of the City's Eldercare Facility Unified Permit Process, Ordinance No. 178,063 ("Eldercare Ordinance"), codified as Los Angeles Municipal Code⁵ Section 14.3.1. Specifically, you ask for clarification and discussion of the following:

- RA Zone requirements including use, setbacks and height
- General Plan designation (i.e., density not within any corresponding zone)
- Section 12.21 C.3 (Yards for Institutions, Churches, etc.)
- Section 12.07 C.5 (Maximum Residential Floor Area)
- Section 12.21 G (Open Space Requirements for Six or More Residential Units)
- Site Plan Review Supplemental Application

I. INTRODUCTION:

As an introduction to this discussion, it is worthwhile making some preliminary points. First, in order to facilitate the stated goal of the Eldercare Ordinance to "initiate a unified permit process to facilitate multiple entitlements for Eldercare Facilities . . . includ[ing] permit Dear Mr. Brown:

On behalf of our client, the Levi Family, owners of the Property and applicants ("Applicants") for the proposed Eldercare Facility referenced above (the "Project"), this responds to your request for additional discussion regarding specific land use regulatory considerations of the City's Eldercare Facility Unified Permit Process, Ordinance No. 178,063 ("Eldercare Ordinance"), codified as Los Angeles Municipal Code⁶ Section 14.3.1. Specifically, you ask for clarification and discussion of the following:

- RA Zone requirements including use, setbacks and height
- General Plan designation (i.e., density not within any corresponding zone)
- Section 12.21 C.3 (Yards for Institutions, Churches, etc.)
- Section 12.07 C.5 (Maximum Residential Floor Area)
- Section 12.21 G (Open Space Requirements for Six or More Residential Units)
- Site Plan Review Supplemental Application

I. INTRODUCTION:

As an introduction to this discussion, it is worthwhile making some preliminary points. First, in order to facilitate the stated goal of the Eldercare Ordinance to "initiate a unified permit process to facilitate multiple entitlements for Eldercare Facilities .. includ[ing] permit II.

5 All Code Section references are to the Los Angeles Municipal Code.

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RA ZONE REQUIREMENTS:

A. RA Zone Allowable Uses

The RA Zone allows generally uses associated with one-family dwellings and limited agricultural and animal keeping uses. As such, an entitlement to allow an Eldercare Facility at the Property is necessary to avoid the inefficiencies of requesting several separate entitlements as was required prior to the implementation of the Eldercare Ordinance.

B. RA Zone Yard Setback Requirements

The RA Zone provisions require a front yard depth of 20 percent of the lot depth, but no more than 25 feet, unless a prevailing front yard condition exists. Side yards are required to be at least 10 feet in width plus an additional one foot of side yard width for each 10 feet or fraction thereof above the first 18 feet of main building height. Rear yards are required to be 25 percent of the depth of the lot, but no more than 25 feet in depth. Section 12.07 C.

The Property is regularly shaped and is approximately 340 feet wide fronting on Yolanda Avenue measured in the north-south direction by 369 feet deep fronting Calvert Street measured in the east-west direction. Therefore, the frontage along Yolanda Avenue is considered the front lot line from which the required front yard depth is measured. Section 12.03. The Yolanda frontage makes up one half the entire frontage between Calvert Street at the south end of the block and Erwin Street at the north end of the block. The remaining frontage along Yolanda Avenue is developed with two single-family homes. The first home to the north of the Property has its front yard facing Yolanda Avenue (6203 Yolanda Avenue) and the second home north of the Property has its front yard facing Erwin Street (18702 Erwin Street). The approximately 190 feet of frontage of the 6203 Yolanda Avenue property accounts for approximately 30 percent of the Yolanda Avenue frontage for the block. Therefore, no prevailing front yard condition exists⁷ and the 25-foot front yard depth proposed meets the RA Zone front yard requirement.

Likewise, the 25-foot side and rear yards proposed meet the minimum side and rear yard requirements of the RA Zone. Therefore, no deviation from the RA Zone yard provisions is needed or requested.

C. RA Zone Building Height Requirements

For RA zoned lots not located in the Hillside Area or Coastal Zone, as is the case with the Property, the maximum allowable building height is 36 feet, "except that when the roof of the uppermost Story of a Building or Structure or portion of a Building or Structure has a Slope of less than 25 percent, the maximum height shall be 30 feet." Section 12.21.1. The maximum height of the Project proposed is 29 feet as shown on sheet A3.01 of the plans

submitted with the Eldercare application. Therefore, no deviation from the RA Zone building height requirements is needed or requested.

III. GENERAL PLAN DESIGNATION:

The Property is located in the Reseda - West Van Nuys Community Plan Area of the City's General Plan (the "Community Plan"). The land use designation is Very Low I Residential. No Plan footnotes applicable to the Property appear on the Community Plan Map. The Property is not located in a Specific Plan area and is currently zoned RA-1-K, which zone is consistent with the Very Low I Residential land use designation of the General Plan.

As presented, beginning on page 10 of Exhibit "A" submitted with the Eldercare application, the Eldercare Facility use proposed on the Property furthers several policies and objectives of the Community Plan. Additionally, the Eldercare Ordinance itself, by providing a combined unified entitlement process to facilitate approvals for the growing needs of Eldercare Facilities in the City, "is in substantial conformance with the purposes, intent, and the provisions of the General Plan" because it "encourage[s] various types of housing for every stage/condition of a senior's life, as stated in Chapter 3 of the Housing Element of the General Plan." Los Angeles City Planning Department Recommendation Report to the City Planning Commission, dated May 8, 2003; Case No. CPC-2003-1038-CA at p. 3.

The City Planning Department's research into Eldercare Facilities included facilities remarkably similar to the Project. At p. 9 of CPC-2003-1038-CA, an example of a facility was described as an "Eldercare Facility hav[ing] more than one senior housing type located under one roof or among the buildings included in the facility. For example, one Eldercare Facility may contain mostly Assisted living Care Housing units yet have a smaller section dedicated to Skilled Nursing Care Housing Units." These types of facilities are recognized as having a "large percentage of floor area dedicated to common areas . . . such as restaurant style dining areas and large lobbies [so] these building are configured differently than most apartment buildings." The research also revealed that "[b]ecause the relatively small on-site medical staff in Skilled Nursing and Alzheimer's/Dementia Facilities, these buildings are configured differently than most hospitals." The research also revealed a very important distinction: "residents live in assisted living facilities and patients live in convalescent homes and hospitals." *Id.* at p. 7. Consequently, the "[City Planning] Department believes that the density calculations for these facilities must be consistent with current R4 zoning regulations." *Id.* at p. 9.

Under the R4 Zone density regulations, the minimum lot area required for each dwelling unit is 400 square feet and the minimum lot area for each guest room is 200 square feet. Section 12.11 C.4. All unit types are guest rooms, i.e., they do not include a kitchen and, therefore, are not dwelling units. Section 12.03. Therefore, the 128 units would require a minimum lot area of $128 \times 200 = 25,600$ square feet. The total lot area included in the Project is 125,460 square feet or almost five times the required lot area.

IV. INSTITUTIONAL YARDS:

- A. The Project is not an institutional use. You asked whether the Project requires any deviation from the yard area regulations specifically required pursuant to Section 12.21 C.3 for institutions, including hospitals, churches and similar uses. First, the proposed Eldercare Facility, primarily consisting of Assisted Living use with a secondary use dedicated to Alzheimer's/Dementia Care Housing, is not a similar use to a hospital or church and, therefore, is not subject to the yard area requirements of Section 12.21 C.3. As noted above, the City Planning Department made a distinction between residents living in an Assisted Living facility and patients living in a hospital. *Id.* at p. 7.
- B. The Project meets or exceeds the yard area required for institutional uses. The distinction notwithstanding, the generous yard area provided by the Project meets or exceeds the requirements of Section 12.21 C.3. Hospitals, institutions and similar uses require side yards of 20 percent of the width of the lot, but no more than 25 feet. Section 12.21 C.3.(a). Churches, clubs, educational institutions, elementary and high schools, libraries and museums require a combined side yard width for the two side yards of 40 percent of the lot width, but no more than 50 feet. A minimum side yard width of 10 feet is required at the lot line of an adjoining lot in the RA or R zones. Section 12.21 C.3.(b). With at least 25 feet of open yard area provided adjoining each of the Property's lot lines, no deviation from the institutional yard requirements is needed or requested.

V. MAXIMUM RESIDENTIAL FLOOR AREA:

Ordinance No. 179,883, known as the Baseline Mansionization Ordinance ("BMO"), effective June 29, 2008, applies to residential construction in the RA Zone. Among other things, the BMO includes limitations on maximum residential floor area. The definition for "residential floor area" in Section 12.03 provides, in relevant part, "[t]he area is square feet confined within the exterior walls of a building or accessory building on a lot in an RA, RE, RS, or R1 Zone. Although the BMO is applicable only to the single family residential zones listed in the definition, the definition does not specify that the residential floor area limits apply only to single family dwellings.

The specific residential floor area limitation in the RA Zone is "25 percent of the lot area, except that when the lot is 20,000 square feet or greater, then the residential floor area shall not exceed 20 percent of the lot area or 5,000 square feet, whichever is greater." Section 12.07 C.5. The strict application of this limitation for the 125,460 square foot Property would limit the entire project floor area to 5,000 square feet total. This limitation amounts to less than four percent of the total lot area. Therefore, a deviation from the maximum residential floor area of Section 12.07 C.5 is requested to allow a total floor area of 74,436 square feet⁸, in lieu of the maximum residential floor area of 5,000 square feet.

The Eldercare Ordinance provides that the decision maker adhere to a single set of findings. The following is intended to supplement the findings already included in Exhibit "A" accompanying the original case filing.

- A. 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.

It is well established that the process to establish the BMO legislation was undertaken to reign in the "mansionization" of single family homes in single family neighborhoods where out of scale development was thought to have negative impacts on surrounding properties. Realizing that the BMO's intention from its inception was to target single family development, its limitations should not be applicable to an Eldercare Facility.

The obvious practical difficulty and unnecessary hardship caused by the strict application of the residential floor area limitation imposed by the BMO is that it renders the Property and any similarly situated property utterly useless in terms of an Eldercare Facility development. Such is completely inconsistent the general purpose and intent of the zoning regulations for both the BMO and the Eldercare Ordinance.

As stated above, in Exhibit "A" accompanying the original case filing and repeated in our correspondence of February 28, 2011 for this matter, the BMO was intended to apply to single family development. The Eldercare Ordinance was intended to facilitate the approval of Eldercare Facilities in response to the growing need for such facilities in the City. Strict adherence to the residential floor area limitation imposed by the BMO for an Eldercare Facility at the Property is contrary to this intent.

- B. The Eldercare Facility will not be materially detrimental or injurious to properties or improvements in the immediate area.

Allowing the total residential floor area to exceed the strict limitation imposed by the BMO would not be detrimental or injurious to properties and improvements in the immediate area because the Project is specifically designed in consideration of the Property's surroundings. Generous setbacks, exceeding those required for both residentially developed property in the RA Zone and for institutional uses in the RA Zone, are provided to give ample separation from adjoining uses.

Further, as noted in CPC-2003-1038-CA, relief from the floor area limitations should be allowed, because "increased floor area does not mean increased density." CPC-2003-1038-CA at p. 7. Limited density minimizes the impacts to the surrounding properties, especially for the low impact use of an Eldercare Facility. The residential density for the Project is approximately one guest room for every 980 square feet of lot area. The residential density permitted in the R4 Zone is one guest

room for every 200 square feet of lot area. R4 density on the Property would permit up to 627 guest rooms.

- C. The Eldercare Facility will provide services to the elderly such as housing, medical services, social services or long term care to meet the citywide demand.

The Project includes guest rooms, dining facilities, and indoor and outdoor recreational facilities specifically to meet the long term care needs for the elderly in the City. Without relief from the maximum residential floor area imposed by the BMO, the Project could not be developed and the housing and other services for the elderly could not be provided.

It is difficult to imagine how any Eldercare Facility envisioned by the Eldercare Ordinance could be built if the maximum residential floor area limitations of the BMO were enforced on any RA, RE, RS, or R1 zoned properties. Thus, allowing a deviation from the maximum residential floor area is absolutely imperative to provide the services required by the City's aging community.

- D. The Eldercare Facility will not create an adverse impact on street access or circulation in the surrounding neighborhood.

A Traffic Impact Analysis ("Traffic Analysis") was prepared for the Eldercare Facility at the Property by Overland Traffic Consultants Inc. and found no significant traffic related impacts are created by the proposed Eldercare Facility. See Traffic Analysis dated April 2010, included as a part of the environmental review.

The traffic study was prepared under the assumptions of the floor area and number of guest rooms included with the Project. Therefore, allowing a deviation from the maximum residential floor area for the Project as designed will not create an adverse impact on street access or circulation in the surrounding neighborhood.

- E. The Eldercare Facility 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 the existing and planned future development on neighboring properties.

The proposed project and the design of the facility is completely residential and non-institutional in character. The completed facility will resemble a series of modestly scaled homes set well back from Calvert Street and shielded by extensive landscaping. The project is a significant residential upgrade to the existing improvements on the Property.

The deviation from the maximum residential floor area requested for the Project does not compromise the effectiveness of the attention to the design of the off-street parking facilities, loading areas, lighting,

landscaping, trash collection, and other pertinent improvements essential to the operation of an Eldercare Facility.

- F. The Eldercare Facility is in conformance with applicable provisions of the general plan.

As stated in CPC-2003-1038-CA at p. 3, the Eldercare Ordinance was implemented to encourage the type of housing and other essential services required "for every stage/condition of a senior's life, as stated in Chapter 3 of the Housing Element of the General Plan." The Eldercare Ordinance provides the decision maker with a broad range of authority to grant deviations from specific requirements and limitations of the underlying zone in order to advance the objectives of the Housing Element of the General Plan. Thus, granting the deviation to the maximum residential floor area limitation imposed by the BMO allows for the very type of development envisioned by the Eldercare Ordinance and the General Plan.

VI. OPEN SPACE REQUIREMENTS:

The open space requirements of Section 12.21 G do not apply to the Project because no dwelling units are proposed. Every living space is a guest room with no kitchen facilities. However, it is instructive to demonstrate how the abundance of open space provided in the Project design contributes not only to active and passive recreational opportunities for the residents on site, but also to the level of compatibility of the Eldercare Facility with the surrounding properties in terms of density and buffering/transition.

- A. The limited residential density is compatible with the surrounding properties.

If all 128 guest room units were considered as dwelling units with less than three habitable rooms, 100 square feet of useable open space would be required for each unit, for a total of 1,280 square feet. Section 12.21 G.2. Over 24,000 square feet of useable open space is provided on the premises, not including land used for required front or side yards, private streets, driveways, passageways, parking, loading or service areas.

Of the 1,280 square foot requirement, 25 percent (320 square feet) could be provided in an indoor recreation room consisting of at least 600 square feet. Section 12.21 G.2(a)(4)(i). 2,451 square feet of indoor recreation space is located in one multipurpose room on the first floor alone. This area does not take into account the other lounge, dining and other multipurpose areas contained in the facility.

- B. The open space is configured to provide considerable buffering from and transition to the surrounding properties.

The site plan and landscape plan demonstrate how the combination of active and passive recreational areas and landscaping combine to provide a pleasant living environment, relief of the massing of

buildings and significant buffering from the surrounding properties. The more active recreational areas are located toward the interior of the Property and screened from the adjoining properties by the buildings themselves and/or by landscaping. Passive recreational opportunities are configured around the perimeter of the Property and effectively screened from the adjoining properties with landscaping.

The swimming pool area is located near the center of the Property and is surrounded at the north, west and south sides with the facility's building. The east side opens to Yolanda Avenue approximately 85 feet away. Included in the 85 foot transition area between the pool area and Yolanda Avenue are a covered walk, putting green, vegetable garden, open walk pathway and screening shrubs.

A bocce ball area is provided at the northerly side of the Property and is buffered from the northerly residential property at least 60 feet away with screening shrubs and the staff and resident parking area. The parking area is also screened from the northerly property with a concrete block wall softened with densely planted trees.

A quiet reflection area at the north-westerly corner of the Property adjoining the Special Needs wing includes a circular seat wall accessible from a meandering decomposed granite path lined with benches and shade trees. The southerly end of the path terminates near the center of the Property at a shaded sitting area adjoining the Special Needs vegetable garden. The entire area is enclosed with a solid security wall buffered from the westerly adjoining property with a variety of densely planted trees.

The southerly side of the Property facing Calvin Street is designed as the main entrance to the building opening into the lobby and administration area. The front elevation facing Calvin Street is articulated to resemble a series of single homes. The building is set back from Calvin Street between 25 and 90 feet. The guest parking area between the building and the sidewalk is heavily shaded with landscaping and is buffered from Yolanda Avenue to the east and from Calvin Street to the south by 25 feet of shade trees, screening shrubs, ground cover and an internal walking path lined with benches.

Even though the open space requirements intended for multi-family development are not specifically required, the Project design conscientiously provides more than ample open space with due consideration given to the surrounding neighborhood.

VII. SITE PLAN REVIEW SUPPLEMENTAL APPLICATION:

A completed Site Plan Review Supplemental Application form is attached.

Jonathan Brand, Council District Representative, September 9, 2011 (via email)

I have had a chance to review the letter in the file from the applicant's representative dated September 2, 2011. I understand that the proposal meets the yard, height and open space requirements.

Section V explains the BMO and how it applies to this proposal. I believe that how the letter applies the BMO is incorrect. It exaggerates the limitations of the BMO, an ordinance that was extremely popular in CD 3's flatland RA neighborhoods. The RA zone limitation on a lot 20,000 square feet or greater is 0.20 FAR. The BMO states that when a lot is 20,000 square feet or greater, then the residential floor area shall not exceed 20 percent of the lot or 5,000 square feet, whichever is greater. Therefore, under the BMO a 125,460 square foot lot at a 0.20 FAR would allow for a 25,092 square foot building since 25,092 square feet is greater than 5,000 square feet. The 25,092 s.f. number does not include the proportional stories bonus offered in the BMO.

The letter fails to mention a critical point that was made in the Council Office's testimony and the letter I sent to you below from February 16, 2011 when the case file was still open. The proposal does meet finding 4 of the Eldercare Ordinance as the proposal does not consist of an arrangement of buildings and structures, off street parking, loading areas, lighting, landscaping, trash collection which is compatible with existing development on neighboring properties.

The letter also does not discuss another important point regarding this proposal. The Eldercare Ordinance states that "in order to grant the approval, the ZA must find 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". This finding cannot be made. Just down the street numerous properties have been improving their single family home properties consistent with that of low-density single family zones and have done so without asking for a 20 fold increase in density.

After the record closed, the Zoning Administrator reviewed the entire administrative record and conducted extensive research and determined Approval of the requests is in conformance with intent and purpose of the Los Angeles Municipal Code, as discussed below in the Findings.

ZONING ADMINISTRATOR'S COMMENTS

Comment on Eldercare Application Process:

The Eldercare Facilities Ordinance is relatively new and there is always a learning curve in implementing a new ordinance. In fact, initially the Planning Department assigned ZV (Zone Variance), ZAA (Zoning Administrator's Adjustment), ZAD (Zoning Administrator's Determination), and SPR (Site Plan Review) suffixes to Eldercare Applications which seems inconsistent with the intent of the Ordinance to create a unified entitlement process. The Eldercare Ordinance was intended to eliminate multiple applications, additional fees, and redundant or conflicting findings. Multiple suffixes are no longer issued and the ELD

suffix is assigned. Thus, the subject Case No. ZA 2010-1694(ZAD)(SPR)(ZAI) would read Case No ZA 2010-1694(ELD), if applied for today.

Another item on the learning curve was what information in an application is necessary to evaluate a proposed project. At the public hearing, the project proponent was requested to submit a tentative landscape plan and Walkability Checklist. These are not requirements of an application, although they assist in determining if the project is compatible with its surroundings. The project proponent responded on February 28, 2011 by submitting supplemental information.

Subsequently, only after reading the City Planning Commission Eldercare Facilities Staff Report, the Zoning Administrator realized the application must also be very clear on what deviations are requested from the Municipal Code, Specific Plan, or other governing regulation or policy.^{9/} Therefore, on August 11, 2011, the project proponent was informed additional information was required in order to properly review the request. Subsequently, the following information was submitted by the project proponent to the administrative record:

Discussion of deviations from RA Zone requirements including use, setbacks and height - (No Deviation requested)

Discussion of deviations from the General Plan designation - (Request to deviate from density)

Discussion of deviations from Section 12.21-C,3 (Yards for Institutions, Churches , etc.) - (Not required to comply)

Discussion of deviations from Section 12.07-C,5 (Maximum Residential Floor Area - (Request to deviate from floor area limitation)

Discussion of deviations from Section 12.21-G (Open Space Requirements for Six or More Residential Units) - (Not required to comply)

Presentation of Site Plan Review Supplemental Application. (Submitted)

9/ The Eldercare Facilities Staff Report to City Planning Commission reads, "[t]his unified permit approval must adhere to a single set of findings and the decision maker will be the Zoning Administrator with appeals to the Area Planning Commission. The discretionary actions previously required would be combined in the unified permit. It may include requests to modify required height, front yards, side and rear yard setbacks, lot area, loading space, density, parking requirements, floor area, allowable uses, and other discretionary actions. Relief from a specific plan may be included in the unified permit process but changes to the existing zone or a community plan may not. Whereas, under these proposed new regulations, these applicants would apply for Eldercare Facility Unified Permit approvals. They will need to describe, as part of their application, all the requested uses, deviations, and/or relief from the LAMC and any applicable specific plan." (CPC 2003-1038-CA, May 8, 2003, pg. (11)) (Underline added)

[AZA Commentary] Upon review of all Eldercare Facilities applications filed at the time of this decision, all lacked a complete analysis of deviations from the Municipal Code

Comment on the Finding of Unnecessary Hardship or Practical Difficulties:

In order for Eldercare Facilities to be approved, mandated findings delineated in Section 14.3.1 of the Los Angeles Municipal Code must be made in the affirmative. The first Finding is "... 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."

This Finding is universally known as the "Unnecessary Hardship" Finding and is generally evaluated based on economics and whether the property can be put to "effective use" without the variance.^{10/} A variance is not intended to be used for the purposes of convenience or to increase the value of a property. If a property can be put to effective and consistent use with zoning, then the fact that a variance would make the property more valuable or increase the income of the owner is immaterial.^{11/}

Decision-makers in the City Planning Department have an example of how this concept is applied since the Second District Court of Appeal addressed the Unnecessary Hardship Finding in *Stolman v. City of Los Angeles*. In the *Stolman* case, property was zoned for single-family but had non-conforming rights to be used as a gas station since it was in operation since 1925, prior to any governing regulation. The project proponent added detailing cars and subsequently was cited by the Department of Building and Safety for illegally operating a car wash. In response, the project proponent applied for a variance which City Council on appeal granted. The court overturned City Council's decision based on a lack of hardship justifying the variance. The court viewed the key issue as whether the car-detailing operation was either so crucial that the property owner must have a variance or if the owner merely sought to provide additional services simply to make the gas station more profitable. The court held that evidence in the record was insufficient to support a finding of financial hardship, since the project proponent did not provide any information from which to determine whether the profit was so low as to amount to "unnecessary hardship."^{12/}

An unintended consequence of requiring the Unnecessary Hardship Finding in the Eldercare Ordinance is that in this instance and many cases an affirmative Hardship Finding cannot be made using the *Stolman's* approach of "no economic use" without a Variance. In fact, research on Eldercare projects before and after the ordinance indicated that in making the Finding for Unnecessary Hardships or Practical Difficulties, other reasons besides economic use were the basis of approval. These include valuing non-conforming rights, correcting disparate regulations, providing for community need, optimal use of the site, and compensating for time constraints. Also, a strict approach to the Hardship Finding in *Stolman* is contrasted to another recent court decision in *Committee to Save the Hollywood Specific Plan v. City of Los Angeles* that held applicants don't need to address hardships solely in economic terms, but can take into account other factors such as safety hazards.

10/ *Broadway Laguna Homeowners Ass'n v. Board of Permit Appeals*, 66 Cal. 2d 767, 775, 777-78 (1967);

11/ *Hamilton v. Board of Supervisors*, 269 Cal. App. 2d, 64, 67 (1969)

12/ *Stolman v. City of Los Angeles*, 114 Cal. App. 4th 916, 926-27 (2003)

The other two prongs of a Variance are:

There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other properties in the same zone and vicinity. (*Special Circumstances*)

Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question. (*Parity in Property Rights*)

By way of background, an experienced planner always starts by analyzing "Special Circumstances". This is the most obvious Finding where facts are not easily blurred by smoke and mirrors or elegant prose. Moreover, it is the foundation for the two other prongs. The second prong of a Variance requires distinguishing the property from other properties in the same zone and vicinity. The classic special circumstances are unusual physical characteristics of the property, such as size, shape, topography, location, or surroundings. The third prong of a Variance is "Parity in Property Rights" where an approval is necessary to bring the property owner into parity with other properties in the same zone and vicinity. Without evidence of such, a Variance would be a special privilege.^{13/}

The Eldercare Ordinance uses only one prong of a Variance and when taken alone the analysis can lead to predisposed conclusions. For example, a project proponent would understandably contend they suffer economic hardship because the density limit in the RA Zone Classification does not allow their project. They would reason it is not possible to provide "service rich" (i.e., term used in the Housing Element) Eldercare with a mix of Senior Independent Housing, **Assisted** Living Care Housing, and/or Alzheimer's/Dementia Care Housing due to the need for "economies of scale" (i.e., reduced cost due to larger size). However, individuals predisposed to oppose such density would contend the project proponent has created a "self-imposed hardship" and should locate in a higher density zone. Basically, the Hardship Finding has created an untended dilemma and may not further the intent of the Eldercare Facilities Ordinance.^{14/}

This decision-maker is of the belief that the second Variance Finding is more relevant for considering Eldercare Facilities. The second Variance Finding reads, "... there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity." This Finding takes into consideration characteristics of a proposed site contrasted to surrounding land uses, scale, height, bulk, setbacks, and appearance of other development. Furthermore, using the second Variance Finding corresponds with other Eldercare Findings that focus on site planning and project design in order to obtain compatibility.

13/ Section 12.27-D Los Angeles Municipal Code, California Gov't Code Sec. 65906; *Topanga Ass'n for a Scenic County of Los Angeles*, 11 Cal. 3d 506, 520 (1974).

14/ CPC-2003-1038-CA, Finding No.1 "The proposed ordinance would provide for "clear and consistent rules" governing development of senior housing. The provisions of the proposed ordinance would "provide predictability to anyone who develops property", as called for in the Framework Principles. (*underline added*)

Comment on Baseline Mansionization (Ordinance No. 179,883):

Pursuant to the provisions of Section 12.21-A,2, the project proponent initially requested a Zoning Administrator's Interpretation that Baseline Mansionization Ordinance No. 179,883 does not apply to the Eldercare Facility.^{15/} The request was made "out of an abundance of caution with great confidence that the BMO never intended to apply to anything other than single-family development. Conversations with City Planning Department Staff before and after your hearing confirm this." (*Project Proponent*)

Subsequently, the project proponent amended the application and withdrew the request stating, "... the operation of the Eldercare Ordinance outlined above makes it abundantly clear that the decision maker is not to confine its reasoning to specific requirements of the underlying zone, including the BMO. For these reasons the ZAI is repetitive and redundant with the main request for an approval of the Project under the Eldercare Facility Unified Permit Process of LAMC Section 14.3.1."

Therefore a Zoning Administrator's Interpretation has been Dismissed. Notwithstanding, an analysis is required on all deviations from the Municipal Code including BMO. However, this decision-maker is not entirely satisfied with after-the-fact conclusions reached by some that BMO is applicable to non-residential development.^{16/}

One reason for this uncertainty is that instructions from City Council clearly stated City Planning Department was to prepare an ordinance regarding the size of single-family homes. On June 6 2006, Planning Land Use and Management Committee prepared a Motion that instructed the Planning Department to prepare an ordinance by stating, "THEREFORE MOVE that the Department of City Planning, in conjunction with the City Attorney and the Department of Building and Safety, be directed to prepare an ordinance amending the LAMC to establish the appropriate size of single-family homes in flat and hillside areas. Such ordinance should consider: the size of the structure in relation to the size of the lot (floor area ratio), for both new construction and additions to existing homes the relationship between percentage of slope and allowable buildable area amendments to existing Specific plans and municipal code provisions to ensure consistency." (*underline added*)

The second reason that BMO may only apply to single family homes is found in City Planning Commission Staff Report, May 24, 2007 that reported, "Proposed Project: Mansionization Ordinance - Citywide code amendment to the Los Angeles Municipal Code

15/ Other Use and Yard Determinations by the Zoning Administrator. (Amended by Ord. No. 177,103, Eff. 12/18/05.) The Zoning Administrator shall have authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed.

The Zoning Administrator shall also have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation. (*underline added*)

16/ The Zoning Administrator prepared this analysis based on Motion dated June 6, 2006, Staff Report to City Planning Commission and Draft Ordinance (CPC 2007-106-CA) dated May 24, 2007, Draft Ordinance submitted to Planning Land Use and Management dated September 9, 2007, Draft Ordinance transmitted to City Council dated October 18, 2007, and adopted Ordinance Nos. 178,883 and 181,608.

(underline added) Further, in adopting the recommended ordinance, Findings made by City Planning Commission included: *(underline added)*

Finding No. 1: "In accordance with Charter Section 556, the proposed code amendments are in substantial conformance with the purposes, intent, and provisions of the General Plan in that they establish regulations that would reduce the development potential of single-family residential structures, in terms of mass and size, on single-family zoned lots not located in Hillside Areas or a Coastal Zone.

...

Furthermore, the current Floor Area definition is inadequate for single-family residential development because the current definition does not include many portions of a building that add significantly to the mass and bulk of structures. The new definition would include the portions of a building or structure that are currently excluded from the maximum square footage of development on a lot. In addition, the proposed Base Floor definition is necessary for the Department of Building and Safety to effectively implement the Proportional Stories FAR Bonus."

Finding No. 2: "In accordance with Charter Section 558(b)(2), the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice because its measures are needed to regulate single-family residential development in order to avoid the further degrading effects of out-of-scale structures in the various neighborhoods throughout the City of Los Angeles as a result of the current FAR of 3:1."

Finding No. 3: "Add New Single-Family Residential Floor Area and Base Floor Definitions Single-Family Residential Floor Area. The existing Floor Area definition does not differentiate between the various building types and zones, and is applied to all development in the same manner, unless otherwise stated. This means that the floor area of a single-family home is calculated in the same manner as a commercial shopping center or an industrial park, yet the structures are very different.

The existing Floor Area definition also excludes areas such as garage space, atriums, and stairwells that contribute significantly to the mass and scale of residential structures. The new Single-Family Residential Floor Area definition would include such areas that are currently excluded from the maximum development potential for a lot. The existing definition still applies to uses other than single-family residential.

The exemption of the first 400 s.f. of garage area is in place in to compensate for the parking provisions required in the LAMC. Floor area in excess is counted in order to prevent unnecessarily large garages which would otherwise contribute to the overall mass and scale of single-family residences or detached structures on a lot.

Finding No. 4: Rename Subsection C of Each Single-Family Residential zone and Move Single-Family Residential Floor Area Regulations to Each Zone. Currently, the Floor Area regulations for all zones, including single-family residential, are found in Subsection A of Section 12.21.1 of the LAMC. Furthermore, Subsection C of Sections 12.07, 12.07.01, 12.07.1, and 12.08, contain the "Area" requirements such as Front, Side, and Rear Yards, as well as the Lot Area for each zone.

As a result of the proposed Single-Family Residential Floor Area regulations, the proposed ordinance will rename Subsection C of each single-family zone to "Development Standards", and move the proposed FAR requirements to each zone. The ordinance also includes a reference in Section 12.21.1 of the LAMC to the new FAR requirements in each zone. This revision will allow each zone to have its own specific single-family development standards, making these regulations easier to find in the LAMC.

Based on these Findings, on May 24, 2007 City Planning Commission approved a draft ordinance that in part included language stating, "Section 12.03 of the Los Angeles Municipal Code is amended by adding the definitions of "Single-Family Residential Floor Area" and "Base Floor" in proper alphabetical order to read:

FLOOR AREA. Is that area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas. Except that single-family residences on properties zoned RA, RE, RS, and R1, and not located in a Hillside Area or Coastal Zone shall be governed by the definition of Single-Family Residential Floor Area. (Added by Ord. No. 163,617, Eff. 6/21/88., Amended by Ord. No. ###,###, Eff. #11####.)" *(underline used by staff in CPC Draft Ordinance to reflect change in language changed from the current Code)*

On July 9, 2007, the transmittal letter to Planning Land Use and Management Committee (PLUM) stated in part, "Staff has been directed to return to the Commission 100 days from the date this ordinance is adopted by the City Council to provide a progress report addressing flat lots in Hillside Areas.

Staff has also been directed to monitor the construction of single-family homes in areas affected by this Ordinance and report back to the Commission with an evaluation of the effectiveness of this Ordinance in dealing with the mansionization problem one year from the date this Ordinance is adopted by City Council." *(underline added)*

The draft ordinance submitted to PLUM included the following: *(Same as recommended by City Planning Commission for adopted by City Council)*

FLOOR AREA. Is that area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas. Except that single-family residences on properties zoned RA, RE, RS, and R1, and not located in a Hillside Area or Coastal Zone shall be governed by the definition of Single-Family Residential Floor Area. (Added by Ord. No. 163,617, Eff. 6/21/88, Amended by Ord. No ###,### Eff. ####/##.) *(underline used by staff in PLUM Ordinance to reflect change in language changed from the current Code)*

After PLUM recommends the adoption of an ordinance, the City Attorney reviews it for form and substance. Through this standard procedure, the City Attorney removed fundamental language that clearly limited the regulation to single-family residential. The definition of Floor Area was changed to, "FLOOR AREA. The area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls,

exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas. Except that buildings on properties zoned RA, RE, RS, and R1, and not located in a Hillside Area or Coastal Zone are subject to the definition of Residential Floor Area." (*City Council, October 18, 2007 Council File No. 06-1293, CPC File No. 2007-0106-CA*) (*Underline reflects language changed from PLUM to City Council.*) No Findings was presented to City Council to reflect the intent to expand the scope of the ordinance beyond single-family.

Furthermore, this decision-maker is also troubled by implementation of BMO because it exempts square-footage for residential "required covered parking" (i.e., 400 square feet), but not required covered parking for non-residential projects on the same site. Another inconsistency is the ordinance established a "Green Building" incentive for new single family dwellings, but not for non-residential uses. Non-residential uses are exactly what should be targeted since their energy consumption is greater. These are just a two discrepancies that question the application BMO's to non-residential buildings.

MANDATED FINDINGS

In order for Eldercare Facilities that do not meet the use, area or height provisions of the respective zones to be granted, all of the legally mandated findings delineated in Section 14.3.1 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. 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.**

Section 14.3.1-E (Eldercare, Findings for Approval) state, "... in order to grant the approval, the Zoning Administrator must find that 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." However, before making the first Finding in Section 14.3.1-E, the Zoning Administrator must first determine if the proposed project meets the definition of an Eldercare Facility.

Section 12.03 (Definitions) of the Los Angeles Municipal Code defines Eldercare Facility as "[o]ne functionally operated facility, which provides residential housing for persons 62 years of age and older, and which combines in one facility, two or more of the following housing types: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer's/Dementia Care Housing. 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." (*Added by Ord. No. 178,063, Eff. 12/30/06.*)

The proposed project is the demolition of thirteen (13) structures consisting of five single-family dwellings totaling approximately 5,150 square feet, and eight accessory buildings. Construction includes 74,436 square feet with up to 128 guest rooms housing for up to 156 elder residents. The proposed Eldercare Facility meets the definition in Section 12.03 of the Los Angeles Municipal Code since all

residential housing will be for persons 62 years of age and older, the project combines in one facility two or more of necessary housing types, and a minimum of 75 percent of the floor area, exclusive of common areas, will consist of Senior Independent Housing and/or Assisted Living Care Housing.

The total floor area of 74,436 square feet is configured as follows,^{17/}

Assisted Living Care Housing: 17,818 square feet on the first floor and 16,918 square feet on the second floor, for a total of 34,736 square feet, total of 97 guest rooms.

Alzheimer's/Dementia Care Housing: 4,200 square feet on the first floor and 5,100 square feet on the second floor, for a total of 9,300 square feet devoted to Alzheimer's/Dementia Care Housing, total of 31 guest rooms.

The balance of the floor area is devoted to common use and administrative use.

Since the project conforms to the definition of an Eldercare Facility, the first Finding in Section 14.3.1-E can now be addressed which is based in part on a Variance. The Finding comes from a Variance and is described as the "Unnecessary Hardship" Finding". The purpose in using this Variance Finding is not evident since Eldercare Facilities are facilities with a mix of housing types and care needs providing enhance services typically would exceed the density of the zones cited in the ordinance. (See *discussion in Zoning Administrator's Comment*)

For example, an Eldercare Facility would be limited to one dwelling unit on A1 through R1 zoned lots (i.e., based on required lot size). This is not economically feasible nor would it allow the type of facility envisioned by the framers of the Eldercare Ordinance. Rather, an indication of expected density is found on page 9 of the Eldercare Ordinance Staff Report (i.e. CPC 2003-1038(CA)) where it states, "[t]he Department believes that the density calculations for these facilities must be consistent with current R4 zoning regulations. (*underline added*) This implies planners of the Eldercare ordinance assumed the typical Eldercare Facility would be at R4 density (i.e., 200 square feet per lot area).

Residential density for the proposed project is approximately one guest room for every 980 square feet of lot area. The residential density permitted in the R4 Zone is one unit for every 200 square feet of lot area. By way of contrast, the density (i.e., treating a guest room as a dwelling unit) in this project is approximately a fifth of that allowed in the R4 Zone Classification by-right.

Besides making many Eldercare projects infeasible, strict adherence to the density of underline zone classifications could have the unintended consequence of the City falling short of its goal of providing special needs housing for a large growing segment of the population. This is because there are few R4 zoned properties in the City and especially in the San Fernando Valley. Furthermore, strict adherence to the density of the underline zone classifications could result in an unbalanced

geographic distribution of Eldercare Facilities and San Fernando Valley would not meet the demand for elderly who wish to live outside of the Los Angeles metro area.

The project proponent contends, "[a]ny outright prohibition of Eldercare Facilities creates unnecessary hardships for the elder community as well as the owners of appropriately situated properties inconsistent with the general purpose and intent of the zoning regulations because a large and growing segment of the population would be deprived of appropriately supervised housing and day-to-day care absolutely necessary for the elder community." (*Application*) This decision-maker agrees. In this and similar instances, strict application of the RA density would approximate a prohibition because it would result in no project in far too many cases.

In addition, denial of the project could also create practical difficulties by hindering the project proponent's intent for an intergenerational project. The project proponent owns and operates a child care facility across the street and plans to establish a relationship between the two uses. As stated by the project proponent, "a unique opportunity presents in this case. Immediately across the street is Discovery School a preschool owned and operated by the project proponents. The project proponents also operate two additional preschools in the vicinity of the property. The proposed project is intended to create a senior community of residents who will maintain a connection with the younger generation at the nearby preschool." (*Application*)

An intergenerational program is collaboration involving students and older adults and provides opportunities for both to learn from each other and share resources. Through this type of collaborative relationship, organizations are able to work together to create programming that would be difficult or impossible to accomplish individually. It is through this process that a sense of commitment and responsibility is shared among the partners and within the community.^{18/} This decision-maker believes the potential for success is boundless because the project proponent would oversee both uses.

In conclusion, the decision-maker agrees with the project proponent that strict application of the density limit would create the unintended hardship of no project because it is not feasible to construct and operate an Eldercare Facility on the subject site. Further, the intergenerational component is a unique feature of the proposed project and regular interaction between residents of the Eldercare Facility and preschool would be hampered if the two are not located within close proximity.

Lastly, the decision-maker believes the question of appropriate density is addressed in other Findings of the Eldercare Ordinance which require the decision-maker to consider sections of the Los Angeles Municipal Code that seek to protect low density residential areas and encourage compatible land uses, scale, height, bulk, setbacks, and appearance.

2. **The project will not be materially detrimental or injurious to the properties or improvements in the immediate area.** (*Also refer to Finding Nos. 4, 5, 10 and 11*)

^{18/} *Collaborating with Schools a Guide for Community-Based Organizations*, Karen Dischler and Bonnie Schmidt, published March, 2005/Updated October, 2005.

The project consists of a maximum of 97 guest rooms of Assisted Living Care Housing studios and Assisted Living Care Housing one-bedroom and 31 Alzheimer's/Dementia Care studios. These residential types are defined in Section 12.03 of the Los Angeles Municipal Code as:

SENIOR INDEPENDENT HOUSING. Residential housing that consists of dwelling units for persons 62 years of age and older and may include common dining areas or other community rooms. Full time medical services shall not be provided on the premises. It may be a component of an Eldercare Facility. *(Added by Ordinance No 178,063, Eff. 12/30/06.)*

ASSISTED LIVING CARE HOUSING. *(i.e., Proposed Project is a total of 128 guest rooms including 69 Assisted Living Care Housing studios and 28 Assisted Living Care Housing one-bedroom.* Residential housing that is licensed by the California Department of Social Services and provides assistance to people 62 years of age or older who require assistance with two or more non-medical activities of daily living as defined in the Department of Social Services licensing requirements. The residential units may consist either of dwelling units or guest rooms. Full time medical services shall not be provided on the premises. The housing may be a component of an Eldercare Facility. *(Added by Ordinance No. 178,063, Eff. 12/30/06.)*

ALZHEIMER'S/DEMENTIA CARE HOUSING *(i.e., Proposed Project is a total of 128 guest rooms of which 31 guest rooms are for Alzheimer's/Dementia Care Housing).* Residential housing that is licensed by the California Department of Social Services and provides 24-hour care for people suffering from Alzheimer's disease or other disorders resulting in dementia. The residential units shall be guest rooms only. The housing may be a component of an Eldercare Facility. *(Added by Ordinance No. 178,063, Eff. 12/30/06.)*

Several parties in opposition believe this Eldercare Facility will be materially detrimental or injurious to properties or improvements in the immediate area because it is a commercial use and will be an intrusion into a residential area.^{19/} In response, the project is defined as an Eldercare Facility and as such, is considered a residential project versus hospital or sanitarium which are more institutional or commercial in function.^{20/} Skilled Nursing Care Housing was initially included in the

19/ Tarzana Property Owner Association and others in opposition contend, [i]t would place a commercial use right in the center of a viable RA-1 neighborhood. The property, and surrounding properties on all sides, are zoned RA-1-K, the General Plan Land Use designation is Very Low Residential, and the Community Plan designation is Single-Family Residential." *(Correspondence, February 1, 2011)*

20/ "Because of the large percentage of floor area dedicated to common areas in independent Senior Housing and Assisted Living Care Housing projects, such as restaurant style dining areas and large lobbies, these buildings are configured differently than most apartment buildings. Although the residents and patients of Skilled Nursing Care Housing and Alzheimer's/Dementia Care Housing do not have cars, they are served by a higher percentage of employees than less intensive eldercare housing types. Because of the relatively small on-site medical staff in Skilled Nursing and Alzheimer's/Dementia Facilities, these buildings are configured differently than most hospitals. The Department believes that the density calculations for these facilities must be consistent with current R4 zoning regulations. Hospitals and sanitariums are currently restricted to the R5 or more intensive zones" *(CPC 2003-1038(CA), pg. 9)* [AZA Commentary: There are two facts presented in this paragraph. One, an Eldercare Facility is different from hospitals and sanitariums and considered more as a residential project than commercial. Two, the Department assumes the density of an Eldercare Facilities is similar to R4 density.]

project which is residential housing licensed by the California Department of Health and provides acute, intermediate, or long-term skilled nursing care. Eliminating this use reduces the intensity of the project since full-time medical services are not included which can be similar to services provided in hospitals and sanitariums.

Several parties in opposition also believe this Eldercare Facility will be materially detrimental or injurious to properties or improvements in the immediate area because an approval would allow similar intrusions in RA Zones throughout the Valley. The communities of Melody and Walnut Acres were specifically identified in public testimony. This contention is best stated as follows, we "struggle to maintain the rural RA setting of our neighborhood, our residential status needs to be preserved, this commercial development, with the traffic, parking, noise, is change that will be destructive to our investment and our neighborhoods, disagree with Tarzana NC, elder care facility not needed, there are two elder care facilities in our neighborhood that have empty beds." (*Eileen Rabach – Melody Acres Neighborhood – email dated February 11, 2011*)

Response to the contention focuses on two facts. Fact one, the City has approved several properties in the immediate area of the proposed Eldercare Facility for non RA density and non-residential uses making this area distinctly different from Melody or Walnut Acres. These approvals include:

Case No. ZA 2009-717(ZV) – On December 28, 2009, the Zoning Administrator approved a variance for the continued use and maintenance of a landscaping/sprinkler business including the outside storage of materials, trucks, tractors, bulldozers and trailers, on an approximately 101,605 square-foot site in the RA-1-K Zone, located at 18800 West Calvert Street, approximately 145 feet southwest of the subject property.

Case No. ZA 2008-0536(CU)(ZV) – On August 19, 2009, the Zoning Administrator approved a conditional use authorizing the continued use and maintenance of a dog care and wellness facility, within 500 feet of a residential use, and approved a Zone Variance to permit the use of a portion of the P Zone for an exterior, enclosed one-on-one dog training area and separate enclosed dog exercise area, all on a 23,010 square-foot property in the M1 and P Zones, located at 18603 Topham Street, approximately 494 feet southeast of the subject property.

Case No. APCSV 2003-7329(ZC)(ZAA)(SM) – On August 18, 2004, the South Valley Area Planning Commission (and later City Council) a zone change from RA-1-K to RE-11-1-K, approved a Zoning Administrator's Adjustment from Section 12.07.01-C,4 to allow lot areas of 9,000 square feet for Parcels "A" and "B" in lieu of 11, 000 square feet, and approved a Slight Modification to allow lot widths of 64 feet in lieu of 70 feet, for a properties located at 18631,18635 Calvert Street, and 18626, 18632 Delano Street, approximately 190 east of the subject property.

Case No. ZA 95-0965(CUZ) – On March 18, 1996, the Zoning Administrator approved a conditional use at 18719 Topham Street (south abutting property, same owners) to permit the addition of kindergarten to 5th grade to existing preschool.

Case No. ZA 91-0641(ZV) – On October 4, 1991, the Zoning Administrator approved a variance to permit the use and maintenance of a wholesale plant nursery with a modular office structure, accessory uses and structures related to the planting, growing, maintenance and storage of trees and plants in potted containers in the RA-1 Zone and a variance to permit the continued use and maintenance of decomposed granite and pebble surfacing for driveways and parking areas on a property located 18818 Erwin Street., approximately 380 feet northwest of the subject property.

Second fact, the project would not be materially detrimental or injurious because an approval in this area of Reseda would not create a precedent jeopardizing Melody or Walnut Acres because they have substantially different land uses making them predominately Low Density Residential, as shown in the following chart.

Generalized Land Uses within Specific Locations ^{21/}

Location	Public Facility	Commercial	Limited Mfg	Low Med Residential	Low Residential	Very Low Residential
Walnut Acres	2%	0%	0%	0%	3%	95%
College Acres	3%	0%	0%	0%	6%	91%
Melody Acres	0%	2%	0%	0%	6%	92%
Reseda Ranch Acres	7%	0%	0%	0%	5%	88%
Subject Site	24%	4%	10%	13%	29%	20%

In conclusion, generalized land uses around the subject site are planned for public facility, commercial, limited manufacturing, and higher density residential than Melody and Walnut Acres. This contrast in character was also noted by Tarzana Neighborhood Council in that, "[w]e have attached a ZIMAS map and excel sheets showing that this area is predominantly zoned RE11, and not RA-1 For the past ten years, requests for zone changes from the RA-1 Zone to the RE11 Zone have been approved by the City Planning Dept. with the full support of the neighbors. This Calvert/Erwin/Topham area is unique and contains a variety of uses. This Eldercare Facility will be a positive enhancement to Calvert Street." (*Tarzana Neighborhood Council – Letter dated January 27, 2011*)

Observations of Tarzana Neighborhood Council are confirmed in the Background Section of this Letter of Determination describing surrounding properties. As stated by the Project Planner, the northwest adjoining property is developed with a church.

21/

Calculations are Generalized Land Use Designations within a 1,500 foot radius of the approximate center of each location. (Prepared by Michael Norberg, Master of Public Administration with specialization in Urban Studies and Planning, California State University, Northridge.)

The south abutting property is developed with a private preschool/kindergarten (Discovery School – owned by the project proponent), southwest abutting property is a residential vacant lot, and the west adjoining property is developed with a single family dwelling; however, appears to be also used for open storage.

The Project Planner also found, "[t]he immediate subject block consists of large RA lots, ranging roughly from 27,000 to 43,000 square feet with depths of approximately 340 feet. Aerial photos and staff knowledge of the area reveal that many of the lots are used for non-residential purposes, such as religious institutions, landscape nurseries, open storage of vehicles, etc. Most of the non-residential uses have existed in the neighborhood for decades and have been approved, however there are some uses that are likely not approved such as the west adjoining property. Many of the residential properties appear underutilized with large yard areas such as the subject site."

Further, "[t]he immediate block and block directly east of the site (across Yolanda) both have Very Low I Residential land use designations however the east block is comprised of many lots zoned RE11-1-K and much smaller lots overall, therefore both blocks are characteristically different in that the east block appears fully developed with single family homes, with similar open front yard setbacks versus the subject block which is less developed, has a mix of uses, appears partly semi-rural due to more mature trees and is less uniform in appearance."

3. **The project will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand.**

Research by the Zoning Administrator did not find empirical evidence on the citywide demand for long term elderly housing, medical services, and social services. However, the importance of providing housing for the growing senior population was stated in the City of Los Angeles Housing Element 2006-2014, adopted January 14, 2009. On Page 1-11 it's stated, "[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 farmworkers, 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).

Further, the City does not collect citywide data on the number of elderly persons currently seeking housing. However, according to March 2008 data collected by Los Angeles Housing Department, there are close to 50 senior housing developments throughout the City. As an example of the demand for affordable housing serving seniors, the Retirement Housing Foundation, a major provider of housing for the

elderly in Los Angeles, stated that many of their properties maintain five-year wait lists (some are even closed).^{22/}

Research by the Zoning Administrator also found that aging is associated with various health problems and limited physical ability. In 2009, 42 percent of people aged 65 and older reported some form of functional limitation preventing them from performing their daily living activities (*National statistics, Administration on Aging 2008*). Unfortunately, the current built environment and housing conditions disregard the physical limitations seniors face, rendering their living experience less enjoyable and many instances, quite hazardous. Housing that is not properly designed can actually cause preventable disabilities and unnecessarily force seniors to live at lower levels of functioning and independence.^{23/}

This Eldercare Facility will provide long term care services to the elderly such as housing, medical services, and social services which will help meet the citywide demand of its aging population. The project proponent highlighted the following components of the project that are services to the elderly:

"Assisted Living: The focus of the staff in the Assisted Living area will be balancing the residents' need for care, with their desires to remain independent. Each day is filled with independent choices in terms of activities, meals and daily routine, but immediate assistance is always available. ...

Aging in Place: One of our top priorities of this facility is to have the ability for residents to age in place. This is often referred to as a "continuum of care" - the ability of one facility to handle the needs of the resident as they age, preventing a traumatic move to a new environment...

The Daily Program: Examples of classes and activities include cooking, exercise, water aerobics, cards and games, music, ballroom dance, memory enhancement, art, gardening, Tai Chi, book club, current events and pet therapy."

As noted by the project proponent, the facility will comply with State of California Social Services regulations for assisted living or dementia unit staff-to-resident ratio, but will greatly exceed these regulations in both the Assisted Living and Special Needs wings. They also noted, the increase in staff will allow caregivers to focus more attention on the individual and constantly monitor the residents' conditions, adding to resident safety. In this regard, California regulations require that in a residential care facility for the elderly of 100-200 residents, there must be at least one staff member awake at night, one asleep, and one that can arrive within ten minutes if necessary. Most facilities currently have night staffing that is not drastically different from what regulations require. However, the proposed facility would exceed this regulation as well. Night staffing will be roughly equivalent to the standard day staffing at most other facilities.

22/ City of Los Angeles Housing Element 2006-2014, (pg. 1-14)

23/ *Using Smart Growth and Universal Design to Link the Needs of Children*
<http://www.planning.org/research/family/briefingpapers/multigenerational.htm>

The project proponent also highlighted intergenerational services will be provided creating a relationship with a nearby school. An intergenerational program is a collaboration process that provides opportunities for people at different spectrums of the age range to learn from each other and share resources. Through this type of relationship the Eldercare Facility and Discover School will be able to work together to create programming that would be difficult or impossible to accomplish individually. Details of this proposal were not included in the application indicating proposed programs or activities. However, it is intuitive that approval of this Eldercare Facility has advantageous for a successful intergenerational program because the project proponent will own and operate both uses. Conditions are imposed to ensure the use provides intergenerational service, even if the relationship with Discovery School is discontinued.

In conclusion, for reasons noted above the project will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand.

4. **The project will not create an adverse impact on street access or circulation in the surrounding neighborhood.**

Determining if parking or traffic adversely impacts street access or circulation is based on empirical evidence; whereby not leaving it to guess work.

A Traffic Impact Analysis ("Traffic Analysis") was prepared for the Eldercare Facility at by Overland Traffic Consultants Inc. The proposed project will generate 415 new daily trips of which 22 are new a.m. peak hour trips and 34 are new p.m. peak hour trips. A Los Angeles Department of Transportation (LADOT), memorandum dated January 24, 2011, states "LADOT determined the traffic study, as revised, adequately describes all projected transportation impacts associated with the proposed development. LADOT recommended mitigation measures to reduce potential traffic impacts to a level of "less that significant".

The study also found that family visits are not a significant source of noise or traffic congestion. Traffic impacts are also reduced because the project proposes to provide hybrid jitney vehicles to transport individuals or small groups for outings, shopping, religious observances and family activities.

Research by the Zoning Administrator found parking is already factored into to the project in that "[a]mong the new zoning regulations for these senior housing types, considerations will [were] be made for the particular parking requirements and unique development programs associated when they are combined. For example, an Eldercare Facility combining Independent Senior Housing and Skilled Nursing Care Housing shall proportionately meet the automobile parking space requirements for both housing types." (CPC-2003-1038-CA, Pg. 2)

The location of the project reduces the need for parking and its potential traffic impacts while furthering the intent in the Housing Element. The Housing Elements states, housing needs of the elderly are particularly challenging and require special attention because of the combination of fixed incomes, physical challenges, and mobility/transportation limitations, all of which limit access to appropriate and affordable housing. Housing for the elderly should provide or be located in proximity

to information, transportation, social/health services, and opportunities for community involvement. (*Housing Element, Pg. 1-13*) In regards to location, the Orange Line Busway station is approximately 1,800 feet from the subject property which provides easy and proximate connection to the Topham/Oxnard Busway. Proximity of the Busway would enable staff and visitors to use public transportation as a convenient and reliable alternative to driving their own cars.

The Project Planner noticed several additional matters to consider related to the traffic at the intersection of Yolanda and Calvert. Of concern to the Project Planner was the fast speed in which vehicles travel on Yolanda and Calvert. This was observed during both site visits. The Project Planner assumed the speeding vehicles were likely non-residents passing through the neighborhood. Yolanda and Calvert have a two-way stop sign on both sides of Calvert Street and no crosswalks. In the opinion of the Project Planner, a four-way stop sign and marked crosswalks would allow safer crossing at this intersection, especially for the elder care residents should be required.

The Project Planner also believes improvements along the Yolanda frontage should include closing all unused driveways and finishing with curb and parkway to match the existing improvements. Such improvements will allow for additional street parking on Yolanda as evidence by the area between Calvert and Erwin on Yolanda filled up with parked cars on both sides of the street caused occurring during Sherman Oaks CES School peak time traffic (i.e., 7:50 a.m. – 8:15 a.m.) The other consideration should include handicap access at the corners which are not currently present extending the sidewalk from the southwest corner of Yolanda and Calvert to the sidewalk of the Discovery School, to the west. These improvements would allow safer crossing for both preschoolers and seniors for intergenerational gatherings.

In conclusion, parking and traffic will not create an adverse impact on street access or circulation in the surrounding neighborhood. This is due to being senior housing where vehicle demand is low, the site is located within 1,800 feet of an Orange Line Busway Station, use of hybrid jitney to transport residents and employees, and street improvements that improve the flow of traffic. Further, several conditions are imposed regarding street improvements made to the satisfaction of the Los Angeles Department of Transportation and Bureau of Engineering to ensure the safety of pedestrians.

5. **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.**

As described by the project proponent, design of project is completely residential and non-institutional in character. Also, the completed facility will resemble a series of modestly scaled homes set well back from Calvert Street and shielded by extensive landscaping. As such, the project proponent believes the design of the facility considers the established single-family homes as well as the reality of the ongoing transition to non-residential uses in the area. As such, the design is architecturally compatible with the residential character of the area and is arranged and organized in a fashion minimizing potential impacts on the residential community.

The project proponent's justification is a qualitative measure. However, there are quantitative planning tools that can be used to evaluate compatibility with existing and planned future development in the community. Several of these planning tools are required by the Los Angeles Municipal Code and others are not required, but their intent is to protect and preserve surrounding low density residential development.

As analyzed below, the project does not significantly deviate from planning tools used to protect and preserve surrounding low density residential development. Furthermore, potential adverse impacts of any deviation are mitigated by conditions imposed in this approval including operational conditions that reduce potential traffic and noise impacts.

Consideration of Baseline Mansionization Ordinance (BMO) The applicability of this ordinance to non-single-family dwellings was discussed above in the Zoning Administrator's Comments, Comment on Baseline Mansionization Ordinance No. 179,883. Nevertheless, BMO limits maximum residential floor area. The definition for "residential floor area" in Section 12.03 states, "...[t]he area is square feet confined within the exterior walls of a building or accessory building on a lot in an RA, RE, RS, or R1 Zone." Further, it states residential floor area limitation in the RA Zone is "25 percent of the lot area, except that when the lot is 20,000 square feet or greater, then the residential floor area shall not exceed 20 percent of the lot area or 5,000 square feet, whichever is greater." (*Section 12.07 C.5, LAMC*)

To summarize, a deviation from BMO is requested since strict application of this limitation on this approximate 125,460 square foot property would limit the entire project floor area to approximately 25,092 square feet which is nearly a third of what is desired by the project proponent.

The decision-maker agrees with the project proponent that practical difficulty and unnecessary hardship are caused by strict application of the residential floor area limitation imposed by the BMO in that it renders the property and any similarly situated properties useless for Eldercare development intended by the ordinance. The BMO limitation would limit the size of the facility; whereby, limiting the mix of housing types, services provided, and number of elderly residents. The BMO limitation would also potentially hamper the City of Los Angeles from encouraging development to meet the citywide demand for long term elderly care.

Section 14.3.1-B, gives the Zoning Administrator, as the initial decision-maker, authority to allow a deviation from BMO. Allowing the residential floor area of the project to exceed strict limitation imposed by the BMO would not be detrimental or injurious to properties and improvements in the immediate area because the project is designed with consideration of its surroundings. The project includes generous setbacks, ample separation from adjoining uses is designed to resemble a series of scaled homes at the ground level and screened by extensive landscaping along Calvert Street.

Consideration of Heights: To summarize, no deviation from the height requirement is needed nor requested.

Section 12.21.1 (Height of Buildings or Structures) (Required): This section of the Los Angeles Municipal Code limits the height of buildings and structures to 45 feet within the RA Zone Classification. The proposed height of the project is 25 feet 6 inches.

Section 12.21.1-A,10 (Transitional Height) (Compliance not required) This section of the Los Angeles Municipal Code governs developments on C or M zoned lots when located within specified distances from a lot classified in the RW1 Zone or a more restrictive zone. This section of the Code is not required since the lot is zoned RA. However, it is instrumental as a quantitative planning tool used to evaluate if the project is compatible with existing and planned future development.

The following chart provides a comparison based on Transitional Height requirements:

<u>Distance</u>	<u>Height Limit</u>	<u>Project</u>
0 to 49 feet	25 feet	25'-6"
50 to 99 feet	33 feet	25'-6"
100 to 199 feet	61 feet	25'-6"

Consideration of Landscape Point System – Section Nos. 12.40, 12.41, and 12.42 (Required subsequent to discretionary approval) To summarize, no deviation from landscape requirements is needed nor requested for the project.

Landscapes are made from various living and non-living materials and can be categorized into greenscape (i.e., plant materials), hardscape (i.e., wood, stone, concrete, brick, and other substances), and waterscape (i.e., ponds, fountain, etc.). The City of Los Angeles adopted Section 12.40 of the LAMC to bring greater order and certainty to the development process, respond to State-level mandates for action in such areas as water conservation, energy conservation, enhancement of water quality, and amelioration of air quality, increase the amount and quality of appropriate landscaping appurtenant to all land uses in the City, and establish a minimum level of regulation that protects the public and at the same time allows for design flexibility. (*Section 12.40, Purpose*) Section 12.41 of Municipal Code was adopted to contribute to conservation of the City's imported water resources mandated by state law by setting minimum standards for water delivery systems to landscapes. Section 12.42 of the Los Angeles Municipal Code focuses on Conservation of Energy; Heat and Glare Reduction; Air Quality Enhancement; and Soil and Watershed Conservation.

The Landscape Point System is not required until applying for a building permit. However, a tentative analysis of the project's Landscape Points was prepared at the request of the Zoning Administrator to provide quantitative planning tools used to evaluate the project. In conclusion, the tentative results are 291 points in total, far exceeding the 60 points required. Also, the Project's Water Management Points add up to 825 points total, in excess of the 800 points required.

Consideration of Open Space. To summarize, the project is not required to provide open space pursuant to Sections 12.21-G or 12.21-A,4(u) of the Los

Angeles Municipal Code. However, it is instrumental as a quantitative planning tool used to evaluate the project.

In conclusion, the project is designed and conditioned to provide open space in excess of what would be required, if the Code requirements applied. Use of the open space, for active and passive recreational opportunities, afford residents opportunities for outdoor living and recreation, indoor space as protection from the elements, reduce the appearance of building mass and scale, improve pedestrian circulation throughout the project, and provide a visual buffer for adjoining properties.

Section 12.21-G (Open Space for Six or More Residential Units) (Compliance not required) Open Space requirements of Section 12.21-G applies to six or more residential units. Therefore, the project is not required to provide 12,800 square feet of open space based on 128 units since they are technically guest rooms.^{24/} While compliance with Section 12.21-G is not required, the project exceeds this quantitative benchmark and fulfills the objectives of the Open Space Ordinance including:^{25/}

Afford residents opportunities for outdoor living and recreation, similar to that enjoyed by single-family residents.

Improve the aesthetic quality of projects by providing some relief to the massing of buildings through the use of landscape materials and reduce lot coverage.

Provide a more desirable living environment for residents by increasing natural light and ventilation, improving pedestrian circulation, and increase opportunities for social interaction by providing access to on-site recreation facilities.

Improve the quality and durability of new housing stock and implement an objective of various Community Plans which state that multiple dwellings should provide usable open space.

As noted by the project proponent, the site plan and landscape plan demonstrate how the combination of active and passive recreational areas and landscaping combine to provide a pleasant living environment, relief of the massing of buildings and significant buffering from the surrounding properties. The more active recreational areas are located toward the interior of the property and screened from the adjoining properties by the buildings themselves and/or by landscaping. The passive recreational opportunities are located around the perimeter of the building to buffer adjoining properties by the use of landscape and distance from buildings and structures.

24/ "... a building or group of buildings containing six or more dwelling units on a lot shall provide at a minimum the following usable open space per dwelling unit: 100 square feet for each unit having less than three habitable rooms ..." (Section 12.21-G,2 LAMC)

25/ Policy Discussion: Revised Open Space Standards for Multiple-Family Dwellings Units CPC 88-0768 MSC, January 3, 1991)

The project includes approximately 31,990 square feet of outdoor open space as follows: a central courtyard consisting of 9,000 square feet of open space, including a large swimming pool, multi-use patio and dining patio; Special Needs Garden consisting of 7,520 square feet of open space with an open patio, raised planters, and a dining patio; West Courtyard consisting of 4,020 square feet of open space with an open patio surrounding a large decorative fountain; an additional multi-use patio adjoining another open multi-use area consisting of 7,350 square feet; and the Assisted Living Garden consisting of 4,100 square feet of open spaces with raised planters.

A quiet reflection area at the north-westerly corner of the property adjoining the Special Needs wing includes a circular seat wall accessible from a meandering decomposed granite path lined with benches and shade trees. The southerly end of the path terminates near the center of the property at a shaded sitting area adjoining the Special Needs vegetable garden. The entire area is enclosed with a solid security wall buffered from the westerly adjoining property with a variety of densely planted trees.

A swimming pool area is located near the center of the property with buildings to the north, west and south sides. Whereby, this reduces a potential for noise impacts to adjoining properties. The east side of the swimming pool area opens to Yolanda Avenue approximately 85 feet away. The 85-foot distance between the pool area and Yolanda Avenue includes a covered walkway, putting green, vegetable garden, open walk pathway, and landscape buffer.

A bocce ball area is provided along the northerly side of the property and is buffered from the northerly residential property by a 60-foot landscape setback buffer and parking area. The parking area is additionally screened from the northerly property with a concrete block wall and densely planted trees.

In addition to the outdoor open space and recreational areas, the project includes 2,451 square feet of indoor recreation space located in one multi-purpose room on the first floor alone. This area does not take into account a lounge, dining area, and other multi-purpose space contained in the facility.

Section 12.21-A,4(u) (Senior Independent Housing/Assisted Living Care Housing/Housing Development Occupied by Disabled Persons) (Compliance not required except for Master Covenant)

The project proponent stated, "[t]he facility will qualify for the 50% reduction provided in LAMC Section 12.24-A,4(u) because every unit will be occupied by at least one person who is disabled or 62 years of age or older, except for management or maintenance personnel who are required to live on the premises. No specific amount of open space is required, because there are no dwelling units (i.e., no kitchen facilities in the individual guest rooms, open space in excess of this requirement is provided for the number of guest rooms as if they were dwelling units.)."

The project proponent has correctly interpreted this section of the Code.^{26/} However, for this decision-maker it is debatable if Ordinance No. 178,063 (effective December 20, 2006) intended to remove language (i.e., "required for the development") that required open space for units or guest rooms while allowing a project to benefit from a 50 percent reduction in parking.

Nevertheless, open space included in the project exceeds that required by LAMC Section 12.24-A,4(u). By using this section of the Code to reduce parking, the project proponent is required to execute and record a covenant running with the land that additional parking spaces will be developed if the development ceases to qualify for the reduced parking (i.e., not qualify under 12.21-A,4(u)(1) of the LAMC)

Consideration of Setbacks. To summarize, no deviation from the setback requirements is needed nor requested for the project. The project includes generous setbacks, exceeding those required.

Section 12.07-A,C (RA Zone Classification) (Required): (Front Yard) The property is regularly-shaped and is approximately 340 feet wide fronting on Yolanda Avenue measured in the north-south direction by 369 feet deep fronting Calvert Street measured in the east-west direction. The Yolanda frontage makes up one half the entire frontage between Calvert Street at the south end of the block and Erwin Street at the north end of the block. The frontage along Yolanda Avenue is considered the front lot line from which the required front yard depth is measured.

The first home to the north of the Property has its front yard facing Yolanda Avenue (6203 Yolanda Avenue) and the second home north of the property has its front yard facing Erwin Street (18702 Erwin Street). The approximately 190 feet of frontage of the 6203 Yolanda Avenue property accounts for approximately 30 percent of the Yolanda Avenue frontage for the block. Therefore, no prevailing front yard condition exists.^{27/} The project complies with RA Zone provisions that require a front yard depth of 20 percent of the lot depth, but no more than 25 feet, since a prevailing front yard does not exist.

Side and Rear Yards – RA Zone: Side yards are required to be at least 10 feet in width plus an additional one foot of side yard for each 10 feet or fraction thereof above the first 18 feet of main building height. Rear yards are required to be 25 percent of the depth of the lot, but no more than 25 feet in depth. The 25-foot side yard exceeds the minimum side yard requirement and the 25-foot rear yard meets the requirement of the RA Zone. Therefore, no deviation from the RA Zone yard provisions is needed nor requested.

26/ Section 12.21-A,49(u)(6) of the LAMC allows for senior parking reduction of not less than 40 percent of the number of automobile parking spaces than would otherwise be required. Although this stipulation would be applicable to eldercare facilities as defined in this proposed ordinance (Appendix A), it also requires that the area being removed from the parking requirement be maintained as open space for the project. (CPC 2003-1038-CA, pg. 10)

27/ A prevailing front yard condition exists "where all the developed lots which have front yards that vary in depth by not more than ten feet comprise 40% or more of the frontage." See Section 12.07-C, 1)

Setbacks - Section 12.21-C,3 (Yards for Institutions, Churches, etc.) (Compliance not required) This section of the Los Angeles Municipal Code governs side yard areas for institutions, including hospitals, churches and similar uses. Hospitals, institutions and similar uses require side yards of 20 percent of the width of the lot, but no more than 25 feet. Churches, clubs, educational institutions, elementary and high schools, libraries and museums require a combined side yard width for the two side yards of 40 percent of the lot width, but no more than 50 feet.

While compliance with Section 12.21-C,3 is not required because an Eldercare Facility is not similar to a hospital or church. The distinction notwithstanding, the yard area provided by the project meets or exceeds the requirements of Section 12.21-C,3. In this instance, a minimum side yard width of 10 feet would be required at the lot line of an adjoining lot in the RA or R Zones, if the Section governed. The project provides at least 25 feet of open yard area adjoining each of the property's lot lines.

Consideration of Walkability Checklist (Not Required): In summary, rather than a long narrative explanation of how the project exemplifies the City's objectives for a more walkable community, the project proponent's architect prepared a graphic display showing how each applicable walkability objective is satisfied by referring to the actual design feature. (*Exhibit "B"*, full scale copy in case file)

The City Planning Commission's established 14 guiding planning principles which are recommended strategies that projects should employ to improve the pedestrian environment in the public right-of-way and on private property. The Walkability Checklist provides a guide for conformance with these principles and relate to policies contained in the General Plan Framework. Incorporating these guidelines into a project's design encourage pedestrian activity, more appropriate forms, and place making. The Checklist is not a requirement, but each of the strategies on the Checklist should be considered in a proposed project, although not all principles are appropriate in every proposed project.

In conclusion, the project exemplifies the City's objectives for a more walkable community in that elevations, renderings, and conceptual landscape plan indicate considerable effort was made for the facility to blend in with a residential setting, by keeping it low scale two-story, having significant design variation/detail and by providing generous landscaping along the street frontages with meandering pathways around the site as well as outdoor open space and garden areas. As presented, the site is open as viewed from the each street without high fences or walls which appears more residential and less institutional.

Consideration of Parking (Required) To summarize, no deviation from the parking requirements is needed nor requested for the project

Off-street parking for the project is proposed in two surface parking lot located on the project site, adjacent to Fallbrook Avenue. Consistent with Section 12.24-A,4(u) of the Code, a total of 56 off-street parking spaces are to be provided, while 56 are required (i.e., 0.2 spaces per each Alzheimer's guest bed; 0.5 spaces per each Assisted Living guest bed), which includes two handicapped accessible spaces. Ingress and egress to the parking lot will be provided from Fallbrook Avenue via a

30-foot wide driveway, designed to the City's standards, located approximately 175 feet east of Erwin Street.

Other Site Considerations and Components of Site Plan Review:

The project is designed with the principle entrance and access to the administrative area from Calvert Street. This in part maintains a low density residential look and function along Yolanda Avenue. The main entrance provides access to pedestrians entering from the primary surface parking lot area. This entrance provides appears as a two-story house with an entry porch. Offices and administrative staff will greet residents and families within a living room setting. Covered porches and walkways lead to two-story residential clusters of about 48 guest rooms each. In each cluster of guest rooms is a "Country Kitchen" serving as a dining room and social center for each of the clusters.^{28/} The country kitchens are the size of a family room in typical homes in the neighborhood. The use of covered porches and walkways, arched openings and gabled roof lines reflects low density residential scale.

The plans with the application indicate the buildings interconnected forming a U-shaped like formation on the east half of the property, which opens up towards the Yolanda frontage with a large courtyard, veranda, and garden area in the middle. Although no open space is required (because no kitchen is provided in the individual guest rooms, and as such, no dwelling units are proposed), the proposed project will provide approximately 41,514 square feet of open space, which includes three landscaped outdoor courtyards on the first floor, landscape within the setback areas on all sides of the subject property.

Outdoor recreational opportunities include only the passive use of pedestrian walkways and sitting areas featured throughout the proposed project's landscaped ground floor courtyard areas and patios, and second floor terraces. Importantly, these areas are sited to avoid impact on the adjacent single-family residential uses. The center landscaped courtyard area is located between Pod 1 and Pod 2 on the ground floor, within the interior of the proposed project and furthest from adjacent residential uses. It features pedestrian pathways, sitting areas, and a central fountain, and provides an outdoor room extension to the adjacent indoor living room giving residents a center focal point viewable from common areas on both the ground and second floors. The two separate outdoor landscaped courtyard areas that are integrated into the ground floor plan of each Pod are located on the north and south sides of the project site, further beyond the 10-foot landscaped setback area, affording additional separation and buffer to adjacent single-family residential uses. Second floor terraces are oriented either to the project's interior and recessed behind the proposed building (on the project's north side), or are deeply recessed into the proposed project (i.e., approximately 60-feet) away from the single-family residential homes to the south, across Erwin Street. Additional passive recreational opportunities described in the project description are located indoors, and as such would not conflict with the adjacent single-family residential use.

The Project Planner encountered several matters that are addressed in the conditions of approval including:

The trash area is located in front of the building facing Calvert. Although it is enclosed and setback approximately 60 feet from Calvert, it is typically that such use is located on the rear half of site.

Three storage containers are shown to be located in the northwest corner of the property. It is clear what will occur with these containers. Therefore, more detail may be needed as to the height of the containers, whether they will be fully contained with a roof, and what will be stored in them. The adjoining properties may not be affected as they are not residential uses (i.e., one appears to be a landscape nursery; the other is the rear yard lawn area of a church.

Plans do not identify a specific loading area (i.e., front or rear or both). It is likely there will be a variety of deliveries, from food supplies, clean towels/bedding, etc.

The conclusion reached using the quantitative evaluation above is the project does not significantly deviate from required and non-required sections of the Municipal Code. After review of elevations, renderings, and conceptual landscape plan, and in using a qualitative evaluation (e.g., Finding Nos. 5 and 10), the Zoning Administrator believes 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.

It is further noted that this Eldercare Facility is more passive and compatible with the surrounding area than uses that could be developed on the subject property including government owned and operated parks, playgrounds or community centers, (limited) golf courses, truck gardening, Conditional Uses approved pursuant to Section 12.24, and accessory uses. (*refer to Section 12.07-A, Los Angeles Municipal Code*)

6. **The project is in conformance with any applicable provision of the General Plan.**

The **Reseda-West Van Nuys Community Plan map** designates the property as Very Low Residential with corresponding zones of RE20 and RA. The Community Plan was last updated on November 17, 1999. The project is not in conformance with the density limitations of the Plan. Conversely, the Eldercare Facility Ordinance ensures compatibility with surrounding land uses by making affirmative findings.

The **Reseda-West Van Nuys Community Plan text** includes statements specifically addressing seniors; whereby, approval of the project fulfills Coordinated Opportunities for Public Agencies by locating senior citizen housing projects in neighborhoods within reasonable walking distance of health and community facilities, services, and public transportation. (*Community Plan, Housing, pg. IV-2*) In regards to location, the Orange Line Busway station is approximately 1,800 feet from the subject property which provides easy and proximate connection to the Topham/Oxnard Busway. Proximity of the Busway will enable staff and visitors to use public transportation as a convenient and reliable alternative to driving their own cars.

Approval of the project also fulfills Coordinated Opportunities for Public Agencies by encouraging development of housing types intended to meet the special needs of senior citizens and the physically challenged. (*Community Plan, Housing, pg. IV-3*) The project will provide Assisted Living Care Housing for seniors who have reached a point where they need care. This includes medication management, assistance with activities of daily living (ADL's), etc.

Design Policies found in Chapter VI of The Reseda - West Van Nuys- Community present policies and standards for multiple residential projects. The chapter is divided into two sections including the Design Policies section which is directed at individual projects and Community Design and Landscaping Guidelines focused on streetscape improvements and landscaping in public spaces and rights-of-way.

The Design Policies chapter establishes a minimum level of design that should be observed in multiple-residential, commercial and industrial projects within the entire Plan Area. It also addresses design issues for parking and landscaping. Implementation of the policies and standards can be accomplished with establishing a Community Design Overlay District (CDO), per the Supplemental Use District section of the Municipal Code. Implementation is also accomplished by executing the Walkability Checklist. (*see Finding No. 5*)

General Plan Housing Element (pg. 2-23) Approval of the project implements the Housing Element by utilizing the Eldercare Ordinance to simplify and abridge the discretionary review process for standard and special needs senior housing. In its stated in the Housing Element, in *Constraints on Housing Maintenance, Improvement and Development*, "City has recently amended the Zoning Code to streamline and facilitate the development of eldercare facilities, and to consolidate application and review procedures in order to reduce complexity and time in the land use entitlement process (Section 14.3.1). The definition of "Eldercare Facility" includes Alzheimer's/Dementia Care Housing, Assisted Living Care Housing, Senior Independent Housing and Skilled Nursing Care Housing. Thus, this Zoning Code change facilitates approvals for a variety of service-enriched housing types for elderly and disabled persons. Other similar efforts to simplify, standardize and streamline the entitlement processes are ongoing" (underline added)

General Plan Housing Element (Policy 1.1.3) Approval of the project implements the Housing Element by facilitating new construction of a variety of housing types that address current and projected needs of the city's households, specifically for seniors and disable persons.

7. **The project complies with all applicable provisions of the Los Angeles Municipal Code, Planning and Zoning Section and any applicable specific plan.**

An approval by using the Eldercare Facility Unified Permit Process and Site Plan Review provides a comprehensive assessment of all applicable provisions of the Planning and Zoning Code sections of the Los Angeles Municipal Code. Upon concluding this review, the only exception to the regulations is as noted in Finding No. 5.

Conditions and environmental mitigation measures are imposed to ensure compliance with regulations (*refer to Finding Nos. 1 and 5*), conformance with long

range goals of the City (*refer to Finding Nos. 3, 6, 8, 9, and 12*), and facilitate the compatibility (*refer to Finding Nos. 2, 4, 5, 10, 11 and 12*). Several of the conditions are operational and will continue to protect the community only if the current or future owner/operator continues to act responsibly to issues that adversely impact the community. Therefore, self-policing and enforcement by the property owner and operator are important, if the use is to operate without significant adverse impacts to the community.

A condition is imposed requiring an Approval of Plans review one year after issuance of a certificate of occupancy. Its purposes are to verify substantial compliance with the conditions of approval and consider changed conditions in the surrounding area. The intent is that through this process, the Office of Zoning Administration is able ensure compliance with the conditions and make minor modifications to the approval so to protect sensitive uses in the area. While the City has procedures to abate public nuisance activities, they are costly and resource intensive.^{29/} Therefore, utilizing this preventive method is fair, effective, and efficient.

8. The project is consistent with the General Plan.

Finding No. 8 appears similar to Finding No 6 which asks if "[t]he project is in conformance with any applicable provision of the General Plan." In Webster's New Collegiate Dictionary 1974, Merriam Co., "consistent" is defined as harmonious regularity or steady continuity, free from irregularity, variation, or contradiction. "Conformance" is defined as correspondence in form, manner, or character; an action in accordance with a specified standard or authority. While technically there is a difference between consistent and conformance, the Zoning Administrator believes these terms are being used interchangeability in the Eldercare Ordinance, as done throughout the Municipal Code and specific plans. (*refer to Finding No. 6*)

9. The subject site is not located within an adopted redevelopment plan area.

Not in an adopted redevelopment plan area.

10. The project consists 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.

Finding No. 10 is the same as Finding No 5. (*refer to Finding No. 5*)

^{29/}

On October 27, 1998, Ordinance No. 171,740 became effective replacing Section 12.21-A, 15 of the Municipal Code and establishing procedures for the modification, discontinuance or removal of a use, building or structure that constitutes a nuisance or endangers the public health or safety or violates any provisions of City, State or Federal statutes or ordinance. That Ordinance became Section 12.27.1 of the Los Angeles Municipal Code. This section consolidates existing Code provisions relating to the administrative abatement of public nuisances and sets forth the procedures for the modification or removal of conditions imposed as part of any discretionary zoning approval and establishes the requirement for cost reimbursement to the City to be paid by those responsible for the maintenance of the subject site.

11. **The project incorporates feasible mitigation measures, monitoring measures when necessary, or any alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.**

On September 15, 2010, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2010-1696-MND. All mitigation measures of the MND are imposed as conditions of approval.

12. **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.**

Refer to Finding No. 5 which describes passive and active recreational amenities provided indoors and outdoors.

ADDITIONAL MANDATORY FINDINGS

13. 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 C, areas of minimal flooding.
14. On September 15, 2010, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2010-1696-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Planning Department in Room 351, 6262 Van Nuys Boulevard.



R. NICOLAS BROWN, AICP
Associate Zoning Administrator
Direct Telephone No. (818) 374-5069

RNB:aln

cc: Councilmember Dennis P. Zine
Third District
Adjoining Property Owners

I-10. Aesthetics (Landscape Plan)

- Environmental impacts to the character and aesthetics of the neighborhood may result from project implementation. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- 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 licensed Landscape Architect and to the satisfaction of the decision maker.

I-20. Aesthetics (Landscape Buffer)

- Environmental impacts to adjacent residential properties may result due to the proposed use on the site. However, the potential impact will be mitigated to a less than significant level by the following measures:
- A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.

I-50. Aesthetics (Surface Parking)

- Environmental impacts may result from project implementation due to excessive ambient heat gain resulting from the new open-spaced parking lot. However, these impacts will be mitigated to a less than significant level by the following measures:
- 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.
- 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.
- A minimum 7-foot landscape buffer shall be planted along the north property line next to the proposed rear driveway/surface parking lot which is adjacent to a residential use per Landscape Ordinance, Section 12.24-B.7(a).
- Additional screening shall be planted along the perimeter of the front southeast surface parking lot in an effort to conceal the parking lot and vehicle headlight glare from public view.

I-100. Aesthetics (Signage)

- Environmental impacts may result from project implementation due to on-site signage in excess of that allowed under the Los Angeles Municipal Code Section 91.6205. However, the potential impact will be mitigated to a less than significant level by the following measures:
- On-site signs shall be limited to the maximum allowable under the Municipal Code.
- Multiple temporary signs in store windows and along building walls are not permitted.

I-120. Aesthetics (Light)

- Environmental impacts to the adjacent residential properties may result due to excessive illumination on the project site. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- 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.
- Minimal lighting shall be used for the perimeter of the property. Parking lot lights shall not exceed 15 feet in height. Pathway lighting shall be softly illuminated. All exterior lighting shall be identify on the site plan and elevations.

I-130. Aesthetics (Glare)

- Environmental impacts to adjacent residential properties may result from glare from the proposed project. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

I-150. Aesthetics

- The project will result in aesthetic impacts. However, the impact(s) can be reduced to a less than significant level through compliance with the following measure(s):
- Decision Maker to consider the preservation of significant trees on site (36 inches or greater in diameter and/or 50 feet tall or greater) which is approximately 10 trees, including Eucalyptus Tree No. 15, which is the tallest tree in the area.
- Refer to the Biological Resource Section IV for additional tree mitigation.

- Refer to Land Use Planning Section X. for additional mitigation.
- 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. Wetting could reduce fugitive dust by as much as 50 percent.
 - 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 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 excessive amount 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.
 - Delivery trucks to the site shall not be left in an idle position.
- III-60. **Objectionable Odors (Commercial Trash Receptacles)**
- Environmental impacts may result from project implementation due to the location of trash receptacles near adjacent residences. However, these impacts will be mitigated to a less than significant level by the following measure:
 - Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
- III-70. **Objectionable Odors**
- Environmental impacts to adjacent residential properties may result due to objectionable odors from the proposed project. However, these impacts can be mitigated to a less than significant level by the following measures:
 - No window openings or exhaust vents shall be permitted on the building facade which abuts a residential use or zone.
- IV-50. **Tree Report**
- Prior to the issuance of a grading or building permit, the applicant shall prepare and submit a Tree Report, prepared by a Tree Expert as defined in Section 17.02, indicating the location, size, type, and condition of all existing trees on the site. Such report shall also contain a recommendation of measures to ensure the protection, relocation, or replacement of affected trees during grading and construction activities.
- IV-60. **Tree Preservation (Grading Activities)**
- "Orange fencing" or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (trunk diameter of 8 inches or greater) non-protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.
 - Any request for a demolition or grading permit shall include a plot plan that clearly identifies the trees to be preserved on site and within the public right of way.
- IV-70. **Tree Removal (Non-Protected Trees)**
- Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:
 - 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.
 - 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.
 - The landscape plan shall include and clearly identify all trees to be protected as well as the new trees to be planted. The landscape plan shall include some of the same tree species proposed to be removed (such as are the tall pines) which are more characteristic of the immediate neighborhood.

- The removal of any mature trees shall occur outside of the breeding season, which lasts from February 15 to August 15, in order to avoid any potential from destroying active bird nests. If the seasonal constraint is not practicable, a monitoring biologist shall be retained to survey all trees on the property for active nests prior to any tree removals. If active nests are found, a setback of 300 feet around the tree shall be established, with no construction occurring inside the setback, until the biologist determines that the young have fledged or the nest has failed.
- All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measure 54 inches above the ground) non-protected trees on site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree, except that for those trees to be removed which are 36 inches or greater in trunk diameter and/or 50 feet or more in height, shall be replaced at a 1:1 ratio with a 36 to 48 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.

IV-80. Tree Removal (Locally Protected Species)

- Environmental impacts may result due to the loss of protected trees on the site. However, these potential impacts will be mitigated to less than significant level by the following measures:
- All protected tree removals require approval from the Board of Public Works.
- A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval (213-847-3077), prior to implementation of the Report's recommended measures.
- A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- Bonding (Tree Survival):
- a. The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.
- b. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

IV-90. Tree Removal (Public Right-of-Way)

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

V-20. Cultural Resources (Archaeological)

- Environmental impacts may result from project implementation due to discovery of unrecorded archaeological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:
- The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.

- The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- Project development activities may resume once copies of the archaeological survey, study or report are submitted to: SCCIC Department of Anthropology, McCarthy Hall 477, CSU Fullerton, 800 North State College Boulevard, Fullerton, CA 92834.
- Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

V-30. Cultural Resources (Paleontological)

- Environmental impacts may result from project implementation due to discovery of unrecorded paleontological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:
 - a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
 - b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
 - c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
 - d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.
- A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

V-40. Cultural Resources (Human Remains)

- Environmental impacts may result from project implementation due to discovery of unrecorded human remains.
- In the event that human remains are discovered during excavation activities, the following procedure shall be observed:
 - a. Stop immediately and contact the County Coroner: 1104 N. Mission Road, Los Angeles, CA 90033. 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
 - b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
 - c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
 - d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
 - f. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.
- *Discuss and confer* means the meaningful and timely discussion careful consideration of the views of each party.

V-50. Cultural/Historic Resources

- The project will result in an impact on identified cultural/historical resources. However, the impact can be reduced to a less than significant level through compliance with the following measure(s):
- Clearance shall be obtained from the City Of Los Angeles, Office of Historic Resources, on all structures to be removed that are older than 50 years.

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

- Short-term erosion impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a less than significant level by the following measures:
- 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.

VII-10. Green House Gas Emissions

- The project will result in impacts resulting in increased green house gas emissions. However, the impact can be reduced to a less than significant level through compliance with the following measure(s):
- Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

VIII-10. Explosion/Release (Existing Toxic/Hazardous Construction Materials)

- Due to the age of the building(s) being demolished, toxic and/or hazardous construction materials may be located in the structure(s). Exposure to such materials during demolition or construction activities could be hazardous to the health of the demolition workers, as well as area residents, employees, and future occupants. However, these impacts can be mitigated to a less than significant level by the following measure:
- **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- **(Polychlorinated Biphenyl – Commercial and Industrial Buildings)** Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

VIII-60. Creation of a Health Hazard

- Environmental impacts to human health may result from project implementation due to a release of chemical or microbiological materials into the community. However, these impacts will be mitigated to a less than significant level by the following measure:
- Prior to the issuance of a use of land or building permit, or issuance of a change of occupancy, the applicant shall obtain approval from the Fire Department and the Department of Public Works, for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s).
- Approved plans for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s) shall be submitted to the decision-maker for retention in the case file.

VIII-70. Emergency Evacuation Plan

- Environmental impacts may result from project implementation due to possible interference with an emergency response plan. However, these potential impacts will be mitigated to a less than significant level by the following measure:
- Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments

IX-10. Groundwater Quantity (Dewatering System)

- Environmental impacts to groundwater quantity may result from implementation of the proposed project through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capacity. The Department of Building and Safety requires, when feasible, that applicants modify the structural design of a building so as not to need a permanent dewatering system. When a permanent dewatering system is necessary, the Department of Building and Safety require the following measures to mitigate the impacts to a less than significant level.
- Prior to the issuance of any permit for excavation, the applicant shall, in consultation with the Department of Building and Safety, submit a Dewatering Plan to the decision-maker for review and approval. Such plan shall indicate estimates for how much water is anticipated to be pumped and how the extracted water will be utilized and/or disposed of.
- Extracted groundwater shall be pumped to a beneficial on-site use such as, but not limited to: 1) landscape irrigation; 2) decorative fountains or lakes; 3) toilet flushing; or 4) cooling towers.
- Return water to the groundwater basin by an injection well.

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

- Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- 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.
- 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-30. Standard Urban Stormwater Mitigation Plan

- Environmental impacts may result from erosion carrying sediments and/or the release of toxins into the stormwater drainage channels. However, the potential impacts will be mitigated to a less than significant level by incorporating stormwater pollution control measures. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following (a copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>):

X-30. Environmental Plans/Policies

- Environmental impacts may result from project implementation due to an incompatibility with applicable environmental plans or policies. However, the potential impacts can be mitigated to a less than significant level by the following measure:
- The applicant shall comply with mitigation measures required by this MND.
- Decision maker shall determine if the BMO applies. If applies, the project shall be scaled back to comply with the BMO or a Zone Variance request will need to be applied for.

X-40. Land Use

- The proposed project would permit a land use which is not compatible with that of the surrounding projects. However, the potential impacts would be mitigated to a less than significant level by the following measure:
- The applicant shall comply with mitigation measures required by this MND.
- The Multi-Purpose Room is proposed to be 10 feet from the west property line which is next to a single family property. relocation of the Multi-Purpose room shall be considered by the Decision Maker in an effort to ensure there is not an adverse impact with respect to privacy and noise. Relocation of the Multi-Purpose Room would help to preserve additional significant and protected trees and well as potential reduce building mass facing Calvert.
- The building facing Calvert Street is approximately 334 feet long. Decision Maker shall consider a building design more residential in character, such as providing separate buildings in the Assisted Living Sections and/or breezeways in between buildings as viewed from the street frontages.

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)

- Environmental impacts to the adjacent residential properties may result due to noise from parking on the site. However, this potential impact will be mitigated to a less than significant level by the following measure:
- A 6-foot-high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.
- Decision Maker may impose Visitor and Delivery Hour limitations to reduce vehicle noise impacts such as car alarms during the evening and early morning.

XIV-10. Public Services (Fire)

- Environmental impacts may result from project implementation due to the location of the project in an area having marginal fire protection facilities. However, this potential impact will be mitigated to a less than significant level by the following measure:
- 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.

XIV-40. Public Services (Construction Activity Near Schools)

- Environmental impacts may result from project implementation due to the close proximity of the project to a school. However, the potential impact will be mitigated to a less than significant level by the following measures:
- The developer and contractors shall maintain ongoing contact with administrator of _____ school. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

XIV-50. Public Services (Schools affected by Haul Route)

- LADBS shall assign specific haul route hours of operation based upon _____ School(s) hours of operation.
- Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

XIV-80. Construction Damage Bond

- A cash bond or security ("Bond") shall be posted in accordance with terms, specifications, and conditions to the satisfaction of the Bureau of Engineering and shall remain in full force and effect to guarantee that any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, is properly repaired by the applicant.

Sherman Oaks Center
for Enrichment Studies

- Prior to the issuance of a Certificate of Occupancy, any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.

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

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
- 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 overspray, 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:
 - Weather-based irrigation controller with rain shutoff
 - Matched precipitation (flow) rates for sprinkler heads
 - Drip/microspray/subsurface irrigation where appropriate
 - Minimum irrigation system distribution uniformity of 75 percent
 - Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials
 - Use of landscape contouring to minimize precipitation runoff
- 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)

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
- If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- 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 shall be installed 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)

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
- 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-80. Utilities (Water Treatment or Distribution)

- Environmental impacts may result from project implementation due to the creation of additional demand for local or regional water treatment or distribution facilities. However, the potential impacts can be mitigated to a less than significant level by the following measures:

- The project shall include a holding tank large enough to hold three times the project daily wastewater flow so that the tank would hold all project wastewater during peak wastewater flow periods for discharge into the wastewater collection system during off-peak hours.
- A grey water system to reuse wastewater from the project.
- Offset excess wastewater generation by restricting the wastewater generation of other land uses within the same service area (e.g., by dedicating open space); and
- New wastewater treatment or conveyance infrastructure, or capacity enhancing alterations to existing systems.

XVII-90. Utilities (Solid Waste Recycling)

- Environmental impacts may result from project implementation due to the creation of additional solid waste. However, this potential impact will be mitigated to a less than significant level by the following measure:
- **(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.

NO.	REVISIONS
1	ISSUED FOR PERMITS
2	ISSUED FOR PERMITS
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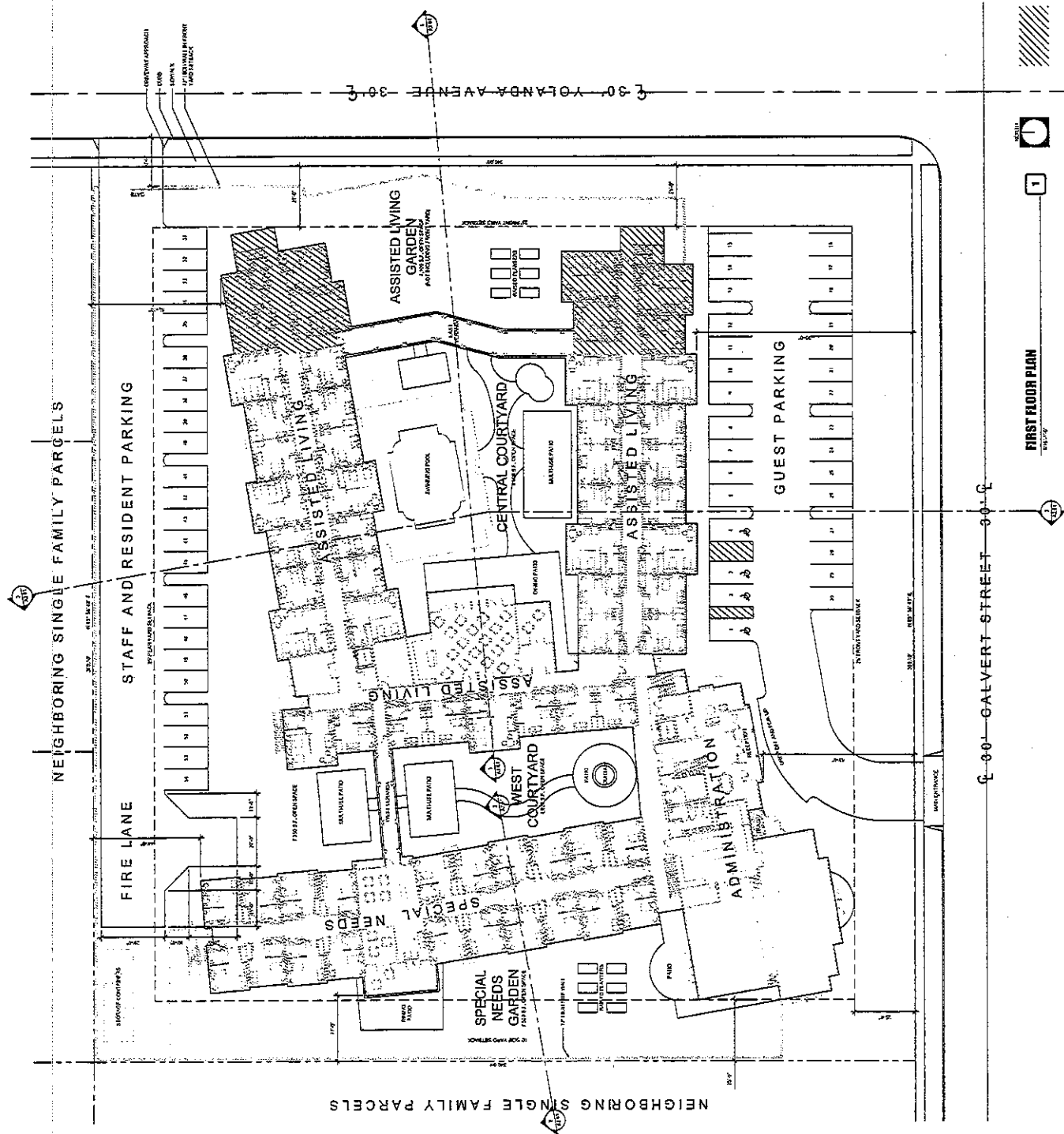


EXHIBIT "A"
 EXAMPLES - SEE
 CASE FILE FOR DETAIL

FIRST FLOOR PLAN
 1/11/00

1. The architect shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

 2. The architect shall provide a complete set of construction documents, including but not limited to, architectural drawings, specifications, and a schedule of values.

 3. The architect shall coordinate with the contractor to ensure that the construction is completed in accordance with the construction documents.

 4. The architect shall provide ongoing communication and support throughout the construction process.

 5. The architect shall be responsible for the design and construction of the building, including but not limited to, the structure, exterior, and interior finishes.

 6. The architect shall be responsible for the design and construction of the building's mechanical, electrical, and plumbing systems.

 7. The architect shall be responsible for the design and construction of the building's fire and life safety systems.

 8. The architect shall be responsible for the design and construction of the building's accessibility features.

 9. The architect shall be responsible for the design and construction of the building's energy efficiency measures.

 10. The architect shall be responsible for the design and construction of the building's sustainability features.



ASSISTED LIVING & SPECIAL NEEDS
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PROJECT: ASSISTED LIVING & SPECIAL NEEDS
 SHEET: 252800
 DATE: 08/20/2018
 DRAWN BY: J. SMITH
 CHECKED BY: M. JONES
 PROJECT NO: 252800

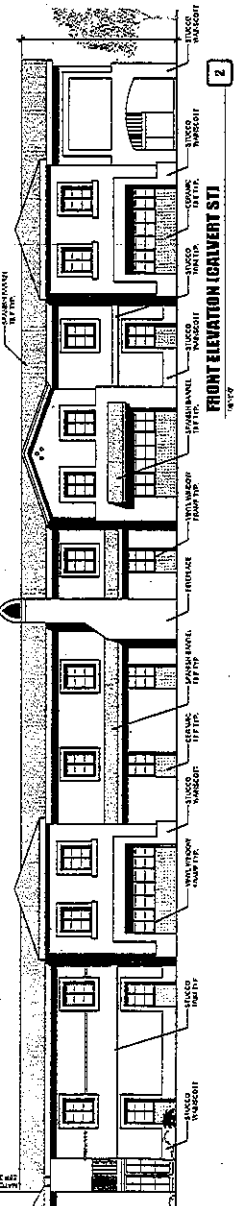
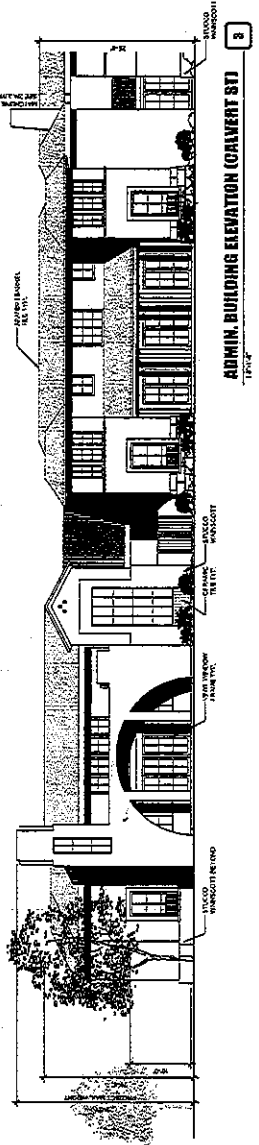
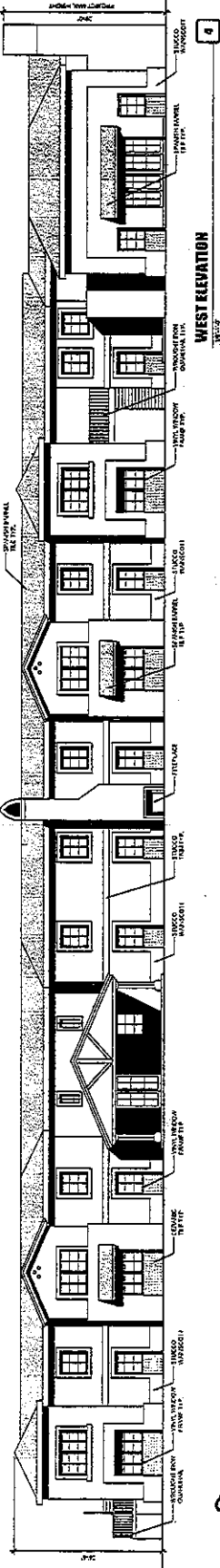
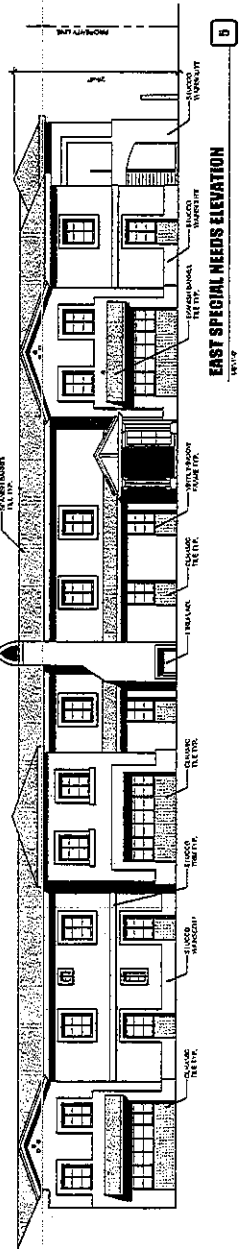


EXHIBIT "A"
 EXAMPLE - SEE
 CASE FILE FOR DETAIL