

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

|  |                                      |  |
|--|--------------------------------------|--|
| <b>CITY PLANNING CASE:</b>   | <b>ENVIRONMENTAL CASE:</b>           | <b>COUNCIL DISTRICT:</b>   |
| APCNV-2020-5033-ZC-ADJ-HCA   | ENV-2020-5034-CE                     | CD: 7 - Rodriguez  |
| <b>RELATED CASE NOS.:</b>  | <b>COUNCIL FILE NO:</b>              | <b>PROCEDURAL REGULATIONS:</b>   |
| AA-2020-5032-PMLA-HCA<br><br><input type="checkbox"/> N/A  | <br><br><input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.)<br><input type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.) |
| <b>PROJECT ADDRESS / LOCATION:</b>   |                                      |  |
| 8152 W. Ellenbogen Street, Sunland CA, 91040   |                                      |  |
| <b>APPLICANT:</b>  | <b>TELEPHONE NUMBER:</b>             | <b>EMAIL ADDRESS:</b>  |
| Michael Brandon Enterprises, LLC   | 323-219-0839                         | <a href="mailto:brandonp@bjdcorp.com">brandonp@bjdcorp.com</a>   |
| <b>APPLICANT'S REPRESENTATIVE:</b>   | <b>TELEPHONE NUMBER:</b>             | <b>EMAIL ADDRESS:</b>  |
| Brandon B. Park  | 323-219-0839                         | <a href="mailto:brandonp@bjdcorp.com">brandonp@bjdcorp.com</a>   |
| <b>APPELLANT:</b>  | <b>TELEPHONE NUMBER:</b>             | <b>EMAIL ADDRESS:</b>  |
| <input checked="" type="checkbox"/> N/A  |                                      |  |
| <b>APPELLANT'S REPRESENTATIVE:</b>   | <b>TELEPHONE NUMBER:</b>             | <b>EMAIL ADDRESS:</b>  |
| <input checked="" type="checkbox"/> N/A  |                                      |  |
| <b>PLANNER CONTACT:</b>  | <b>TELEPHONE NUMBER:</b>             | <b>EMAIL ADDRESS:</b>  |
| Joshua Ordonez   | (213)682-6370                        | <a href="mailto:joshua.ordonez@lacity.org">joshua.ordonez@lacity.org</a>   |
| <b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>   |                                      |  |
| <input checked="" type="checkbox"/> <i>The preparation of a draft ordinance by the City Attorney will be required.</i><br><br><b>Recommend the City Council Approve a Zone Change from the RA-1-RFA zone to the R1-1-RFA zone.</b> |                                      |  |
| <b>FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>  |                                      |  |
|  |                                      |  |

N/A

**ITEMS APPEALED:**

N/A

| <b>ATTACHMENTS:</b>  | <b>REVISED:</b>          | <b>ENVIRONMENTAL DOCUMENT:</b>  | <b>REVISED:</b>          |
|--|--------------------------|---|--------------------------|
| <input checked="" type="checkbox"/> Letter of Determination          | <input type="checkbox"/> | <input checked="" type="checkbox"/> Categorical Exemption (CE)<br>(Notice of Exemption) | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Findings of Fact                 | <input type="checkbox"/> | <input type="checkbox"/> Statutory Exemption (SE)<br>(Notice of Exemption)              | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Staff Recommendation Report      | <input type="checkbox"/> | <input type="checkbox"/> Negative Declaration (ND)                                      | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Conditions of Approval           | <input type="checkbox"/> | <input type="checkbox"/> Mitigated Negative Declaration (MND)                           | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> T Conditions                     | <input type="checkbox"/> | <input type="checkbox"/> Environmental Impact Report (EIR)                              | <input type="checkbox"/> |
| <input type="checkbox"/> Proposed Ordinance                          | <input type="checkbox"/> | <input type="checkbox"/> Mitigation Monitoring Program (MMP)                            | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Zone Change Map and Ordinance    | <input type="checkbox"/> | <input type="checkbox"/> Sustainable Communities<br>Project Exemption (SCPE)            | <input type="checkbox"/> |
| <input type="checkbox"/> GPA Resolution                              | <input type="checkbox"/> | <input type="checkbox"/> Sustainable Communities<br>Environmental Assessment (SCEA)     | <input type="checkbox"/> |
| <input type="checkbox"/> Land Use Map                                | <input type="checkbox"/> | <input type="checkbox"/> Sustainable Communities<br>Environmental Impact Report (SCEIR) | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Exhibit A – Plans                | <input type="checkbox"/> | <input type="checkbox"/> Appendices   | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Mailing List (both Word and PDF) | <input type="checkbox"/> | <input type="checkbox"/> Other:   | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Interested Parties List          | <input type="checkbox"/> |   |                          |
| <input type="checkbox"/> Appeal                                      | <input type="checkbox"/> |   |                          |
| <input type="checkbox"/> Development Agreement                       | <input type="checkbox"/> |   |                          |
| <input type="checkbox"/> Site Photographs                            | <input type="checkbox"/> |   |                          |
| <input type="checkbox"/> Other:                                      | <input type="checkbox"/> |   |                          |

**NOTES / INSTRUCTIONS:**

N/A

| <b>CITY COUNCIL NOTICE TIMING:</b>                         | <b>NOTICE LIST (SELECT ALL):</b>                           | <b>NOTICE PUBLICATION:</b>                                 |
|--|--|--|
| <input type="checkbox"/> 10 days                           | <input type="checkbox"/> Owner                             | <input type="checkbox"/> 10 days                           |
| <input type="checkbox"/> 15 days                           | <input type="checkbox"/> Applicant                         | <input type="checkbox"/> 15 days                           |
| <input type="checkbox"/> 24 days                           | <input type="checkbox"/> Adjacent/Abutting                 | <input type="checkbox"/> 24 days                           |
| <input type="checkbox"/> N/A / None                        | <input type="checkbox"/> 100' radius                       | <input type="checkbox"/> N/A / None                        |
| <input type="checkbox"/> Other: [enter here if applicable] | <input type="checkbox"/> 300' radius                       | <input type="checkbox"/> Other: [enter here if applicable] |
|  | <input type="checkbox"/> 500' radius                       |  |
|  | <input type="checkbox"/> Neighborhood Council              |  |
|  | <input type="checkbox"/> Interested Parties                |  |
|  | <input type="checkbox"/> Other: [enter here if applicable] |  |

**FISCAL IMPACT STATEMENT:**

Yes  No

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

|  |  |
|--|--|
| <b>PLANNING COMMISSION:</b>  |  |
| <input type="checkbox"/> City Planning Commission (CPC)<br><input type="checkbox"/> Cultural Heritage Commission (CHC)<br><input type="checkbox"/> Central Area Planning Commission<br><input type="checkbox"/> East LA Area Planning Commission<br><input type="checkbox"/> Harbor Area Planning Commission               | <input checked="" type="checkbox"/> North Valley Area Planning Commission<br><input type="checkbox"/> South LA Area Planning Commission<br><input type="checkbox"/> South Valley Area Planning Commission<br><input type="checkbox"/> West LA Area Planning Commission |
| <b>PLANNING COMMISSION HEARING DATE:</b>   | <b>COMMISSION VOTE:</b>  |
| August 15, 2024  | 4 - 0  |
| <b>LAST DAY TO APPEAL:</b>   | <b>DATE APPEALED:</b>  |
| October 21, 2024   |  |
| <b>COUNCIL TIME TO ACT:</b>  | <b>TIME TO ACT START:</b>  |
| <input type="checkbox"/> 30 days<br><input type="checkbox"/> 45 days<br><input type="checkbox"/> 60 days<br><input type="checkbox"/> 75 days<br><input type="checkbox"/> 90 days<br><input type="checkbox"/> 120 days<br><input type="checkbox"/> N/A / None<br><input type="checkbox"/> Other: [enter here if applicable] | <input type="checkbox"/> Appeal Filing Date<br><input type="checkbox"/> Received by Clerk<br><input type="checkbox"/> Last Day to Appeal<br><input type="checkbox"/> N/A / None<br><input type="checkbox"/> Other: [enter here if applicable]                          |
| <b>TRANSMITTED BY:</b>   | <b>TRANSMITTAL DATE:</b>   |
| April M. Hood  | October 22, 2024   |



# NORTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: OCTOBER 1, 2024**

**Case No.: APCNV-2020-5033-ZC-ADJ-HCA**

Council District: 7 – Rodriguez

CEQA: ENV-2020-5034-CE

Plan Area: Sunland – Tujunga - Lake View Terrace –  
Shadow Hills – East La Tuna Canyon

**Project Site:** 8152 Ellenbogen Street

**Applicant:** Brandon Park (Michael Brandon Enterprises LLC)

At its meeting of **August 15, 2024**, the North Valley Area Planning Commission took the actions below in conjunction with the of the following Project:

A Zone Change from RA-1-RFA to R1-1-RFA and a preliminary parcel map to permit the subdivision of a 27,349.1 square-foot lot into three lots with the retention of one single-family dwelling and the construction of two new 1,730 square foot single-family dwellings. The Project is also requesting an Adjustment to permit a 15-foot front yard setback for Parcel A in lieu of the 20-foot front yard setback otherwise required in the R1-1-RFA Zone.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Sections 15303 (Class 3) and 15315 (Class 15), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved and Recommend** that the City Council **adopt**, pursuant to Section 12.32 F of the Los Angeles Municipal Code, a Zone Change from RA-1-RFA to R1-1-RFA to permit the subdivision of a 27,349.1 square-foot lot into three lots with the retention of one single-family dwelling and the construction of two new single-family dwellings;
3. **Approved**, pursuant to LAMC Section 12.28 C, an Adjustment to permit a 15-foot front yard setback for Parcel A in lieu of the 20-foot front yard setback otherwise required in the R1-1-RFA Zone;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Collado  
Second: Del Rio  
Ayes: Parseghian, Phelps

**Vote: 4 – 0**

*Cecilia Lamas* for

April M. Hood, Commission Executive Assistant I  
North Valley Area Planning Commission

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

**Effective Date/Appeals:** The decision of the North Valley Area Planning Commission as it relates to the Zone Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission, to the Los Angeles City Council within 20 days after the mailing date of this determination letter. The decision of the North Valley Area Planning Commission, regarding the remaining approvals, is appealable by any party to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

**FINAL APPEAL DATE: OCTOBER 21, 2024**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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.

Attachments: Zone Change Ordinance, Map, Conditions of Approval, Findings, Appeal Filing Procedures

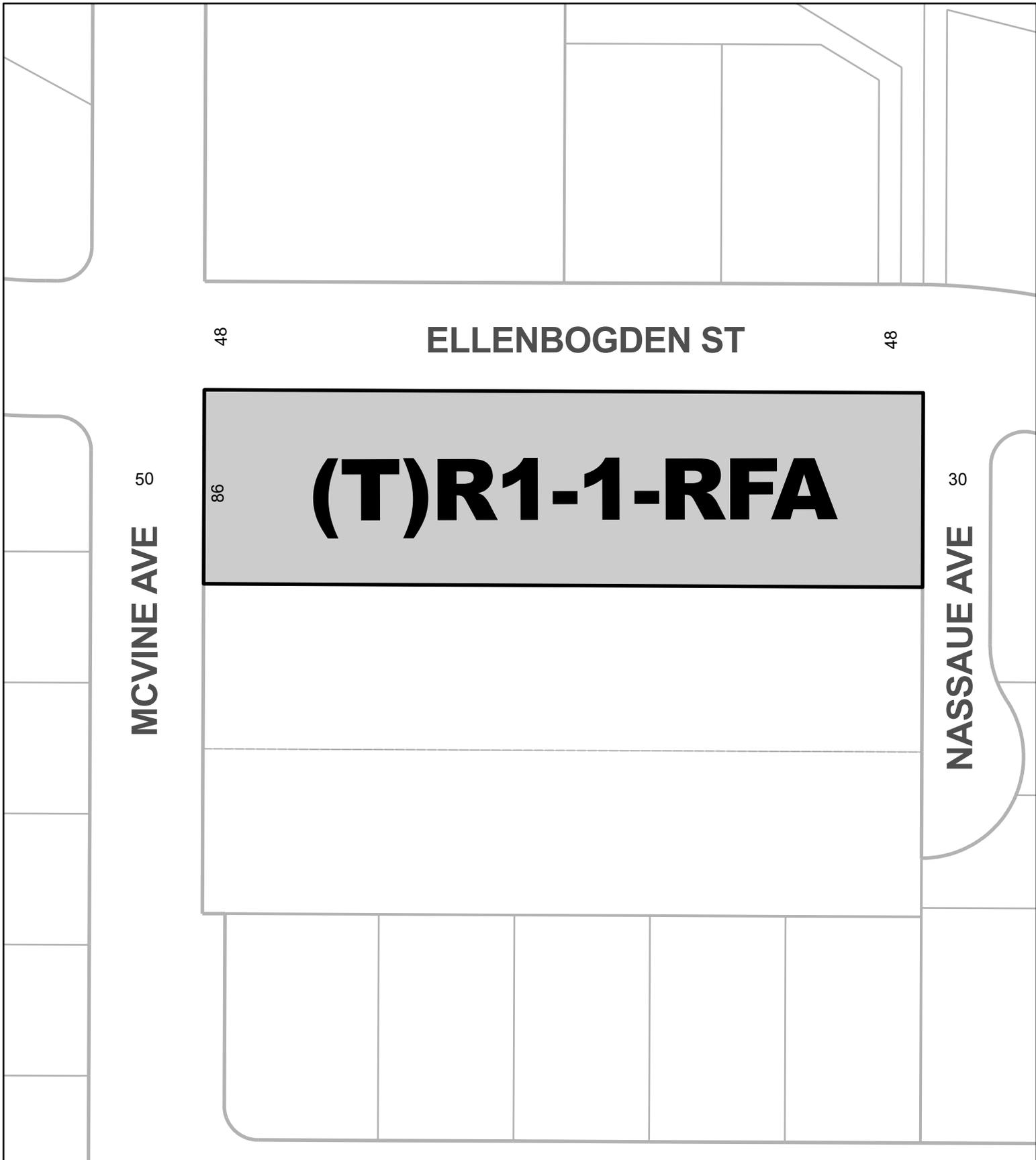
cc: Blake Lamb, Principal City Planner  
Jojo Pewsawang, Senior City Planner  
Dang Nyugen, City Planner  
Joshua Ordonez, City Planning Assistant

ORDINANCE NO. \_\_\_\_\_

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

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

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



**(T)R1-1-RFA**

**ELLENBOGDEN ST**

**MCVINE AVE**

**NASSAU AVE**

48

48

50

86

30

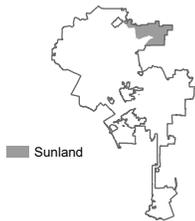


APCNV-2020-5033-ZC-ADJ-HCA

RG/CF

072524

City of Los Angeles



## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

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

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

**A. Dedication Required. Ellenbogen Street** – a 12-foot-wide strip of land along the property frontage to complete a 30-foot half right-of-way in accordance with Local Street Standards of the LA Mobility Plan, including 15-foot radius property line returns or 10-foot by 10-foot cut corners be dedicated at intersections with McVine Avenue and with Nassau Avenue respectively adjoining the subdivision.

**McVine Avenue** – a 10-foot-wide strip of land along the property frontage to complete a 30-foot half right-of-way in accordance with Local Street Standards of the LA Mobility Plan.

**Nassau Avenue** – a 20-foot-wide strip of land along the property frontage to complete a 50-foot half right-of-way in accordance with Limited Local Street Standards of the LA Mobility Plan.

**B. Improvements Required. Ellenbogen Street** – Construct an integral concrete curb and gutter, and a 5-foot-wide concrete sidewalk and landscaping of the parkway adjacent to the property line. Suitable surfacing to join the existing pavements and to complete an 18-foot-wide half roadway and variable half roadway width at the intersection. Any necessary removal and reconstruction of existing improvements. The necessary transitions to join the existing improvements. Suitable improvement of the roadway intersection satisfactory to the Valley District Office. Construct a new driveway to comply with ADA requirements. Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or upraised by more than ¼ inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than 1/8 inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway. All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S410-4, S442-5 and S444-0.

**McVine Avenue** – Construct an integral concrete curb and gutter, and a 5-foot-wide concrete sidewalk and landscaping of the parkway adjacent to the property line. Suitable surfacing to join the existing pavements and to complete an 18-foot-wide half roadway and variable half roadway width at the intersection. Any necessary removal and reconstruction of existing improvements. The necessary transitions to join the existing improvements. Suitable improvement of the roadway intersection satisfactory to the Valley District Office. All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S410-4, S442-5 and S444-0.

**Nassau Avenue** – Construct an integral concrete curb and gutter, and a 5-foot-wide concrete sidewalk and landscaping of the parkway adjacent to the property line. Suitable

surfacing to join the existing pavements and to complete an 30-foot-wide half roadway and variable half roadway width at the intersection. Any necessary removal and reconstruction of existing improvements. The necessary transitions to join the existing improvements. Suitable improvement of the roadway intersection satisfactory to the Valley District Office. All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S410-4, S442-5 and S444-0.

Improve all newly dedicated corner cuts with concrete sidewalks and construction of the existing curb ramps.

Construct necessary mainline and house connection sewers to serve each parcel.

2. **Engineering Fees.** Prior to the issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 176,077 adopted by the City Council, must be paid in full at the Development Services Division office.
3. **Street Lighting.** Installation of (2) streetlights to the satisfaction of the Bureau of Street Lighting. One streetlight on Ellenbogen Street, and one on McVine Avenue.
4. **Street Trees.** Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. The applicant should contact the Urban Forestry Division for further information (213) 847-3077. Note: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division ((213) 847-3077) for permit information.
5. **Sewers.** There are existing sewers available in the streets adjoining the subdivision. The construction of house connection sewers will be required to serve the parcels. This subdivision will connect to the public sewer system and will not result in violation of the California Water Code. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
6. **Cable Infrastructure.** Making any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05 N, to the satisfaction of the Information Technology Agency.
7. **Fire.** Incorporate into the building plans the recommendations of the Fire Department relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department prior to the approval of a building permit.
8. **Covenant.** Prior to the issuance of any permit relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

**Notice:** Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

### CONDITIONS OF APPROVAL

1. **Use.** The use of the subject property shall be limited to those uses permitted in the R1-1 Zone as defined in Section 12.08 of the Los Angeles Municipal Code (LAMC).
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled “**Exhibit A**” and dated January 20, 2022, attached to the file.
3. **Front Yard Setback (Parcel A).** Parcel A is permitted to observe a minimum 15-foot front yard setback in lieu of the 20 feet otherwise required by LAMC Section 12.08.
4. **Parking.** Off-street automobile parking shall be provided on-site as required by LAMC Section 12.21 A.4.
5. **Landscape.** All landscaping plans, as part of “Exhibit A”, shall be revised to identify the removal of any on-site trees within the subject property.

### Administrative Conditions

1. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
2. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder’s Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder’s number and date shall be provided to the Department of City Planning for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency’s successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
7. **Project Plans Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in

site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or board.

8. **Corrective Conditions.** 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 Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

9. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (a).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### General Plan/Charter Findings

#### 1. **General Plan Land Use Designation.**

The Project Site is located within the Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon, adopted by the City Council on November 18, 1997. The site is subject to the Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon Community Plan clarifies that R1 zones are corresponding zones in the Low Residential areas which is consistent with the General Plan. The site has a General Plan Land Use Designation of Low Residential with a corresponding zone of R1-1-RFA. The site is currently zoned RA-1-RFA and the applicant is requesting a zone change to R1-1-RFA, which is consistent with the Low Residential land use designation. As such, the requested zone change to R1-1-RFA is consistent with the Community Plan's land use designation. In addition, the recommended (T) conditions will require public right-of-way dedications and improvements.

#### 2. **General Plan Text.**

The Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon Community Plan text includes the following relevant land use objectives, policies, and programs:

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

**Objective 1-1** To provide for the preservation of existing and the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

1-1.1 Designate lands for single and multi-family residential development.

1-1.2 Protect existing single family residential neighborhoods from encroachment by higher density residential and other incompatible uses.

1-1.3 Require that new single and multi-family residential development should be designed in accordance with the Urban Design Chapter.

1-1.4 The City should promote neighborhood preservation, both in existing single-family neighborhoods.

**Objective 1-3** To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

1-3.1 Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic

levels, and environmental impacts when changes in residential densities are proposed.

1-3.2 Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

1-3.3 Preserve existing views of hillside and mountainous areas.

**Objective 1-5** To promote and insure the provision of adequate housing for all persons regardless of income, age or ethnic background.

1-5.1 Promote greater individual choice in type, quality, and location of housing.

The project is in conformance with these goals, objectives, and policies. Broadly speaking, the intent of these objectives and associated policies is to ensure that single-family neighborhoods are protected, and that neighborhood character is preserved.

The proposed project will further the above objectives and policies by addressing the Community Plan's area's needs and by matching the density that was envisioned for this area by the Community Plan's Low Residential land use designation.

The proposed building's designs blend in with the surrounding neighborhood. The intention is to conform to the community plan by increasing housing while at the same time maintaining the neighborhood's architectural design.

By sensitively designing the project to be visually compatible with the existing dwelling, the project preserves the general character of the existing property and preserves the low-density character of the surrounding area.

### 3. **Framework Element.**

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

Goal 4A: An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

Objective 4.2: Conserve scale and character of residential neighborhoods.

The project is designated by the Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon Community Plan for Low Residential uses and is zoned RA-1-RFA. The request for an R1-1-RFA Zone, in order to for the subdivide one (1) lot into three (3) lots that measure a total of 27,349.1 square feet in the R1-1-RFA Zone, located at 8152 West Ellenbogen Street and construct two single-family dwelling units, which is consistent with the land use designation and allows the site to provide additional dwelling units in a manner which promotes an equitable distribution of housing opportunities by

type and cost accessible to all residents of the City that conserves the scale and character of residential neighborhoods.

4. **Housing Element.**

The Housing Element 2013-2021 was adopted on December 3, 2013 and identifies the City's housing conditions and needs, and establishes the goals, objectives and policies that are the foundation of the City's housing and growth strategy. The project is consistent with several objectives and policies of the Housing Element. The plan text includes the following relevant housing objectives and policies:

Goal 1: Housing Projection and Preservation.

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

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

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

The proposed zone change for the subject property will facilitate the construction of additional housing in order to meet current and projected needs. The Zone change from the RA Zone to an R1 Zone will allow the subdivisions of 1 lot into 3. The subdivision, in turn, will allow the creation of 2 new single-family dwellings. This will produce more homeownership opportunities, which are in dire need due to a housing crisis. This creates a different type of unit for a larger family and addresses the needs of households in this area. Therefore, the Zone Change is consistent with the Housing Element goals, objectives and policies of the General Plan.

5. **The Mobility Element.**

The Mobility Element of the General Plan (Mobility Plan 2035) is not likely to be negatively affected by the recommended action herein. Dedications are required for Ellenbogen Street, McVine Avenue, and Nassau Avenue located along the north, east, and west property line; thereby bringing the right-of-way into conformance with the standards identified in the Mobility Plan. These dedications and improvements will improve the pedestrian and vehicular infrastructure for Ellenbogen streets right-of-way along the project. Therefore, as conditioned, the zone change to R1-1-RFA is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

6. **Charter Finding.**

The proposed zone change complies with Charter Section 556 and 558 in that the change promotes land use regulations with regards to use, height, density, etc., that is consistent with the General Plan, as noted above in Findings Nos. 1 and 2, with public necessity, convenience, general welfare, and good zoning practice, and as noted in the discussion in Finding No. 8, which are referenced as if fully incorporated herein.

### **Zone Change Findings**

7. **That Pursuant to LAMC Section 12.32. F - That the zone change is in harmony with the objectives of the General Plan and is in conformity with the public necessity, convenience, general welfare, and good zoning practice.**

The recommended zone change is in conformance with the public necessity, convenience, and general welfare or good zoning practice in that the R1-1-RFA Zone is consistent with the Low Residential land use designation.

The subject site is a rectangular-shaped parcel with an approximate East/West length of 318 feet and a frontage along Ellenbogen Street. Ellenbogen Street is designated a Local Street – Standard under the Los Angeles Mobility Plan 2035. Ellenbogen Street is currently improved with a curb. The subject property is located within the Verdugo Fault.

Public Necessity: The granting of the zone change will allow for the construction of housing which is much needed in the City of Los Angeles. The project allows the site to secure an appropriate development in harmony with the objectives of the General Plan, by allowing for a zone which is consistent with the General Plan.

Convenience: The project is conveniently located approximately one mile away from Foothill Boulevard, which is to the west of the subject property, and is a major thoroughfare in the San Fernando Valley. Also located on Foothill Boulevard, are a variety of restaurants, retail, and commercial sites. As such, the site is within close proximity to bus lines, and is a convenient location for additional residential housing.

General Welfare: The project has been conditioned with T conditions to require dedications and improvements along the public rights-of-way which are adjacent to the site. These improvements will improve the sidewalk abutting the subject property on Ellenbogen Street, McVine Avenue, and Nassau Avenue.

Good Zoning Practices: The zone is consistent with the land use designation and is therefore an appropriate zone for the site. In light of facing an unprecedented housing crisis, the requested zone change from RA-1-RFA to R1-1-RFA will permit two additional single-family dwellings, otherwise prohibited by the density limitations of the RA-1-RFA Zone; thus, adding additional dwelling units to the market supply in order to meet market demands. Lastly the zone will be consistent with adjacent parcels which are zoned RA-1 to the north and RA-1-RFA to the south, and the R1-1 and R1-1-RFA Zones abutting to the east, and west will create a harmonious and uniform land use pattern along the block.

8. **Pursuant to LAMC Section 12.32 G, Findings for “T” and “Q” Classifications.**

Pursuant to LAMC Section 12.32 G.1, the current action, as recommended, has been made contingent upon compliance with new “T” conditions and the project specific Conditions of Approval imposed herein for the proposed project. Such limitations are necessary to ensure the identified dedications, improvements, and construction notices are executed to meet the public’s needs, convenience and general welfare served by the required actions.

**Adjustment Findings (LAMC Section 12.28 C.4)**

9. **That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The subject site is located on a rectangular shaped 27,349.1 square foot lot within the Sunland - Tujunga - Lake View Terrace - Shadow Hills - East La Tuna Canyon Community Plan. The site is currently developed with a 2,603 square-foot single-family dwelling that is expected to remain. The existing dwelling currently observes a 25-foot front yard setback along McVine Avenue. In order to maintain the existing dwelling and subdivide the property into three lots, the applicant has proposed a three-lot subdivision which complies with the lot width and lot area requirements of the R1 Zone.

Although the site's area can accommodate three R1 zoned single-family sized lots, after providing for a required 10-foot dedication along McVine Avenue, the existing single-family dwelling's front yard setback is reduced from 25 feet to 15 feet, thus necessitating the need for an Adjustment request as the R1 zone has a 20-foot front yard setback requirement.

The Code's intent is to promote uniform development. With respect to front yard setbacks, it is the intent to create uniform setbacks along the street frontage. Existing dwellings to the south along the eastern frontage observe variable setbacks ranging from 33 feet to 20 feet. However, these residences do not include required street dedication, which would effectively reduce the front yard setback of the structures ranging from 23 feet to 10 feet, respectively. Properties along the western frontage of McVine Avenue currently observe 15-foot front yard setbacks in the R1-1-RFA Zone. As such, the project's 15-foot front yard setback will be compatible with existing improvements and conforms to the intent of the setback requirements.

10. **That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The request to reduce the front setback requirement for the existing single-family dwelling would not further degrade the surrounding neighborhood. The existing home is to remain unchanged with no construction plans to modify it whatsoever. The reduced front yard is a result of the project's required street dedications, which will require the project to dedicate 10 feet along McVine Street and to improve the street with sidewalk, curb, and gutter. The height and size of the existing building will remain unchanged and thus would not be affected. Since no changes will be made to the existing building, in no way would the project adversely affect adjacent properties and the surrounding neighborhood. In fact, preserving the existing home precludes the need for the home's demolition and construction of a new home, minimizing any negative impacts on the adjacent neighborhood.

Therefore, the granting of the applicant's requests would result in a project that be compatible with the existing pattern of development within the surrounding area and would not adversely affect adjacent properties or the public's safety.

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

There are twelve elements of the General Plan and each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the LAMC. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The General Plan is composed of the Framework Element, seven state-mandated elements, and four additional elements adopted by the City Council. The Framework Element establishes the broad overall policy and direction for the General Plan. Approval of the project is in substantial conformance with the following Framework Element housing goals and objectives:

*Goal 4A: AN EQUITABLE DISTRIBUTION OF HOUSING OPPORTUNITIES BY TYPE AND COST ACCESSIBLE TO ALL RESIDENT OF THE CITY.*

*Objective 4.4: To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.*

The Housing Element provides a plan for the City's existing and future housing needs to ensure a range of housing choices for residents of all income levels. The Housing Element provides decision-makers policy guidance to evaluate discretionary housing applications. This approval conforms to the following goals and objectives in the Housing Element:

*Goal 1: A CITY WHERE HOUSING PRODUCTION AND PRESERVATION RESULT IN AN ADEQUATE SUPPLY OF OWNERSHIP AND RENTAL HOUSING THAT IS SAFE, HEALTHY, SANITARY, AND AFFORDABLE TO PEOPLE OF ALL INCOME LEVELS, RACES, AGES, AND SUITABLE FOR THEIR VARIOUS NEEDS.*

*Objective 1.2: Preserve quality rental and ownership housing for households of all income levels and special needs.*

*Objective 1.5: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

*Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.*

The subject property is in the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Community Plan which designates this property as R1-1-RFA with Low Residential land use designation. The purpose, intent and provision of the General Plan, and the Community Plan both seek to ensure compatibility with surrounding uses, both in development and use. The use of the property as a single-family residence is consistent with the General Plan Land Use designation of Low Residential and corresponding R1-1-RFA zone. The original house was built in 1966 with a certificate of occupancy issued. The project is designed to be compatible with the overall community. The project substantially conforms to the purpose, intent and provisions of the General Plan and the applicable Community Plan. The project is also complying with the RFA limits.

The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Community Plan discusses the objectives, goals, and the intent of the plan for the development of housing in the area. The project addresses the following goals and policies of the Community Plan.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The project site is located within the boundaries of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan which designates the property for Low Residential land use corresponding to the RE9, RS, R1, and RU Zones, consistent with the range of zones associated with the site's land use designations. It is not located in any other, overlays, or interim control ordinances.

Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the addition of a new single-family dwellings. The project is consistent with the following components of the Community Plan:

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

*Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.*

*Policy 1-3.1: Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic levels, and environmental impacts when changes in residential densities are proposed.*

*Program: The decision-maker should adopt a finding which addresses these factors as part of any decision relating to changes in planned residential densities.*

*Policy 1-3.3: Preserve existing views of hillside and mountainous areas.*

*Program: Retention of the low-density rural character of the community and height limitations, scenic highway designations, implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance will contribute to the preservation of these views.*

*Objective 1-6: To limit residential density and minimize grading in hillside areas.*

*Policy 1-6.2: Consider the steepness of the topography and the suitability of the geology in any proposal for development within the Plan area.*

*Program: Consider the steepness of the topography and the suitability of the geology in any proposal for development within the Plan area.*

*Program: Continue implementation of the Citywide Hillside Ordinance and the 15% Slope Density Ordinance.*

The proposed project for an Adjustment to provide reduced setbacks will continue an existing use on the subject property that is consistent with the zoning and density as it was intended, in accordance with the LAMC provisions of the R1-1-RFA Zone. The proposed project aims to comply with the intent of the Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon community plan and help preserve single-family use, and proposes single family dwellings on the newly proposed lots. The setback relief is proposed in order to comply with the dedication requirements by the Bureau of Engineering to meet the with street standards as required by the LA Mobility Plan across McVine Avenue, Nassau Avenue, and Ellenbogen Street.

As such, allowing the reduced setbacks will allow preservation of the integrity of the single-family homes in the area and keeping with the intent of the R1-1-RFA Zone and considers factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, impacts on traffic levels, and environmental impacts when changes in residential densities are proposed. The reduced setbacks do not overly impact the neighboring properties, public right-of-way, and/or setbacks that abut neighboring lots, and are compatible abutting sites and immediate area and will still improve an impact on services and not overly impact traffic levels to the main street.

In light of the above, the project substantially conforms to the purpose, intent and provisions of the General Plan, the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan.

### **Environmental Findings**

12. **CEQA.** Pursuant to State CEQA Guidelines and City Guidelines and based on the whole of the administrative record, the Project has been granted a Categorical Exemption under ENV-2020-5034-CE and has found to be exempt from CEQA pursuant to CEQA Guidelines, Sections 15303 (Class 3) and 15315(Class 15). There is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
13. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 186,952, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.



## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

**Metro DSC**

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

**Van Nuys DSC**

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

**West Los Angeles DSC**

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online Appeal Filing



QR Code to Forms for In-Person Filing