

**DEPARTMENT OF
CITY PLANNING**

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June 16, 2023

Applicant/Owner

Michelle Newman
AHEAD With Horses, Inc.
10157 Johanna Avenue
Shadow Hills, CA 91040

Representative

Judy Beem (R)
AHEAD With Horses, Inc.
6351 Hamilton Drive
Tujunga, CA 91042

Case No.

CEQA:

Location:

Council District:

Neighborhood Council:

Community Plan Area:

Land Use Designation:

Zones:

Legal Description:

DIR-2020-4186-WDI

ENV-2020-7306-CE

9955 West Foothill Boulevard

7 – Rodriguez

Foothill Trails District

Sunland – Tujunga – Lake

View Terrace – Shadow Hills –

East La Tuna Canyon

Very Low I Residential

RA-1-K and RE40-1-K

Arb 1. Portion of Lot 77, One

Hundred and Two Tract

Last Day to File an

Appeal:

July 3, 2023

DETERMINATION

Pursuant to LAMC Section 12.37 I.2, as the designee of the Director of Planning, I hereby:

Determine, based on the whole of the administrative record, that the Project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303, Class 3, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies;

Approve alternative **Street Improvements** for the north side of Foothill Boulevard to provide a minimum 5-foot-wide sidewalk and landscaped parkway within an 18-foot boarder.

The project approval is subject to the Condition of Approval and Findings:

CONDITIONS OF APPROVAL

STREET STANDARDS

1. **Street Dedications.** No dedications shall be required for the length of Foothill Boulevard adjoining the subject project site (APN 2550-011-006).
2. **Street Improvements.**

- a. Remove the existing asphalt berm and construct a new concrete curb & gutter and a minimum 5-foot-wide concrete sidewalk adjacent to the new concrete curb, and gutter and a 13-foot parkway abutting the property line including street trees all within the 18-foot border to the satisfaction of the Bureau of Engineering. The sidewalk may meander to avoid removal of existing utilities and street trees.
- b. Close all unused driveways with standard curb heights, gutters, and sidewalk. New driveways shall be constructed to BOE standards.
- c. Improvements should suitably transition to join the existing improvements.

Notes: Broken curb and/or gutter includes segments within existing score lines that are depressed or upraised by more than ¼ inch from the surrounding concrete work or area separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8 inch at the surface of the section.

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, S440-4, S442-5 and S444-0.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

Notes: Regarding any conflicts with power pole matters, contact the Department of Water and Power at (213) 367-2715.

Refer to the Fire Department Hydrants and Access Unit regarding fire hydrants (818) 374-5005.

3. Provide proper drainage for street being improved and for the site being developed.
4. Extension of the sewer mainline on Foothill Boulevard is required. Install all house connection lateral to serve the property. Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

5. **Street Trees.** Street trees shall be maintained to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the applicant or contractor shall notify the Urban Forestry Division at (213) 847-3077 upon completion of construction to expedite tree planting.

Note: 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 for permit information.

6. A parking area and driveway plan to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Boulevard, Room 320, Van Nuys, CA 91401.
 - a. Two one-way driveways on Foothill Boulevard width of W=16 is required for all driveways or to the satisfaction of the Department of Transportation.
 - b. Minimum 20-foot reservoir space is required between any security gate or parking space and the property line to the satisfaction of the Department of Transportation.
 - c. Any security gates within the reservoir space shall remain open during operating hours.
 - d. No backing up is permitted onto the public-right-of-way.

Administrative Conditions

7. Any future redevelopment of the lot(s) shall require a unified review of the Assessor Parcel and at such time as that would occur, the dedication shall be made adjacent to the site.
8. **Covenant and Agreement.** Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The agreement with the conditions attached must be submitted to the Development Service Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for inclusion in the subject case file.
9. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by the Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
10. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of

- Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
11. **Approval, Verification and Submittals.** Copies of any approvals, guarantees, or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits for placement in the subject file.
 12. **Code Compliance.** Use, area, height and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
 13. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
 14. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and/or the Department of Building and Safety.
 15. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of construction activity shall constitute utilization for the purposes of this grant.
 16. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - i) 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.
 - ii) Reimburse the City for any and all costs incurred in defense of an action or 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.
 - iii) 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 (ii).

- iv) 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)
- v) 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 includes actions, as defined herein, alleging failure to comply with any federal, state, or local law.

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

BACKGROUND

The subject site is a vacant, irregular shaped, and approximately 112,202 (approximately 2.6 acres) lot with a frontage of approximately 305 feet along the northerly side of Foothill Boulevard. The subject site extends for a depth of approximately 622 feet along the westerly property line and approximately 253 feet along the easterly property line. The subject site is dual zoned, with the portion of the site fronting on Foothill Boulevard zoned RA-1-K, and the sloping portion to the rear of the site zoned RE40-1-K.

The applicant is AHEAD With Horses (Accelerated Habilitation Education and Development), is a 501(c)(3) organization established in 1968 that works with children aged 12 and under to provide therapy, education and recreation through horses and related experiences to disabled/disadvantaged/at-risk/special-needs children. AHEAD With Horses is currently sited on a rental property in Shadow Hills, and the applicant proposes to locate AHEAD With Horses on the subject site as its "Forever Home." The applicant's application states that AHEAD With Horses is a therapeutic riding program that has earned recognition educationally, medically, and scientifically. Through vaulting (gymnastics on a moving horse), even severely disabled children learn (for example, balance, muscle strength, focus, walking, speech) and achieve with the goal of enabling them to lead more independent and productive lives.

According to the application materials, AHEAD With Horses serves students from the east and west San Fernando Valley, West Los Angeles, and coastal areas. Funding for the proposed program comes from parent donations, community donations, grants, and private donations. Parents are not charged a fee for lessons.

Information provided by the applicant states that AHEAD With Horses provides additional community benefits by offering volunteer and employment opportunities, including employment for disabled persons; field work for educational requirements (e.g., occupational therapy programs); the purchase of supplies and equipment from local businesses; and special projects for youth.

The applicant is currently renting property that cannot be used for the long term. According to the applicant, it is difficult to find a site of this size in the vicinity that would accommodate a therapeutic riding program. The approximately 2.6-acre subject site is located in the Equinekeeping "K" District where horse keeping is a part of the community culture. The applicant states that the undeveloped nature of the site will allow for the arena for lessons, horse stalls, turn out area, sensory garden, assistive equipment, and accessible restrooms.

The applicant was granted approval for comprehensive site improvements on the subject property under Case No. ZA-2018-3415-CU-ZV-SPP. However, in order to secure building permits for this project, the applicant is required to provide the following dedications and improvements along the subject property frontage to the satisfaction of the Bureau of Engineering:

Dedication Required: Foothill Boulevard (Avenue I) - None.

Improvements Required: Construct suitable surfacing to join the existing improvements to provide a 35-foot-wide half roadway, including asphalt pavement, integral concrete curb, 2-foot gutter and a 15-foot full-width concrete sidewalk. Close all unused driveways with standard curb height, gutter, and sidewalk. New driveways shall be constructed to BOE standards. These improvements should suitably transition to join the existing improvements.

The Department of City Planning worked with the Bureau of Engineering and Department of Transportation on alternative development along the street frontage as some street trees have already been planted and there is an existing curb, gutter, and sidewalk to the east of the site. It was determined that the curb and gutter could remain in the present location as street widening would only provide additional lane width adjacent to the subject property. The numbering of driving lanes, bicycle lane and center median would not change. However, it was conveyed to the applicant that a new sidewalk for ADA purposed was necessary. The applicant's site plan shows

that access will be provided from two driveways off along Foothill Boulevard. Due to financial constraints of this 501(c)(3) organization, given the estimated costs to provide the street improvements required by the BOE, and given that it would be better for the client to park on-site with special needs children, the applicant has requested that alternative street improvements be considered. As modified from the proposed site, the proposed alternative street improvements include the following:

1. *Waive the 3-foot roadway widening;*
2. *Provide required curb/gutter;*
3. *Provide an 18-foot-wide border, with a minimum 5-foot-wide (ADA compliant) sidewalk;*
4. *Show parkway with locations of existing street trees abutting the property line in lieu of the curb and gutter or move and replant street trees to the satisfaction of Urban Forestry.*
5. *Improvements should suitably transition to join the existing improvements.*

The site is located within the geographic areas of the Sunland – Tujunga - Lake View Terrace - Shadow Hills - East La Tuna Canyon Community Plan and the San Gabriel / Verdugo Mountains Scenic Preservation Specific Plan. The Community Plan designation is Very Low I Residential, corresponding to the RE20 and RA Zones. The RE40 Zone at the rear of the site is still corresponding as that zone is allows in more restrictive designation of the General Plan Land Use Map and thus corresponds.

The Community Plan Map Footnote No. 14 states that Equinekeeping “K” Districts “...are for the purpose of fostering the preservation of horse keeping area and these districts should facilitate the keeping and riding of horses through minimization of sidewalks and the provision of separated riding trails connected to equestrian Centers.” The subject site is zoned for horse keeping (“K” District) and located in an area designated for Equinekeeping in the City of Los Angeles (ZI-2438). Under this Zoning Information File, all building permits are reviewed by the Los Angeles Department of Building and Safety to ensure compliance with minimum setback distances between such uses and buildings proposed for purposes of occupancy.

The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan also designates the subject site within an Equinekeeping District. Both the Community Plan Land Use Map and Specific Plan (Map 3) designate Foothill Boulevard for an Equestrian Trail. The Community Plan state it needs to be along the north side of Foothill Boulevard and the Specific Plan does not specify which side of the street the trail should be on. However, when the church was developed across the street (Case No. ZA 99-786-CUZ-SPR approved May 10, 2000) a 12-foot-wide equestrian trail was approved along the Foothill Boulevard connecting to the Foothill Place trail and an equestrian easement along the east, south, and southwest property lines connecting back to Tujunga Valley Street and beyond to Foothill Boulevard. This satisfied both the Community Plan and the Specific Plan requirement for equestrian access along Foothill Boulevard. Section 7 of the Specific Plan allows for conditioning of equine trail when a subdivision entitlement is proposed. Further, ordinance such as Zone Changes would also provide the nexus for equine trail.

The applicant originally proposed an equine trail in lieu of the ADA sidewalk as the property is going to be used for equine uses in alignment with the comments from the Foothill Trails District Neighborhood Council. However, with the existing 18-foot-wide border along the property frontage contain newly planted street trees which are no conducive to equine riding as they can become a safety issue with branches. Ideally, the applicant would like to provide an equine trail

easement as funding become available which would be completed and sign with a covenant and agreement to be maintained by the property owner on-site. It is no favorable to provide both an equine trail and a new sidewalk as existing street tree and powerlines which could be a safety issue with the rider under current conditions.

The proposed project site is located within a Freeway Adjacent Advisory Notice for Sensitive Uses (ZI-2427), which considers project features and design alternatives to reduce air pollution exposure and associated health risks for sites located within 1,000 feet of a freeway. While a riding academy is not defined as a sensitive use under ZI-2427 (sensitive uses include schools, daycare facilities, senior care centers), children will be served on site. The applicant's site plan show parking at the front of the site, after the required setback, and the area for riding and lessons located at the middle and rear of the site as far from the Foothill Freeway (I-210) as possible. ZI-2427 also considers landscaping (vegetation) and/or a wall barrier as a project design feature. The project is conditioned for the provision of landscaping (trees, succulents) at the Foothill Boulevard frontage.

The subject site is located in an Urban Agriculture Incentive Zone, as defined on ZIMAS, but no agricultural uses are currently proposed. While the site is located within a Very High Fire Hazard Severity Zone and a High Wind Velocity Area, all applicable regulatory compliance measures will be implemented to maximize safety and minimize fire hazards. The site is located within a Hillside and BOE Special Grading Area (BOE Basic Grid Map A-13372) but no grading for purposes of habitable structures is proposed. The site is located within the Verdugo and Alquist-Priolo Fault Zones and a liquefaction area. However, no structures are proposed with the exception of storage uses and horse stalls. The proposed site is not located within a landslide, preliminary fault rupture study area, or tsunami inundation zone. The site is not within an airport hazard or coastal zone. It is not located within a flood zone, watercourse, or hazardous waste/border zone. It is not a methane hazard site, and there are no oil wells on the proposed project site.

Surrounding Properties

The surrounding properties are a mix of unimproved land and single-family residential, equine, and institutional uses. To the north, the subject site abuts vacant property zoned A2-1-K and to the east of that is a single-family dwelling under the same ownership and zoning which take access to the sites from the abutting driveway on the property's west boundary. Another flag lot (abutting driveway on the east) zoned RE40-1-K is developed with a single-family dwelling and equinekeeping uses. To the east beyond the flag lot are two lots zoned RA-1-K which are improved with single-family uses and equinekeeping uses. All Nations Church is located to the south, across Foothill Boulevard on RA-1-K Zoned property, which take access from Tujunga Valley Street. To the west, beyond the flag lot access, is a single-family subdivision in the RE11-1-K Zone with lots that front Foothill Boulevard, Jimenez Street, Ranetto Place, Esko Avenue and Jacinto Avenue. Two properties in this neighborhood have equinekeeping uses. Both Foothill Boulevard and Foothill Place are improved with equestrian trails.

The Los Angeles County Flood Control Channel and Foothill Freeway lie further south within a 1,000-foot radius of the subject site.

PUBLIC RIGHT-OF-WAY INFORMATION

Foothill Boulevard, adjoining the subject property to the south, is a designated Avenue I by the Mobility Plan 2035, dedicated to variable widths between 100 feet and approximately 108 feet and is improved with asphalt roadway and asphalt curb at the project's street frontage.

Note: Across the street from the lot Foothill Boulevard is a fenced equestrian trail abutting the church parking lot and along Foothill Place. There are bicycle lanes along both sides of the street and no street parking as there is a dedicated right hand turn lane along the eastern portion of Foothill Boulevard transitioning south onto Foothill Place.

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

Subject Property:

Case No. ZA-2018-3415-CU-ZV-SPP– On May 3, 2019, the Zoning Administrator approved a Conditional Use to allow a riding academy (AHEAD With Horses) for a maximum of 80 children with disabilities in the RE40-1-K and RA-1-K Zones, Zone Variances to permit a riding academy in the RE40-1-K and RA-1-K Zones and to permit an accessory parking area without required improvements, and Project Permit Compliance Review for development located within the San Gabriel Verdugo Mountains Scenic Preservation Specific Plan, subject to Conditions of Approval.

Ordinance No. 175,736 – On February 8, 2004, the San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan became effective to preserve, protect, and enhance unique natural and cultural resources of the Plan area by establishing protection measures for prominent ridgelines, biological resources, scenic highway corridors, and equine districts (CPC-2000-1357-SP).

Surrounding properties:

No similar cases were found on surrounding properties.

LETTERS OF SUPPORT

The Foothill Trails District Neighborhood Council submitted a letter dated August 20, 2020 in support for the proposed project and the waiver of the sidewalk requirement. The letter stated that the addition of a bridle path with safety fence along the street provide for equestrian safety, which is an issue that needs to be addressed as the street is officially designated an equestrian trail.

WAIVER OF DEDICATION AND IMPROVEMENTS FINDINGS

Pursuant to LAMC Section 12.37 I.2, the Director may waive, reduce or modify the required dedication(s) or improvement(s) as appropriate after making any of the following findings, based on substantial evidence in the record that:

- a. the dedication or improvement requirement does not bear a reasonable relationship to any project impact; or

- b. the dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Streets Standards Committee has established; or
- c. The dedication or improvement requirement is physically impractical.

1. The dedication or improvement requirement does not bear a reasonable relationship to any project impact.

The subject site is a vacant, irregular shaped, and approximately 112,202 (approximately 2.6 acres) lot with a frontage of approximately 305 feet along the northerly side of West Foothill Boulevard. The subject site extends for a depth of approximately 623 feet along the westerly property line and approximately 253 feet along the easterly property line. The subject site is dual zoned, with the portion of the site fronting on Foothill Boulevard zoned RA-1-K, and the sloping portion to the rear of the site zoned RE40-1-K.

The applicant is AHEAD With Horses (Accelerated Habilitation Education and Development) Inc., is a 501(c)(3) organization established in 1968 that works with children aged 12 and under to provide therapy, education and recreation through horses and related experiences to disabled/disadvantaged/at-risk/special-needs children. AHEAD With Horses is currently sited on a rental property in Shadow Hills, and the applicant proposes to locate AHEAD With Horses on the subject site as its "Forever Home." The applicant's application states that AHEAD With Horses is a therapeutic riding program that has earned recognition educationally, medically, and scientifically. Through vaulting (gymnastics on a moving horse), even severely disabled children learn (for example, balance, muscle strength, focus, walking, speech) and achieve with the goal of enabling them to lead more independent and productive lives.

Foothill Boulevard is a designated Avenue I by the City's Mobility Plan, which would otherwise require a 100-foot right of way with 15-foot sidewalks and 70-foot roadway. The street is currently improved with 32-foot half roadway, a 2-foot asphalt berm adjacent to the subject property. On the south side of Foothill Boulevard, the street is improved with a 15-foot bridle trail with concrete curb and gutter and dedicated right-hand turn lane onto Foothill Place. There are striped bicycle lanes along both east and west bound sides of the street. The Bureau of Engineering has required that the applicant construct suitable surfacing to provide a 35-foot half roadway including asphalt pavement, integral concrete curb, 2-foot gutter, and a 15-foot full-width concrete sidewalk with tree wells along with closing unused driveways, and that these improvements be constructed to suitably transition to join with existing improvements.

The improvements and street widening do not bear a reasonable relationship to any project impact. The project is not required to dedicate as the right-of-way is fully dedicated. The requirement to widen the roadway and construct a 15-foot concrete sidewalk would negatively impact existing street trees that were recently planted. Further, the site is in a predominantly equestrian/rural area of the city, where major pedestrian activity is not anticipated to occur. The provision of a proposed 5-foot sidewalk and 13-foot landscaped parkway will more than adequately serve pedestrian demand along the property frontage and properly connect to existing substandard width sidewalks to the west.

It should be noted that the property is only improved with an asphalt curb and the properties to the west are improved with a 10-foot boarder including a 5-foot sidewalk and

5-foot landscaped parkway abutting the curb. The proposed 5-foot-wide sidewalk will provide the proper transitions to realign with the existing adjacent improvements.

The applicant has worked with the Department of City Planning to devise alternate improvements that will maintain necessary ADA/pedestrian access directly in front of the subject property. The improvements are listed as follows:

Construct suitable surfacing to join the existing improvements to maintain the 32-foot-wide half roadway, including asphalt pavement, integral concrete curb, 2-foot gutter and an 18-foot boarder including a minimum 5-foot-width concrete sidewalk. Close all unused driveways with standard curb height, gutter, and sidewalk. New driveways shall be constructed to BOE and DOT standards. These improvements should suitably transition to join the existing improvements.

As stated previously, the area is generally rural with large ranches and single-family development. Further, the Foothill Trails District Neighborhood Council voted unanimously at their General Board meeting on August 20, 2020 to waive the sidewalk improvement to provide a bridle path with a safety fence for equine riders and their horses.

Therefore, it is found that Foothill Boulevard roadway width shall be maintained as the proposed sidewalk improvement will provide for ADA compliance while maintaining the recently planted street trees abutting the project site. Generally, in residential areas the landscaped parkway is abutting the curb and gutter and the 5-foot sidewalk is buffered between the landscape buffer and the property line. In commercial areas, a full 15-foot-wide sidewalk with tree wells is required. However, as the Urban Forestry Division recently planted street trees within the 18-foot border, but not adjacent to the street the applicant can provide the minimum 5-foot-wide sidewalk either along the new curb or meandering around the street trees and power poles to the satisfaction of the City Engineer. The street widening by 3 feet to provide a 35-foot-wide half roadway requirement does not bear a reasonable relationship to any project impact and therefore was waived. Further the development of addition of the sidewalk, maintain the existing street trees, the existing bicycle lane, and equine trail across the street provides for several choices in transportation option within the community. The applicant has requested to waive out of a 15-foot full-width sidewalk improvement to provide a 5-foot sidewalk along the new curb and gutter and maintain the existing street trees was found to be acceptable.

2. The project incorporates mitigation measures, monitoring measures when necessary, or alternative identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.

Mitigation measures are not necessary for the subject project, and there are no potentially significant negative environmental effect associated with the project. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15303 (Class 3), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

ADDITIONAL FINDINGS

3. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

NOTICE REGARDING THIS GRANT**UTILITY IMPROVEMENTS**

In the instance that street work improvements are required, improvements to or the relocation of utilities may also be required. The granting of a Waiver of Dedication and/or Improvement, pursuant to LAMC Section 12.37-I, pertaining to roadway or sidewalk widening (street work) does not waive any requirements associated with utility and/or infrastructure improvements which may be required in order to satisfy the street work improvements. Satisfactory arrangements and/or easements shall be made with the appropriate Department(s) or Bureau(s), as required, for the improvement of utilities or infrastructure.

The application of a Waiver of Dedication and/or Improvement shall not impose additional utility or infrastructure requirements than what would otherwise be required for a by-right project pursuant to LAMC Section 12.37.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

This determination 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 that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**Section 12.29 of the Los Angeles Municipal Code provides:**

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

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

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. 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 the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment 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
planning.figcounter@lacity.org

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401
planning.mbc2@lacity.org

West Los Angeles DSC
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025
planning.westla@lacity.org

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 LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

VINCENT P. BERTONI, AICP
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REVIEWED AND APPROVED BY:

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cc: Council District 7
Bureau of Engineering
Department of Transportation
Department of Building and Safety