

# **ATTACHMENT B**

## **ZONE VARIANCE**

### **ADDITIONAL INFORMATION/FINDINGS**

18831 TOPHAM STREET  
RESEDA, CA 91335

#### **PROJECT OVERVIEW/ REQUEST**

The Applicant, 18831 Topham, LLC, seeks to continue the operation of an Assisted Living Facility, providing Alzheimer’s and Dementia Care, in an existing 6,025 square foot single-story 13-bedroom, 6-bathroom structure on an approximately 12,733 square foot lot, located at 18831 W. Topham Street (the “Subject Property”) within the RA-1-K-RIO zone. Off street parking spaces are provided within a two (2) car attached garage and in the circular driveway. The Subject Property is in the Reseda-West Van Nuys Community Plan.

To accomplish the proposed Project, the Applicant is seeking approval of a Zone Variance from LAMC Section 12.07.A and LAMC 12.07.C to allow for a 15-bed Assisted Living Facility providing Alzheimer’s and Dementia Care with 13 guest rooms pursuant to the provisions of Los Angeles Municipal Code (the “LAMC”) Section 13B.5.3.

#### **ADDITIONAL INFORMATION/FINDINGS**

The following information has been prepared pursuant to the City of Los Angeles Form CP13-7302: *Findings/Special Requirements Variance* and Section 13.B.5.3 of the Los Angeles Municipal Code (the “LAMC”):

- 1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.*

As described below, the strict application of the provisions of the Zoning Code related to use and guest rooms in the RA-1 Zone would result in both practical difficulties and unnecessary hardships, inconsistent with the general purpose and intent of the zoning regulations. The general purpose and intent of the use and density limitation for RA Zoned properties is to limit the uses in order to comply with the General Plan and ensure compatibility between respective properties. “Regulations in the Zoning and Planning Code are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and to prevent and fight fires; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewage, schools, parks and other public requirements and to promote the health, safety and general welfare all in accordance with the comprehensive plan.” (Section 12.02, Purpose, Los Angeles Municipal Code).

Such regulations, however, are written on a Citywide basis and cannot take into account individual and unique characteristics of a specific neighborhood or property as well as consider dynamic changes in the economy and use of land. A variance is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted provided that the spirit of the ordinance is observed, and substantial justice is done without detrimental impacts to the community.

The approximately 12,733 square foot site is improved with an approximately 6,025 square foot single story structure which includes 13 guest rooms, six bathrooms, a living room, a dining room, a kitchen, an office and an attached two car garage. The exterior is improved with landscaping and circular driveway. The site can accommodate 4 automobile parking spaces.

Services on site will be provided pursuant to a license from the State of California Department of Social Services for use as a Residential Care Facility for Elderly with Assisted Living and Alzheimer's and Dementia care. The site was previously approved by the City of Los Angeles as a Alzheimer's/Dementia Care Facility with a maximum of 15 residents within 13 bedrooms (ZA-2010-092-(ZV)(ZAA)) and the State of California (Facility #197607827, Virginia House).

The City has previously approved its use as a Residential Care Facility for the Elderly with Alzheimer's and Dementia and the building has since been modified to accommodate that particular use. To deny the instant request would impose an undue hardship on the Subject Property which provides much needed housing for the City's aging population, consistent with the goals and objectives of the General Plan. According to a Report from the City Controller in 2018<sup>1</sup>, there are 764,000 Angelenos that are 60 or above which constitutes approximately 19% of the City's population today. That number is anticipated to increase to one million people by 2030, which means nearly one in four people (24%) will be over 60. As the population continues to age, the demand will continue to substantially increase for facilities such as this one. Allowing this and other typologies of housing for the elderly will accommodate the demand and allow individuals to stay in their communities close to family and friends and enjoy a greater quality of life. Furthermore, the need for the Zone Variance is a need created by the City in order to permit the continued operation of the Subject Property consistent with the prior approval, the denial of the instant request would result in unnecessary hardship.

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

There are special circumstances applicable to the Subject Property that do not generally apply to other properties within the same Zone and vicinity. In this instance, the City permitted the construction of the building consisting of 13 bedrooms and previously

approved its use as a dormitory. The dormitory proved not to be an economically sustainable. In 2011, the City granted a Zone Variance for the Subject Property to permit the conversion of the property from the dormitory use to a 15-bed memory care facility. The instant request is a result of the expiration of the prior variance in order to allow the continued operation of the established memory care facility. The prior Zone Variance and historic use of the Subject Property constitutes a special circumstance unique to the Subject Property. Additionally, it is of note that adjacent properties along Topham Street have been consolidated and rezoned to allow for development that exceeds the permitted density of the RA Zone. As a result, the Subject Property is also unique in its comparatively small size and lower density use.

3. *That the Variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.*

The Variance is necessary for the preservation of a substantial property right. In 2011, a Zone Variance was granted for the Subject Property permitting a Residential Care Facility (ZA-2010-092(V)(ZAA)). That Zone Variance has since expired, and the granting of a Zone Variance would allow for the continued operation of the facility, consistent with the prior approval. Notably, the addition of Assisted Living to the instant application is reflective of state licensing for memory care facilities, which are licensed as Assisted Living and further licensed for Memory Care, which is a type of Assisted Living. The instant Zone Variance request is necessary to permit the continued enjoyment of the Subject Property which was improved pursuant to a prior Zone Variance approval. Notably, the RA-1 Zoning of the Subject Property is outmoded as demonstrated by the zone changes of the adjacent properties. Additionally, there are several properties in the immediate area that have obtained Zone Variances to deviate from the requirements of the RA-1 single-family zoning. These properties received Zone Variances :

Case No. ZA-2009-0717(ZV) – On December 28, 2009, the Zoning Administrator approved a Variance for the continued use and maintenance of a landscaping/sprinkler business, including the outside storage of materials, trucks, tractors, bulldozers and trailers on an approximately 101,605 square-foot site in the RA-1-K Zone, located at 18800 West Calvert Street, which is approximately 145 feet southwest of the subject property.

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

Case No. APCSV 2003-7329(ZC)(ZAA)(SM) – On August 18, 2004, the South Valley Area Planning Commission (and later the City Council) a zone change from RA-1-K to RE-11-1-K, approved a Zoning Administrator’s Adjustment from Section 12.07.01 C4 to allow lot areas of 9,000 square-feet for Parcels “A” and “B” in lieu of 11,000 square-feet and approved a Slight Modification to allow lot widths of 64 feet in lieu of 70 feet, for properties located at 18631, 18635 West Calvert Street and 18626, 18632 West Delano Street, approximately 190 feet east of the subject property.

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

Case No. ZA91-0641(ZV) – On October 4, 1991, the Zoning Administrator approved a Zone Variance to permit the use and maintenance of a wholesale nursery with a modular office structure, accessory uses and structures related to the planting, growing, maintenance and storage of trees and plants in potted containers in the RA-1 Zone and a variance to permit the continued use and maintenance of decomposed granite and pebble surfacing for driveways and parking areas on a property located at 18818 West Erwin Street, approximately 380 feet northwest of the subject property.

As demonstrated above, the Subject Property would be denied a substantial property right previously granted to the Subject Property and similarly awarded to adjacent properties, absent the requested Zone Variance.

4. *That the granting of a Zone Variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

Granting the Zone Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity of the Subject Property. The Subject Property has already been operating as a Memory Care Facility (which, as described above, per state licensing is a type of Assisted Living), subsequent to the granting of the 2011 Zone Variance in harmony with surrounding uses. Surrounding uses include a regional serving bus right of way, a vacant lot, and multi-family condominium developments. Assisted Living, inclusive of Memory Care, provided within the community allows seniors to age with dignity within their own communities near family and friends and enhances the surrounding environment. Notably, memory care and assisted living residents remain on-site avoiding any potential traffic impacts on the surrounding neighborhood. As described in the Project Description, the Project will provide on-site amenities and meals to meet resident’s needs on-site. Not only does the Project provide a self-contained necessary service, allowing residents to age with dignity within their communities, but it also has a history of operating in harmony with surrounding

condominium uses. Furthermore, the Project will be subject to Conditions of Approval to assure that the and Assisted Living Facility with Memory Care continues to operate in a way that compliments the surrounding uses while providing a community benefit. As described above, the Zone Variance has not and will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

5. *That the granting of a Variance will not adversely affect any element of the General Plan.*

The proposed Project will not adversely affect any element of the General Plan, rather it is in conformance with the General Plan, as described below. The City of Los Angeles' Citywide General Plan Framework Element establishes the overall policy and direction for the entire City of Los Angeles General Plan. The Housing Element of the General Plan includes the following Goals, Objectives, and Policies:

- Goal 1 “A City where housing production results in ample supply of housing to create more equitable and affordable options that meet existing and projected needs.”
  - Objective 1.2 “Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.”
    - Policy 1.2.2 “Facilitate the construction of a range of different housing types that addresses the particular needs of the city’s diverse households.”

The Project meets the above stated Goal, Objective, and Policy. Despite not being new construction, the requested Zone Variance will allow existing housing that serves an underserved community, meeting the citywide need for Assisted Living, and specifically, Memory Care.

- Goal Number 2 “A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.”
  - Objective 2.3 “Preserve, conserve and improve the quality of housing.”
    - Policy 2.3.3 “Strengthen the capacity of the owners of existing rental housing to preserve and manage rental housing.”

The Project meets the above stated Goal, Objective, and Policy. The requested Zone Variance will allow the maintenance and continued operation of rental housing which serves an underserved elderly population in need of Memory Care and Assisted Living housing.

The Land Use Element of the General Plan consists of 35 Community Plans. The Subject Property is located within the Reseda-West Van Nuys Community Plan (Community Plan)/ The Community Plan designates the property for Low Residential land uses with corresponding zones of RE9, RS, R1, RU, RD6 and RD5. The current zoning, however, is RA-1-K-RIO, which is associated in the Community Plan as Very Low I Residential land uses. The Community Plan is intended to guide the development consistent with guidelines contained herein and in Citywide policies. (Community Plan,

*July 10, 2024*

Policies Residential). Notably, Eldercare facilities are permitted by Conditional Use Permit in the RA Zone and the Zones corresponding to the Land Use Designation. As such, the Memory Care and Assisted Living use, which is a component of an Eldercare Facility, is permitted by and consistent with the Land Use Element of the Community Plan.

Specifically, the Goals, Objectives, and Policies of the Community Plan include Objective 1-1, “to provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of existing residents and projected population of the Plan area to the year 2010.” Additionally, Policy 1-3.1 reads “Promote greater individual choice in type, quality, price, and location of housing.” The Project is in furtherance of the above stated Objective and Policies as it preserves existing housing which serves a community with a specific demand for specialized housing within the Community. As such, the Project is consistent with the Community Plan.

As described above, the requested Zone Variance is consistent with the General Plan and therefore will not degrade it.

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