

Office: Van Nuys  
**Applicant Copy**  
 Application Invoice No: 33515

City of Los Angeles  
 Department of City Planning



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### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: MAUSNER, JEFFREY ( C:310-6178100 )
Representative:
Project Address: 19855 W VENTURA BLVD, 91364

<b>NOTES:</b>
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ZA-2015-4447-ZV-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>OSS Surcharge (2%)</b>	<b>\$1.78</b>
<b>Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (5%)</b>	<b>\$4.45</b>
<b>Grand Total</b>	<b>\$106.80</b>
<b>Total Invoice</b>	<b>\$106.80</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$106.80</b>

LA Department of Building and Safety  
 VN ZABE 202105229 12/1/2016 3:40:55 PM

PLAN & LAND USE	\$106.80
<b>Sub Total:</b>	<b>\$106.80</b>

Council District: 3  
 Plan Area: Canoga Park - Winnetka - Woodland Hills - West Hills  
 Processed by MARTIN, TREVOR on 12/01/2016

Receipt #: 0202371574

Signature: 



**APPLICATIONS:**

**APPEAL APPLICATION**

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

**1. APPELLANT BODY/CASE INFORMATION**

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: ZA-2015-4447-ZV

Project Address: 19855 Ventura Boulevard, Woodland Hills, CA 91364

Final Date to Appeal: 12/08/2016

- Type of Appeal:
- Appeal by Applicant/Owner
  - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
  - Appeal from a determination made by the Department of Building and Safety

**2. APPELLANT INFORMATION**

Appellant's name (print): Jeffrey Mausner

Company: \_\_\_\_\_

Mailing Address: 6222 Amigo Ave.

City: Tarzana State: CA Zip: 91335

Telephone: (310) 617-8100 E-mail: Jeff@MausnerLaw.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self       Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?       Yes       No

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_



**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part  
 Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: Jeffrey N. Mauerman Date: 12/01/2016

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$ 89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Teresa Martin</u>	Date: <u>12/1/16</u>
Receipt No: <u>0202371574</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



Case Number: ZA-2015-4447-ZV; Ady Gil World Conservation (AGWC) dba Rockin' Rescue; Address: 19855 Ventura Boulevard, Woodland Hills, CA 91364

**4. Justification/Reason for the Appeal; Addendum to Appeal Application**

The reason for this appeal is that if Rockin' Rescue is shut down by the City, dogs and cats will be killed. I am aggrieved by the decision because I am a resident of Tarzana, residing less than 2.4 miles from Rockin' Rescue. I am a Volunteer at the City's West Valley Animal Shelter. I spend many hours each week trying to save the lives of dogs and cats, and working to get them adopted. Rockin' Rescue assists the West Valley Shelter and Los Angeles Animal Services (LAAS) in saving the lives of dogs and cats and getting them adopted to local residents. I want to see Rockin' Rescue continue to save the lives of dogs and cats in our community, and particularly save the lives of dogs and cats who will be killed at the City Animal Shelters because of lack of space there.<sup>1</sup> I will be deeply aggrieved and offended if my city shuts down this life saving rescue, and thereby causes the unnecessary deaths of dogs and cats.

Rockin' Rescue is a non-profit animal rescue run by Ady Gil and his non-profit organization, Ady Gil World Conservation (AGWC). Mr. Gil spends hundreds of thousands of dollars each year to operate Rockin' Rescue. Instead of the City thanking Mr. Gil for what he does, it is now moving to shut down this life-saving operation.<sup>2</sup>

The Associate Zoning Administrator found, as a matter of fact, that:

**There is no dispute that the applicant is providing a valuable and necessary service for the City. The proposed variances were supported by the Woodland Hills NC, Councilmember Blumenfield, the adjacent Tarzana NC, and hundreds of area residents. [Zoning Administrator Decision (ZA**

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<sup>1</sup> There are generally about 100 dogs and cats at Rockin' Rescue. If Rockin' Rescue had to close down, those animals would be brought to city shelters, where many of them could be killed; or other animals would be killed to make room for the animals coming from Rockin' Rescue. And of course, Rockin' Rescue would be unable to save the lives of hundreds of dogs and cats in the future. We adopted our dog, Cookie, from Rockin' Rescue. She was about 11 or 12 years old when we adopted her -- she probably wouldn't have made it if it weren't for Rockin' Rescue.

<sup>2</sup> The City has, in fact, thanked Ady Gil in the past for his tremendous contributions to animal welfare. Both Mayor Garcetti and Councilman Koretz have personally presented Mr. Gil with Certificates of Recognition. (These Certificates of Recognition, as well as any other documents referred to herein which are not already in the record, will be presented to the Area Planning Commission before or at the hearing on this matter.) Shutting down the means by which Mr. Gil performs these acts is certainly inconsistent with that recognition.

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**Decision) page 8 (emphasis added).]**

Nevertheless, the Associate Zoning Administrator (ZA) denied the variances. The entire decision of the ZA is based upon an **erroneous determination that Rockin' Rescue is a kennel**. The ZA stated: "Section 12.03 defines a 'kennel' as 'any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.' The Zoning Code expressly prohibits the operation of kennels in commercial zones." (ZA Decision page 8.)

However, **Rockin' Rescue is not a kennel; it is an animal rescue**. The Los Angeles Municipal Code (LAMC) specifically recognizes animal rescues, and in fact grants them special status because of the essential life-saving services they provide for animals. LAMC §§53.15.2, 53.69, and 53.70 exempt animal rescue organizations, as well as humane societies and societies for the prevention of cruelty to animals, from a whole series of requirements that other individuals, businesses, and organizations are subject to under the LAMC.<sup>3</sup>

Nothing in the Zoning provisions of the LAMC that I could find, or which the ZA cited, prohibits **animal rescues** in any zone, including the C1 Zone of Rockin' Rescue.<sup>4</sup>

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<sup>3</sup> The ZA's error in this regard may have been caused by an error made by the Los Angeles Animal Control Officer who issued the original Notice to Comply to Rockin' Rescue on July 29, 2014. That Notice erroneously required Rockin' Rescue to "obtain a current City of Los Angeles permit to operate Dog Kennel and (poss) Boarding Facility." That Notice should not have been issued by LAAS, since Rockin' Rescue is an animal rescue, not a dog kennel or boarding facility.

<sup>4</sup> Because the Zoning Administrator mistakenly determined that Rockin' Rescue is a kennel, she erroneously determined that Rockin' Rescue could only be located in a manufacturing zone. The ZA was apparently unaware that the City recognizes a category for animal rescue, in the Municipal Code. An animal rescue provides valuable and necessary services to the City and people of Los Angeles, as well as to the dogs and cats whose lives it saves, which an ordinary kennel does not. A kennel merely boards dogs and cats for their owners. A kennel is a for-profit enterprise. Rockin' Rescue is neither a breeding kennel nor a boarding kennel. It is an animal rescue that takes in homeless dogs and cats and tries to find them homes, which should be valued by the City for the essential functions it performs, as recognized in LAMC 53.15.2, 53.69, and 53.70. In contrast to a kennel, Rockin' Rescue is non-profit. An animal rescue like Rockin' Rescue must be located in an area that is easily accessible to the public; otherwise, its whole purpose is negated, because it will be unable to place pets with local families. If the APC determines that anything at all is necessary for an animal rescue to operate at Rockin' Rescue's location, it should be done by a variance, rather than a more arduous zone change.

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Therefore, the ZA decision, in its entirety, is based upon a faulty premise.<sup>5</sup>

As a result of this faulty premise, and other misconceptions, the ZA erred in the findings regarding the five elements required for a variance, if a variance is even necessary. Each of the requirements is met:

*1. That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.*

Closing down an animal rescue that saves the lives of hundreds of dogs and cats is certainly an unnecessary hardship inconsistent with the general purposes and intent of the zoning regulations. It is also inconsistent with other City policies. It is the goal of the City of Los Angeles to be "No Kill" by 2017; that goal has not yet been achieved. Rockin' Rescue provides a major contribution toward that goal. Rockin' Rescue is a part of the City's New Hope Program, to save the lives of animals who would otherwise be killed at the City Shelters. See <http://www.laanimalservices.com/volunteer/new-hope/> Closing down Rockin' Rescue would be a significant set-back to achieving the City's No Kill goal.<sup>6</sup> Nevertheless, the ZA did not consider the goal of making Los Angeles a No Kill City in her decision.

See also the discussion above regarding Rockin' Rescue being an animal rescue rather than a kennel. The ZA based her determination of this factor 1 on the incorrect assumption that

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<sup>5</sup> It should be noted that certain provisions of the LAMC specifically exempt pet shops from the definition of a kennel. See, e.g., LAMC §53.00. While an animal rescue is recognized by the LAMC as distinct from a pet store because it is saving the lives of animals and operates on a non-profit basis, an animal rescue is closer in operation to a pet shop than to a kennel.

<sup>6</sup> Most of the animals that have been taken from the City Shelters by Rockin' Rescue are taken at the request of the shelter system. For example, when Harlequin (City Animal ID A1622593) gave birth at the Shelter on 05/22/2016 to her litter of six puppies while in the care of Los Angeles Animal Services (LAAS), Rockin' Rescue received the call to help her and her six one day old puppies and immediately agreed. Rockin' Rescue also agreed to assist when contacted by LAAS about a dog named Emerson Layne (Animal ID A1612219) and her nine puppies on 03/08/2016. Bonzo (Animal ID A1510557), taken by Rockin' Rescue at the request of shelter staff and volunteers, has cost Mr. Gil over \$10,000 in ongoing medical care. These are just a few examples of the animals Rockin' Rescue has agreed to help when requested by the City. Rockin' Rescue/AGWC is also contacted by the shelter system to assist with funding for animals at the Shelter in need of medical care, as well as with individuals who can't afford medical or fees associated with animals at the Shelter. The manager of Rockin' Rescue, Bari Fiore, received a call from a shelter Supervisor as recently as 11/27/2016 pertaining to financial assistance needed by a member of the community to redeem their animal from the Shelter. There are many other instances in which Rockin' Rescue has assisted LAAS, evidence of which will be presented prior to or at the hearing on this matter.

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Rockin' Rescue is a kennel, and her unsupported conclusion that an animal rescue cannot operate in a commercial zone. See also factors 2 and 5, below. Just as in Case No. ZA 2008-0536(CU)(ZV), Conditional Use/Zone Variance, August 19, 2009, involving the stricter standards for an actual kennel (not an animal rescue), "discontinuance of the use would create an unnecessary hardship on the applicant inconsistent with the intent of the zoning regulations. Denial of the request would prevent the applicant from maintaining a reasonable use of the site. The use has proven to be beneficial to the community in providing a desirable service, rehabilitating a vacant property, and will not displace or require relocation of any businesses or tenant(s)." Rockin' Rescue's use is consistent with the Specific Plan's definition of a Community Commercial area in that it provides community oriented services.

*2. That 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.*

The building that Rockin' Rescue occupies is an architecturally unusual one which makes it unsuitable for typical uses. It is described in the March 2013 SurveyLA as "an excellent example of the Googie style, with distinctive features including large octagonal windows and matching freestanding sign." At this time, the building is either 50 years of age or will be within a few months.

The Zoning Administrator did not appropriately consider that Mr. Gil, the owner of the Subject Property, has endured significant hardship as the owner. Mr. Gil had attempted for many years to lease the property to other uses with no success. He also suffered thousands of dollars in vandalism to the building, as it was sitting vacant, and the air conditioning units were stolen. Only after years of unsuccessfully seeking other uses for the building did he choose to allow the building to be used to fulfill his passion for rescuing dogs and cats from local public shelters.

*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 the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.*

See factors 1 and 2 above. Rockin' Rescue is located in a Community Commercial area; a pet store would need only a variance to operate in a C1 Zone like Rockin' Rescue's. An animal rescue, which has no restrictions in the LAMC, should certainly not be subject to greater restrictions than a pet store. Since a pet store is a use permitted within the Community Commercial land use designation, an animal rescue must also be permitted.

*4. That the granting of the 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.*

The Zoning Administrator erred by not giving adequate weight to the overwhelming community support for keeping Rockin' Rescue operating in its current location. She



mentioned the fact that “[t]he proposed variances were supported by the Woodland Hills NC, Councilmember Blumenfield, the adjacent Tarzana NC, and hundreds of area residents,” but did not consider that in reaching her decision. Such overwhelming public support shows that the granting of the variance is conducive to the public welfare, not detrimental to it. The government of our City should be responsive to the will of its citizens. This is one of the highest purposes of a democracy, but was not considered by the ZA.<sup>7</sup> Instead, the ZA incorrectly relied on completely inapplicable provisions and factual findings, such as:

a. Policy 2-2.2: “Require screening of open storage and auto repair uses, and prohibit storage of automobile parts and other noxious commercial related products in front of commercial development, exposed to the street.” (ZA Decision page 12.) There is no open storage, auto repair use, storage of automobile parts, or other noxious commercial related products in front of Rockin’ Rescue, or anywhere on Rockin’ Rescue’s premises. Dogs are not storage or noxious. Most people consider dogs to be nice and attractive.

b. The Zoning Administrator’s objection to used furniture being used in the dog’s kennel is inappropriate. (ZA Decision page 12.) Even if new furniture was utilized, it would quickly become used, since dogs, like people, wear out furniture.

c. The ZA’s objection to the aesthetics and pedestrian environment at the front of Rockin’ Rescue is certainly in the eye of the beholder. I and many other people would rather see dogs on a walk we are taking than people eating, a store front, or the front of an office building. People like us should not be discriminated against in planning how our city looks.

The Zoning Administrator personally visited Rockin’ Rescue and made incorrect conclusions regarding the conditions for the dogs, as follows:

The property's close proximity to the Ventura Freeway makes it an unhealthy location for animals to be kept outdoors because the dogs are subjected to the air pollution and particulate matter from the freeway and Ventura Boulevard. The ZA visited the site on two occasions when the temperature was over 90

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<sup>7</sup> The Zoning Administrator incorrectly heavily relied on the argument that granting the variance in this case could set a precedent for similar requests in the future. (ZA Decision pp. 11, 13) That should not be a concern. The requested variance is for a non-profit that saves the lives of dogs and cats and provides family pets to people in the neighborhood. “There is no dispute that the applicant is providing a valuable and necessary service for the City.” (ZA Decision page 8.) That would be a requirement for such a variance in any future case that claims this as a precedent. “The proposed variances were supported by the Woodland Hills NC, Councilmember Blumenfield, the adjacent Tarzana NC, and hundreds of area residents.” (ZA Decision page 8.) That would also be a requirement for such a variance in any future case that claims this as a precedent. Any cases that do not meet those two requirements would be distinguishable.



degrees, and was distressed at seeing several dogs sitting in the outdoor enclosures with only plastic pools filled with water as the only visible means for the dogs to keep cool.

However, as noted by the ZA, there are homes on the other side of the Ventura Freeway; those homes are as close as or closer to the freeway than Rockin' Rescue. The City is not prohibiting the residents of those homes from going into their back yards or swimming pools. The City is not requiring the people who live in those homes to shut down and move elsewhere. Why is it doing so for dogs? Dogs at Rockin' Rescue are provided with a wading pool in their kennel every day. Rockin' Rescue also has misters installed to keep the dogs cool. They can also be kept inside, where there is air conditioning, on extremely hot days. That is not the case at the City Animal Shelters. I have spent a great deal of time at the West Valley Shelter, and I know that there is no air conditioning in the dogs' kennels and no wading pools are placed in the dogs' kennels on hot days. Dogs can only go into a wading pool if they are brought into the play yard by a Volunteer. The facilities at both Rockin' Rescue and the West Valley Shelter are good for dogs, but I would say that Rockin' Rescue's are significantly better. And of course, the alternative to the dogs not being at Rockin' Rescue is some animals being killed.

The ZA incorrectly relied on the fact that homes are within 500 feet of Rockin' Rescue. However, those homes are on the other side of the 101 Freeway. Any person or dog coming or going to Rockin' Rescue has to travel well over 500 feet to reach the other side of the freeway. Furthermore, there is no prohibition in the LAMC to an animal rescue being within 500 feet of homes. Even if there were, a variance could be granted for such a situation. See Case No. ZA 2008-0536(CU)(ZV), Conditional Use/Zone Variance, August 19, 2009.

5. *The granting of the variance will not adversely affect any element of the General Plan.* As discussed above, an animal rescue is not prohibited by the C1 Zone, Neighborhood Commercial, the General Plan, or anything else in the LAMC.

The Zoning Administrator did not adequately consider Objective 7.3 of the Framework Element, which sets a goal to "maintain and enhance the existing businesses in the City" and Policy 7.3.2, which encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas." Shutting down Rockin' Rescue is the exact opposite of "maintain[ing] and enhanc[ing] the existing businesses in the City," and is in fact completely inimical to the Framework Element -- shutting down a very popular non-profit which unquestionably provides a valuable and necessary service for the City. The success of Rockin' Rescue is because of its location -- people see it when they are driving or walking down Ventura Boulevard, and decide to come in to adopt a pet. That would not happen in a manufacturing zone, to which the

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Zoning Administrator suggests Rockin' Rescue move. Furthermore, requiring Mr. Gil to find a suitable location in a such a manufacturing zone would involve spending hundreds of thousands of dollars to obtain the property and make it comfortable for the animals, money that can be better spent caring for the animals, spay/neuter, vet bills, etc. It would result in the waste of hundreds of thousands of dollars that has been spent to make the current location comfortable for the animals and suitable for the patrons. Millions of dollars were spent to purchase the building and for improvements for Rockin' Rescue. The ZA paid little or no attention to the goal of encouraging the establishment and retention of such beneficial "neighborhood commercial activities within walking distance of residential areas." The ZA totally ignored the fact that many fewer animals would be adopted in a manufacturing zone, where there is no visibility and no marketing opportunity to local residents. That is the whole point of having a rescue close to the people who use it. That is why Rockin' Rescue is able to get animals who would be killed by the City Shelters adopted by local residents. Furthermore, if Rockin' Rescue had to be relocated, it is likely that many of the volunteers who go there to take care of the animals could no longer do so, or would not spend as much time there. The same would be true for students in Woodland Hills' high schools who go to Rockin' Rescue to perform their mandatory community service assignments.

There are many commercial veterinarians, pet hospitals, pet grooming facilities, and other pet related businesses in the area. For example, there is a pet hospital that is open 24 hours a day, approximately a quarter mile from Rockin' Rescue on Ventura Blvd.; animals are kept there overnight. There is no reason that a non-profit animal rescue should not be allowed as well.

Furthermore, the City's own East Valley Animal Shelter, located at 14409 Van Owen Street, contradicts everything in the ZA's decision. There are more dogs and cats kept at the East Valley Animal Shelter than there are at Rockin' Rescue. However, the area is Community Commercial and there are apartment buildings right across the street from the Shelter, much closer than the residences across the 101 Freeway from Rockin' Rescue. The East Valley Animal Shelter has also been granted a variance regarding parking; the Shelter appears to have fewer spaces per square foot and has more traffic per space than Rockin' Rescue. See, e.g., Case No. ZA2003-1791(CU)(ZV)(SPR), and other cases for the East Valley Shelter. All of the variances, exceptions, and everything else that have been granted to allow the East Valley Shelter to operate are of course very beneficial to the City and the City did the right thing in approving them. The point is that Rockin' Rescue serves the same function, and the additional function of saving the lives of dogs and cats who would be killed at the City shelters; Rockin' Rescue should also be granted the variances it needs to continue to operate.

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W. J. Miller  
12/1/16

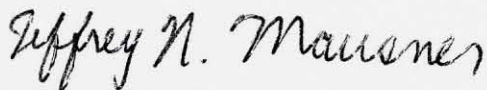


Contrary to the ZA's decision, granting of the variance will not adversely affect any element of the General Plan. Shutting down Rockin' Rescue will adversely affect elements of the General Plan, the City's No Kill goal, and the welfare of the City. See also the discussion of factor 4 above.

The animals at Rockin' Rescue are always well taken care of and well treated. Some of the Volunteers at the West Valley Shelter are also volunteers at Rockin' Rescue, where they help take care of the animals. The living quarters for the animals there are spectacular. Rockin' Rescue is a world class animal rescue, something that Woodland Hills, Tarzana, and the entire City can really be proud of. It is known as an outstanding rescue throughout California and the country. It does not disturb any of its neighbors. I've been there many times, and it is always well maintained and there isn't any noise that would disturb anyone. Rockin' Rescue acts as an additional asset to the community by providing an opportunity for community service hours, which are required by City high schools, as well as court ordered hours mandated by probation departments. There are also treatment and vocational centers that bring patients, accompanied by staff, to volunteer at the rescue. In addition, families bring their children and consider Rockin' Rescue a place to spend quality family time and teach values to their children regarding animals.

Shutting down Rockin' Rescue will subject the City of Los Angeles to local, nationwide, and worldwide condemnation among those who care about animals. The detriment to the City in doing so should also be considered in connection with this appeal. Thank you for your consideration of this matter.

Sincerely,



Jeffrey N. Mausner

Citizen of Tarzana, California; Appeal filed as an individual on behalf of myself

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12/1/16







LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
THEODORE L. IRVING  
ALETA D. JAMES  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
CITY PLANNING

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271  
KEVIN J. KELLER, AICP  
DEPUTY DIRECTOR  
(213) 978-1272  
LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274  
JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

November 23, 2016

Ady Gil (O)(A)  
Ady Gil World Conservation  
19855 Ventura Boulevard  
Woodland Hills, CA 91367

Gary Werner (R)  
Rosenheim & Associates, Inc.  
21550 Oxnard Street, Suite 780  
Woodland Hills, CA 91367

CASE NO. ZA-2015-4447-ZV  
ZONE VARIANCE  
19855 Ventura Boulevard  
Canoga Park-Winnetka-Woodland Hills-  
West Hills Community Plan  
Zone : C1-1VLD  
D. M. : 174B113  
C. D. : 3  
CEQA : ENV-2015-4448-CE  
Legal Description: Lots 93-94,  
Tract 13057

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27B, I hereby DENY:

a variance from LAMC Section 12.13A to permit a pet rescue/adoption center (kennel) with ancillary pet grooming, boarding and retail sales for the general public not permitted in the C1-1VLD Zone; and,

a variance to permit nine on-site parking spaces in lieu of the 21 parking spaces required by LAMC Section 12.21A.4(c).

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on March 11, 2016, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27B,1 of the Municipal Code have not been established by the following facts:

BACKGROUND

The subject property is a level 12,269 square-foot corner parcel consisting of portions of three lots in the C1-1VLD Zone. The property has a variable width of approximately 103 feet and depth of approximately 120 feet and is located on the corner of Ventura Boulevard and Oakdale Avenue in Woodland Hills. The rear of the site adjoins an alley and the Ventura Freeway (101) is adjacent to the alley. The property is developed with



a two-story 10,757 square-foot commercial building and a surface parking lot with nine striped parking spaces. Vehicular access is from a driveway on Ventura Boulevard and from the alley. The site is in a Liquefaction Area and is 12.5 kilometers from the Malibu Coast Fault. The subject building was constructed in 1967 and was evaluated in the March 2013 SurveyLA inventory of Individual Resources for the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. The survey describes the commercial building as "...an excellent example of the Googie style, with distinctive features including large octagonal windows and matching freestanding sign. Not eligible for the National Register at this time because it is not yet 50 years of age or of exceptional significance."

The building has contained the Rockin' Rescue Pet Center since February 2014. The applicant began operating in the commercial building without first confirming if it was a permitted use in the C1 Zone. The parking lot was restriped without approval. Parking spaces were removed from the rear of the lot and replaced with an outdoor dog area. Dogs are also kept in outdoor enclosures located adjacent to the sidewalk on Ventura Boulevard and at the corner of Oakdale Avenue.

The adjacent property to the north is zoned PF-1XL and is developed with the US-101 Ventura Freeway. Further to the north the properties are zoned RA-1 and are developed with single-family dwellings. The properties to the east and west are zoned C1-1VLD and are developed with one-story commercial uses and medical offices. The properties to the south are zoned (T)(Q)C1-1VLD and P-1VLD and are developed with a bank and a one-story commercial shopping center. The property to the southwest is zoned C4-1VLD and is developed with a bank.

Ventura Boulevard is a Boulevard II dedicated to a width of 110 feet and is improved with sidewalk and curb.

Oakdale Avenue is a Collector Street dedicated to a width of 66 feet and is improved with sidewalk, curb and a grass parkway.

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

#### Subject property

Notice to Comply – On September 23, 2014, the Department of Animal Services ("LAAS") issued a notice requiring the property owner to cease and desist from conducting the animal rescue center until a variance is obtained from Planning. The subject case was filed on December 8, 2015.

Ordinance No. 165479 – On March 4, 1990, the City Council changed the zoning of the property from C2-1VLD to C1-1VLD.

Permit No. VN93520 – On January 10, 1967, the Department of Building and Safety (LADBS) issued a Certificate of Occupancy for a two-story retail furniture store. The permit and plot plan indicate 21 parking spaces were required and provided.

#### Surrounding area



Case No. ZA-2013-2791-ZV - On March 19, 2014, the Zoning Administrator approved a variance to allow private parking in the PF Zone and to allow vehicular and pedestrian access between a less restrictive zone and a more restrictive zone at 5614 Penfield Avenue.

Case No. ZA-2000-3955-CUB-ZV - On March 16, 2001, the Zoning Administrator denied the sale of beer and wine in a proposed restaurant and a variance to permit a penny arcade in the C1 Zone. The denials were sustained on appeal by the South Valley Area Planning Commission at 19838 Ventura Boulevard.

Case No. ZA-2000-45-ZV - On May 16, 2000, the Zoning Administrator approved a variance for the construction of an automotive repair facility and coffee shop in the C1 Zone, to allow a monument sign, to permit public parking and trash enclosures in the R3 and R4 zones, and to permit 18 parking spaces in lieu of the required 22 spaces at 19964 Ventura Boulevard.

#### Public Hearing

The public hearing was conducted on March 11, 2016 in the Braude Building in Van Nuys.

Gary Werner, Representative:

- Zone variance for the use and a parking reduction in the C1 Zone
- Located at Ventura Boulevard and Oakdale Avenue, 101 freeway to the north
- To the west properties are zoned C1, C2, C4, CR and to the east C1
- Closest residence to the north is across the 101
- Built in 1966, it is a 10,000 sf building used historically for furniture sales
- Outdated two-story configuration
- Ady Gil purchased it in 2009 has had difficulty finding tenants
- Rockin' Rescue began operating in 2014 there have been no complaints
- They keep up to 40 dogs and 100 cats received from City shelters
- The animals are primarily kept inside and in two outdoor enclosures
- Inside there's a play room, animal enclosures, pet food prep area
- There's a small retail and grooming area, with the necessities for adopting pets
- All animals are groomed
- Good neighbor policy- every 2 hours pick up feces and put in special dumpster
- Passionate employees and volunteers
- Clean environment
- Would like to expand the grooming and boarding to non-rescued animals, not more than 15 dogs and 20 cats, when there is capacity
- Parking demand analysis nine spaces are enough for the low-volume use
- The property has unique features it's freeway adjacent (noise)
- Code does not address adoption/ rescue use
- Closest uses listed in LAMC are pet store/kennel
- They are part of the City's "New Hope" Program
- Closest residential uses are located 300 feet to the north and 500 feet to the south



- Conveniently located near families
- Industrial zones are less likely to have people visit for adoption
- Closest M Zone is three miles away
- Will offer conditions such as a 24 hour complaint hotline, pick-up any feces

Jeffrey Mausner:

- Board member on the Tarzana Neighborhood Council (TNC) and a volunteer at the West Valley Animal Shelter
- There were two TNC hearings that were largely attended
- The property is two blocks from the TNC boundary
- We strongly support the use at this location
- It is a non-profit, it costs \$100,000's to operate annually
- Tragedy if it was shut down or forced to move the City may have to kill the animals
- Would affect hundreds more animals if it was closed
- Goal of the City to be "no kill" by 2017
- Overwhelming community support over 350 signatures
- Woodland Hills Neighborhood Council approved the variance
- Letter from Shelly and Michael Gross
- World class operation; animals are well-treated and it doesn't disturb neighbors

Ed Jirele, Property Owner:

- I own two Ventura Boulevard properties, one is on the same block
- I love animals but I am speaking as a property owner
- The Specific Plan maintains the character- attractive business area- strict objectives
- Remodeling has to comply with tree and signage requirements
- Has the project's character been reviewed for compliance with the Specific Plan?
- I own a 1950s building that I brought up to current code
- Planning required me to add landscaping in front and I had to pay to redo my plans
- I'm concerned about the parking variance
- My change of use permit required the payment of parking fees (\$100/space/month)
- Granting them a variance would be preferential treatment
- The dogs are kept outside of the building and are intimidating to people walking on the sidewalk
- The use does not fit the character of the district
- I opposes both variances

Ady Gil, Owner of the building:

- I have tried to rent the building to various businesses
- I have a passion for animals
- Difficult to find homes for animals if the shelter is on an industrial property
- I donated commercial space and it provides a service to the City shelters
- Other shelters come to us for food donations
- Popular rescue operation we are supported by Pet Food Express



- Contract with Walmart for excess meat that we freeze and give to other shelters
- Restaurant requirements exceeds retail parking requirements
- We conducted a parking analysis to show if the parking would be accommodated
- Woodland Hills NC wants us to add a second fence so people can't stick their fingers into the outdoor dog cages

Andrew Pennington, Council District 3:

- Seeing the Neighborhood Council and community support we support the use
- NC had similar questions as the Zoning Administrator
- We support conditions to make the street frontage more friendly
- Zoning issue with where rescues can operate
- The project benefits the City if conditioned appropriately

Gary Werner:

- Not a restaurant - it does not trigger the same demand that requires an in lieu fee
- Building overhang extends to the property line- 6-foot fence is permitted in front
- Mr. Gil is okay with both conditions from the NC

#### Correspondence

A letter was received on March 11, 2016 from Shelly and Michael Gross stating their support of the variance applications. The letter states that the facility "is funded by private donations and is there to provide a safe haven for lost or displaced animals."

Petitions were received with over 350 signatures in support of the project. The petition states in part that the rescue "...serves the community of Woodland Hills and the entire city of Los Angeles by taking dogs and cats from the Los Angeles City Shelters, and finding them loving homes. Rockin' Rescue has saved the lives of many dogs and cats who were about to be killed at the West Valley Shelter, provided medical care for them, and made sure they were adopted."

Correspondence was received from Jeffery Mausner the Tarzana Neighborhood Council, Chairman of the Animal Welfare Committee in strong support of the request.

A letter dated January 15, 2015 stated the Woodland Hills Neighborhood Council voted to support the use and parking variances with the following conditions consented to by the Applicant:

1. The Zoning Administrator shall stipulate that the parking variance is contingent on and personal to the premises being occupied and operated by Ady Gil World Conservation, a 501C3 non-profit organization (dba) Rockin' Pet Rescue, and that the parking variance expires and returns to its original zoning restrictions upon vacation of the premises by the Ady Gil World Conservation organization.
2. Within 60-days of granting the above requested variances, a permanent barrier shall be attached to the existing kennel enclosures located along Ventura



Boulevard and the side street. This additional layer of "fencing" shall be installed as a safety precaution to restrict pedestrians from inserting fingers or objects into the kennel enclosures. The additional material shall be at least 48" in height from grade, contain no openings larger than ¼ inch, and shall be maintained by Applicant.

An e-mail was received on March 2, 2016 from the residents of 3914 Braewood Court in Tarzana expressing support for the rescue facility and the importance to provide a safe haven and better opportunity for the rescued animals to be adopted.

### **MANDATED FINDINGS**

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. The strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant, Ady Gil World Conservation ("AGWC"), has requested a zone variance from LAMC Section 12.13A to permit the operation of a 10,757 square-foot animal rescue/adoption center with ancillary pet grooming and boarding for the general public in the C1 Zone as otherwise not allowed. Also requested is a variance from LAMC Section 12.21A.4(c) to permit nine on-site parking spaces in lieu of the 21 spaces required by the building's Certificate of Occupancy. Rockin' Rescue Pet Center ("RRPC") began operating in February of 2014 within a two-story commercial building located at the corner of Ventura Boulevard and Oakdale Avenue in Woodland Hills. RRPC was cited by the City Animal Services ("LAAS") in September 2014 for conducting the operation in the C1 Zone. The applicant was order to cease operations until a zone variance was approved. The subject application was filed in December 2015 and describes the project as follows:

"The animal rescue/adoption center can accommodate a maximum of 40 dogs and 100 cats available for adoption at any one time. Dogs and cats are rescued from the City of Los Angeles and other public animal shelters that are overflowing and subjecting animals to euthanasia. Rescued animals will be kept in animal-keeping enclosures on the first and second floors in designated dog and cat rooms as well as in the outside animal-keeping enclosures. Rescued animals will have two group areas to play. The first area is an indoor playroom located on the first floor and the second area is the outdoor animal-keeping enclosures previously described."

RRPC is currently open to the public Monday through Friday from 10 am to 7 pm, and weekends from 10 am to 6 pm. Employees are on-site from 7 am to 7:30 pm, daily (typically two employees per shift plus volunteers). The Certificate of Occupancy issued in 1964 for the building lists the approved occupancy as a



furniture store, with 21 surface parking spaces were required and provided. The application states that the building contains the following uses:

- Animal Rescue/Adoption Center: 6,735 square feet (62%);
- Retail: 550 square feet (5%);
- Animal grooming: 93 square feet (1%);
- Employee area: 723 square feet (7%); and,
- Miscellaneous (bathrooms, stairs, storage): 2,656 square feet (25%).

The application describes the following tenant improvements that were done to the building to allow the boarding of animals:

"The exterior has been improved with the addition of outdoor animal-keeping enclosures on the ground floor under the second-floor building overhang along the Ventura Boulevard frontage and adjoining the rear and a portion of the east side of the building. The animal-keeping enclosure located along the Ventura Boulevard frontage is located approximately two-inches from the property line and consists of a six-foot high black chain-link fence. The animal-keeping enclosure at the rear of the building adjacent to the alley and Ventura Freeway consists of an eight-foot high black chain-link fence with a two-foot extension of razor wire. The rear animal keeping enclosure is located approximately eight-feet from the rear property line. This enclosure resulted in the loss of several parking stalls that previously accompanied the former use. The animal-keeping enclosures allow dogs to have outside active and passive spaces that are necessary for proper animal care."

The application states that in addition to the boarding and grooming of the rescued cats and dogs, AGWC would like to allow the grooming of animals "for the general public and to board up to 15 dogs and 20 cats when there is available boarding space within the enclosure capacity as previously described (maximum 40 dogs and 100 cats). The animals that reside for overnight boarding will be kept in separate areas from the rescue animals that are available for adoption. Boarded animals will be kept on the second floor in cat and dog rooms." The boarding and grooming of non-rescued animals is requested to provide a service to the neighborhood and to defray part of the expense of operating the pet facility.

The general purpose and intent of the zoning regulations are to encourage the most appropriate use of land; to stabilize property values; and to promote health, safety, and the general welfare in accordance with the General Plan. The zoning regulations permit a range of neighborhood serving commercial uses in the C1 (Limited Commercial) Zone that are subject to limitations, such as, all commercial activities are conducted wholly within an enclosed building (Section 12.13A(b)(2)). The applicant is requesting zone variances to permit a combination of uses (retail sales, animal grooming, and the boarding of dogs and cats, pet adoption), and to decrease the property's required on-site parking from 21 to nine spaces.

Pet shops (which are allowed to sell some animals with approval of a permit from LAAS), and pet grooming are uses permitted by-right in the C2 and C4 zones, but



are not permitted in the more restrictive CR, C1 and C1.5 zones. The keeping of up to 40 dogs and 100 cats at the subject property constitutes a kennel use under the zoning code. Section 12.03 defines a "kennel" as "any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept." The Zoning Code expressly prohibits the operation of kennels in commercial zones.

Pursuant to Section 12.17.5.B.3(o), **kennels**, veterinaries, dog and cat hospitals, and **boarding and breeding facilities** are first permitted in the **MR1 Zone if not located within 500 feet of a residential use** and those kennels are prohibited from having the **outside keeping of animals and open runs**. (Emphasis added) Kennels may only be established within 500 feet of residential uses in the MR1 Zone if an application for a conditional use permit is approved, and also may not have outdoor keeping of animals or open runs (Section 12.24W.25).

The application states that the strict application of the C1 Zoning regulations makes "it impossible for a pet rescue/adoption center to be located within the community neighborhoods because the majority of animals rescued are older than four months thereby establishing a "kennel" use." The applicant feels the zoning regulations for the C1 Zone are contrary to the City's goal to promote pet adoption and eliminate euthanasia rates in the City. There is no dispute that the applicant is providing a valuable and necessary service for the City. The proposed variances were supported by the Woodland Hills NC, Councilmember Blumenfield, the adjacent Tarzana NC, and hundreds of area residents. The zoning regulations in place do not allow non-profit animal rescue centers to operate in the same locations and zones as pet stores or animal groomers. The C1 zoning regulations do not preclude the operation of animal rescue facilities in the City, they are simply restricted to operating within manufacturing zones.

The strict application of the provisions of the Zoning Ordinance would require the applicant to shut down RRPC and secure a property in the MR Zone that is not within 500 feet of any residential zone. The MR building would have to have sufficient floor area to enclose 40 dogs and 100 cats indoors. The closest MR zoned property is located 1.5 linear miles to the north east on Oxnard Street west of Yolanda Avenue. The proposed variance to continue the unapproved operation of a kennel with pet grooming in the C1 Zone within 300 feet of a residential use that has outdoor dog kennels is contrary to the intent of the commercial zoning regulations.

The Zoning regulations do not contain specific parking ratios for the proposed use, but, at a minimum the applicant is required to maintain all 21 parking spaces required for the commercial furniture store per the Certificate of Occupancy (Section 12.23B8(a)). To support the argument that the proposed use should be allowed to maintain nine parking space, the applicant submitted a *Trip Generation and Parking Survey and Demand Analysis*, prepared by Overland Traffic Consultants (August 28, 2015). The survey was conducted on two weekdays and concluded the highest trip generation for the subject use, was between the hour of 4 p.m. and 5 p.m. involving 17 vehicles, which averages to 1.58 trips per 1,000 square feet. The highest demand for parking at the subject property was nine vehicles at 4:30 p.m. The survey concluded that the subject use is a low traffic



and parking generator similar to the prior furniture use. The parking survey did not evaluate whether the LADBS would consider the covered dog enclosures constructed below the second floor to be an expansion of the building's floor area requiring the provision of additional parking.

Zone variances may only be approved when all five findings of fact can be made in support of the proposed request. Variances are not meant to be a procedure to circumvent the legislative intent of the City Council which in this case designated the site for Neighborhood Commercial land uses which does not allow kennels. The applicant created a self-induced hardship by commencing operation of the facility without first determining if the use was permitted in the C1 Zone. Covering required parking spaces with the rear enclosure is also a self-induced hardship that is inconsistent with the intent of the zoning regulations.

2. **There are no 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.**

The subject property is a level 12,269 square-foot corner parcel consisting of portions of three lots in the C1-1VLD Zone. The property has a variable width of approximately 103 feet and depth of approximately 120 feet. The property is developed with a two-story 10,757 square-foot commercial building constructed in 1967, and a surface parking lot with nine striped parking spaces. Vehicular access is from a driveway on Ventura Boulevard and from the alley to the north. The subject building was evaluated in the March 2013 SurveyLA inventory of Individual Resources. The survey describes the commercial building as "...an excellent example of the Googie style, with distinctive features including large octagonal windows and matching freestanding sign." The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designates the property for Neighborhood Commercial land uses.

The adjacent property to the north of the site is zoned PF-1XL and is developed with the US-101 Ventura Freeway. Approximately 280 feet to the north of the site are properties zoned RA-1 that are developed with single-family dwellings. The properties to the east and west are zoned C1-1VLD and are developed with commercial uses and medical offices. The properties to the south are zoned (T)(Q)C1-1VLD and P-1VLD and are developed with a bank and a one-story commercial shopping center. The property to the southwest is zoned C4-1VLD and is developed with a bank.

Staff conducted a site visit and found that the larger dogs were kept in the outdoor kennels while the smaller dogs were kept inside the facility. There were approximately 25 dogs and 25 cats at the facility at the time of the visit. There are three cat rooms, the largest had approximately 12 cats. The manager stated approximately 20 animals are adopted each month. There are interior improvements planned, such as replacing the engineered wood flooring with a more hygienic/easy to clean flooring as well as adding black out curtains on the front second level windows to keep it cooler when the weather gets hotter. There were two or three staff, the property owner, and volunteers on-site at the time.



There were five cars parked in the lot. A few of the parking spaces were covered with supplies and discarded furniture.

The application states that the property was purchased in 2009 and the applicant has experienced difficulty finding a long-term tenant due to the retail building's outdated, open, two-story floor plan. The floor plan and the limited on-site parking make the property suitable for only a single tenant with a low parking demand. The subject property is located on the north side of Ventura Boulevard, adjacent to the 101 Freeway, and has a land use designation of Neighborhood Commercial, with corresponding zones of C1, C1.5, C2, and C4. Similar blocks on the north side of Ventura Boulevard, adjacent to the 101 Freeway are either zoned C1 or C4 but have the same land use designation of Neighborhood Commercial. The applicant contends that the subject location is well suited for the use, as it is next to a busy freeway which emits a considerable amount of freeway noise and is otherwise not considered a sensitive use that would be adversely impacted by the freeway noise.

Multiple signs are posted on the property cautioning people to beware of the dogs. A person could stick their finger through the chain link fence into the dog enclosures which is unsafe for the person. The dogs are also unsafe because people could put harmful substances into the enclosures. The Woodland Hills NC requested that the applicant add a second layer of fencing to the enclosures to prohibit people from sticking things into them, but that has not been done. The property's close proximity to the Ventura Freeway makes it an unhealthy location for animals to be kept outdoors because the dogs are subjected to the air pollution and particulate matter from the freeway and Ventura Boulevard. The ZA visited the site on two occasions when the temperature was over 90 degrees, and was distressed at seeing several dogs sitting in the outdoor enclosures with only plastic pools filled with water as the only visible means for the dogs to keep cool.

The applicant argues that there are special circumstances applicable to the property that don't apply to other properties in the same zone and vicinity. There are no C1 zoned properties in the vicinity that are lawfully developed with MR uses. On the other hand there are many properties of a similar size, shape, land use designation, and zone as the subject property, which front on Ventura Boulevard in close proximity to the Ventura Freeway. There is nothing unique about the property that warrants approval of a kennel use in the C1 Zone or to allow the proposed nine parking spaces in lieu of the required 21 spaces. If the applicant wants parity with C2 zoned properties in the vicinity, an application for a zone change is the appropriate entitlement path to achieve that goal, but that would still not permit the overnight boarding of animals. The City Council can change the zoning regulations to allow these types of animal rescue/adoption facilities in commercial zones, but the ZA can't authorize such a use, especially with outdoor kennels within 500 feet of residential uses.

3. **The variances are not 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.**



Charter Section 562 states that a variance shall neither be used to grant a special privilege nor to permit a use substantially inconsistent with the limitation on other properties. There was significant oral testimony and letters submitted in support of the variances for the subject property. The non-profit's mission to provide sanctuary and permanent homes to dogs and cats which might otherwise be euthanized is commendable. It is not surprising that so many people support the requested variances to allow the continued operation of the RRPC at the subject property. However, zone variances are not awarded based on the popularity of the use or the applicant. Variances run with the land and have to be considered in context of the rights of other property owners. The owner of two commercial properties on Ventura Boulevard (including one on the subject block) testified in opposition to the variances. He stated that the project was inconsistent with the goals of the Ventura/Cahuenga Boulevard Corridor Specific Plan. He stated that City would be giving the applicant preferential treatment if the variances were approved. He argued that he was required to pay a monthly parking in lieu fee and provide landscaping when he updated his commercial building, so it would be unfair if another property owner on the blocks was permitted to reduce the number of parking spaces and have a use that is not allowed in the C1 Zone.

The ZA finds that the granting of these variances would bestow a special privilege for the subject property that is inconsistent with the limitations placed on other C1 zoned properties in the area. The applicant has not demonstrated that the variances are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity.

4. **The granting of such variances will 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.**

As demonstrated in the findings above, the granting of the variance to permit the kennel use with reduced parking in the C1 Zone may 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. Variances are not a procedure to circumvent the legislative intent of the City Council, which in this case designated the site for commercial uses with commensurate parking requirements. The approval of the variances could set a precedent for similar requests in the area which could undermine the intent of the zoning regulations which seek to preserve the property for neighborhood serving commercial uses as enumerated in Section 12.13A, and to require the maintenance of required parking spaces in connection with the legal occupancy of a building.

5. **The granting of the variances may adversely affect elements of the General Plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from



these elements are in the form of LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. The Framework Element establishes the broad overall policy and direction for the General Plan. Objective 7.3 of the Framework Element sets a goal to "maintain and enhance the existing businesses in the City" and Policy 7.3.2 encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designates the property for Neighborhood Commercial land uses with the corresponding zones of C1, C1.5, C2, C4, RAS3 and RAS4. The requested variances would permit a use that is not authorized by the property's zoning or land use designation and the design of the facility is not consistent with the following commercial objectives and policies in the Community Plan.

Objective 2-2: Enhance the appearance of commercial districts.

Policy 2-2.1: Require that any proposed development be designed to enhance and be compatible with adjacent development.

Program: Continue the implementation of the Ventura/ Cahuenga Boulevard Corridor Specific Plan, and implement the applicable design standards identified in the Design Guidelines Chapter of the Community Plan.

Policy 2-2.2: Require screening of open storage and auto repair uses, and prohibit storage of automobile parts and other noxious commercial related products in front of commercial development, exposed to the street. Program: The Community Plan and Specific Plans include Design guidelines which implement this policy.

The property is located within the Ventura/Cahuenga Boulevard Corridor Specific Plan and the Woodland Hills Streetscape Plan, but it is not within a designated pedestrian oriented area. The proposed variances to permit the kennel use and parking reduction are not a "project" as defined in the specific plan. However, the request to continue the unauthorized use of the property, including the outdoor storage of dogs in enclosures filled with used furniture behind a chain link fence covered with illegal signage located adjacent to Ventura Boulevard is inconsistent with the following purposes of the Specific Plan:

Purpose F: To preserve and enhance community aesthetics by establishing coordinated and comprehensive standards for signs, buffering, setbacks, lot coverage, and landscaping.

Purpose H: To promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion.



Purpose K: To promote a high level of pedestrian activity in the Pedestrian Oriented Areas by regulating the placement of buildings and structures to accommodate outdoor dining and other ground level retail activity, as well as provide for attractive landscaping.

The surface parking lot does not comply with the following Community Plan design guidelines which seek to: 1) devote 2% of total surface area of surface parking lots to landscaping; and 2) provide landscaped buffers along public streets or adjoining residential uses.

Additionally, the Woodland Hills Streetscape Plan states that private projects shall be designed to have the following buffers:

Buffers are needed between outdoor uses with potentially negative effects, such as some eating areas, outdoor storage areas, satellite dishes, solar panels, equipment, mechanical equipment, etc. Such uses should be buffered from lots with residential zoning or sensitive uses (e.g., child care, etc.) New on-site uses that are incompatible with adjacent uses (i.e. service station, outdoor recreation area, or a commercial or industrial use expansion) should be adequately buffered and screened with trees and landscaping and/or architectural elements such as walls, fences and screens.

Approval of the use and parking variances at the subject property create a precedent for similar applications which could adversely the General Plan.

#### **ADDITIONAL MANDATORY FINDINGS**

6. 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.
7. On January 18, 2016, the subject project was issued a Notice of Exemption, log reference ENV-2015-4448-CE, for a Categorical Exemption, Class 1, Category 22, City CEQA Guidelines, Article III, Section 1.

#### **APPEAL PERIOD – EFFECTIVE DATE**

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after DECEMBER 8, 2016 unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the



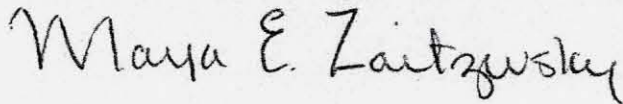
required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Inquiries regarding this matter shall be directed to Marianne King, Planning Staff for the Office of Zoning Administration at (818) 374-5059.



MAYA E. ZAITZEVSKY  
Associate Zoning Administrator

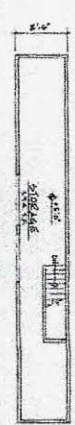
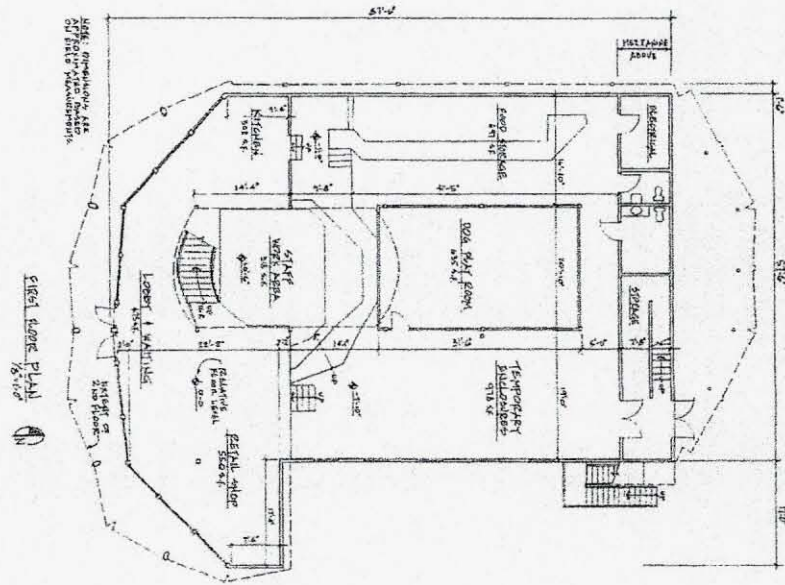
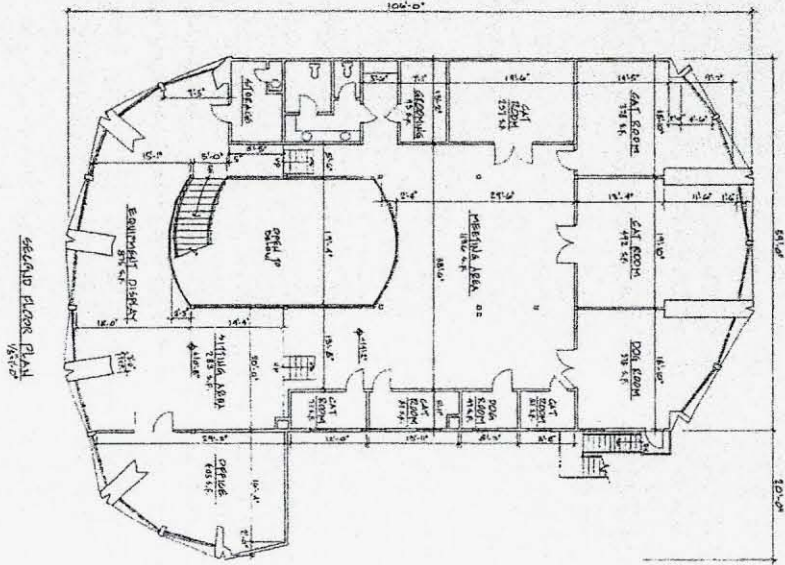
MEZ:MK:mh

cc: Councilmember Bob Blumenfield  
Third District  
Adjoining Property Owners









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