

# 11841 W BURBANK BLVD 91607

## Section 4: WDI Request

Los Angeles Municipal Code, Section 12.27-A (HIGHWAY AND COLLECTOR STREET DEDICATION AND IMPROVEMENT), states “[n]o building or structure shall be erected or enlarged, and no building permit shall be issued therefor, on any lot in any R3 or less restrictive zone (as such order of restrictiveness is set forth in Subsection B of Section 12.23); or on any lot in the RD1.5, RD2 or RD3 Zones; if such lot abuts a major or secondary highway or collector street unless the one-half of the highway or collector street which is located on the same side of the center of the highway or collector street as such lot has been dedicated and improved for the full width of the lot so as to meet the standards for such highway or collector street provided in ...” (*underline added*)

The subject site is RD1.5 Zone Classification and located on Burbank Blvd. a Boulevard II (formerly Major Highway Class II). The following chart identifies Street Designations and Standard Roadway Dimensions for a Boulevard II. (*Mobility 2035, pg. 19*)

Street Designations and Standard Roadway Dimensions				
Previous Designation	Previous Designated Dimensions	Example of Previous Built Dimensions	New Designation(s)	New Designated Dimensions (right-of-way/(Right-of-Way/Roadway widths, feet) Roadway widths, feet)
Major Highway Class II	(104/80)	(104/80)	Boulevard II	(110/80)
		(100/70)	Avenue I	(100/70)
		(86/56)	Avenue II	(86/56)

The property owner of the 11841 W. Burbank Blvd. applied for a Conditional Use Permit and Waiver of Dedication and Improvements (i.e., Case No. ZA-2018-5055-CU-WDI) to allow the establishment, use, and maintenance of a preschool facility for 31 children ages 2 to 6 years with the hours of operation from 6:30 pm to 6 pm, Monday through Friday. She is also the owner of an existing legally non-conforming preschool at 11849 Burbank Ave. (adjoining the subject property to the west). She recently purchased both properties (Ownership changed May 22, 2018). Otherwise, she would had to relocate her existing preschool at 11849 Burbank Ave. She intends to continue operating her existing preschool and lease the subject site at 11841 Burbank Ave. for a preschool upon approval of Case No. ZA-2018-5055-CU-WDI.

The subject site and adjoining site to the west are sandwiched between a 9-unit condominium to the west and ten-unit apartment to the east (*See Figure 2*). In considering the existing zoning, Low Medium II General Plan designation, and existing multiple-family development along the block face, the highest and best use of the applicant’s two properties is multiple-family residential. However, she currently does not have the knowledge or capital to propose such development.

As noted above (Street Designations and Standard Roadway Dimensions for a Boulevard II), the Mobility Plan 2035 requires a Right-of-Way full width of 110 feet, Roadway full width of 80 feet, and sidewalk of 15 feet. **The applicant is requesting to defer dedication and full improvements until such time the properties are developed for residential. The applicant’s request to install a**

**sidewalk configuration (approximately 58 inches in width) as currently measured along the frontage of 11849 Burbank Avenue and remove and reconstruct any damaged or off-grade asphalt cement pavement, sidewalk, curb and gutter along the property frontage pursuant to an A-Permit obtained prior to construction (See Figure 2)**

In order to approve a Waiver of Dedication and Improvement application, the decision maker must decide if essential facts are presented in the record. The decision maker may waive, reduce or modify the required dedication or improvement as appropriate after making any of the following findings below based on facts in the record, as set forth in Section 12.37.1.2(b):

1. The dedication or improvement requirement does not bear a reasonable relationship to any project impact.
2. The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.
3. The dedication or improvement requirement is physically impractical.

The decision maker would be justified in approving the request based on Finding No. 1 in that the dedication or improvement requirements do not bear a reasonable relationship to any traffic, parking, or pedestrian project impact. California Environmental Quality Act (CEQA) requires state and local agencies to identify significant environmental impacts of projects and avoid or mitigate those impacts, if feasible. CEQA requires public agencies to conduct environmental review before making a determination on a project. ENV-2018-5057-EAF, if characteristic of the environmental review process for other preschools, will mitigate traffic, parking, and pedestrian potential impacts without street dedications and improvements. Essentially, the proposed project is designed and the applicant will accept reasonable mitigations measures that minimize or reduce potential traffic, parking, and pedestrian impacts.

Also in regards to Finding No. 1, on February 2, 2019 the Los Angeles Department of Transportation prepared and signed the Trip Generation Calculation worksheet determining a maximum attendance of 30 children results in a "New Increase" of 24 peak trips and does not require a Traffic Study.<sup>1/</sup> Further, all parking is on-site and no parking is permitted in the red curb along the frontages of 11841 and 11849 Burbank Ave. Sufficient area is designed for on-site vehicle circulation eliminating backing out onto Burbank Boulevard. The drop-off/pickup for the proposed preschool is entirely onsite. The drop-off/pickup was lengthen onto 11849 Burbank Ave to create onsite drop-off/pickup that currently does not exist. This last design feature will greatly improve vehicle circulation and pedestrian safety for the adjoining legally non-conforming preschool.

In regards to Finding No. 2, its premise is based on the zone and general plan land use. The proposed use is well below the intended intensity and density for the two properties. Until such time the properties are built out for multiple family residential, the applicant believes the dedication and improvements are not necessary to meet the City's mobility needs.

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<sup>1/</sup> LADOT's assessment did not enter "Existing Trip Generation" for the existing single-family dwelling. Therefore, the applicant is seeking a maximum attendance of 31 not 30 children, which results in a "New Increase" of 24 and does not require a Traffic Study. (See attached)

Lastly, requiring dedication and improvements to be done now for the proposed preschool does not meet the “rough proportionality” test. <sup>2/</sup> The cost of complying with Mobility Plan 2035 exceeds the “nature and extent” of any potential traffic, parking, or pedestrian impacts the proposed project poses. Moreover, compliance would be a financial hardship that precludes development of a preschool and eliminates installing the on-site drop-off/pickup on the adjoining legally non-conforming preschool.

Figure 1



Existing Condition on Subject Site

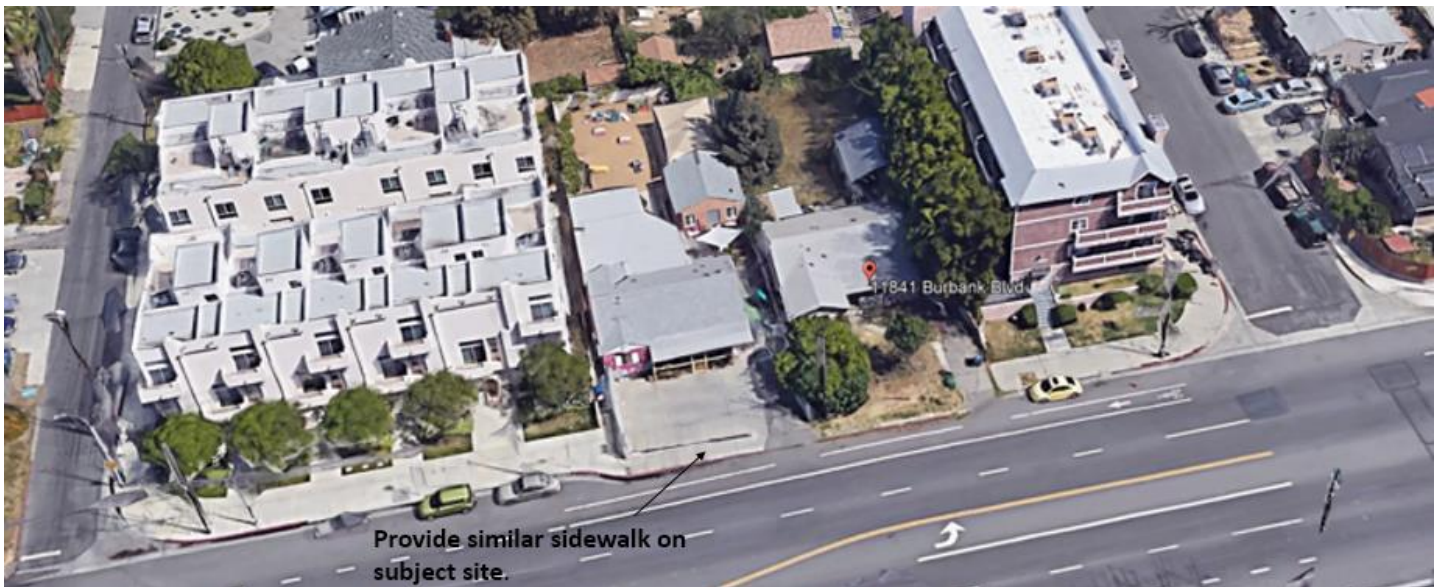


Figure 2

<sup>2/</sup> Dolan v. Tigard and the Rough Proportionality Test requires a municipality to "make some sort of individualized determination that the [exaction] is related both in nature and extent to the impact of the proposed development."