

## TRANSMITTAL TO CITY COUNCIL

<b>Case No.(s)</b>	<b>Planning Staff Name(s) and Contact No.</b>	<b>C.D. No.</b>			
CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB RELATED CASE: VTT-61216-CN-1A	NICHOLAS HENDRICKS 818-374-5046	4			
<b>Items Appealable to Council:</b>	<b>Last Day to Appeal:</b>	<b>Appealed:</b>			
ZC-HD-SPE-SPR-SPP-CUB	July 8, 2013	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
<b>Location of Project (Include project titles, if any.)</b>					
4827 SEPULVEDA BOULEVARD					
<b>Name(s), Applicant/ Representative, Address, and Phone Number.</b>					
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">M. DAVID PAUL &amp; ASSOC. 100 WILSHIRE BLVD. 1600 SANTA MONICA, CA 90401</td> <td style="width: 33%;">REPRESENTATIVE: CRAIG LAWSON &amp; CO, INC. 8758 VENICE BLVD. LOS ANGELES, CA 90034 310-838-2400</td> <td style="width: 33%;"></td> </tr> </table>			M. DAVID PAUL & ASSOC. 100 WILSHIRE BLVD. 1600 SANTA MONICA, CA 90401	REPRESENTATIVE: CRAIG LAWSON & CO, INC. 8758 VENICE BLVD. LOS ANGELES, CA 90034 310-838-2400	
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<b>Name(s), Appellant / Representative, Address, and Phone Number.</b>					
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"> <b>APPELLANT #1</b> <input checked="" type="checkbox"/>                      HOMEOWNERS OF ENCINO                      PO BOX 260205                      ENCINO, CA 91426                      818-990-2757                       REPRESENTATIVE:                      GERALD SILVER                      PO BOX 260205                      ENCINO, CA 91426                      818-990-2757                 </td> <td style="width: 33%;"> <b>APPELLANT #2</b>                      SHERMAN OAKS RESIDENT                      FOR A SAFE ENVIRONMENT                      927 KINGS ROAD 220                      W. HOLLYWOOD, CA 90069                      323-574-7554                       REPRESENTATIVE:                      BRADLY S. TORGAN                      927 KINGS ROAD 220                      W. HOLLYWOOD, CA 90069                      323-574-7554                 </td> <td style="width: 33%;"> <b>APPELLANT #3</b>                      MARSHALL LONG                      PO BOX 5223                      SHERMAN OAKS, CA 91413                      818-981-8005                       REPRESENTATIVE:                      SAME                 </td> </tr> </table>			<b>APPELLANT #1</b> <input checked="" type="checkbox"/> HOMEOWNERS OF ENCINO PO BOX 260205 ENCINO, CA 91426 818-990-2757  REPRESENTATIVE: GERALD SILVER PO BOX 260205 ENCINO, CA 91426 818-990-2757	<b>APPELLANT #2</b> SHERMAN OAKS RESIDENT FOR A SAFE ENVIRONMENT 927 KINGS ROAD 220 W. HOLLYWOOD, CA 90069 323-574-7554  REPRESENTATIVE: BRADLY S. TORGAN 927 KINGS ROAD 220 W. HOLLYWOOD, CA 90069 323-574-7554	<b>APPELLANT #3</b> MARSHALL LONG PO BOX 5223 SHERMAN OAKS, CA 91413 818-981-8005  REPRESENTATIVE: SAME
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<b>Final Project Description</b> (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)					
<p>The construction of a new mixed-use project including 399 residential units and 52,000 square feet of retail space on a mostly vacant 4.5 acre property. The project would range in height from 45 to a maximum height of 100 feet and include approximately 582,359 square feet of floor area and an approximate 13,000 square-foot plaza with public access. A total of 1,206 parking spaces would be provided (798 residential, 200 guest, 208 commercial parking spaces).</p>					
<b>Fiscal Impact Statement</b>	<b>Environmental No.</b>	<b>Commission Vote:</b>			
<small>*Determination states administrative costs are recovered through fees.</small> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	ENV-2004-6000-EIR, SCH#2004111068	5-0			
JAMES K. WILLIAMS, Commission Executive Assistant II		Date: July 10, 2013			

# MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

**APPEAL TO THE:** Los Angeles City Council  
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

**REGARDING CASE #:** CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB

**PROJECT ADDRESS:** 4827 Sepulveda Blvd., Sherman Oaks

**FINAL DATE TO APPEAL:** July 08, 2013

- TYPE OF APPEAL:**
1.  Appeal by Applicant
  2.  Appeal by a person, other than the applicant, claiming to be aggrieved
  3.  Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

**APPELLANT INFORMATION – Please print clearly**

Name: Homeowners of Encino - Gerald A. Silver, Pres.

- Are you filing for yourself or on behalf of another party, organization or company?  
 Self       Other: \_\_\_\_\_

Address: PO Box 260205  
Encino      Zip: 91426

Telephone: (818) 990-2757      E-mail: gsilver4@earthlink.net

- Are you filing to support the original applicant's position?  
 Yes       No

**REPRESENTATIVE INFORMATION**

Name: Homeowners of Encino - Gerald A. Silver, Pres.

Address: PO Box 260205  
Encino      Zip: 91426

Telephone: 818-990-2757      E-mail: gsilver4@earthlink.net

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

**ORIGINAL**

**JUSTIFICATION/REASON FOR APPEALING** – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire  Part

Your justification/reason must state:

- The reasons 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

**ADDITIONAL INFORMATION/REQUIREMENTS**

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."*

--CA Public Resources Code § 21151 (c)

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

Appellant Signature: *Guraf A. Siler* Date: JUN 28 2013

*Planning Staff Use Only*

Amount <u>106.80</u>	Reviewed and Accepted by <u><i>Francis Chou</i></u>	Date <u>7/1/13</u>
Receipt No. <u>VN0202045808</u>	Form Complete by <u><i>Stacy...</i></u>	Date <u>7/1/13</u>

- Determination Authority Notified  Original Receipt and BTC Receipt (if original applicant)

*TELEPHONED*

*NOT ORIGINAL APPLICANT*

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Appellant Signature: *Gerald R. Fisher*

JUN 28 2013

Date: \_\_\_\_\_

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City of Los Angeles – Dept. of City Planning

Homeowners of Encino – Gerald A. Silver, Pres.  
PO Box 260205, Encino, CA 91426

ADDITIONAL INFORMATION – JUSTIFICATION/REASON FOR APPEAL

Case No. CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB (Il Villaggio Toscano), Case No. ENV-2004-6000-EIR

Homeowners of Encino is a California 501(c)(4) corporation whose members live and work in Encino and Sherman Oaks and will be severely impacted by the traffic, parking, congestion, noise and air quality from this massive 325 apartment project. The LA City Planning Commission erred and abused its discretion in making its determinations and findings regarding the Conditional Use Permit and Specific Plan Exceptions. It failed to take into proper consideration the facts and law relating to the matters at hand and acted in an arbitrary and unreasonable departure from precedent and settled custom. Their decision was not supported by substantial evidence. The LA City Planning Commission relied upon faulty conclusions and a flawed EIR that lacked substantial evidence in the record. The LA City Planning Commission acted improperly, and without solid evidence to the contrary and should not have approved the zone changes, height district changes, variances, tract map, conditional use permit and exceptions that are requested.

The LA City Planning Commission specifically erred and abused its discretion as follows:

1. LA City Planning Commission erred in its determination because it failed to acknowledge the undue concentration of liquor licenses in nearby census tracts, thereby erring in its determination to approve the CUP for the sale of the full line of alcoholic beverages.
2. The conditions of approval failed to conform to the mandate and policies of the Ventura-Cahuenga Boulevard Corridor Specific Plan. The LA City Planning Commission approved a building height of 82 feet, exceeding the Specific Plan maximum of 75 feet. It approved an FAR of 2.25:1, exceeding the Specific Plan maximum of 1.5:1. It approved a lot coverage of 78.5% exceeding the Specific Plan maximum of 75%. These and other conditions violated the Ventura-Cahuenga Boulevard Corridor Specific Plan.
3. The proposed zone change does not conform to and is not consistent with the objectives of the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan and the General Plan, as required by the Los Angeles Municipal Code and Subdivision Map Act. The project is not served by adequate public transportation and is not justified because of its lack of public access.
4. The Project Site is not physically suitable for the proposed density of development, given the significant and unmitigatable adverse impacts to circulation, parking and lack of access and roadway infrastructure.
5. The EIR that the LA City Planning Commission relied up to make it findings was devoid of meaningful mitigation measures and contained many flawed conclusions. The lengthy document obfuscated traffic, congestion and infrastructure problems while going on at length about tangential matters and ignored mitigation measures

that are required by CEQA. Throughout the EIR the preparer reached faulty conclusions claiming impacts are reduced to "less than insignificant" when in reality the impacts are significant.

6. The LA City Planning Commission disregarded the substance of the 135 page Petition from residents opposing this massive project, plus huge number of letters, emails, postcards and phone calls in opposition. The LA City Planning Commission based its conclusions on unsubstantiated data and disregarded the public testimony. This error led to significant and faulty conclusions.

7. The proposed location will not be desirable to the public convenience or welfare and is not proper in relation to adjacent uses and the development of the community. The proposed Zone Changes do not comport with the goals and intent of the Ventura-Cahuenga Boulevard Corridor Specific Plan. Exceptions, zone changes and variances are not needed in order to build on this property. The Applicant seeks exceptions to the land use regulations in order to make this project more valuable, at a high environmental cost to the community. The Applicant was aware of all restrictions on this property when it was purchased. The current entitlements allow for the exercise his full property rights without the exceptions requested.

8. The uses will be materially detrimental to the character of the development in the immediate neighborhood, and other projects on Sepulveda Blvd. This project is out of scale in height and bulk to other projects on east side of Sepulveda Blvd. The LA City Planning Commission erred in granting exceptions for building height, density, set back and lot coverage. These exceptions are not in the best interest of the general welfare of the community and ignore good zoning practice.

9. The project's location will adversely affect the traffic in the community and result in increased congestion. The proposed use will detrimentally impact traffic on Ventura Blvd. and Sepulveda Blvd., and other intersections in an area already congested. Adding 5,800 new trips will make traffic significantly worse in the surrounding community. This project is located near many F level intersections including Ventura Blvd. and cannot handle increased trips. The failure to fully mitigate five (5) major intersections does not justify the granting of the Zone Changes that are requested.

10. The LA City Planning Commission specifically erred in failing to consider studies conducted in the vicinity of Interstates 405 and 710 in Southern California that found that the number of ultrafine particles in the air was approximately 25 times more concentrated near the freeways and that pollution levels gradually decrease back to normal (background) levels around 300 meters, or 990 feet, downwind from the freeway. The researchers note that motor vehicles are the most significant source of ultrafine particles, which have been linked to increases in mortality and morbidity. Recent research concludes that ultrafine particles are more toxic than larger particles with the same chemical composition. Moreover, the researchers found considerably higher concentrations of carbon monoxide pollution near the freeways. These facts were overlooked in the LA City Planning Commission's determination.

11. The LA City Planning Commission specifically erred in failing to consider the South Coast Air Quality Management District's Multiple Air Toxics Exposure Study-II. March 2000. This comprehensive study of urban toxic air pollution ever undertaken shows that motor vehicles and other mobile sources of air pollution are the predominant source of cancer-causing air pollutants in Southern California. Over all, the study showed that motor vehicles and other mobile sources accounted for about 90% of the cancer risk from toxic air pollution, most of which is from diesel soot (70% of the

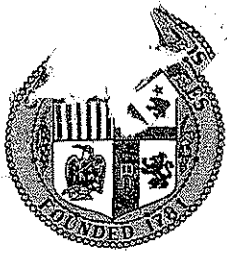
cancer risk). Industries and other stationary sources accounted for the remaining 10%. The study showed that the highest risk is in urban areas where there is heavy traffic and high concentrations of population and industry. These facts were overlooked in the LA City Planning Commission's determination.

12. The LA City Planning Commission specifically erred by over-looking other key studies near freeways that prove that residents living near major highways are exposed to dangerously high levels of car and truck exhaust. This exhaust contains invisible, odorless particles and gasses such as carbon monoxide. Studies have shown that living near highways is linked to higher rates of heart disease, asthma, and lung cancer. People living near highways who breathe in this pollution may suffer illness and premature death as a result. Even blocks away from highways, pollution may still cause health problems. Residents of these communities have the right to environmental justice and air-quality protection. These facts were overlooked in the LA City Planning Commission's determination.

13. The LA City Planning Commission specifically erred in failing to abide by its own precedents. The Planning Commission in approving another project near the 405 freeway required the moving of residential units more than 500 feet away from the 405 because of health concerns. The LA City Planning Commission acted in a capricious and arbitrary manner by ignoring its own precedents.

14. LA City Planning Commission erred in recommending certification of the EIR. A Statement of Over-riding Considerations should not be issued. The marginal prospect of a hand full of new jobs, potential housing gains and limited economic benefits do not justify certifying an EIR that has numerous and significant unmitigated environmental impacts.





# LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination Mailing Date: JUN 18 2013

**CASE:** CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB

**CEQA:** ENV-2004-6000-EIR, SCH#2004111068  
**Related Case:** VTT-61216-CN-1A

**Applicant:** M. David Paul & Associates

Rep.: Craig Lawson & Co., Inc.

**Appellant:** Sherman Oaks Residents for a Safe Environment

Rep.: Law Office of Bradly S. Torgan

**Location:** 4827 Sepulveda Blvd.

**Council Districts:** 4 – LaBonge

**Plan Areas:** Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass

**Requests:** Zone Change, Height District, Specific Plan Exception, Site Plan Review, Specific Plan Permit Compliance, Conditional Use Beverage

**At its meeting on April 25, 2013, the following action was taken by the City Planning Commission:**

1. **Approved** the requested **Vesting Zone Change** from the (Q)CR-1L, (Q)P-1L, R3-1L, and R1-1 Zones, to the (T)(Q)C2-2D Zone, with a residential density limited to 325 units.
2. **Approved** the requested **Height District Change** from Height District 1L, to **Height District 2D** with "D" limitations to Floor Area and Height as prescribed under the Specific Plan Exceptions grant.
3. **Approved** the requested **Site Plan Review**.
4. **Approved** the requested **Conditional Use Permit** for a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a grocery market.
5. **Approved** the requested **Specific Plan Exceptions** as follows:
  - **Denied** a Floor Area Ratio of 2.75:1 and **Approve** a Floor Area Ratio of 2.25:1.
  - **Approved** a front yard setback of 59 feet for approximately 137 lineal feet of the project's approximate 461 lineal-foot Sepulveda Boulevard frontage to accommodate portions of an approximate 13,000 square-foot public plaza, which is 69 feet deep and approximately 137 feet wide.
  - **Approved** a maximum lot coverage of 78.5% at grade.
  - **Denied** a height of 100 feet and **approved** a height of 82 feet.
6. **Approved** a **Project Permit** based on the above exception grants.
7. **Adopted** the attached modified **Conditions of Approval**.
8. **Adopted** the attached **Findings**.
9. **Certified** Environmental Impact Report No. **ENV-2004-6000-EIR**, SCH#2004111068 and the associated Findings.
10. **Advised** that time limits for effectuation of a zone in the "T" Tentative classification or "Q" Qualified classification are specified in Section 12.32.G of the L.A.M.C. Conditions must be satisfied prior to the issuance of building permits and, that the "T" Tentative classification be removed in the manner indicated.
11. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

#### **Recommendations to City Council:**

1. **Recommend** that the City Council **adopt** a **Vesting Zone Change** from the (Q)CR-1L, (Q)P-1L, R3-1L, and R1-1 Zones, to the (T)(Q)C2-2D Zone, with a residential density limited to 325 units.
2. **Recommend** that the City Council **adopt** **Height District Change** from Height District 1L, to **Height District 2D** with "D" limitations to Floor Area and Height as prescribed under the Specific Plan Exceptions grant.
3. **Recommend** that the City Council **Certify** Environmental Impact Report No. **ENV-2004-6000-EIR**, SCH#2004111068 and the associated Findings.

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

**This action was taken by the following vote:**

**Moved:** Roschen  
**Seconded:** Cardoso  
**Ayes:** Freer, Lessin, Perlman  
**Absent:** Burton, Eng, Hovaguimian, Romero

**Vote:** 5 - 0

  
\_\_\_\_\_  
James K. Williams, Commission Executive Assistant II  
City Planning Commission

**Effective Date/Appeals:** The decision of the City Planning Commission is appealable. Any aggrieved party may file an appeal within 20-days after the mailing date of this determination letter. The Zone Change/Height District Change is appealable by the applicant only (if it has been disapproved in whole or in part). Any appeal not filed within the 20-day period shall not be considered by the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE: JUL 08 2013

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

Attachments: Modified Conditions of Approval, Ordinance, Map, Findings  
City Planning Associate: Nicholas Hendricks

## CONDITIONS FOR EFFECTUATING (T) OR [T] TENTATIVE CLASSIFICATION REMOVAL

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

### BUREAU OF ENGINEERING

1. That a 2-foot wide sidewalk easement and 5-foot and variable width strip of land be dedicated along Sepulveda Boulevard adjoining the subdivision to complete a 57-foot wide half street dedication in accordance with Major Highway Standards, including a 20-foot radius property line return, or a 15 by 15 corner cut at the intersection with Camarillo Street all satisfactory to the City Engineer.
2. That a 6-foot wide strip of land be dedicated along Camarillo Street adjoining the subdivision to provide a minimum 36-foot wide half right-of-way and a modified hammer-head turnaround at the terminus all within the tract area on alignment satisfactory to the City Engineer.
3. That an additional 2-foot wide public sidewalk easement, if necessary, be dedicated at the location of the driveways along Camarillo Street adjoining the tract map satisfactory to the City Engineer.
4. That portions of La Maida Street and Peach Avenue within the subdivision be permitted to be merged with the remainder of the subdivision pursuant to Section 66499.20-1/2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the streets being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the areas being merged.

Note: The Advisory Agency hereby finds that the dedications to be merged are unnecessary for present or prospective public purposes and all owners of interest in the real property within the subdivision have or will have consented to the merger prior to recordation of the final map.
5. That two copies of a parking area and driveway plans be submitted to the Valley District Office of the Bureau of Engineering for review and approval or that a Covenant and Agreement be recorded agreeing to do the same prior to the issuance of a building permit.
6. That the final map be approved by the State Department of Transportation with respect to the alignment of the San Diego Freeway. Four copies of the final map shall be submitted to the City Engineers Office for the states approval prior to recordation of the final map

7. That necessary arrangements be made with the State Department of Transportation prior to recordation of the final map for any necessary permits with respect to any construction and drainage discharge within or adjacent to the San Diego Freeway right-of-way.
8. That a set of drawings be submitted to the City Engineer showing the followings:
  - a. Plan view at different elevations.
  - b. Isometric views.
  - c. Elevations views.
  - d. Section cuts at all locations where air space lot boundaries change.
9. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in a safe condition for use at all times.
10. That the subdivider execute and record a Covenant and Agreement advising future owners and builders that the finished first floor elevation of the structure shall be required to be constructed at least 2 feet above the adjacent Sepulveda Boulevard top of curb satisfactory to the City Engineer.
11. That Condition No. S1(a) of the Planning Department's standard conditions regarding payment of the Sewerage Facilities Charge be deemed as satisfied, insofar as the recordation of this tract is concerned.
12. That any surcharge in conjunction with the street merger be paid.
13. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, public/private drainage facilities may be required including the removal of any drainage facilities within the merger area all satisfactory to the City Engineer.
  - b. Improve Sepulveda Boulevard being dedicated and adjoining the tract by the construction of a 12-foot full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of the existing improvements satisfactory to the City Engineer.
  - c. Improve Camarillo Street being dedicated and adjoining the subdivision by the construction of the following:
    - (1) A concrete curb, a concrete gutter, and a 10-foot concrete sidewalk with tree wells including any necessary removal and reconstruction of the existing improvements to construct a 26-foot half roadway section including the construction of concrete curb and gutter to close the intersection of Peach Avenue and Camarillo Street.
    - (2) Suitable improvement of hammer-head turnaround area satisfactory to the City Engineer.

Note: Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements above, through Bureau of Street Services Street Tree Division.

Any questions regarding this report should be directed to Mr. Georgic Avanesian of the Land Development Section, located at 201 North Figueroa Street, Suite 200, or by calling (213) 202-3484.

#### **Additional Condition Added by Commission and Volunteered by Applicant**

- d. Sepulveda Boulevard Median. The Permittee shall request approval from the Bureau of Engineering to install landscaping within the median along Sepulveda Boulevard between Moorpark Street and Camarillo Street consistent with the landscaping along the project's Sepulveda Boulevard frontage. The Permittee shall install and maintain the landscaped improvements within the median at its own expense for the life of the project.

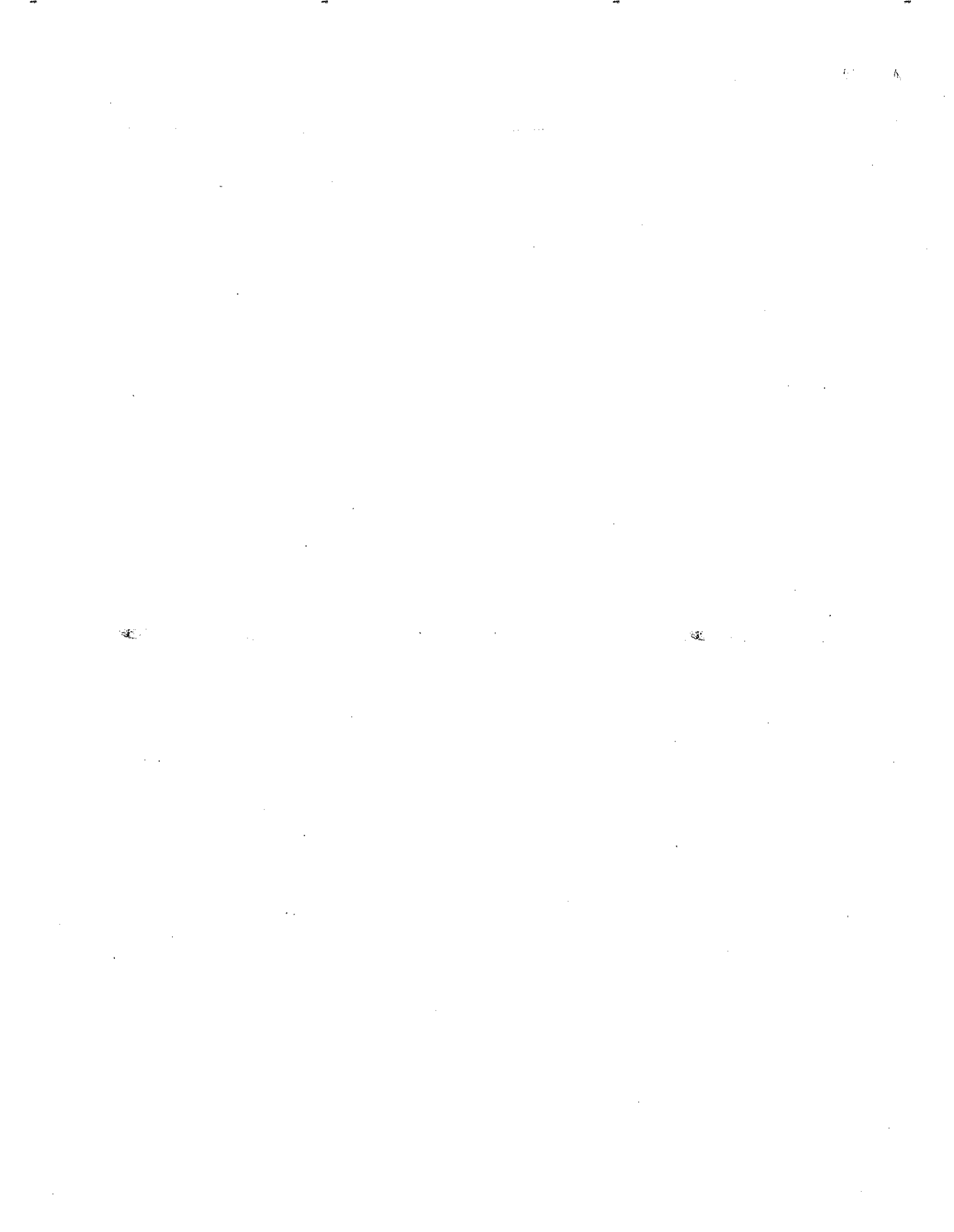
#### **BUREAU OF STREET LIGHTING**

14. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

**Relocate and upgrade street lights: three (3) on Camarillo Street and four (4) on Sepulveda Boulevard.**

#### **BUREAU OF SANITATION – WATERSHED PROTECTION DIVISION**

15. **Stormwater.** Prior to the issuance of a Grading Permit, the project shall comply with the Standard Urban Stormwater Mitigation Plan (SUSMP) and/or the Site Specific Mitigation Plan to mitigate stormwater pollution as required by Ordinance No.'s 172,176 and 173,494. The appropriate design and application of Best Management Practice (BMP) device(s) and facilities shall be determined by the Watershed Protection Division of the Bureau of Sanitation, Department of Public Works. More Information may be obtained at [www.lastormwater.org](http://www.lastormwater.org).

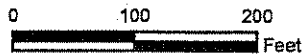
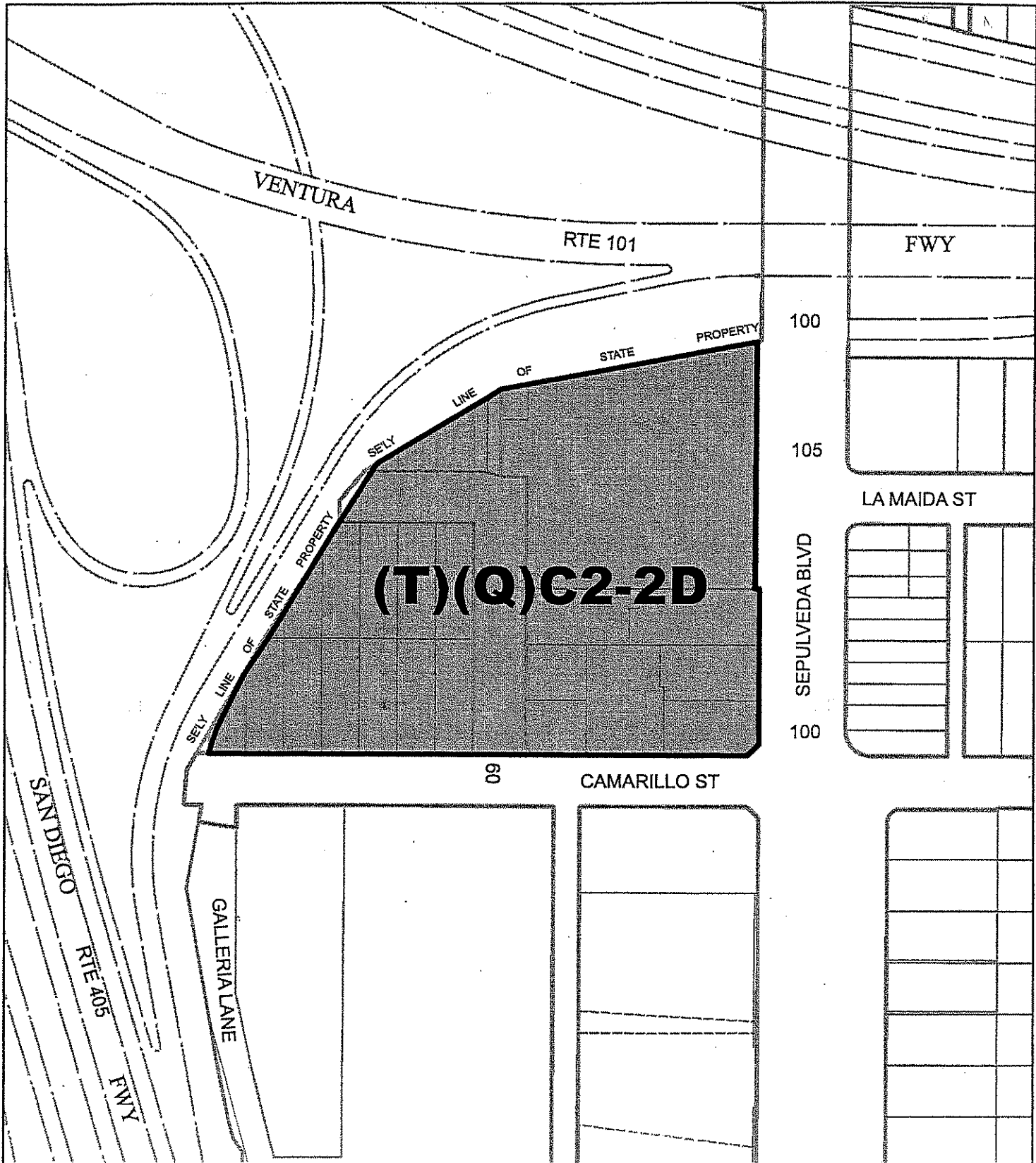


ORDINANCE NO. \_\_\_\_\_

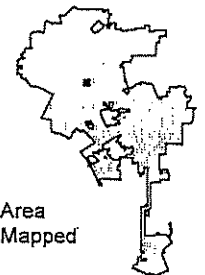
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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

Section \_\_. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



THE INTENT OF THIS ORDINANCE IS FOR THE BOUNDARIES OF THIS ZONE CHANGE TO COINCIDE WITH THOSE OF RECORDED TR. 61216.



C.M. 168 B 145      CPC-2010-3152-ZC-HD-SPE-SPR-SPP-CUB

AAV cf

051013

Area Mapped



## (Q) or [Q] QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

### A. Entitlement Conditions

#### 1. A. Site Plan.

The use and development of the subject property shall be in substantial conformance with the site plan, and elevations attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code and the Conditions of Approval. All signage shall be implemented in accordance with the Los Angeles Municipal Code and any applicable regulations of the Specific Plan.

Design Elements Shall include (**Added by Commission as Volunteered by Applicant**):

1. A Stair-stepped design, with four stories along Sepulveda Boulevard, six stories on the interior of the site and seven along the north and west perimeters of the site.
2. A plaza along the Project's Sepulveda Boulevard frontage, which shall be approximately 13,000 square feet and include tables, chairs, benches and planters with native landscaped vegetation. The Permittee shall request that the Bureau of Engineering permit the two (2) foot wide sidewalk easement dedication identified for the Project along Sepulveda Boulevard to be used to further expand the size of the plaza.
3. An open air colonnade along Sepulveda Boulevard in front of the project's retail component to enhance the architectural façade of the project.
4. Gardens from the interior residential level to Sepulveda Boulevard that are visible to the public.
5. A pedestrian entrance to the retail component from the ground level parking off Camarillo Street.

#### B. Pedestrian, Streetscape and Transit Enhancement Plan.

1. Prior to the issuance of a building permit (excluding grading, shoring and foundation permits) for the project, the Permittee shall submit to the Department of Public Works for review and approval a Pedestrian, Streetscape and Transit Enhancement Plan to provide pedestrian, streetscape and transit enhancements to promote consistency with the neighboring Sherman Oaks Streetscape and Design Plan to foster a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales. Prior to the submission of the Plan to the Department of Public Works, the Permittee shall provide a draft of the Plan to the IL Villaggio Toscano Neighborhood Committee for review and input. Upon approval by the Department of Public Works and any other applicable City Departments, the Permittee shall implement the approved Plan prior to the issuance of a certificate of occupancy for the project.

2. **Use.** The use of the subject property shall be limited to those uses permitted in the C2 Zone as defined in Section 12.14 of the Los Angeles Municipal Code ("L.A.M.C."). The residential density shall be limited to 325 dwelling units. Further, the following shall apply:
  - A. The Conditional Use Permit granted for the sales of a full-line of alcohol for off-site consumption shall be subject to the following:
    1. All rules, regulations and policies of the State of California and any applicable regulations of the Los Angeles Municipal Code pertaining the handling, selling and dispensing of alcohol shall be strictly adhered to.
    2. All employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)". Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.
  - B. All applicable provisions of the Ventura/Cahuenga Boulevard Corridor Specific Plan shall be strictly adhered to, except for those provisions granted under the Specific Plan Exceptions of this determination.
3. **Vehicular Parking and Bicycle Racks.**

Vehicular Parking. Parking spaces shall be provided at a ratio of 2.5 spaces per residential unit. Parking provided for commercial uses shall be provided pursuant to the Los Angeles Municipal Code.

Bicycle Racks.

*Long Term* – 325 bicycle racks shall be provided for residents

*Short Term* – 33 bicycle racks shall be provided for residential guests.

The bicycle racks shall be placed in convenient locations for residents and guests.
4. **Lighting.** All lighting shall be shielded and directed onto the site. No floodlighting shall be located so as to illuminate directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting.
5. **Height and Floor Area Ratio. See D Limitations Section**
6. **Landscape Plan.** The proposed project areas of the subject site shall be attractively landscaped and maintained in accordance with an approved landscape plan. The project shall also comply with all applicable provisions of Ordinance No. 170,978.

Additionally, the following shall apply pursuant to the City Planning Commission's instruction:

- a. The landscape buffer, including the raised curb, along the fire lane and the property boundary shall be 7 feet in width. A 2-foot wide landscape buffer also shall be created along the fire lane and the parking podium. The Applicant shall submit final plans detailing these Landscape areas to the satisfaction of the Director of Planning.
  - b. The project shall provide trees on top of the podium at the edge of the structure adjacent to the pool and its border with the fire lane. The trees shall provide shade and enhance air quality, but shall not prohibit view opportunities to the west from the pool deck.
7. **Fire Department.** Comply with all requirements of the Fire Department.
  8. **Solid Waste.** Trash and recycling bins shall be provided at appropriate locations throughout the subject site, including the parking lot area.
  9. **Air Filtration.** The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 15 or better in order to reduce the effects of diminished air quality on the occupants of the project. (See Mitigation Measure No. 19)

**B. Environmental Mitigation Conditions**

10. In addition to SCAQMD Rule 403 (Fugitive Dust) requirements, the Project applicant will implement the following measures:  
Construction
  - Water three times daily or non-toxic soil stabilizers shall be applied, according to manufacturers' specifications, as needed to reduce off-site transport of fugitive dust from all unpaved staging areas and unpaved road surfaces
  - Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks or any equipment leaving the site each trip;
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered;
  - Replace ground cover in disturbed areas as quickly as possible;
  - Pave road and road shoulders;
  - Traffic speeds on all unpaved roads to be reduced to 15 mph or less;
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph; and
  - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation
11. Streets shall be swept as needed during construction with sweepers using reclaimed water, where available, but not more frequently than hourly, if visible soil material has been carried onto adjacent public paved roads.

12. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
13. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, all trucks and vehicles will have their engines turned off when not in use or idling will be limited to five (5) minutes or less, to reduce vehicle emissions. Ensure that all off-road equipment is compliant with the California Air Resources Board's (CARB) in-use off-road diesel vehicle regulation and SCAQMD Rule 2449. Construction activities should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.
14. To the extent possible, petroleum powered construction activity shall utilize electricity from power poles rather than temporary diesel power generators and/or gasoline power generators.
15. The project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the mass grading phase of project construction. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided onsite at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered construction equipment shall meet the Tier standards based on the following schedule:
  - January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
16. Light-colored roof materials to deflect heat and reduce energy demand for building cooling purposes shall be used.
17. Double-paned windows shall be used to reduce thermal loss and reduce energy demand for temperature control purposes.
18. The project shall be designed and operated to conserve energy as required by the City of Los Angeles Department of Water and Power, Southern California Edison, Southern California Gas Company, and/or other appropriate agencies.
19. The project shall include heating, ventilation and air conditioning (HVAC) control systems that service residential occupancies consistent with the minimum

specifications per floor and building location included in Attachment A of Appendix FEIR-D. At a minimum, residential units shall include HVAC control systems with particulate filters that have a minimum efficiency reporting value (MERV) of 15 as indicated by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. The air handling systems shall be maintained on a regular basis per manufacturer's recommendations by a qualified technician employed or contracted by the project proponent or successor. Operation and maintenance of the system shall ensure that it performs in compliance with the manufacturers' specified reporting value.

20. To minimize exposure to diesel exhaust and the reentrainment of paved roadway dust, the proposed project shall:
  - (1) install inoperable windows facing the freeway, except where operable windows are required by the building code; (2) place actively and passively utilized outdoor areas as far away from the roadway as possible; and (3) include landscaping along the property perimeter nearest the freeway with a dense mixture of shrubs and trees to maximize passive filtration of particulate air contaminants.
21. If vegetation removal occurs between February 15 and August 31, a biological survey shall be conducted by a qualified biologist prior to the removal of the vegetation to determine if nesting birds are occurring on site. In the event nesting is observed, the biologist shall recommend a buffer area with a specified radius to be established (buffer may range between 50 and 300 feet as determined by the monitoring biologist), within which no disturbance or intrusion shall be allowed until the young had fledged and left the nest or it is determined by the monitoring biologist that the nest has failed. If no nesting is observed, no further action shall be warranted.
22. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the project site, shall be submitted for approval by the Department of City Planning and the Bureau of Street Services—Street Tree Division. All trees in the public right-of-way shall be treated in accordance with the current Street Tree Division standards and all conditions of approval shall be met.
23. The Applicant or its contractor shall incorporate the recommendations detailed in the geotechnical investigation prepared for the proposed project, as approved by the City of Los Angeles. (Geotechnical recommendations regarding pile or drill caissons, footings, slabs, fill, shoring, retaining walls, and site drainage are provided within the Geotechnical Engineering Investigation (geotechnical report) dated June 6, 2002, and Addendum I, Additional Exploration, dated March 17, 2003, both prepared by Geotechnologies, Inc. provided in Appendix C of the Draft EIR.)
24. The project shall provide on-site storm drain improvements to detain peak storm water flows to the satisfaction of the City of Los Angeles Department of Public Works.
25. The project shall comply with the requirements of the applicable NPDES permit for stormwater discharge and with all applicable requirements of the RWQCB, EPA and local agencies including the City of Los Angeles regarding water quality.
26. The project shall implement Best Management Practices (BMPs) to detain or treat the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the

Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be provided

27. All storm drain inlets and catch basins within the Project area shall be stenciled with prohibitive language (such as "NO DUMPING—DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
28. The legibility of signs and stencils discouraging illegal dumping shall be maintained.
29. Materials used on site with the potential to contaminate stormwater shall be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
30. A temporary sound barrier, capable of providing a minimum 10 dBA reduction (e.g., solid wood fence) and minimum height of 8 feet, shall be erected along the project's east property line along Sepulveda Boulevard for the entire length of the project site as well as between the project site and the 777 Motor Inn.
31. To the extent feasible, construction activities shall be scheduled so as to avoid operating several pieces of heavy equipment simultaneously, which causes high noise levels.
32. Engine idling from construction equipment such as bulldozers and haul trucks shall be limited, to the extent feasible. Idling of haul trucks shall be limited to five (5) minutes at any given location as established by the South Coast Air Quality Management District. Signs that limit engine idling shall be posted on the project site during construction.
33. The construction staging area shall be located as far as feasible from sensitive receptors.
34. An acoustical analysis of the architectural plans of the proposed residential building façade constructions shall be prepared by a qualified acoustical engineer, prior to issuance of building permits, to ensure that the building construction (i.e., exterior wall, window and door) will provide adequate sound insulation to meet the acceptable interior noise level of 45 dBA (CNEL).
35. The Applicant shall retain services of an acoustical consulting engineer experienced in mechanical noise analysis and during plan check provide the City with an acoustical report indicating that the project mechanical design meets the City's noise ordinance (i.e., maximum 5 dBA above ambient noise levels).
36. Prior to the issuance of the building permit, the Applicant shall consult with the LAPD's Crime Prevention Unit, regarding on-site crime prevention features appropriate for the design of the property. These features may include the following elements:
  - designing entryways, elevators, lobbies and parking areas with lighting that eliminates areas of concealment;
  - eliminating areas of dead space;
  - providing solid core doors with deadbolt locks to all residential units and commercial uses; and

- providing parking within an enclosed parking podium that would be internal to the site.
37. Prior to the issuance of any building permits, the Applicant shall provide the commanding officer at the Van Nuys Community Police Station with a diagram of each portion of the property, including access routes and additional information which may facilitate a police response.
  38. Project building plans including a plot plan shall be submitted for approval by the Los Angeles Fire Department either prior to the recordation of the final map or the approval of a building permit.
  39. Prior to the issuance of a building permit, the Applicant shall consult with the Los Angeles Fire Department and design the project to meet on-site fire flow requirements and incorporate fire prevention and suppression features and other life-saving equipment.
  40. The project shall comply with all applicable State and local Codes and Ordinances found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles, unless otherwise approved.
  41. Pursuant to California Government Code Section 65995, the Project Applicant shall pay developer fees to Los Angeles Unified School District prior to the issuance of building permits.
  42. In consultation with the City of Los Angeles Department of Recreation and Parks, the Applicant shall do one or more of the following: (1) dedicate additional parkland to meet the requirements of Los Angeles Municipal Code Section 17.12; (2) pay in-lieu fees for any land dedication requirement shortfall; or (3) provide on-site improvements equivalent in value to said in-lieu fees.
  43. Prohibit parking along the west side of Sepulveda Boulevard from the northern site boundary to Camarillo Street and restripe to provide a southbound right-turn-only lane. For this short-term condition, it is proposed that the restriping be limited to the segment of Sepulveda Boulevard approximately from Camarillo Street to La Maida Street, that the existing southbound left-turn lane approaching Camarillo Street be temporarily reduced in width to 9 feet, and that the proposed southbound right-turn-only lane be 10 feet wide.
  44. Whenever feasible during construction, sidewalk access along Sepulveda Boulevard and Camarillo Street shall be provided to maintain pedestrian access.
  45. A Construction Management Plan or Worksite Traffic Control Plan shall be prepared by the Applicant and approved by the Department of Transportation and Department of Public Works and shall contain, at minimum, the following:
    - The name and telephone number of a construction manager who can be reached 24 hours a day;
    - An up-to-date list of local police, fire, and emergency response organizations and procedures for the continuous coordination of construction activity, potential delays, and any alerts related to unanticipated road conditions or delays, with local police, fire, and emergency response agencies. Coordination shall include the assessment of any alternative access routes that might be required through the proposed project area and maps showing access to and within the area and to adjacent properties;

- Procedures for the training of traffic safety personnel (flaggers) to assist in emergency response; and
  - The location, times, and estimated duration of any roadway or sidewalk closures, traffic detours, use of protective devices, warning signs, and queuing areas.
  - Configure construction parking to minimize traffic interference;
  - Provide dedicated turn lanes for movement of construction trucks and equipment, where space is available and would not result in a safety concern for pedestrians and motorists; and
  - Reroute construction trucks away from congested streets or sensitive receptor areas, where the resultant trip length would not substantially increase.
46. Flaggers shall be provided as necessary to minimize impact to traffic flow and to ensure safe movement into and out of the project site.
47. Heavy-duty construction trucks shall arrive at the site no earlier than 7:00 A.M. and depart no later than 3:30 P.M.
48. Construction vehicles shall not be permitted to queue where they would interfere with traffic movement or block access to adjacent businesses or residences.
49. All-construction-related vehicles shall be parked on-site or in off-site parking facilities, pursuant to a Temporary Parking Plan. On-street parking of construction-related vehicles shall be prohibited on nearby local streets.
50. *Camarillo Street and Sepulveda Boulevard:* Dedicate an additional 6 feet and widen by 4 feet along the north side of Camarillo Street between Sepulveda Boulevard and the westerly site boundary. In order to implement this measure, on-street parking along both sides of this segment of Camarillo Street shall be removed and this leg of the intersection shall be restriped to provide an eastbound left-turn only lane, shared eastbound through and left-turn lane, and eastbound right-turn only lane. Modify the existing traffic signal to install eastbound protected-permissive phasing. In addition, on-street parking shall be removed during the A.M. peak period (approximately 7:00 A.M. to 10:00 A.M.) along the west side of Sepulveda Boulevard from the northerly site boundary to Galleria Gateway. The southbound approach shall be restriped to provide a fourth southbound through lane from north of Camarillo Street to north of Ventura Boulevard during the A.M. peak period.
51. *Ventura Boulevard/405 Freeway Southbound On-Ramp—Sherman Oaks Avenue:* Widen by 5 feet the south side of Ventura Boulevard from Sherman Oaks Avenue to approximately 270 feet westerly, as measured from the centerline of Sherman Oak Avenue. Additionally, widen by 2 feet both sides of Ventura Boulevard from US-101 Freeway eastbound off-ramp/I-405 Freeway southbound on-ramp—Sherman Oaks Avenue to approximately 230 feet easterly as measured from the centerlines of the freeway ramps and Sherman Oaks Avenue; and restripe to provide an exclusive westbound right-turn-only lane at the intersection. Modify the existing traffic signal to accommodate restriping.
52. *Ventura Boulevard and Van Nuys Boulevard:* Restripe to add a second southbound left-turn lane at Ventura Boulevard. Modify the existing traffic signal to install southbound protected left-turn phasing.



53. *Ventura Boulevard and Beverly Glen Boulevard*: Widen by 3 feet the south side of Ventura Boulevard from Beverly Glen Boulevard to approximately 160 feet westerly, as measured from the centerline of Beverly Glen Boulevard. Restrict parking on south side of Ventura Boulevard and restripe the eastbound approach to provide an eastbound right-turn-only lane at Beverly Glen Boulevard.
54. *Ventura Boulevard and Sepulveda Boulevard*: Convert the southbound optional through-right-turn lane on Sepulveda Boulevard at Ventura Boulevard to a through lane.
55. *US-101 Freeway Eastbound On-Ramp & Sepulveda Boulevard*: Install a new traffic signal to control this intersection, including southbound left-turn phasing and the ATSC/ATCS upgrade. This signal would provide improved capacity and reduce conflicts between the southbound left-turning traffic accessing the on-ramp and the heavy northbound through traffic on Sepulveda Boulevard.
56. *Ventura Boulevard & Haskell Avenue (North)*: Widen the north side of Ventura Boulevard from the north leg of Haskell Avenue to approximately 190 feet easterly, as measured from the centerline of that leg, and restripe to provide a westbound right-turn-only lane.
57. The project applicant will contribute \$300,000 to a fund for the identification and implementation of local parking, transportation and circulation improvements in the following areas: the area bounded clockwise by Haskell Avenue beginning at Valley Vista Boulevard and extending northerly to SR-101 (on the west), from that point extending easterly along SR-101 to I-405, and from that point extending northerly along I-405 freeway to westernmost prolongation of Magnolia Boulevard, and from that point extending easterly on Magnolia Boulevard prolongation to Kester Avenue, and from that point extending southerly along Kester Avenue to the prolongation of Moorpark Street, from that point extending easterly along the prolongation of Moorpark Street to Beverly Glen Boulevard–Tyrone Avenue, from that point extending southerly along Beverly Glen Boulevard–Tyrone Avenue to Dickens Street, from that point extending westerly along Dickens Street to Kester Avenue, from that point extending southerly along Kester Avenue to Valley Vista Boulevard, and from that point extending westerly back to Haskell Avenue. The \$300,000 payment will be guaranteed through cash, bond or irrevocable letter of credit, payable to DOT. The fund will be used for measures that include but are not limited to parking improvements intended to increase parking availability, reduce search times and relieve traffic congestion; neighborhood traffic calming; transit-related improvements and amenities; bicycle-related improvements and amenities; pedestrian-related improvements and amenities; and streetscape improvements and amenities.
58. Bicycle rack parking that is secure, convenient, and easily accessible, shall be added on-site and within the public right of way with the approval of Bureau of Street Services, Department of Public Works through their A Permit process. The copy of the A Permit will be submitted to Department of Building and Safety prior to approval of Certificate of Occupancy. Bicycle parking spaces shall be provided at the rate of two percent of the number of automobile parking spaces required for non-residential uses.
59. For the commercial uses on the project site, the applicant shall (unless otherwise required and to the satisfaction of the Department of Building and Safety):
  - Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered

- through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
60. Unless otherwise required, all restroom faucets for the commercial uses on the project site shall be of a self-closing design, to the satisfaction of the Department of Building and Safety.
61. For the residential uses on the project site, the applicant shall (unless otherwise required and to the satisfaction of the Department of Building and Safety)
- Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
  - Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
  - Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
  - Install and utilize only high-efficiency, Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
62. In addition to the requirements of the Landscape Ordinance, the landscape plan for the proposed project shall incorporate the following:
- Weather-based irrigation controller with rain shutoff;
  - Matched precipitation (flow) rates for sprinkler heads;
  - Drip/microspray/subsurface irrigation where appropriate;
  - Minimum irrigation system distribution uniformity of 75 percent;
  - Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials;
  - Use of landscape contouring to minimize precipitation runoff; and
  - A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 square feet and greater, to the satisfaction of the Department of Building and Safety.
63. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment; e.g., vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system).
64. The construction contractor shall only contract for waste disposal services with a company that recycles demolition and construction-related wastes. The contract specifying recycled waste service shall be presented to the Department of

Building and Safety prior to approval of the demolition and building permits for the proposed project.

65. To facilitate on-site separation and recycling of demolition and construction-related wastes, the construction contractor should provide temporary waste separation bins on-site during demolition and construction of the proposed project.
66. Recycling bins shall be provided at appropriate locations on the project site to promote recycling of paper, metal, glass, and other recyclable materials.
67. All residential and commercial uses established within the project site shall be permanently provided with clearly marked, durable, source sorted recyclable bins at all times to facilitate the separation and deposit of recyclable materials.
68. A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the project site where the older Quaternary Alluvium would be disturbed. The services of a qualified paleontologist shall be secured by contacting the Natural History Museum of Los Angeles County. The frequency of inspections will be based on consultation with the paleontologist and will depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains.
69. If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage.
70. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.
71. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository.
72. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.
73. If fossils are found, following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.

**Additional Conditions of Approval Added/Modified by Commission and Volunteered by Applicant.**

**74. Transportation.**

- A. Neighborhood Transportation Measures Fund. Prior to the issuance of the first building permit, the Permittee shall guarantee the necessary funding for

the \$300,000 fund required by Mitigation Measure Number MM-57, as well as an additional \$100,000, for a total of \$400,000 ("Neighborhood Transportation Measures Fund") through bond or irrevocable letter of credit, payable to LADOT.

The Neighborhood Transportation Measures Fund shall be used for parking improvements designed to increase parking availability, to reduce search times and relieve traffic congestion, to provide neighborhood traffic calming, to provide for transit-related improvements and amenities, bicycle-related improvements and amenities, pedestrian-related improvements and amenities, and streetscape improvements and amenities. Neighborhood traffic calming measures, which may be paid for by the Fund shall be limited to the area bounded by Halbrent Avenue to the west, Moorpark Street to the south, Saloma Avenue to the east and the 101 Freeway to the north (including La Maida Street) and may include, but not be limited to:

- i. Street bumps;
- ii. Intersection bump outs,
- iii. Permit parking;
- iv. Establishment of an "anti gridlock" zone at the intersection of Noble Avenue and Moorpark Street,
- v. Trimming trees that block "STOP" signs or other traffic calming signage, and;
- vi. Repainting "STOP" markings on streets.

All expenditures from the Neighborhood Transportation Measures Fund shall be made only upon the approval and written acknowledgement of the Director of Planning and LADOT.

**B. Neighborhood Transportation Measures Plan.** Prior to the issuance of any building permit for the Project, the Permittee shall submit to the Planning Department a proposed Neighborhood Transportation Measure Plan (the "Plan") designed to create a formal mechanism for administration of expenditures from the Neighborhood Transportation Measures Fund.

- i. The Plan shall be developed in consultation with the Planning Department, LADOT and the applicable Council District Office.
- ii. The Plan shall be submitted to the Planning Department prior the issuance of any building permit. Implementation of the Plan shall proceed immediately upon the acceptance of the Plan by the City.
- iii. The Plan may include measures such as parking improvements intended to increase parking availability, reduce search times and relieve traffic congestion, neighborhood traffic calming, transit-related improvements and amenities, bicycle-related improvements and amenities, pedestrian-related improvements and amenities, streetscape improvements and amenities, as well as other improvements of possible concern to the neighbors and community that may be brought to the attention of the Planning Department, LADOT, the applicable Council District Office, and the Permittee.

**C. Additional Neighborhood Protection Measures.** Permittee shall fund a warrant analysis by a traffic engineer for submission to LADOT for review and approval of the installation of:

- i. Signage indicating that through traffic from Sepulveda Boulevard is prohibited onto Camarillo Street, La Maida Street and Moorpark Street between 7:00 am and 9:00 am on weekdays; and
  - ii. "STOP" signs on Camarillo Street at the intersections of Norwich Avenue and Saloma Avenue.
- D. Transportation Management Organization. The Permittee shall request approval from LADOT and the Department of City Planning to allow use of the Project's PIA fee toward the establishment of a Transportation Management Organization (TMO) for the Sherman Oaks area. Prior to the issuance of the first building permit for the Project, the Permittee shall submit a feasibility study and business plan for the establishment of a TMO to LADOT and the Department of City Planning. The Permittee shall include in its feasibility study and business plan for the establishment of a TMO innovative and flexible programs and measures, such as: an online TMO similar to the Century City TMO, ridesharing opportunities and personalized travel plans, shuttles to and from the Orange Line, and employee discounts on transit passes to TMO members and the employees and residents represented by their membership
- E. Transportation Demand Management. The Permittee's Transportation Demand Management Plan shall, at a minimum, include the following elements:
- i. ~~Discounted bus passes shall be made available to residential tenants at the time of lease execution;~~ The project shall provide at no charge one (1) transit pass for each residential unit, upon a tenant's request for the first three years after the Project is in operation. After the first three years, a single discount pass will be offered upon request to each unit. The Applicant can satisfy this requirement by participating in programs offered by the MTA, as applicable;
  - ii. Transportation Coordinator on-site;
  - iii. Coordination with area businesses to maximize leasing to their employees as central focus of marketing strategy;
  - iv. Unbundle leasing of dwelling units from parking spaces;
  - v. Preferential parking for carpools and vanpools for retail employees;
  - vi. Personal trip plans (transit, carpool, vanpool, bicycle, walking) for residential and employees;
  - vii. Transportation information to residents in project communications;
  - viii. Semi-annual events to promote ridesharing and transit usage;
  - ix. Transportation Information Displays in common areas; and
  - x. Wire residential units for high speed internet access.
- F. Haul Route Permit Hours (amends Tract Condition No. 23.f for hours and number of trucks per day). The Haul Route Permit hours shall be from 7:00 am to 3:30 pm. The Permittee shall be allowed to send up to 20 hauling trucks daily via the 101 Freeway westbound to Sepulveda Boulevard Offramp and south to Camarillo Street to stage the trucks on the property no earlier than 7 am, Monday through Friday. These trucks may load and exit the property via Camarillo Street to Sepulveda Boulevard north to the 101 Freeway onramp eastbound between 7 am and 9:30 am. No additional trucks

may travel to the site or stage in other nearby areas until after 9:30 am. Haul trucks may load and travel normal routes between 9:30 am and 3:30 pm.

**G. Shared Transit Resources.** The project shall provide shared transit resources for the use of residents, for the life of the project, consisting of:

- i. Up to ten (10) parking spaces shall be provided on-site for a Car Share program (i.e., Zipcar or similar). Parking for Car Share cars may be included as part of the required residential parking required by this approval. The Applicant shall submit final plans detailing the location of a Car Share Program to the Director of Planning, prior to the issuance of a certificate of occupancy.
- ii. Twenty (20) Shared Ride bicycles for the use of the project residents on a reservation basis shall be provided on-site. Parking for Shared Ride bicycles may be included as part of the residential bicycle parking required by this approval. The Applicant shall submit final plans detailing the location of a Bike Sharing Program to the Director of Planning, prior to the issuance of a certificate of occupancy.

**C. Administrative Conditions**

75. **Grant.** The entitlements granted herein shall be effectuated as prescribed by the Los Angeles Municipal Code.
76. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
77. **Code Compliance.** All regulations of the zone classification of the subject property shall be complied with, except where herein conditions or grants have been modified.
78. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
79. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
80. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
81. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

82. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
83. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
84. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions. **The applicant shall adhere to the Mitigation Monitoring and Reporting Program as provided in Section IV of the Final Environmental Impact Report.**

## D LIMITATIONS CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G-4 of the Municipal Code, the following limitations are hereby imposed upon the development of the subject property, subject to the D Limitation Classification.

1. **D Limitation - Height.** The height of all buildings and structures on the subject property shall not exceed 82 feet. This height limitation excludes the lighting standards, flagpoles, and rooftop equipment. All rooftop equipment and/or duct work that exceeds the roof ridge or parapet wall, whichever is higher, shall be screened from horizontal view with materials compatible with the design of the structures.
2. **D Limitation - Floor Area Ratio** – A maximum Floor Area Ratio of 2.25:1 shall be permitted on the subject site.



## FINDINGS

### General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan (the "Plan"), which was adopted by the City Council on May 13, 1998 (Council File No. 97-0704). The subject property is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan area which was adopted by City Council on January 4, 1994 (Council File No. 85-0926 S22). The Plan map designates the property for Regional Commercial Land Uses. The Corresponding Zones under the Community Commercial Plan Designation is the CR, C1.5, C2, C4, R4, R5, RAS3 and RAS4 Zones. The property is currently zoned CR, R3, R1 and P. Therefore, the proposed zone change from the said zones to the (T)(Q)C2-2D Zone is consistent with the Community Plan Land Use Designation as defined in the Plan and as established by the Community and Specific Plan Maps.

**General Plan Text.** See Findings 2 A and 2 B

2. **A. That the proposed Zone Change is in conformity with the General Plan.**

The proposed Zone Change seeks to create consistency between the General Plan and the site's zoning. The City's long term vision for the site is one of higher intensity land uses creating synergy with the nearby employment Center which is served by a number of public transit bus lines.

### General Plan Framework

The General Plan's Regional Commercial designation, applicable to this site, is applied to "higher-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City." Generally, Regional Center designations will offer floor area ratios ranging up to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the community plan. While not as intense as the City's vision for the land use designation, the Il Villaggio Toscano project's residential intensity provides realistic opportunities to reduce vehicle miles traveled in the City. This project locates housing density near a significant number of jobs as well as entertainment and retail uses. Additionally, the Project's neighborhood serving retail uses creates a new amenity within walking distance of existing area residents and employees. According to the General Plan, Regional Centers typically provide a significant number of jobs and many non-work destinations that generate and attract a high number of vehicular trips. Additionally, Regional Centers are usually major transportation hubs. Consequently, each center is intended to provide extensive transit opportunities to provide transportation alternatives. The project site is located within ¼ mile of a major jobs center well-served by public transit. The proposed mixed-use project, with higher density residential units, is compatible and consistent with the General Plan's land use designation of Regional Center, which seeks to locate more intense housing in proximity to jobs and public transit.

### Community Plan

The Community Plan designates the site as Regional Commercial. As defined in the Specific Plan, the "Regional Commercial" land use designation in the Community Plan is

"a focal point of regional commerce, identity and activity and containing a diversity of uses, such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities, and supporting services. The Community Plan highlights the area as "mixture of diverse office uses, retail and service activities". This density of jobs creates a perfect opportunity to reduce vehicle miles travel by locating residential units within walking distance of an employment center. The Community Plan identifies several issues and opportunities for residential uses in the Sherman Oaks area. In order to address those issues and opportunities, the Community Plan includes the following Policies:

*1-2.1 Locate higher residential densities near commercial centers, rail transit stations and major bus routes where public services facilities, utilities and topography will accommodate this development.*

From a residential perspective the proposed project would locate "housing in a manner which reduces vehicular trips and makes it accessible to services and facilities" and with access to transit. The project site is located proximate to 6.5 million square feet of commercial office space and numerous retail and entertainment uses consistent with the area's Regional Center/Commercial land use designations. These uses provide numerous opportunities for residents to walk to work, as well as to easily access shopping and recreational opportunities. For those individuals that cannot walk to work, but still strive to avoid the frustrations of automobile traffic, the site offers numerous transit opportunities within easy walking distances. This site is located along Sepulveda Boulevard (a Major Highway) which is serviced by a MTA Rapid Bus providing access to the very successful Orange Line and within walking distance of two additional Rapid Buses both of which are also located at the intersection Ventura and Sepulveda Boulevards.

*1-2.2 Encourage multiple residential development in commercial zones.*

While only a portion of this site is currently zoned commercial, the entire site enjoys Commercial land use designations in the General Plan Framework (Regional Center) and the Community Plan/Specific Plan (Regional Commercial), both of which envision intense commercial development while also permitting residential uses as part of mixed-use developments. In an effort to reduce trips in the area the project locates a significant amount of density within walking distances of the commercial uses along Ventura Boulevard and provides transit opportunities to various other commercial centers including Warner Center, Universal Studios, the Van Nuys Municipal center, Westwood Village/UCLA and downtown Los Angeles.

*1-4.2 Promote housing in mixed use projects in pedestrian oriented areas and transit oriented districts.*

*2-3.2 New development needs to add to and enhance the existing pedestrian street activity*

While the project is just outside a Pedestrian Oriented District, it is being designed with many of the design features envisioned for such a district. As part of the community outreach effort, the Applicant agreed to submit to the Department of Public Works for their review and approval a Pedestrian, Streetscape and Transit Enhancement Plan to provide pedestrian, streetscape and transit enhancements to promote consistency with the neighboring Sherman Oaks Streetscape and Design Plan, with the objective of fostering a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street

furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales.

The Project's proximity to the intersection of Ventura and Sepulveda Boulevards would encourage pedestrian activity from the Project's residents, as they will be able to walk to the various commercial and retail uses in the vicinity.

As mentioned above the project is within walking distance of three metro Rapid Buses providing express service to numerous job centers and a variety of local bus lines that can also be accessed at the intersection of Sepulveda and Ventura Boulevards.

*2-3.5 Require that mixed use projects and development in pedestrian oriented districts be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.*

The project provides significant vertical and horizontal articulation and a large 13,000-square foot Public Plaza which creates a distinctive design unparalleled when compared to development in the area. The building's massing steps up as it moves away from the Sepulveda Boulevard frontage, creating consistency with the existing built environment and pushing the project's building height as far from the closest single family neighborhood as practical. The project's Sepulveda Boulevard frontage is designed with a 4-story structure consistent with the 4.5 levels associated with the Grand Apartments located to the site's south. The building's height steps back as it transitions toward the site's center and rear adjacent to the 405 freeway and the Sherman Oaks Galleria's multi-story parking structure. The proposed height is needed to elevate the first two or three residential levels above the 26-foot tall Caltrans wall, thereby allowing light and air, as well as unobstructed views of the Santa Monica Mountains and the Sepulveda Basin. The proposed building heights are consistent with or lower than many of the existing buildings in the area, including the Galleria and its parking structure, the 15-story Comerica Bank building, the approximately 20-story National City Bank building, 13-story CitiBank Building as well as other structures found in the Regional Commercial area surrounding the intersection Sepulveda and Ventura Boulevards (Exhibit D: Surrounding Building Height graphic). These nearby taller structures are consistent with the "Regional Center" land use designation in the General Plan Framework, which defines "Regional Centers" as characterized by 6- to 20-stories (or higher). As a result, the proposed project's height is consistent with the General Plan Framework, the Community Plan and the built environment. As designed, only approximately 32% of the site would exceed the permitted height, and those areas would be located to the center and rear of the site, as far away as possible from the single family homes located east of Sepulveda Blvd. Sepulveda Boulevard, developed at a 104-foot right-of-way, creates a larger buffer between the first residential uses, located in an R3 Zone, and another 100 feet further away still from the first single family zoned properties. The mixed-use project is designed to achieve a high level of quality and to be compatible with the existing uses of the surrounding built environment.

The mixed use project is consistent with the development in the area in that it creates a transition from high intensity commercial to the lower density residential found east of Sepulveda Boulevard.

More importantly, greater housing opportunities would be provided for area workers to live closer to their jobs, while area residents and workers would have easy walking access to neighborhood-serving retail uses including a grocery store. The Project complies with the Policy's stated requirement that a mixed-use project be designed and

developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.

*2-3.6 Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses.*

As illustrated in the project drawings the ground level fronting along Sepulveda Boulevard is dedicated to neighborhood-serving commercial uses in addition to its enhanced pedestrian streetscape and large Public Plaza. All of these elements combine to promote pedestrian activity in the area, and the commercial uses will benefit the surrounding community. The Project complies with the Policy's stated requirement that the first floor street frontage of the building incorporates commercial uses.

*2-3.7 Promote mixed use projects in proximity to transit stations, along transit corridors, and in appropriate commercial areas.*

The proposed project is a mixed-use project located within walking distance of three Rapid Bus stops, as discussed in detail in the "Transit Options" section above.

*2-4.4 Landscaped corridors should be created and enhanced through the planting of street trees along segments with no building setbacks and through median plantings.*

In addition to the enhanced streetscape discussed above, the Applicant has agreed to install and maintain, with approval of the Department of Public Works, landscaping within the median along Sepulveda Boulevard between Moorpark Street and Camarillo Street consistent with the landscaping along the Project's Sepulveda Boulevard frontage.

*2-5.1 Require that future development of properties located along the Los Angeles River be designed with river access features.*

*The Public Plaza includes a meandering pedestrian path which gains its inspiration from the LA River.*

*5-1.3 Require development in major opportunity sites to provide public open space.*

The project is proposing to construct a publicly accessible 13,000-square foot Public Plaza along its Sepulveda Boulevard frontage. The Plaza would be designed as a passive gathering place for the community that includes ample landscaping and intimate seating areas. The size of this Plaza is significantly larger than any other public space on private property in the area.

The Urban Design Element of the Community Plan requires that residential projects with five or more units be designed around a landscaped focal point or courtyard to serve as an amenity for residents. The proposed project includes a large Public Plaza along its Sepulveda Boulevard frontage, as well as several interior gardens, a park, and a bocce court situated within the center of the development. The six residential buildings are built around the periphery of this landscaped courtyard setting.

Although there would be approximately 78.5 percent lot coverage on the ground floor of the project site (including the surface parking area), there would be approximately 61,500 square feet, or 1.5 acres, of both active and passive open space opportunities for residents atop the residential podium. The open space would include, but not be limited

to, a variety of landscaped areas, a central park, smaller landscaped corridors, a bocce court, a swimming pool, and meandering pathways between buildings. Private space also would be provided as every unit would have its own balcony. These open space areas are dedicated to the enjoyment of the residents of the project and do not take into consideration the Public Plaza provided along Sepulveda Boulevard.

The Project complies with the policy's stated requirement that development in major opportunity sites (which includes the project site) provides public open space.

As discussed above, the approval of the Zone Change will be consistent with the policies of the Community Plan.

Framework Element. The Framework Element for the General Plan was adopted by the City of Los Angeles on August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The project site is an under-improved parcel designated for Regional Commercial land uses. The project provides an infill development in a neighborhood comprised of multi-family, single-family and commercial land uses. By enabling the construction of residential uses in close proximity to existing multi-family neighborhoods and commercial uses, the proposed Zone Change would be consistent with several goals and policies of the Framework Element.

Further, the Land Use chapter of the Framework Element identifies objectives and supporting policies relevant to the project. Those objectives and policies seek, in part, to provide for the stability and enhancement of residential neighborhoods. With respect to this, the development of this site within a transitional commercial and residential area serves to stabilize and enhance the residential character of the area in a manner that satisfies the purpose and intent of the Framework Element.

#### Housing Element

A Zone Change to the C2 Zone is consistent with the goals and the policies of the City's Housing Element (2006-2014). It would permit the construction of a dense mixed-use project proximate to a significant employment center which is well-served by transit lines. The Housing Element contemplates high density mixed-use projects located in the high intensity commercial areas as a solution to the City's urgent housing shortage. The Project has the added value of being located on a site separated from the closest single family area by 250 feet, while also reducing vehicle miles traveled.

The Housing Element states the City is facing an "unprecedented housing crisis" and indicates that over 14,000 residential units need to be built to address its Regional Housing Needs Assessment ("RHNA") numbers. The Housing Element estimates that the Sherman Oaks area has the capacity to accommodate approximately 4,300 of these required units without consideration of this development site. A Zone Change to C2 would permit the construction of the proposed 325 residential unit project in an area contemplated by the City. Evidence of this intent is provided in the General Plan's "strategy to meet this challenge, by directing growth to transit-rich and job-rich centers and supporting the growth with smart, sustainable infill development and infrastructure

*investments.”* The project site is located proximate to an employment center, which is well-served by public transit.

The Zone Change would also permit the development of a project which demonstrates consistency with the following Policies:

***Policy 1.1.4:*** *Expand location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards and*  
***Policy 2.2.6:*** *To accommodate projected growth to 2014 in a sustainable way, encourages housing in centers and near transit, in accordance with the General Plan Framework Element, as reflected in Map ES.1*

As reflected in the graphic highlighting approximately 6.5 million square feet of commercial floor area located in the area and with the General Plan's Regional Center and Community Plan's Regional Commercial land use designations, this site is appropriate for a dense residential project. Residents of this proposed project would have the opportunity to access area jobs without driving personal vehicles, as they would have the attractive options of walking, biking or utilizing the area's rich public transit options. The intersection of Sepulveda and Ventura Boulevards is well served by numerous transit lines including three separate Rapid Bus lines providing regional connectivity.

***Policy 1.2.3:*** *Rehabilitate and/or replace substandard housing with housing that is decent, safe, healthy, sanitary and affordable and of appropriate size to meet the City's current and future household needs.*

Prior to its demolition, the site was developed with low density older housing units, many of which had reached the end of their life expectancy. The approval of this Zone Change would allow for the construction of a unified development providing modern safe units with a variety of sizes, thereby providing a wide range of housing options that helps to fulfill the City's current and future housing needs.

***Policy 2.1.2:*** *Establish development standards that enhance health outcomes.*

Over the past few years the City Planning Commission has taken an increased interest in the relationship of populations living near freeways and health risks. This issue creates tension between the City's desire to focus high intensity residential development near jobs and transit centers which are typically serviced by or proximate to freeways and arterials.

In 2009, the City created a policy that required projects located near vehicular pollution sources to include a higher level of air filtration and to consider these potential impacts when designing the site massing and landscaping. On November 8, 2012, the City Planning Commission approved a Staff recommendation to attach a notice to all properties within 1,000 feet of a freeway highlighting that this potential health risk needs to be analyzed if residential uses are being proposed.

The EIR for the project thoroughly analyzed the potential air quality impacts associated with development of residential uses in close proximity to the 405 and 101 Freeways through the preparation of a comprehensive Health Risk Assessment (HRA) by Air Quality Dynamics. The HRA concluded that any potential impacts could be mitigated through MERV filtration.

While this is an important issue that the Project application has reviewed and mitigated, there are a few considerations worth noting that further reduce the concerns. A key assumption of the Health Risk Assessment is that individuals live in the same location for 90 years, creating long-term pollution exposures. However, studies discussed in the EIR show that residents in rental units live in the same location for 3-7 years, dramatically reducing the exposures. Consequently, these studies are extremely conservative and do not adjust for the actual length of time residents are exposed.

Additionally, there are many State and Local policy initiatives that directly and indirectly seek to reduce the pollution levels generated from transportation. A few examples include the State of California's landmark land use legislation; SB 375 which implements AB 32, and was adopted in September 2008. These state laws effectively linked transportation planning and funding to land use and housing needs. A local level example would be the Clean Truck Program proposed by the Mayor of Los Angeles in 2008 that immediately banned 10% of the dirtiest trucks, resulting in the removal of 350 tons of harmful emissions. According to the Port of LA's website, "In its first year, the program reduced the rate of port truck emissions by an estimated 70 percent." Initiatives such as these, as well as ones that came before them, have led to a reduction in health risks. This is highlighted well by an August 8, 2012 article in the Daily News which reported: "The level of dozens of volatile organic compounds in the Los Angeles basin fell about 98 percent in the past 50 years, according to a study funded by the National Oceanic and Atmospheric Administration."

The Project has analyzed and addressed the Air Quality concerns raised in the Housing Element thorough mitigation measures. Additionally, there are several policy initiatives that will further reduce exposure levels :

***Policy 2.2.3: Provide incentives and flexibility to generate new housing and to preserve existing housing near transit.***

The Housing Element discusses providing additional trip credits for mixed-use development located near transit. However, the EIR for the project conservatively did not apply such credits. The Applicant proposes to maximize the project's number of residential units so as to generate new housing desired by the Housing Element and to provide such housing in proximity to transit, thereby diminishing the broader traffic impacts that otherwise would result from satisfying this housing demand through multiple dispersed locations.

The approval of the Zone Change and the Project's related entitlements provides a sufficient incentive to construct these new residential units within walking distance of 3 Rapid Bus stops and other bus lines as well as major employment nodes.

***Policy 2.2.4: Promote and facilitate a jobs/housing balance at a citywide level.***

The approval of the Zone Change would permit the construction of approximately 325 residential units within walking distance of approximately 6.5 million square feet of commercial office space and an abundant and diverse array of retail and entertainment uses. By locating this type of density near jobs, the Project would promote a jobs/housing balance with the Community Plan area.

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

The project is designed to achieve a LEED Silver compliance level.

**Objective 2.4:** *Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.*

The project promotes livability by providing opportunities for residents to walk to their jobs as well as to their retail and entertainment needs. The project includes ground level neighborhood-serving retail uses located along Sepulveda Boulevard, in conjunction with a 13,000-square foot Public Plaza, allowing for shopping and gathering opportunities for area residents. The building massing is in character with the built environment. The project provides four-story elements along Sepulveda Boulevard consistent with the massing of the Grand Apartments to the South of the site. Moreover, the project steps up as it moves closer to the six level Sherman Oaks Galleria parking structure and the abutting freeway interchanges. This design pushes the mass of the building away from the single family development found east of Sepulveda Boulevard. The approval of the Zone Change would promote a livable neighborhood by allowing the development of a mixed-use project that respects the unique residential neighborhoods that exist to the east of the project site.

For the reasons outlined above the approval of the Zone Change is consistent with the objectives and policies of Housing Element.

#### Transportation Element

Approval of a Zone Change on the site to C2 would facilitate the construction of a project consistent with the purposes of the General Plan's Transportation Element. This Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, through reduction of vehicle trips, and through focusing growth in proximity to public transit. The proposed Project would address trip reduction goals via its location and due to its inclusion of a detailed transportation demand management ("TDM") program. The TDM would include an on-site transit coordinator, discount bus passes provided at the time of lease signing, unbundling parking and other similar transit-oriented measures. The Project's location is ideal to address the concerns of vehicle miles traveled. It is not only located in a Regional Center with numerous entertainment options, it is proximate to 6.5 million square feet of commercial office space and numerous transit options including three Rapid Buses and the Orange line.

The Transportation Element sets forth goals, objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. For example:

- *Objective 2 strives to mitigate the impacts of traffic growth, reduce congestion, and improve air quality by implementing a comprehensive program of multimodal strategies that encompass physical and operational improvements as well as demand management.*

Within this Objective, the first policy header is Transportation Demand. The Applicant is working with a transportation demand consultant to craft an effective strategy to reduce the use of private automobiles by the Project's residential tenants and employees of the commercial uses. The Applicant also has proposed to explore the creation of an area-wide transportation management organization tasked with organizing area wide trip reduction measures.



The combination of the site's proximity to public transit and plentiful job opportunities helps address the impacts of traffic growth, congestion and air quality issues. The Applicant's initiation of a Transportation Demand Management program would provide residents the opportunity to walk to work, to retail areas, or to a high quality transit line. By providing alternatives to single occupancy automobile trips impacts to air quality can be reduced.

- *Objective 3 strives to support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.*

The Zone Change promotes consistency with this objective by allowing for the development of new density near multiple bus lines that provide easy access not only to Ventura Boulevard's multitude of jobs but also its regional transit network.

For these reasons outlined above, the approval of the Zone Change allows for a project that demonstrates consistency with the Transportation Element of the General Plan.

#### Open Space Element

As referenced earlier in this application, the Project incorporates three significant open space elements. The Project is proposing to provide 1.4 acres of common open space including landscaped gardens and pool area for the enjoyment of the project residents. A 13,000-square foot Public Plaza is being designed with extensive landscape and hardscape elements for use by the commercial patrons, project residents and community members. Finally, the Project is proposing to landscape and maintain an adjacent public right-of-way southeast of the project between Sepulveda Boulevard, North Sepulveda Boulevard, Camarillo Street and Moorpark Street. The project and these proposed improvements are consistent with the following goals and policies of the Open Space Element:

*To provide an open space system which provides identity, form and a visual framework to the City. (page 3: bullet 3 under Goals)*

The project is proposing uniformed landscape design within both the project's Sepulveda Boulevard frontage, including the Public Plaza, and the adjacent public right-of-way which it has agreed to landscape and maintain. The design would create a visual gateway into the Sherman Oaks community.

This goal is implemented via a series of policies and the project is consistent with the following:

*The provision of malls, plazas, green area, etc in structures of building complexes and the preservation and provision of parks shall be encouraged (page 5: bullet 10 under Policies General);*

This private development would be providing a 13,000-square foot Public Plaza available to the community for passive recreation and community gathering. Additionally, the project provides an equivalent of an acre more of open space for its residents than is required by Code. The improvement of the public right-of-way creates a visually appealing green belt along approximately 900 linear feet of Sepulveda Boulevard. Each of these improvements would be fully funded and maintained by the project.

*Open Space areas shall be provided or developed to serve the needs as appropriate to their location, size and intended use of the communities in which they are located, as well as the City and region as a whole (page 5: bullet 12 under Policies General);*

As mentioned above, the project would provide significantly more open space for its residents than is required by the Code, thus ensuring that the residents' needs are well served. Additionally, the project would pay park fees (Quimby Fee) of approximately \$1.7 million based on the 325 residential unit project. This money is required by law to be spent on the creation of new recreational facilities within a 2-mile radius of the project site.

*Small parks, public and private should be located throughout the City (page 5: bullet 13 under Policies General)*

By setting aside approximately 61,500 square feet of area for common open space for project residents that includes ample landscaping and a variety of gardens and trees, the proposed project would create a small park which would otherwise not exist. While not a park per se, the 13,000-square foot Public Plaza provides additional open space for the area residents that are not available today.

*Private development should be encouraged to provide ample landscaped spaces, malls, fountains, rooftop green areas and other aesthetic features which emphasize open space values through incentive zoning practices or other practicable means. (page 7: bullet 3 under Policies: Privately Owned Open Space Lands and Desirable Open Space)*

The provision of the vast amounts of open space and landscaping created with the common areas, Public Plaza, and the public-rights-of-way are facilitated by rezoning the site and granting it relief from certain aspects of the Specific Plan. Consequently, the approval of this project encourages the creation of landscaping and green spaces.

As outlined above, the approval of the Zone Change facilitates the development of a project that is consistent with the goals and policies of the Open Space Element.

As discussed in full above, the approval of the Zone Change is consistent with the numerous goals, objectives and policies of the General Plan, the Specific Plan, the Community Plan, the Housing Element, the Transportation Element and the Open Space Element.

Additionally, the **Sewerage Facilities Element** of the General Plan will be not be adversely affected by the recommended action. The project will be connected to existing sewer facilities consistent with the health and safety goals of this Plan Element.

**B. That the proposed Zone Change is in conformity with public necessity, convenience, general welfare and good zoning practice.**

The proposed Zone and Height District changes are in conformity with public necessity, convenience, general welfare and good zoning practice. The Zone Change would result in a uniform zoning pattern consistent with the land use designations envisioned for the site. The Zone Change also permits the construction of a unified development which is compatible with its surroundings and consistent with multiple Federal, State and City planning goals. Without this approval, the property's multiple zoning designations will

continue to stifle this urban infill site's ability to achieve numerous laudable Planning goals.

### **Public Necessity, Convenience and General Welfare**

Approval of the Zone Change would facilitate the redevelopment of an unattractive, under-utilized, split-zoned site. The proposed Zone Change would permit a vibrant mixed-use development that appropriately locates needed residential density near jobs and transit, generates significant spending for local business and tax revenue for the City, promotes pedestrian activity in the general area and provides a community gathering point. Additionally, the Applicant worked for over 18 months with the Sherman Oaks Neighborhood Council to ensure the project provides tangible benefits to the community.

Approval of the requested Zone Change provides a uniform zoning pattern over the site that facilitates the creation of a medium density infill mixed-use development within walking distance of numerous jobs and quality transit opportunities. Without the Zone Change the site's multiple zoning designations provides a density inconsistent with the Regional Commercial Land Use Designation. This type of development has a direct relationship to the City's ability to minimize vehicle miles traveled. An inability to develop higher density housing at a prime location adjacent to jobs and many transit opportunities would forgo the transportation options that effectively address air quality issues.

The Zone Change allows residential development to be located close to major transit, job centers, and shopping areas. The proximity of these uses to the site would facilitate residents' interaction with the community, bringing more people onto the streets and providing more customers for local businesses. In addition to the proximity of uses, the Applicant is proposing street improvements to further encourage pedestrian activity. Even though the site falls just outside of a Pedestrian Overlay District, the Project is proposing to implement streetscape and landscape improvements that would provide further pedestrian improvements to the area. The project is considering a series of improvements consistent with the Sherman Oaks Streetscape Plan. The proposed 13,000-square foot Public Plaza with its trees, tables and benches would create a comfortable gathering place for patrons and community members. If permitted by the Bureau of Engineering, the intent would be to create a seamless design from curb to building. The design would include paving, landscaping and street furniture consistent with the plans for Pedestrian Oriented areas in the Specific Plan. Additionally, the Applicant has agreed to landscape and maintain a publicly owned strip of land which divides Sepulveda Boulevard from North Sepulveda Boulevard.

### **Good Zoning Practices**

The City's existing long range planning documents designate this site for uses more intense than have previously existed on the site. Historically, slightly less than 50% of the site was developed with single family homes, while the remaining development area was divided relatively equally between the now-demolished office building site, its surface parking and multi-family development parcels. The General Plan's Regional Commercial designation, applicable to this site, is applied to higher-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. Consistent with General Plan's vision, the Community Plan and the Ventura Cahuenga Specific Plan designate the site a Regional Commercial land use. While the Community Plan refers to the site as one of the Plan's "major development opportunity sites", the Ventura Cahuenga Boulevard Specific Plan defines the land use as "a focal

point of regional commerce, identity and activity and containing a diversity of uses, such as corporate and professional offices, residential, retail, commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services". In order to facilitate these consistent visions of the various Plans, the Community Plan establishes the following compliant zones, CR, C1.5, C2, C4, RAS3, RAS4, R3, R4 and R5.

Currently, the site is comprised of 18 assessor parcels covered by four different zones, (Q)CR-1L, (Q)P-1L, R3-1L and R1-1L. Two of the four existing zoning designations or approximately 70% of the site, the R1 (approximately 50% of the site) and P1 (approximately 20% of the site) designations, are inconsistent with the Community Plan's Regional Commercial land use designation. A basic principle of good zoning practice, and State law as required by Government Code 65455, is consistency between the General Plan land use designation and zoning designations. In addition to creating consistency between the General Plan and the site's Zoning, the Zone Change would eliminate the "Q" conditions applicable to the now-demolished commercial structure and its surface parking.

This inconsistent zoning pattern creates significant challenges to the development of a unified development. A unified zoning pattern with a single zone allows for the creation of an efficient site plan based on the shape and size of the site and not on outdated zoning designations. The existing zoning pattern prescribes separate development standards and a conflicting list of permitted uses. The individual yard requirements are a good example of a problematic development standard which requires breaks in a structure based on an arbitrary zone boundary and not based on sound site planning standards. The conflicting list of permitted uses for the site would only permit low density housing over the majority of the site, while precluding housing and commercial uses on other portions of the site. Consequently, the disjointed and illegal zoning pattern discourages a unified development and excludes the Applicant's ability to construct a single integrated well-designed project.

The C2-2 Zone Change proposed for this site is consistent with the dominant zoning south of the site (located in the same Regional Commercial land use designation) which is developed with dense residential and commercial development. These adjacent C2-2 areas are developed with numerous commercial office buildings, including the CitiBank tower, the CoAmerica tower and the City National building, which combine to create the bulk of the 6.5 million square feet of commercial office space in the area. The Sherman Oaks Galleria, which enjoys this same C2 zoning, not only provides a regional entertainment draw, but also provides restaurant, retail and additional office uses. The adjacent motel and the Grand Apartments are developed on R4 zoned sites which are consistent with the density permitted by the C2 zone. However, the R4 prohibits neighborhood-serving uses which as discussed below eliminate a trip reduction aspect of the project.

In addition to being consistent with the surrounding zoning, the C2-2 zone allows for a mix of uses which directly responds to a major concern of the community: traffic. The area's peak period traffic congestion is based on the combination of the existing development in the immediate area and more importantly its location as a gateway into the job-rich Westside of Los Angeles and the Cities of Santa Monica and Culver City. The number of jobs located on the Westside draws hundreds of thousand motorists through the Sepulveda pass regardless of what development occurs in Sherman Oaks.

The C2-2 zone change allows for the creation of urgently needed housing. The housing is not only needed because the Housing Element highlights "an urgent need" throughout

the City; it is also needed to provide housing density near jobs and transit in an attempt to address future congestion growth. While not all future residents will work in the area or use public transit, there would be realistic opportunities for residents to avoid the single occupancy vehicle by walking to work or taking transit. In addition, allowing commercial uses on the site that are focused on neighborhood services provides an additional trip reduction advantage as they provide convenient access to goods and services for both project and area residents as well as area employees.

The approval of the C2-2 Zone Change facilitates the construction of a mixed-use project which the Federal, State and Local Governments believe are critical to addressing greenhouse gas emission by reducing vehicle miles traveled, which in turn has implications on one of Los Angeles' pressing issues: traffic congestion. The US Department of Housing and Urban Development's Sustainable Housing and Communities program includes the following policy overview: "By ensuring that housing is located near job centers and affordable, accessible transportation, we will nurture healthier, more inclusive communities..." At the State level, in 2008 California adopted SB 375, legislation that linked transportation planning and funding to land use and housing needs. In 2007, the City adopted GREEN LA: An Action Plan to Lead the Nation in Fighting Global Warming. According to the City Housing Element, this environmental challenge is addressed by "directing growth to transit-rich and job-rich centers and supporting the growth with smart, sustainable infill development and infrastructure investments."

This infill site is an ideal location to promote these various policy initiatives by locating residential units proximate to employment opportunities and high quality transit. From a residential perspective, the Zone Change would locate "housing in a manner which reduces vehicular trips and makes it accessible to services and facilities" and with access to transit. This site is located along Sepulveda Boulevard (a Major Highway) which is serviced by an MTA Rapid Bus providing access to the very successful Orange Line via Rapid Line 734 and Local 234. There are two additional Rapid Buses lines (750 services Ventura Boulevard and 761 provides transportation to the Westside) with stops at the intersection Ventura and Sepulveda Boulevards. Not only would new residents be located above neighborhood-serving retail uses, they would also be within walking distance of Ventura Boulevard which offers a multitude of commercial uses, including employment, shopping, entertainment and dining. The Zone Change would further promote pedestrian activity in lieu of driving by facilitating the development of neighborhood retail shopping opportunities within walking distance of numerous existing residential and commercial uses in the area. Goal 1 of the Commercial section within the Community Plan supports the proposed Zone Change as well when it states:

*Plan policy provides for the development of single or aggregated parcels for mixed use commercial and residential development. These structures would normally incorporate retail, office, and/or parking on the lower floors and residential units on the upper floors. The intent is to provide housing in close proximity to jobs, to reduce vehicular trips, to reduce congestion and air pollution, to assure adequate sites for housing, and to stimulate pedestrian oriented areas to enhance the quality of life in the Plan area.*

A common concern of area residents is the morning peak period congestion near the intersection of Ventura and Sepulveda Boulevards. However, contrary to long-standing notions that high density development generates traffic congestion, projects such as this one, which locate housing proximate to transit and jobs, have proven to be effective in mitigating the effects of higher density through the promotion of transit usage and walkability.

It is well documented that the proximity of housing, employment and transit, facilitates the reduction of vehicle miles traveled. According to Transit Cooperative Research Program Report 128: Effects of TOD on Housing, Parking and Travel sponsored by the Federal Transit Administration: "This research helps confirm what had been intuitively obvious: TOD housing produced considerably less traffic than is generated by conventional development." The anticipated level of reduction was discussed on page 9 of Growing Cooler: The Evidence on Urban Development and Climate Change which states

"When viewed in total, the evidence on land use and driving shows that compact development will reduce the need to drive between 20 and 40 percent, as compared with development on the outer suburban edge with isolated homes, work places and other destination. It is realistic to assume 30 percent cut in VMT with compact development."

The City of Los Angeles Housing Element also acknowledges this relationship in Policy 2.2.3 A of the Housing Element which states

"Provide additional "trip credits" for residential development that is located in close proximity to Metro fixed rail and fixed guideway stations and transit stops with frequent (15 minute frequency or less between 7:00 am and 6:30 pm) bus service. Provide additional trip credits for mixed-use development and mixed income development located near transit. Reduce project required traffic mitigations".

Notwithstanding this policy, to provide the most conservative analysis LADOT did not factor in trip reductions consistent with these policies when outlining the scope of this project's traffic study.

Approval of the Zone Change also would promote good zoning practices by facilitating the development of a project well-positioned to accommodate the needs of a growing population in close proximity to transit lines and commercial corridors.

Based on the foregoing, the Zone Change promotes good zoning practices by unifying disparate and inconsistent zoning classifications into a coherent zoning pattern and by facilitating the development of a project that can maximize the ability of the residents and employees to reduce vehicles miles traveled by applying zoning to the site that is consistent with zoning of neighboring properties.

### Specific Plan Exceptions

- 3. That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.**

Strictly applying the Ventura-Cahuenga Boulevard Corridor Specific Plan's regulations relating to Height Limit, Floor Area, Lot Coverage, and Front Yard Setback requirements to this unique site creates practical difficulties for any development on this site. The site's configuration, its existing zoning, its location proximate to its surrounding commercial and residential uses and the Project's proposed use provide justification to deviate from regulations that impose these practical difficulties.

The subject site is an irregular-shaped property having only 3 borders instead of the four borders that frame most properties and development sites. The property is also isolated from single-family residential zones, which typically abut commercial development along

Ventura Boulevard. In contrast to most sites located in the Specific Plan, the subject site is not abutting or located across a locally designated street or alley from single family zoning. Rather, the site is separated from single family zoning by over 250 feet, including the width of Sepulveda Boulevard and the 150-foot deep R3 zoned parcels fronting on the east side of Sepulveda Boulevard. Sepulveda Boulevard, the eastern boundary, ranges between 100 to 104 feet in width over the site's 651-foot frontage. Sepulveda Boulevard's three travel lanes in each direction, curb parking on the east side and center turn lane create a significant buffer from the project site to the uses to the east. Camarillo Street, the site's southern border, is a locally designated street that extends only 382 feet to the west from Sepulveda Boulevard before ending at the 405 Freeway. It provides access to the corner motel, the Grand Apartments and the Sherman Oaks Galleria's 6-story parking structure and its service road that accesses loading docks and ultimately Ventura Boulevard. A curving and elevated freeway interchange from the northbound 405 Freeway to the eastbound 101 Freeway creates an 873-foot long northwest property boundary. The majority of this boundary is demarked by a 26-foot tall sound wall running the majority of its length. While this infill development site gains an advantage by its relative isolation from single family development, having an almost 3-story sound wall running along one property line creates practical difficulties and an unnecessary hardship.

The split zoning, consisting of (Q)CR-1L, (Q)P-1L, R3-1L and R1-1L zones, prevents a unified development. The subject site, therefore, is now mainly vacant and underutilized, and has languished in that condition for years due its outdated land use restrictions. Two of the four existing zoning designations, the R1 Zone (approximately 50% of the site) and P1 Zone (approximately 20% of the site), are inconsistent with the Community Plan's Regional Commercial land use designation. In addition to creating consistency between the General Plan and the site's zoning, the requested Zone Change would eliminate the "Q" conditions applicable to the now-demolished commercial structure and its surface parking. Although the current split-zoning configuration would be remedied by approval of the Applicant's Zone Change request, the underlying split zoning nevertheless represents a unique hardship in that the obsolete and inconsistent zoning has contributed to the underutilization of the site today.

The site's adjacency to commercial uses is also an important consideration relative to the requests. The site is in close proximity to 6.5 million square feet of commercial office space. In addition to a number of the jobs provided within that space, there are hundreds more jobs in the area's retail and service businesses. The proposed Project is appropriately locating housing density in a location which addresses Specific Plan traffic considerations.

The first purpose of the Specific Plan is to "assure that an equilibrium is maintained between the transportation infrastructure and the land use development." The site's proximity to a large employment node and quality transit creates an opportunity to further the goal of this equilibrium. As outlined in the Housing Element there is a defined need for housing to be provided throughout the City and in the Sherman Oaks area. If housing is not built on this site, it will be built elsewhere in the community. There are few, if any, locations able to achieve the trip reduction potential of the proposed site due to its proximity to jobs and transit. This proximity is important because it is very likely the future residents of these other sites would travel the same transportation corridors, but would not gain the value of the trip reduction opportunities provided by compact development. Transit adjacency is another important site consideration because this key transit intersection is served by three separate Rapid Bus lines providing high quality transit access to numerous regional job centers including the Van Nuys Government Center, Warner Center, Westwood Village/UCLA and Universal City. These Rapid Bus lines also connect with the very successful Orange bus line and Metro Rail Red transit line, further dramatically expanding

transit mobility. Consequently, this proposed Project in this location is better situated to promote the equilibrium between transportation infrastructure and land use development contemplated by the Specific Plan.

#### Floor Area

Strict enforcement of the Specific Plan floor area ratio for the site makes impractical the construction of a mixed-use development that maximizes the Specific Plan's equilibrium desires and the Federal, State and City's desires of locating housing near jobs and transit. The City's Housing Element highlights an "urgent need" to build housing in the City. It anticipates that Sherman Oaks can accommodate approximately 4,300 units over the course of the remaining seven-and-a-half years of the Housing Element period between January 2007 and June 2014. The subject site presents a unique opportunity to accommodate a substantial amount of this housing demand allocation. The site's proximity to jobs and transit makes it an ideal in-fill development site for a dense residential project. The project site is located close to employment opportunities and transit options located within  $\frac{1}{4}$  mile of the site. Due to the proximity to jobs and transit, this site offers an opportunity for the City to reduce vehicle miles traveled and create the desired transportation equilibrium. While other sites might be available and combine to provide the same housing benefit, there are few locations that so substantially and completely further the vision of reduced vehicle miles traveled. It is very likely the future residents of other sites less proximate to jobs and transit would travel the same transportation corridors. However, due to their distance from the employment node and the transit connections along Ventura Boulevard, those sites would not provide the compact development known to reduce vehicle miles traveled.

While the FAR allowed on the property would generate a substantial commercial (office or retail) development, such a development would neither address the area's housing needs nor the Specific Plan's equilibrium desire. Moreover, there is a market need for housing and some limited neighborhood-serving commercial uses in the area, but the same cannot be said for an office or large volume retail uses. The creation of large scale commercial development at this site, as would be consistent with the Specific Plan, would generate considerably more traffic trips than the proposed project. Additionally, a practical difficulty is imposed on a residential proposal at this site by an FAR limitation that impacts the ability to maximize housing created at this location. There is a relationship between compact development and trip reductions. Consequently, an increased FAR becomes appropriate if it furthers the stated goal of transportation equilibrium via vehicle miles traveled and the resulting trip reductions.

Strictly enforcing the floor area standards on a site that necessitates building a podium to deter the practical difficulties associated with an adjacent 26-foot sound wall would impose an unnecessary hardship by limiting the only viable use (multi-family residential) to a density that is not supportable and a design that is not practical. As demonstrated elsewhere in these findings, a podium is necessary to raise the base of the multi-family development above the curving and elevated freeway interchange and sound wall. This sound wall reaches 26 feet in height from finished grade following the majority of the arc along the freeway interchange and along the northwest border of the subject property. Building a podium is therefore necessary to overcome this unique site constraint.

Further, the strict adherence to the Specific Plan's floor area limitation of 1.5 to 1 is inconsistent with the General Plan's land use designation of Regional Center and the Community Plan's land use designation of Regional Commercial. Therefore, Denial of the requested exception would result in practical difficulties and unnecessary hardship inconsistent with the general purpose and intent of the Specific Plan.



### Height

The lengthy sound wall alongside the freeway interchange stands close to three stories tall creating practical difficulties for a residential development on this site. This wall restricts light and air along the site's longest boundary, negatively impacting the marketability of the first two or three residential levels if the residential development was built at grade. In order to compensate for practical problems created by this wall, the first level of residential needs to be elevated at or above the sound wall level. Consequently, the Applicant is proposing a podium design elevating the first residential level 26 feet above grade, equal to the height of the sound wall, thereby generating marketable units with ample light, air and views. Equally important to the need to locate the first residential level above the wall is the need to create a project which is sensitive to nearby residential uses.

Two-thirds of the proposed Project is designed with building heights consistent with the 75-foot height limit established by the Specific Plan. Within this 75-foot limit, six stories of residential component can be provided on top of the podium. However, the current proposal includes a stair-stepping design which removes the top two levels fronting along Sepulveda Boulevard in order to create a design sensitive to the surrounding community and consistent with the surrounding built environment.

Building atop the necessary podium while limiting height to 75 feet and providing the stair-stepping design compatible to the area would not result in a physically viable project. This is a practical difficulty arising from a unique physical hardship on-site. However, where the unique condition of one's property combined with an inability to use the property for the purposes of its existing zoning caused by the prevailing uses of surrounding property causes the financial hardship, an exception to the rule is permissible. Fortunately, this increased height can be accommodated on this atypical development site without creating negative impacts.

The height increase does not violate the spirit of the Specific Plan, which primarily is focused at limiting the impact of development on abutting single-family residential uses. Given the site's unique location, the additional requested height does not result in any shade/shadow impacts or privacy concerns on surrounding land uses, especially neighboring single family residents, which are removed at a minimum of 250 feet away from the project site. The site's distance from the single family zoned properties is one of the unique site characteristics and one that makes it atypical in the Specific Plan area, where most commercial developments are contiguous to single family residential properties. As designed, the Project's stair-stepping configuration responds directly to its built environment. The Sepulveda Boulevard frontage is designed with a 4-story structure consistent with the 4.5 levels associated with the Grand Apartments to the project's south. The building's height steps up as it transitions toward the site's center and rear. As a result, the increased heights are adjacent to the freeway interchange and the Sherman Oaks Galleria's multi-story parking structure.

The proposed building heights are consistent with or lower than many of the existing buildings in the area including the Galleria, its parking structure, the 16-story Comerica Bank building, the approximately 20-story National City Bank building, 13-story CitiBank Building as well as other structures found in the Regional Commercial area surrounding the intersection of Sepulveda and Ventura Boulevards (Exhibit D: surrounding height graphic). These nearby taller structures are consistent with the "Regional Center" land use designation in the General Plan Framework, which defines "Regional Centers" as characterized by 6- to 20-stories (or higher). As a result, the proposed project's height is consistent with the General Plan Framework, the Community Plan and the built

environment. As designed, the project's height would be located towards the center and rear of the site, as far away as possible from the single-family homes located east of Sepulveda Blvd. Based on the foregoing, strict application of the Specific Plan's height limit to the project would result in practical difficulties.

#### Lot Coverage

The proposed project is consistent with the spirit of the Specific Plan's goal to break up the mass of a development by establishing a lot coverage limitation. By breaking the mass of a project, an attractive and harmonious development is generated which is sensitive to its surrounding uses. This is especially important for the typical development site along the Ventura Boulevard Corridor which abuts or is very close to R1-zoned properties necessitating the need for a lot coverage limitation. The proposed project is atypical in that the closest R1 zoned properties are approximately 250 feet to the east and are separated from the project site by the width of Sepulveda Boulevard and the R3 zoned properties adjacent to the east side of Sepulveda Boulevard. While this project proposes lot coverage 3.5% greater than the 75% permitted, the podium design creates practical challenges related to this constraint.

The project site's irregular shape is defined by a long sound wall which creates practical challenges when developing the site with residential units. In order to address this development constraint, the Applicant is proposing the construction of a parking podium in order to elevate the first level of residential above the sound wall. As a result, the podium design limits the amount of ground level area which can be left completely open to the sky, but the project achieves the massing modulation intent of the Specific Plan and provides a significant amount of open space on its podium level.

By creating a smaller podium, and thus reducing the lot coverage, practical difficulties are created for the project. A smaller podium could impact the design of the project in a variety of ways. One impact of a smaller podium would be to reduce the open space areas located on the podium which would reduce the large spacious open areas planned for the development. In addition, by raising the usable open space to the podium level, there is greater light access and a reduced impact of traffic noise. As planned, these courtyard areas provide ample light and air for not only the open areas but also for the residential units. A smaller podium would narrow the open space areas by moving the building (fingers) closer together which in turn would increase the difficulty of protecting each resident's privacy within their respective units. A final design response could be a reduction in the number of units.

As proposed, the project mass is broken along its vertical and horizontal planes to such a degree that it creates consistency with the spirit of the lot coverage limitation. The project's Sepulveda Boulevard frontage is developed with a spacious, publicly accessible 13,000-square foot Public Plaza that creates building setbacks ranging from 18 inches along the neighborhood retail uses, to 10 feet in front of the proposed grocery store and up to 70 feet at the Plaza's depth. This Plaza exceeds any publicly accessible open space within the Specific Plan, including the approximately 9,000 square foot open space provided by the Sherman Oaks Galleria. Vertically, the project provides a variety of building heights by stair-stepping the building heights along various locations on the site. Further breaking up the mass of the project is more than 60,000 square feet of open space gardens located on top of the podium. Without consideration of the open space on the podium, the project slightly exceeds the 75% prescribed by the Specific Plan. If this podium level open space area, which significantly breaks up the mass of the building, could be included in the lot coverage calculation, it would reduce down to approximately 60%. Even without those

areas, the proposed Project is consistent with the Specific Plan's lot coverage intentions and only slightly exceeds the defined limitation. As it stands, the requested maximum lot coverage of 78.5% at grade is an otherwise minor increase of the lot coverage necessitated by the project site's unusual circumstance. The site's configuration, its location proximate to its surrounding uses and the Project's proposed use provides justification to deviate from a regulation that in this case imposes an unnecessary hardship.

#### Front Lot Line Setback

The Specific Plan imposes a maximum 10-foot front yard setback to create a pedestrian friendly development, which places active and attractive uses along pedestrian corridors in an attempt to foster greater pedestrian activity. In certain areas of the Specific Plan, the City has created Pedestrian Oriented areas, which utilize a set of design standards facilitating pedestrian comfort. While the project site is immediately north of the Pedestrian Oriented District near the Sherman Oaks Galleria, the proposed mixed-use project is a natural extension of the area and proposes pedestrian friendly improvements. The Applicant is proposing a series of improvements to enhance the pedestrian realm, including the creation of a large Public Plaza that will prove inviting to area residents and workers.

The Applicant agreed to submit to the Department of Public Works for their review and approval a Pedestrian, Streetscape and Transit Enhancement Plan providing pedestrian, streetscape and transit enhancements to promote consistency with the neighboring Sherman Oaks Streetscape and Design Plan which fosters a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales.

The inclusion of the above-referenced pedestrian amenities still allows the Project to comply with the setback requirements along most of the Sepulveda Boulevard frontage. However, it does prohibit a key feature of this enhanced pedestrian environment: the Public Plaza. Strict compliance would not permit the expansive 13,000-square-foot open plaza. The Public Plaza, which became larger as a result of community input during the public outreach process. This amenity would provide a more pedestrian friendly project that enhances the streetscape, consistent with the purpose and intent of the Specific Plan.

A practical difficulty is created on the Project by the strict implementation of the Specific Plan's 10-foot maximum setback requirement. This becomes an unnecessary hardship in that it does not allow the Project to provide an amenity which promotes pedestrian activity envisioned in the area. As a result, the Applicant is requesting to exceed the 10-foot front yard setback by 59 feet for 137 lineal feet of the project's approximate 461-lineal foot Sepulveda Boulevard frontage to accommodate portions of the approximately 13,000-square foot Public Plaza, which is approximately 69 feet deep and approximately 137 feet wide. Strict application of the Specific Plan's front yard setback would prohibit the Applicant from providing the desired Public Plaza, thereby eliminating this publicly accessible open space amenity that serves to activate pedestrian activity as proposed by the Specific Plan. Notably, Purpose H of the Specific Plan seeks to "promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion." This purpose would not be achieved by strict adherence to the front yard setback, as the result would be the elimination of an attractive project feature that enhances pedestrian activity.

4. **That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to the other property in the plan area.**

#### Site Configuration and Location

The subject site is an irregular shaped property having only 3 borders instead of the four borders that frame most properties and development sites. At approximately 196,673 square feet (4.5 acres) of pre-dedicated lot area, the site is larger than the vast majority of the sites in the Regional Commercial land use designation of the Specific Plan. It is the only such site that is adjacent to a nearly 3-story, 26-foot tall sound wall running along the majority of its longest border, which negatively impacts the site's light and air circulation. Its northwestern boundary stretching from the southwestern portion of the project all the way to the northeastern portion is a curved shape outlining the interchange connection between the 405 and the 101 Freeways. The arc boundary creates a site planning constraint atypical of other properties in the Specific Plan area. Also, while the vast majority of the property in the Specific Plan area is within 350 feet of Ventura Boulevard, the focal point of the Specific Plan, the closest portion of this site is 1,330 feet from Ventura Boulevard and it extends northward an additional 500 feet. In addition, in contrast to most of the Specific Plan sites, the subject site is not abutting or located across a locally designated street or alley from single family zoning. In this particular case the site is separated from R1 zoned properties by over 250 feet including the width of Sepulveda Boulevard and the 150-foot deep R3 zoned parcels fronting the east side of Sepulveda Boulevard.

#### Existing Zoning

The split zoning, consisting of (Q)CR-1L, (Q)P-1L, R3-1L and R1-1L zones, has prevented redevelopment of this site. The subject site is under-utilized and has remained vacant for a number of years. Two of the four existing zoning designations, the R1 Zone (approximately 50% of the site) and P1 Zone (approximately 20% of the site) designations, are inconsistent with the Community Plan's Regional Commercial land use designation. R1 zoned lots, approximately 35 in all, are very rare in the 17-mile long Specific Plan. Forty five percent (or 15) of the R1 zoned lots are located on the project site and these are the only R1 zoned lots with a Regional Commercial land use designation in the Specific Plan. In addition to creating consistency between the General Plan and the site's zoning, the requested Zone Change would eliminate the "Q" conditions applicable to the now-demolished commercial structure and its surface parking. Although the current split-zoning configuration will be remedied by approval of the Applicant's Zone Change request, the underlying split zoning nevertheless represents an exceptional circumstance in that the obsolete and inconsistent zoning has contributed to the underutilization of the site today.

#### Surrounding Built Environment

The site's adjacency to commercial uses, including numerous jobs, employment centers, retail centers, and public transit options, also creates an exceptional circumstance relative to the requests. The site is in close proximity to 6.5 million square feet of commercial office space. In addition to all of the jobs provided within that space, there are hundreds more jobs in the area's retail and service businesses. Adjacency to mass transit options is another important site consideration. The project is within ¼ mile of the intersection of Ventura and Sepulveda Boulevards where major bus routes are located. This key transit intersection is served by three separate Rapid Bus lines providing high quality transit access to regional jobs centers including the Van Nuys Government Center, Warner Center, Westwood Village/UCLA and Universal City. These Rapid lines also connect with

the very successful Orange bus line and Metro Rail Red transit line, further expanding transit mobility.

The combination of the considerations outlined above creates a special set of circumstances that are not applicable to any other properties in the area.

5. **That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan are in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The special circumstances, practical difficulties, and unnecessary hardships applicable to this site are set forth above. Therefore, exceptions from the Specific Plan are necessary for the preservation and enjoyment of a substantial property right possessed by properties within the Specific Plan area in the same zone and vicinity. The site is and has been significantly underutilized for years in relationship to other uses in the area and the site's land use designations. A fundamental property right enjoyed and generally possessed by every other property in the area is to put property to practical use.

Practical use of this property is limited in many respects because the area is already saturated with retail centers and office space. Additionally, an all commercial use would generate far more vehicle trips than would the Project, even if proposed only at the 1.5 to 1 FAR limit. When these factors are combined with the housing needs outlined in the City's of Los Angeles Housing Element, it becomes clear a mixed-use project focused on residential uses is most appropriate land use for the property.

#### Floor Area

Strictly enforcing the floor area standards on a site that necessitates building a podium to escape the practical difficulties generated by a 26-foot sound wall would impose an unnecessary hardship by limiting the most viable use (multi-family residential) to a density that is not supportable and a design that is not practical. As previously discussed, multi-family residential development is the appropriate use on this site. A podium is necessary to raise the base of any multi-family development above the curving and elevated freeway interchange and sound wall. This sound wall reaches 26 feet in height from the property site grade following the majority of the arc of the freeway interchange along the northwest border of the subject property. Building a podium is therefore necessary to overcome the practical difficulty generated by the sound wall. The Specific Plan floor area limitation of 1.5:1 does not provide enough floor area to offset the construction cost of the podium design, creating an unnecessary hardship on the site.

#### Height

The construction of the proposed project faces practical difficulties when creating a marketable residential development. As outlined previously, the extended elevated freeway interchange and its high sound wall creates a hardship in that it restricts light and air which are essential elements of a successful residential project. In order to compensate for practical problems created by this wall, the first level of residential needs to be elevated at or above the sound wall level. In order to achieve this, the Applicant is proposing a podium design to elevate the first residential level 26 feet up in the air above the interchange and its sound wall. The project site's adjacency to a freeway interchange

with a high sound wall barrier is a special circumstance not shared by other properties in this vicinity, and as a result, an exception from the specific plan's height limit is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity.

The height increase is consistent with the spirit of the Specific Plan which strives to limit the impact of development on abutting uses which are typically single family residential uses. This site is uniquely located in its ability to accept increased heights without creating any direct shade/shadow or privacy concerns on surrounding land uses, especially neighboring single family residents, which are removed at a minimum of 250 feet away from the project site. The site's distance from the single family zoned properties is one of the unique site characteristics and one that makes it atypical in the Specific Plan area, where most commercial developments are contiguous to single family residential properties. As designed the Project's stair-stepping configuration responds directly to its built environment. As a result, the increased heights are adjacent to the freeway interchange and the Sherman Oaks Galleria's multi-story parking structure. The proposed building heights are consistent with or lower than many of the existing buildings in the area including the Galleria, its parking structure, the 16-story Comerica Bank building, the approximately 20-story National City Bank building, 13-story CitiBank Building as well as other structures found in the Regional Commercial area surrounding the intersection of Sepulveda and Ventura Boulevards. Therefore, due to the special circumstances and practical difficulties generated by the 26-foot sound wall, a height increase is justified in order avoid an unnecessary hardship and to maintain a substantial property right possessed by other property within the Specific Plan area.

#### Lot Coverage

The proposed project is consistent with the spirit of the Specific Plan's desire to break up the mass of a development by establishing a lot coverage limitation. By breaking the mass of a project, an attractive and harmonious development is generated which is sensitive to its surrounding uses. This is especially important as many development sites along the Ventura Boulevard Corridor abut or are very close to R1-zoned properties that necessitate the need for a lot coverage limitation. The proposed project is not proximate to single family residences on R1 zoned properties, as the nearest R1 zoned parcels are approximately 250 feet to the east, buffered from the project site by the width of Sepulveda Boulevard and the R3 zoned properties fronting on the east side of Sepulveda Boulevard. While this project proposes lot coverage 3.5% larger than the 75% permitted, the podium design creates practical challenges related to this constraint.

As previously discussed, the project site's irregular shaped border is defined by a long sound wall and elevated freeway interchange which creates special circumstances and practical challenges when developing the site with residential units. In order overcome the hardship created by this development constraint, the Applicant is proposing the construction of a parking podium elevating the first level of residential above the sound wall. As a result, the podium design limits the amount of ground level area which can be left completely open to the sky, but the project achieves the massing modulation intent of the Specific Plan.

A smaller podium could impact the design of the project in a variety of ways, each of which has negative implications. One impact of a smaller podium would be to reduce the open space areas located on the podium which would negatively impact the large open areas designed for the project. In addition, by raising the usable open space to the podium level, there is greater access to light which makes the linear courtyards more pleasant and

usable. The elevated podium also reduces the impact of the traffic noise. As planned these courtyard areas provide ample light and air for not only the open areas but also for the residential units. A smaller podium would narrow the open space areas by moving the building (fingers) closer together which in turn would increase the difficulty of protecting each resident's privacy within their respective unit. A final design response could be a reduction in the number of units.

The project mass is broken along its vertical and horizontal planes to such a degree that it creates consistency with the lot coverage limitation. The project's Sepulveda Boulevard frontage is developed with a spacious, publicly accessible 13,000-square foot Public Plaza that creates building setbacks ranging from 18 inches along the neighborhood retail uses, 10 feet in front of the proposed grocery store and up to 70 feet at the Plaza's depth. Vertically, the project provides a variety of building heights by stepping the building heights at various locations on the site. Further breaking up the mass of the project is the extensive, more than 60,000 square feet of open space gardens located on top of the podium. Without consideration of the open space on the podium, the project slightly exceeds the 75% maximum lot coverage prescribed by the Specific Plan. If this open space area, which effectively breaks up the mass of the building, could be included in the lot coverage calculation, it would reduce down to approximately 60%. Even without those areas, the proposed project is consistent with the Specific Plan's spirit in that the project's massing is modulated and only exceeds the maximum lot coverage requirement by a small, reasonable amount. Therefore, the site's configuration and adjacency to a freeway interchange with a high sound wall create special circumstances and practical difficulties such that an exception to the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity.

#### Front Lot Line Setback

The Specific Plan imposes a maximum 10-foot front yard setback in a desire to create a pedestrian friendly development which places active and attractive uses along pedestrian corridors in an attempt to foster greater pedestrian activity and lesser use of vehicles. In certain areas, the City has created Pedestrian Oriented areas which utilize a set of design standards facilitating pedestrian comfort. While the project site is immediately north of the Sherman Oaks Galleria and its Pedestrian Oriented area, the proposed mixed-use project is a natural extension of the area and is proposing pedestrian friendly improvements. The project is proposing a series of improvements to enhance the pedestrian realm, including the creation of a large Public Plaza that will prove inviting to area residents and workers.

The Applicant agreed to submit to the Department of Public Works for their review and approval a Pedestrian, Streetscape and Transit Enhancement Plan to provide pedestrian, streetscape and transit enhancements to promote consistency with the neighboring Sherman Oaks Streetscape and Design Plan which fosters a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales.

The inclusion of the above-referenced pedestrian amenities still allows the Project to comply with the setback requirements along most of the Sepulveda Boulevard frontage. However, it does prohibit a key feature, requested by the community, of this enhanced pedestrian environment: the Public Plaza. Strict compliance would not permit the expansive 13,000-square-foot open plaza. The Public Plaza, which became larger at the

request of the community during the public outreach process, has been very well received in the community and is an expected design feature. The amenity would provide a more pedestrian friendly project that enhances the streetscape, consistent with the purpose and intent of the Specific Plan.

An unnecessary hardship is created on the Project by the strict implementation of the Specific Plan's 10-foot maximum setback requirement. This becomes a practical difficulty in that it does not allow the Project to provide a publicly accessible Plaza which promotes pedestrian activity in the area. The Approval of an increased setback to allow for the Public Plaza is well supported in the community and consistent with the Specific Plan's goal to activate and beautify the pedestrian environment. To facilitate a pedestrian friendly environment, the Applicant is requesting to exceed the front yard setback by 59 feet for 137 lineal feet of the project's approximate 461-lineal foot Sepulveda Boulevard frontage to accommodate portions of the approximately 13,000-square foot Public Plaza, which is approximately 69 feet deep and approximately 137 feet wide. This proposed Public Plaza will be a significant amenity feature for both residents and members of the local community, and should enhance pedestrian activity along Sepulveda Boulevard.

Strict application of the Specific Plan's front yard setback would prohibit the Applicant from providing the desired Public Plaza, thereby eliminating this publicly accessible open space amenity that serves to activate pedestrian activity as proposed by the Specific Plan. Notably, Purpose H of the Specific Plan seeks to "promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion." This purpose would not be achieved by strict adherence to the front yard setback, as the result would be the elimination of an attractive project feature that enhances pedestrian activity.

The Approval of an increased setback to allow for the Public Plaza is well supported in the community and is, in part, necessitated by special circumstances and practical difficulties created by the elevated freeway interchange. In order to successfully develop this site the project requires Exceptions from the Specific Plan, which are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity. In exchange for these exceptions, the Applicant has proposed certain conditions including a community gathering point created by the proposed Public Plaza, which will serve as a beneficial amenity for neighborhood residents and should enhance pedestrian activity along Sepulveda Boulevard

As outlined above, there are special circumstances and practical difficulties created by the freeway interchange and sound wall which are not applicable to other properties in the area which justify these requests.

6. **That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.**

Granting the requested exceptions will not be detrimental to the public welfare or injurious to the property or improvements in the area. The proposed development, a mixed-use project focusing most of its floor area towards residential floor area, would enhance the site, while generating fewer trips than many of the permitted alternatives and move the City closer toward the Policy goals of reducing vehicle miles traveled. Granting the requested exceptions will allow for a cohesive, architecturally attractive, mixed-use project proximate to public transit, job centers, entertainment, and retail uses.



The proposed Project would not only clean up a less than attractive site, which has been underutilized due to its disjointed zoning pattern, it will also provide aesthetic enhancement to the area. It is proposing a 13,000-square foot Public Plaza, streetscape improvements within the public right-of-way promoting pedestrian activity and beautifying a neglected island of public right-of-way. The Public Plaza would contain extensive landscape and hardscape improvements creating a community gathering point in front of the Project, easily accessible to pedestrians along Sepulveda Boulevard. In conjunction with this Plaza the Applicant is proposing improvements to the public right-of-way fronting the project consistent with the Sherman Oaks Streetscape and Design plan. Even though the Sherman Oaks pedestrian area stops short of this property, the Applicant desires to promote pedestrian activity along Sepulveda Boulevard to Ventura Boulevard. If permitted by the Bureau of Engineering, the intent will be to create a seamless design from curb to building. The design will include paving, landscaping and street furniture consistent with the plans for Pedestrian Oriented areas in the Specific Plan. Additionally, the Applicant will work with the Department of Public Works to improve and maintain a neglected island of public right-of-way bound by Camarillo Street, North Sepulveda Boulevard, Sepulveda Boulevard and Moorpark Street with a consistent landscape theme. This project is also proposing articulations to its massing with vertical and horizontal variations to promote consistency with its surrounding environment. The Sepulveda Boulevard frontage is designed with a 4-story structure consistent with the 4.5 levels associated with the Grand Apartments to the project's south. Vertical variations are created as the building steps up towards the site's center and rear. Podium level landscaping will be visible from Sepulveda Boulevard, thereby providing additional relief and texture to the design. Horizontal articulation of the project is provided by the inclusion of the Public Plaza which pushes a large portion of the building's Sepulveda Boulevard Street frontage approximately 70 feet from the property line. All of these improvements combine to promote the public welfare and enhance the aesthetic of the area.

The surrounding area already experiences heavy peak period traffic. Consequently, any proposed project at this site must respond to this existing traffic conditions and a mixed-use project is the most appropriate type of development to address this concern with traffic congestion.

The proposed project would generate less than half the daily trips that would be generated by a big box retail development on the site, developed in compliance with the Specific Plan's floor area ratio and height requirements. Even a mixed-use project, consistent with the Specific Plan's mixed-use definition and consisting of a floor area equal to 1.5:1, would generate approximately 1,000 more trips than the proposed project, while providing approximately half of the residential unit density.

The proposed mixed-use project not only creates fewer trips than many alternatives, it would locate density near a large employment node allowing residents the opportunity to live closer to their work. At a minimum, the proximity could allow a reduction in vehicle miles traveled as their commuting miles are reduced, but it could also allow residents to use transportation alternatives including walking, biking and public transportation. The site's proximity, less than a ¼ mile, to the transportation corridor of Ventura Boulevard would allow residents to relatively easily walk to this employment center or to the three Rapid bus stops which provide mobility to a variety of other job centers.

The Project is proposing an extensive Transportation Demand Management ("TDM") plan that will encourage residents and retail employees to utilize alternative transportation modes to the single occupancy motor vehicle. In concert with this effort, the Applicant is proposing that a portion of its Project Impact Assessment Fee be used to create an area wide Transportation Management Organization/Association ("TMO"). The TMO has the

ability to incorporate a larger number of area businesses and their employees into a TDM program focused on reducing some of the existing trips in the area.

The implementation of a Transportation Demand Management plan, along with the project's proximity to many transit options, would result in a project that will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.

#### Floor Area

The approval of a floor area ratio increase for the site will not be harmful to the public welfare or injurious to the properties in the area because the construction of a mixed-use development promotes both the Specific Plan's transportation equilibrium goals and the Federal, State and City's goals of locating housing near jobs and transit. As outlined by the City's Housing Element there is an "urgent need" for housing and it anticipates that Sherman Oaks can accommodate approximately 4,300 units over the course of its January 2007 to June 2014 timeframe. The subject site presents a unique opportunity to accommodate a substantial amount of this housing demand allocation while creating consistency with current Planning policies without injury to the surrounding properties.

The site's proximity to jobs and transit makes it an ideal in-fill development site for a dense residential project. Locating a substantial amount of residential units close to thousands of jobs and public transit opportunities offers a potential to reduce vehicle miles traveled in the area. The proposed Project is intended to address both the Housing Element and Specific Plan goals and purposes, as well as make economic use of the property, through a mix of residential and community-serving commercial uses. While the FAR allowed on the property would generate a substantial commercial (office or retail) development, such a development would not address the housing needs or the Specific Plan's desire for equilibrium between the transportation infrastructure and land use development in the Ventura Boulevard Corridor. Moreover, there is a market need for housing and some limited neighborhood-serving commercial uses in the area, but the same cannot be said for a floor area compliant office or large volume retail use. Consequently, increasing the residential floor area of a project located near jobs and transit promotes the public welfare because it addresses an urgent housing need and furthers the stated goal of transportation equilibrium via the reduced vehicle miles traveled.

#### Height

Due to the site's location and the design of the project, the granting of a height exception will not be harmful to the public welfare or injurious to the property or improvements in the area. The height increase is consistent with the spirit of the Specific Plan which strives to limit the impact of development on abutting uses which are typically single-family residential uses. The proposed design also moves the mass of the majority of the height increase to the center and rear of the project.

This site is uniquely located in its ability to accept increased heights without creating any direct shade/shadow or privacy concerns on surrounding land uses, especially neighboring single family residents. As designed, the proposed height of the building would be located toward the center and rear of the site, as far away as possible from the single-family homes located east of Sepulveda Boulevard. Sepulveda Boulevard, developed at a 104-foot right-of-way, creates a larger buffer between the first residential uses, located in an R3 Zone, and another 150 feet further away still from the first single family zoned properties. The mixed-use project is designed to achieve a high level of quality and to be compatible with the existing uses of the surrounding built environment

As designed, the Project's stair-stepping configuration responds directly to its built environment. The Sepulveda Boulevard frontage is designed with a 4-story structure consistent with the 4.5 levels associated with the Grand Apartments to the project's south. The building's height steps up as it transitions toward the site's center and rear. As a result, the increased heights are adjacent to the freeway interchange and the Sherman Oaks Galleria's multi-story parking structure, where any potential impacts of the increased height would not be detrimental to the public welfare or injurious to the property or improvements adjacent to the subject property. The proposed building heights are consistent with or lower than many of the existing buildings in the area including the Galleria, its parking structure, the 16-story Comerica Bank building, the approximately 20-story National City Bank building, 13-story CitiBank Building as well as other structures found in the Regional Commercial area surrounding the intersection Sepulveda and Ventura Boulevards. These nearby taller structures are consistent with the "Regional Center" land use designation in the General Plan Framework, which defines "Regional Center" as characterized by 6- to 20-stories (or higher). As a result, the proposed project's height is consistent with the General Plan Framework, the Community Plan and the built environment.

In order to compensate for practical problems created by the CalTrans soundwall, the first level of residential needs to be elevated at or above the sound wall level. In order to achieve this, the Applicant is proposing a podium design to elevate the first residential level 26 feet up in the air above the freeway interchange and its sound wall. The project site's adjacency to a freeway interchange with a high sound wall barrier is a special circumstance and as a result an exception from the specific plan's height limit can be provided without injuring the surrounding property or being detrimental to the public welfare.

#### Lot Coverage

The granting of this lot coverage exception will not harm the public welfare or be injurious to the surrounding community due to its compatibility with the spirit of the Specific Plan's desire to break up the mass of a development. By breaking up the mass of a project, an attractive and harmonious development is generated which is sensitive to its surrounding uses. The typical development site along the Ventura Boulevard Corridor abuts or is very close to R1-zoned properties, thereby necessitating the need to impose a lot coverage limitation. The proposed project is not proximate to single family residences on R1 zoned properties; as highlighted previously the nearest R1 zoned parcels are approximately 250 feet to the east, buffered from the project site by the width of Sepulveda Boulevard and the R3 zoned properties fronting on the east side of Sepulveda Boulevard. The proposed project is surrounded by land uses which will not be impacted by the 3.5% increase in lot area coverage. The vast majority of this triangular shaped site is surrounded by two freeways, the Sherman Oaks Galleria's multi-story parking structure as well as Sepulveda Boulevard.

While this project proposes lot coverage 3.5% larger than the 75% permitted, it is because of the podium design that strict compliance cannot be achieved. However, the project mass is broken along its vertical and horizontal planes to such a degree that it creates consistency with the spirit of the regulation. The project's Sepulveda Boulevard frontage is developed with a spacious 13,000-square foot Public Plaza that creates building setbacks ranging from 18 inches along the neighborhood retail uses, 10 feet in front of the proposed grocery store and up to 70 feet at the Plaza's depth. Further breaking up the mass of the project is more than 60,000 square feet of open space gardens located on top of the podium. Without consideration of the open space on the podium, the project slightly

exceeds the 75% maximum lot coverage prescribed by the Specific Plan. The proposed project is consistent with the Specific Plan's spirit in that the project's massing is modulated and only exceeds the maximum lot coverage requirement by a small margin. Therefore, the site's configuration and adjacency to a freeway interchange with a high sound wall creates a circumstance requiring a podium design which limits the Applicant's ability to be 100% consistent with the regulation. However, the project location and its design ensure that the public welfare is protected and that surrounding properties are not injured.

#### Front Lot Line Setback

A Specific Plan exception from the maximum 10-foot front yard setback facilitates the creation of a pedestrian friendly development that promotes the public welfare and would not be injurious to the surrounding community. In certain areas, the City has created Pedestrian Oriented areas which utilize a set of design standards facilitating pedestrian comfort. While the project site is immediately north of the Sherman Oaks Galleria and its Pedestrian Oriented area, the proposed mixed-use project is a natural extension of the area and proposes pedestrian friendly improvements consistent with that Sherman Oaks Streetscape and Design Plan. The Applicant is proposing a series of improvements to enhance the pedestrian realm, including the creation of a large Public Plaza that will prove inviting to area residents and workers.

The Applicant agreed to submit to the Department of Public Works for their review and approval a Pedestrian, Streetscape and Transit Enhancement Plan to provide pedestrian, streetscape and transit enhancements to promote consistency with the Sherman Oaks Streetscape and Design Plan which fosters a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales.

The inclusion of the above-referenced pedestrian amenities allows the Project to comply with the setback requirements along most of the Sepulveda Boulevard frontage. However, it does prohibit a key feature, requested by the community, of this enhanced pedestrian environment: the Public Plaza. Strict compliance would not permit the expansive 13,000-square-foot open plaza. The Public Plaza, which became larger as part of the public outreach process, is an expected design feature. The amenity would provide a more pedestrian friendly project that enhances the streetscape, consistent with the purpose and intent of the Specific Plan. To facilitate a pedestrian friendly environment, the Applicant is requesting to exceed the front yard setback by 59 feet for 137 lineal feet of the project's approximate 461-lineal foot Sepulveda Boulevard frontage to accommodate portions of the approximately 13,000-square foot Public Plaza, which is approximately 69 feet deep and approximately 137 feet wide. This proposed Public Plaza will be a significant amenity feature for both residents and members of the local community.

Strict application of the Specific Plan's front yard setback would prohibit the Applicant from providing the desired Public Plaza, thereby eliminating this publicly accessible open space amenity that serves to activate pedestrian activity as proposed by the Specific Plan. Notably, Purpose H of the Specific Plan seeks to "promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion." This purpose would not be achieved by strict adherence to the front yard setback, as the result would be the elimination of an attractive project feature that enhances pedestrian activity.

This requested exception for the front yard setback permits an amenity that fosters the public welfare because it promotes pedestrian activity and consequently, cannot be construed to be injurious to the property or improvements adjacent to or in the vicinity of the subject property.

**7. That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.**

The granting of the exceptions will be consistent with the principles, intent and goals of the Ventura-Cahuenga Boulevard Corridor Specific Plan, the General Plan Framework, the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, and applicable elements of the General Plan. The requested exceptions will result in a more aesthetic design and in a development appropriate for the immediate area. The Applicant is committed to creating a dynamic and visually appealing development that improves the conditions of the site and improves the character of the surrounding area.

Specific Plan

The Specific Plan designates the site with a "Regional Commercial" land use designation which is defined in the plan as:

"A land use designation in the Community Plan which is a focal point of regional commerce, identity and activity and containing a diversity of uses, such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services."

Purpose Statement A of the Specific Plan, which provides: "*To assure that an equilibrium is maintained between the transportation infrastructure and land use development in the Corridor...*"

This statement creates a challenge for any development of this infill site due to its proximity to a heavily traveled intersection of Ventura Boulevard and Sepulveda Boulevard. This intersection is heavily traveled not only because it is surrounded by a large employment node containing approximately 6.5 million square feet of commercial office spaces, numerous retail, entertainment and services jobs in the area, but also because it is choke point between the San Fernando Valley's low density residential communities and the job-rich Westside of Los Angeles and its surrounding Cities.

If one is to develop a use which is consistent with the Specific Plan's vision for the land use category, is financially feasible and helps achieve equilibrium between transportation and land uses in the area, a high density mixed-use project appears to be the best use for the site. This is because the proposed mixed-use residential development generates significantly fewer trips than even a Specific Plan compliant mixed-use project much less a commercial use built to the 1.5:1 FAR standard. Additionally, the proximity of the employment node and the three Rapid Bus lines creates transit opportunities for residents. As outlined in other sections provided herein, the proposed use is consistent with the vision for the area, generates fewer trips than other permitted uses, has the ability to reduce some trips already coming into the area, and addresses housing needs.

Purpose Statement D: *To assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area.*

As evidenced in prior Findings, the area is developed with various commercial uses including 6.5 million square feet of commercial office space and numerous retail establishments along Ventura Boulevard. Based on the volume of empty storefronts and shuttered businesses and on market studies discussed in applicant's filing, the commercial (retail and office) rental markets are struggling. Apparently, there is not enough business in the area to maintain typical occupancy rates within many of these establishments. Even if there were sufficient demand to fill the existing uses, locating substantially more commercial uses on the project site would not advance Purpose Statement D. The Community has expressed that it already feels overburdened by traffic in part because there is such a large commercial node in the area that is a regional draw and because the area is a conduit from the low density residential development of the San Fernando Valley to the job-rich Westside of Los Angeles. Consequently, meeting the area's housing demand and providing more local consumers to patronize local businesses through a site that can provide the best opportunities to reduce vehicle trips through transit and walking and also providing neighborhood-serving uses on-site helps to capture the balance sought by this Specific Plan purpose. In particular, the Project's new residents would lead to an increased demand for the commercial services in the area, and the Project would not exacerbate the over-saturation of the commercial market.

Purpose Statement G: *To enhance the plan area landscaping by providing guidelines and a process for a coordinated landscaping program of public and private property for the Specific Plan's communities.*

The Project would provide approximately 93,500 square feet (or 2.15 acres) of public and private open space, which exceeds its requirement by approximately 48,000 square feet (or 1.1 acre). This open space includes an approximately 13,000 square foot public plaza and other pedestrian-oriented improvements planned for the Sepulveda Boulevard frontage, providing an inviting community gathering point with direct access into the project's commercial uses.

While not technically applicable to the site, the Project would use the Sherman Oaks Streetscape and Design Plan as a baseline to design the publicly accessible space of the project. The project has also agreed to landscape and maintain, with the approval of the Department of Public Works, an neglected island of public right-of-way paralleling Sepulveda Boulevard from Camarillo south to Moorpark. The combination of the two areas would create a uniformed entry into Sherman Oaks from the north.

Additionally, the Project would provide approximately 61,500 square feet (1.5 acres) of common open space, in addition to the Public Plaza, on the project's podium level. The buildings rising from the podium are arranged around a central park with three finger-shaped open spaces connecting the central park to Sepulveda Boulevard and Camarillo Street. As requested by the Community, the landscaping within these fingers would be visible from Sepulveda Boulevard and in some cases cascade over the podium edge.

The proposed project includes an enhanced landscaped plan, on-site and off-site, which is based on the City's Sherman Oaks Streetscape and Design Plan.

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

While the project is just outside a Pedestrian Oriented District, it is being designed with many of the design features envisioned for such a district. The Applicant agreed to submit to the Department of Public Works for their review and approval a Pedestrian, Streetscape and Transit Enhancement Plan to provide pedestrian, streetscape and transit

enhancements to promote consistency with the neighboring Sherman Oaks Streetscape and Design Plan, with the objective of fostering a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales.

The Project is within walking distance of three MTA Rapid Bus lines, providing express service to numerous job centers and a variety of local bus lines that can also be accessed at the intersection of Sepulveda and Ventura Boulevards.

The Project is consistent with the principles, intent and goals of the Specific Plan. However, to be consistent with the site's governing Plans, the Applicant requests approval for the discretionary requests, including Exceptions, discussed in this application.

#### General Plan Framework

The General Plan's Regional Center designation, applicable to this site, is applied to "higher-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City." Generally, Regional Center designations will offer floor area ratios ranging up to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the community plan. While not as intense as the City's vision for the land use designation, the Il Villaggio Toscano project's residential intensity provides realistic opportunities to reduce vehicle miles traveled in the City. This project locates housing density near a significant number of jobs as well as entertainment and retail uses. Additionally, the Project's neighborhood-serving retail uses create a new amenity within walking distance of existing area residents and employees. According to the General Plan, Regional Centers typically provide a significant number of jobs and many non-work destinations that generate and attract a high number of vehicular trips. Additionally, Regional Centers are usually major transportation hubs. Consequently, each center is intended to provide extensive transit opportunities and transportation alternatives. The project site is located within ¼ mile of a major jobs center well-served by public transit. The proposed mixed-use project, with higher density residential units, is compatible with the General Plan's land use designation of Regional Center, which seeks to locate more intense housing in proximity to jobs and public transit.

#### Community Plan

The Community Plan designates the site as Regional Commercial. As defined in the Specific Plan, the "Regional Commercial" land use designation in the Community Plan is a focal point of regional commerce, identity and activity and containing a diversity of uses, such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities, and supporting services. The Community Plan highlights the area as "mixture of diverse office uses, retail and service activities. This density of jobs creates a perfect opportunity to reduce vehicle miles traveled by locating residential units within walking distance of an employment center.

The Community Plan identifies several issues and opportunities for residential uses in the Sherman Oaks area. In order to address those issues and opportunities, the Community Plan includes the following Policies:

*1-2.1 Locate higher residential densities near commercial centers, rail transit stations and major bus routes where public services facilities, utilities and topography will accommodate this development.*

From a residential perspective, the proposed project would locate housing in a manner which reduces vehicular trips and makes it accessible to services and facilities and with access to transit. The project site is located proximate to 6.5 million square feet of commercial office space and numerous retail and entertainment uses consistent with the area's Regional Center/Commercial land use designations. These uses provide numerous opportunities for residents to walk to work, as well as to easily access shopping and recreational opportunities. For those individuals that cannot walk to work, the site offers numerous transit opportunities within easy walking distances. This site is located along Sepulveda Boulevard (a Major Highway) which is serviced by three MTA Rapid Bus at its intersection with Ventura Boulevard providing transit mobility to numerous regional job centers.

*1-2.2 Encourage multiple residential development in commercial zones.*

While only a portion of this site is currently zoned commercial, the entire site is designated for Regional Commercial land uses by the General Plan Framework (Regional Center) and the Community Plan/Specific Plan (Regional Commercial), both of which envision intense commercial development while permitting residential uses as part of mixed-use developments. In an effort to reduce trips in the area, the project locates a significant amount of density within walking distances of these commercial uses along Ventura Boulevard and provides transit opportunities to various other commercial centers including Warner Center, Universal Studios, the Van Nuys Municipal center, Westwood Village/UCLA and downtown Los Angeles.

*1-4.2 Promote housing in mixed use projects in pedestrian oriented areas and transit oriented districts.*

*2-3.2 New development needs to add to and enhance the existing pedestrian street activity*

While the project is just outside a Pedestrian Oriented District, it is being designed with many of the design features envisioned for such a district. As part of the community outreach effort, the Applicant agreed to submit to the Department of Public Works for their review and approval a Pedestrian, Streetscape and Transit Enhancement Plan to provide pedestrian, streetscape and transit enhancements to promote consistency with the neighboring Sherman Oaks Streetscape and Design Plan, with the objective of fostering a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales.

The Project's proximity to the intersection of Ventura and Sepulveda Boulevards would encourage pedestrian activity from the Project's residents, as they will likely walk to the various commercial and retail uses in the vicinity, as well as to employment opportunities.

As mentioned above the project site is within walking distance of three metro Rapid Buses providing express service to numerous job centers and a variety of local bus lines that can also be accessed at the intersection of Sepulveda and Ventura Boulevards.



*2-3.5 Require that mixed use projects and development in pedestrian oriented districts be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.*

The project provides significant vertical and horizontal articulation and a large 13,000-square foot Public Plaza, which creates a distinctive design unparalleled when compared to development in the area. The building's massing steps up as it moves away from the Sepulveda Boulevard frontage, creating consistency with the existing built environment and pushing the project's building height as far from the closest single family neighborhood as practical. The Project's Sepulveda Boulevard frontage is designed with a 4-story structure consistent with the 4.5 levels associated with the Grand Apartments located to the site's south. The building's height steps back as it transitions toward the site's center and rear adjacent to the 405 Freeway and the Sherman Oaks Galleria's multi-story parking structure. The proposed height is needed to elevate the first two or three residential levels above the 26-foot tall Caltrans wall, thereby allowing light and air, as well as unobstructed views of the Santa Monica Mountains and the Sepulveda Basin. The proposed building heights are consistent with or lower than many of the existing buildings in the area, including the Galleria and its parking structure, the 16-story Comerica Bank building, the approximately 20-story National City Bank building, 13-story CitiBank Building as well as other structures found in the Regional Commercial area surrounding the intersection of Sepulveda and Ventura Boulevards (Exhibit D: surrounding height graphic).

These nearby taller structures are consistent with the "Regional Center" land use designation in the General Plan Framework, which defines "Regional Center" as characterized by 6- to 20-stories (or higher). As a result, the proposed project's height is generally consistent with the General Plan Framework, the Community Plan and the built environment. As designed, the higher portions of the project would be located to the center and rear of the site, as far away as possible from the single family homes located east of Sepulveda Blvd. Sepulveda Boulevard, developed at a 104-foot right-of-way, creates a larger buffer between the first residential uses, located in an R3 Zone, and another 150 feet further away still from the first single family zoned properties. The mixed-use project is designed to be compatible with the existing uses of the surrounding built environment.

The mixed-use project is consistent with the development in the area in that it creates a transition from high intensity commercial to the lower density residential found east of Sepulveda Boulevard. More importantly, greater housing opportunities would be provided for area workers, while area residents and workers would have easy walking access to neighborhood-serving retail uses including a grocery store. The Project complies with the Policy's stated requirement that a mixed-use project be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.

*2-3.6 Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses.*

As illustrated in the project drawings, the ground level fronting along Sepulveda Boulevard is dedicated to neighborhood-serving commercial uses in addition to its enhanced pedestrian streetscape and large Public Plaza. All of these elements combine to promote pedestrian activity in the area, and the commercial uses would benefit the surrounding community. The Project complies with the Policy's stated requirement that the first floor street frontage of the building incorporates commercial uses.

*2-3.7 Promote mixed use projects in proximity to transit stations, along transit corridors, and in appropriate commercial areas.*

The proposed project is a mixed-use project located within walking distance of three Rapid Bus stops, as discussed in detail in the "Transit Options" section above.

*2-4.4 Landscaped corridors should be created and enhanced through the planting of street trees along segments with no building setbacks and through median plantings.*

In addition to the enhanced streetscape discussed above, the Applicant has agreed to install and maintain, with the approval of the Department of Public Works, landscaping within public right-of-way island surrounded by Sepulveda Boulevard, North Sepulveda Boulevard, Moorpark Street and Camarillo Street consistent with the landscaping along the Project's Sepulveda Boulevard frontage.

*5-1.3 Require development in major opportunity sites to provide public open space.*

The project is proposing to construct a publicly accessible 13,000-square foot Public Plaza along its Sepulveda Boulevard frontage. The Plaza would be designed as a passive gathering place for the community that includes ample landscaping and intimate seating areas. The size of this Plaza is significantly larger than any other public space on private property in the area.

The Urban Design Element of the Community Plan requires that residential projects with five or more units be designed around a landscaped focal point or courtyard to serve as an amenity for residents. The proposed project includes a large Public Plaza along its Sepulveda Boulevard frontage, as well as several interior gardens, a park, and a bocce court situated within the center of the development. The six residential buildings are built around the periphery of this landscaped courtyard setting.

Although there would be approximately 78.5 percent lot coverage on the ground floor of the project site there would be approximately 61,500 square feet, or 1.5 acres, of both active and passive open space opportunities for residents atop the residential podium. The open space would include, but not be limited to, a variety of landscaped areas, a central park, smaller landscaped corridors, a bocce court, a swimming pool, and meandering pathways between buildings. Private space also would be provided as every unit would have its own balcony. These open space areas are dedicated to the enjoyment of the residents of the project and do not take into consideration the Public Plaza provided along Sepulveda Boulevard.

The Project complies with the Policy's stated requirement that development in major opportunity sites (which includes the project site) provides public open space. As outlined above, the proposed Project is consistent with the Community Plan.

#### Housing Element

The proposed Project is consistent with the goals and the policies of the City's Housing Element (2006-2014). It would permit the construction of a dense mixed-use project proximate to a significant employment center which is well-served by transit lines. The Housing Element contemplates high density mixed-use projects located in the high intensity commercial areas as a solution to the City's apparent housing shortage. The Project is located on a site separated from the closest single family area by 250 feet and provides opportunities to reduce vehicle trips.

The Housing Element states the City is facing an "unprecedented housing crisis" and indicates that over 14,000 residential units need to be built to address its Regional Housing Needs Assessment ("RHNA") numbers for the Study period of 2006-2014. The Housing Element estimates that the Sherman Oaks area has the capacity to accommodate approximately 4,300 of these required units without consideration of this development site. An approval of the Exceptions would permit the construction of the proposed residential units in an area contemplated by the City. Evidence of this intent is provided in the General Plan's "strategy to meet this challenge, by directing growth to transit-rich and job-rich centers and supporting the growth with smart, sustainable infill development and infrastructure investments." The project site is located proximate to an employment center, which is well-served by public transit.

The approval of the Exceptions would also permit the development of a project which demonstrates consistency with the following Policies:

***Policy 1.1.4:*** Expand location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards, and ***Policy 2.2.6:*** To accommodate projected growth to 2014 in a sustainable way, encourage housing in centers and near transit, in accordance with the General Plan Framework Element, as reflected in Map ES.1

Approximately 6.5 million square feet of commercial floor area is located in the area of the project site. The site is designated for Regional Commercial land uses, which establishes that this site, is appropriate for dense residential development. Residents of this proposed project would have the opportunity to access area jobs, thereby providing potential reduction in the use of vehicles as they would have options of walking, biking or utilizing the area's numerous public transit opportunities. The intersection of Sepulveda and Ventura Boulevards is well served by numerous transit lines including three separate Rapid Bus lines providing regional connectivity.

***Policy 1.2.3:*** Rehabilitate and/or replace substandard housing with housing that is decent, safe, healthy, sanitary and affordable and of appropriate size to meet the City's current and future household needs.

Prior to its demolition, the site was developed with low density older housing units, many of which were in a diminished state. The approval of the Exceptions would allow for the construction of a unified development providing modern safe units with a variety of sizes, thereby providing a wide range of housing options that helps to fulfill the City's current and future housing needs.

***Policy 2.1.2:*** Establish development standards that enhance health outcomes.

Over the past few years the City Planning Commission has taken an increased interest in the relationship of populations living near freeways and health risks. This issue creates tension between the City's desire to focus high intensity residential development near jobs and transit centers which are typically serviced by or proximate to freeways and arterials.

In 2009, the City created a policy that required projects located near vehicular pollution sources to include a higher level of air filtration and to consider these potential impacts when designing the site massing and landscaping. On November 8, 2012, the City Planning Commission approved a Staff recommendation to attach a notice to all properties within 1,000 feet of a freeway highlighting that this potential health risk and that projects proposing residential uses in such areas may be required to prepare health risk assessments in conjunction with such proposals.

The EIR for the project thoroughly analyzed the potential air quality impacts associated with development of residential uses in close proximity to the 405 and 101 Freeways through the preparation of a comprehensive Health Risk Assessment (HRA) by Air Quality Dynamics. The HRA concluded that any potential impacts could be mitigated through MERV filtration.

While this is an important issue that the Project application has reviewed and mitigated, there are a few considerations worth noting that further reduce the concerns. A key assumption of the Health Risk Assessment is that individuals live in the same location for 90 years, creating long-term pollution exposures. However, studies discussed in the EIR show that residents in rental units live in the same location for 3-9 years, dramatically reducing the exposures. Consequently, these studies are extremely conservative and do not adjust for the actual length of time residents are exposed.

Additionally, there are many State and Local policy initiatives that directly and indirectly seek to reduce the pollution levels generated from transportation. A few examples include the State of California's landmark land use legislation; SB 375 which implements AB 32, and was adopted in September 2008. These state laws effectively linked transportation planning and funding to land use and housing needs. A local level example would be the Clean Truck Program proposed by the Mayor of Los Angeles in 2008 that immediately banned 10% of the dirtiest trucks, resulting in the removal of 350 tons of harmful emissions. According to the Port of LA's website, "In its first year, the program reduced the rate of port truck emissions by an estimated 70 percent." Initiatives such as these, as well as ones that came before them, have led to a reduction in health risks.

The Project has analyzed and addressed the Air Quality concerns raised in the Housing Element through mitigation measures. Additionally, there are several policy initiatives that will further reduce exposure levels.

***Policy 2.2.3: Provide incentives and flexibility to generate new housing and to preserve existing housing near transit.***

The Housing Element discusses providing additional trip credits for mixed-use development located near transit. However, the EIR for the project conservatively did not apply such credits. The Applicant proposes to maximize the project's number of residential units so as to generate new housing desired by the Housing Element and to provide such housing in proximity to transit, thereby diminishing the broader traffic impacts that otherwise would result from satisfying this housing demand through multiple dispersed locations.

The approval of the Exceptions and the related entitlements provides a sufficient incentive to construct these new residential units within walking distance of 3 Rapid Bus stops and other bus lines as well as major employment nodes.

***Policy 2.2.4: Promote and facilitate a jobs/housing balance at a citywide level.***

The approval of the Exceptions would permit the construction of approximately 325 residential units within walking distance of approximately 6.5 million square feet of commercial office space and an abundant and diverse array of retail and entertainment uses. By locating this type of density near jobs, the Project would promote a jobs/housing balance with the Community Plan area.

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

The project is designed to achieve a LEED Silver compliance level.

**Objective 2.4:** *Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.*

The project promotes livability by providing opportunities for residents to walk to their jobs as well as to their retail and entertainment needs. The project includes ground level neighborhood-serving retail uses located along Sepulveda Boulevard, in conjunction with a 13,000-square foot Public Plaza, allowing for shopping and gathering opportunities for area residents. The building massing is in character with the built environment. The project provides four-story elements along Sepulveda Boulevard consistent with the massing of the Grand Apartments to the South of the site. Moreover, the project steps height as it moves closer to the six-level Sherman Oaks Galleria parking structure and the abutting freeway interchanges. This design pushes the mass of the building away from the single family development found east of Sepulveda Boulevard. The approval of the Exceptions would promote a livable neighborhood by allowing the development of a mixed-use project that respects the unique residential neighborhoods that exist to the east of the project site.

For the reasons outlined above, the approval of the Exceptions is consistent with the objectives and policies of the Housing Element.

#### Transportation Element

Approval of the Exceptions on the site would facilitate the construction of a project consistent with the purposes of the General Plan's Transportation Element. This Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, through reduction of vehicle trips, and through focusing growth in proximity to public transit. The proposed Project would address trip reduction goals via its location and due to its inclusion of a detailed transportation demand management ("TDM") program. The TDM would include an on-site transit coordinator, discount bus passes provided at the time of lease signing, unbundled parking and other similar transit-oriented measures. The Project's location is ideal to address the concerns of vehicle miles traveled. It is not only located in a Regional Center with numerous entertainment options, it is proximate to 6.5 million square feet of commercial office space and numerous transit options including three Rapid Buses and the Orange line.

The Transportation Element sets forth goals, objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. For example:

- *Objective 2 strives to mitigate the impacts of traffic growth, reduce congestion, and improve air quality by implementing a comprehensive program of multimodal strategies that encompass physical and operational improvements as well as demand management.*

Within this Objective, the first policy header is Transportation Demand. The Applicant is working with a transportation demand consultant to craft an effective strategy to reduce the use of private automobiles by the Project's residential tenants and employees of the commercial uses. The Applicant also has proposed to explore the creation of an area-wide transportation management organization tasked with organizing area wide trip reduction measures.

The combination of the site's proximity to public transit and plentiful job opportunities helps address the impacts of traffic growth, congestion and air quality issues. The Applicant's initiation of a Transportation Demand Management program would provide residents the opportunity to walk to work, to retail areas, or to a high quality transit line. By providing alternatives to single occupancy automobile trips impacts to air quality can be reduced.

- *Objective 3 strives to support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.*

The approval of the Exceptions promotes consistency with this objective by allowing for the development of new density near multiple bus lines that provide easy access not only to Ventura Boulevard's multitude of jobs but also its regional transit network.

For these reasons outlined above, the approval of the Exceptions permits the construction of a Project that demonstrates consistency with the Transportation Element of the General Plan.

#### Open Space Element

The project incorporates three significant open space elements. The project is proposing to provide 1.4 acres of common open space including landscaping gardens and pool area for the enjoyment of the project residents. A 13,000-square foot Public Plaza is being designed with extensive landscape and hardscape elements for use by the commercial patrons, project residents and community members. Finally, the project is proposing to landscape and maintain an adjacent public right-of-way southeast of the project along Sepulveda Boulevard. The project and these proposed improvements are consistent with the following goals and policies of the Open Space Element:

*"To provide an open space system which provides identity, form and a visual framework to the City. (page 3: bullet 3 under Goals);"*

The project is proposing uniformed landscape design within both the project's Sepulveda Boulevard frontage, including the Public Plaza, and the adjacent public right-of-way which it has agreed to landscape and maintain. The design would create a visual gateway into the Sherman Oaks community.

This goal is implemented via a series of policies and the Project is consistent with the following:

*"The provision of malls, plazas, green area, etc in structures of building complexes and the preservation and provision of parks shall be encouraged (page 5: bullet 10 under Policies General);"*

This private development would provide a 13,000-square foot Public Plaza available to the community for passive recreation and community gathering. Additionally, the project would provide an equivalent of an acre more open space for its residents than is required by Code. The improvement of the public right-of-way creates a visually appealing green belt along approximately 461 linear feet of Sepulveda. Each of these improvements would be fully funded and maintained by the project.

*"Open Space areas shall be provided or developed to serve the needs as appropriate to their location, size and intended use of the communities in which they are located, as well as the City and region as a whole (page 5: bullet 12 under Policies General);"*

As mentioned above, the project would provide significantly more open space for its residents than is required by the Code, thus ensuring that the residents' needs are well served. Additionally, the project would pay park fees (Quimby Fee) based on the number of residential units proposed. This money is required by law to be spent on the creation of new recreational facilities within a 2-mile radius of the project site.

*"Small parks, public and private should be located throughout the City (page 5: bullet 13 under Policies General);"*

By setting aside approximately 63,500 square feet of area for common open space for project residents that includes ample landscaping and a variety of gardens and trees, the proposed project creates a small park which would otherwise not exist. While not a park per se, the 13,000-square foot Public Plaza provides additional open space for the area residents that is not available today, while also providing a public gathering place for the local community.

*"Private development should be encouraged to provide ample landscaped spaces, malls, fountains, rooftop green areas and other aesthetic features which emphasize open space values through incentive zoning practices or other practicable means. (page 7: bullet 3 under Policies: Privately Owned Open Space Lands and Desirable Open Space)"*

The vast amounts of open space and landscaping created with the common areas, Public Plaza, and the public-rights-of-way are facilitated by rezoning the site and granting it relief from certain aspects of the Specific Plan. Consequently, the approval of this Project encourages the creation of landscaping and green spaces.

As outlined above, the approval the Exceptions facilitates the development of a project that is consistent with Open Space Element of the General Plan.

As discussed in full above, the approval of the Exceptions permits the construction of a Project consistent with the numerous goals, objectives and policies of the Specific Plan, the General Plan, the Community Plan, the Housing Element, the Transportation Element and the Open Space Element.

#### **Additional Findings for Height Increase (Section 7.E.2.b)**

- 8. The proposed project is consistent with the scale and character of the existing neighborhood in terms of height, location, and orientation of buildings to adjacent residentially zoned parcels and rear yard setbacks.**

The height increase is consistent with the scale and character of the existing neighborhood in terms of height, location, and orientation of buildings to adjacent residentially zoned parcels and rear yard setbacks. Due to the site's location and the design of the project, the granting of a height exception would be consistent with the scale and character of the area. The height increase is consistent with the spirit of the Specific Plan which strives to limit the impact of development on abutting uses which are typically single family residential uses. The proposed design also moves the mass of the majority of the height increase to the center and rear of the project, further away from any residentially zoned properties located to the east of the project site.

This project's increased height would not create any direct shade/shadow or privacy concerns on surrounding land uses, especially neighboring single-family residents. As designed, the project's height is directed towards those areas located to the center and rear of the site, as far away as possible from the single family homes located east of Sepulveda Blvd. Sepulveda Boulevard, developed at a 104-foot right-of-way, creates a larger buffer between the first residential uses, located in an R3 Zone, and another 150 feet further away still from the first single family zoned properties. The mixed-use project is designed to achieve a high level of design quality and to be compatible with the existing uses of the surrounding built environment.

As designed the Project's stair-stepping configuration responds directly to its built environment. The Sepulveda Boulevard frontage is designed with a 4-story structure consistent with the 4.5 levels associated with the Grand Apartments to the project's south. The building's height transitions toward the site's center and rear. As a result, the increased heights are adjacent to the freeway interchange and the Sherman Oaks Galleria's multi-story parking structure. The proposed building heights are consistent with or lower than many of the existing buildings in the area including the Galleria, its parking structure, the 16-story Comerica Bank building, the approximately 20-story National City Bank building, 13-story CitiBank Building as well as other structures found in the Regional Commercial area surrounding the intersection Sepulveda and Ventura Boulevards (Exhibit D: surrounding height graphic). These nearby taller structures are consistent with the "Regional Center" land use designation in the General Plan Framework, which defines "Regional Centers" as characterized by 6- to 20-stories (or higher). As a result, the proposed project's height is consistent with the General Plan Framework, the Community Plan and the built environment.

The project site has a special circumstance of being located along the boundary of the freeway interchange of the 405 and 101 Freeways. A lengthy sound wall alongside this freeway interchange stands close to three stories tall, creating a practical difficulty for residential development on this site. This high sound wall restricts light and air along the site's longest boundary, negatively impacting the marketability of the first two or three residential levels if the residential development was built at grade. In order to compensate for practical problems created by this wall, the first level of residential needs to be elevated at or above the sound wall. Consequently, the Applicant is proposing a podium design elevating the first residential level 26 feet above grade, equal to the height of the sound wall, thereby generating marketable units with ample light, air and views. Equally important to the need to locate the first residential level above the wall is the need to create a project which is sensitive to the community and consistent with the surrounding community.

The proposed Project is designed with building heights consistent with the 82-foot height limit established by the Specific Plan. Section 7.E.2 of the Specific Plan allows an exemption for an increase in height up to 82 feet for projects containing 25 percent or more of non-hotel residential uses located in the Regional Commercial Designation east of the 405 Freeway.

The current proposal includes a stair-stepping design from the area located along Sepulveda Boulevard in order to create a design sensitive to the surrounding community and consistent with the surrounding built environment. This increased height can be accommodated on this site while providing development consistent with the scale and character of the existing neighborhood, as the tallest elements of the project's building are oriented towards the freeway and the multi-story Sherman Oaks Galleria parking structure located south and adjacent to the site. With the project's lower heights oriented to the Sepulveda Boulevard frontage and closest to any residential properties, the proposed



Project is consistent with the scale and character of the existing neighborhood in terms of height, location and orientation to adjacent residentially zoned parcels.

**9. The proposed project will not have substantial adverse impact on any residence which is within 600 feet from the site of the proposed project.**

Due to the location, design and mixed-use nature of the project, it will not have a substantial adverse impact on any residence within 600 feet of the site. The site's proximity to residential property is atypical of development on property with the "Regional Commercial" land use designation in the Specific Plan. Unlike many other commercial properties in the Specific Plan, the project site is not immediately adjacent to R1 zoned properties. Even at a minimum distance of approximately 100 feet from the nearest multi-family housing located on R3 zoned parcels, the Project is designed to push the building's mass away from these residential uses. Furthermore, the nearest R1 zoned parcels are located 250 feet away from the Project's frontage on Sepulveda Boulevard. Additionally, the mixed-use nature of the proposed development generates fewer trips than many permitted project alternatives, thereby reducing the potential impacts of traffic on neighboring residential properties.

Unlike most development sites within the Specific Plan, the site does not abut single-family zoning and the closest residential uses are multi-family dwellings located within an R3 zone which is more than 100 feet away from the Project's Sepulveda Boulevard frontage. Sepulveda Boulevard is developed with a variable width right-of-way ranging from 100-104 feet. Within this right-of-way, there are 6 lanes of traffic, a center median and street parking on the eastern side of the street which create a large buffer between the site and the closest residential use. The first R1 zoned property is an additional 150 feet back from Sepulveda Boulevard or more than 250 feet from the project site.

The Sepulveda Boulevard frontage is designed with a 4-story structure consistent with the 4.5 levels associated with the Grand Apartments to the project's south. The building's height steps up as it transitions toward the site's center and rear. As a result, the increased heights are adjacent to the freeway interchange and the Sherman Oaks Galleria's multi-story parking structure and further removed from any neighboring residential properties. The stair-stepping design of the project moves the mass on the building further back from the street frontage, ensuring that there are no shade/shadow impacts on the project or nearby residential properties.

For the reasons outlined above, the proposed Project will not have a substantial adverse impact on any neighboring residential uses. The Project will be so arranged in its massing and bulk that any impacts of the proposed height increase are directed to the surrounding commercial uses and the freeway to the east of the project site.

**Conditional Use Permit Findings - Alcohol**

**10. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The Project will provide a service that is beneficial to the local community. The location of the project will be desirable and enhance the built environment because the site is currently vacant and underutilized and a responsibly-operated grocery store will provide a desirable amenity within the Project to area residents. The grocery store proposes to sell alcoholic beverages for off-site consumption as a compliment to the sales of foods and other related items typically sold in a grocery store.

The 45,000 square foot grocery store being located on the same site with a multi-family residential mixed-use community provides easy and convenient access to the consumer. This location allows easy access and eliminates the need to drive to other locations to obtain such beverages by the local residents thereby potentially generating fewer vehicle trips.

The proposed Project is also located in a prime spot to provide the kinds of food and beverages that consumers need for the single family homes which exist in R1 zoned property behind the R3 zoned uses fronting the east side of Sepulveda Boulevard. Multifamily family uses also exist south of the site on the west side of Sepulveda Boulevard and adjacent to Ventura Boulevard. There is easy walking and bicycle access to the Project services from an extensive consumer market area to the east and to the south of the Project further reducing the dependency on vehicle travel.

Furthermore, there is approximately 6.5 million square feet of office space located immediately to the south of the Project that provides easy walking access for lunch time and after work purchases further saving unnecessary driving trips to other more distant locations.

11. **That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The Project's location, size, and sales operations will be compatible with and will not adversely affect the public health, welfare, and safety of the adjacent properties and the surrounding neighborhood.

The selling of a modest selection of alcoholic beverages will make up a small portion of the overall grocery sales area. Sales are tailored to provide a safe, convenient alternative to meet the needs for customers shopping for food and other related items typically sold in grocery stores. The safest and most desirable manner of selling alcoholic beverages is from within a larger store whose merchandise is varied, thereby precluding some of the loitering, littering and public safety issues that can arise with liquor sales. The selection of a full line of alcoholic beverages will add to the variety of products available to customers ranging from general merchandise, food stuffs, beauty care, personal care, household items, candy and convenience food, photofinishing, and greeting cards. The addition of alcoholic beverages will add a desired amenity sold in a safe, convenient location. Operational and alcohol-related issues have been comprehensively addressed to safeguard and insure the public welfare and to provide for their convenience.

The intent behind offering alcoholic beverages at the Project fulfills the Applicant's commitment to save its customers time and money with the convenience of one-stop shopping. Thus, the same customers who will shop for groceries will have the option of being able to purchase alcoholic beverages as opposed to some other possibly more distant and inconvenient location. As such, the alcoholic beverages for off-site consumption will not change the existing numbers of customers at the store and because of the volume of goods the applicant sells on daily basis, devoting a small amount of shelf and refrigerator space to alcoholic beverages will not materially increase the number of truck deliveries or vehicles that currently come to the proposed project. In addition, there will be no additional traffic generated by the addition of alcoholic beverages and as a result, there will be no need for additional parking or loading spaces.

The proposed project will provide 208 off-street parking spaces in a secure parking garage immediately adjacent lot that serves the grocery store and retail spaces. In addition,

employees will be required to park on-site. Therefore, this parking provision will reduce the likelihood of vehicles spilling over into nearby residential neighborhoods and clogging on-street parking areas.

**12. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The granting of the off-site alcohol sales permit will be consistent with the character of development in the immediate area and will be in harmony with the applicable elements of the General Plan. The CUB will result in wider array of retail sales opportunities providing a one-stop shopping experience that includes groceries and alcoholic beverages in a development compatible with the immediate area. The ground floor grocery store with parking immediately adjacent provides safe and convenient access to the retail shopping.

General Plan Framework

The General Plan's Regional Center designation, applicable to this site, is applied to "higher-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City." Generally, Regional Center designations will offer floor area ratios ranging up to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the community plan. According to the General Plan, Regional Centers typically provide a significant number of jobs and many non-work destinations that generate and attract a high number of vehicular trips. Additionally, Regional Centers are usually major transportation hubs. Consequently, each center is intended to provide extensive transit opportunities and transportation alternatives. The project site is located within ¼ mile of a major jobs center well-served by public transit. The proposed mixed-use project, with alcohol sales as part of its retail component, is compatible and consistent with the General Plan's land use designation of Regional Center, which seeks to locate more intense housing in proximity to jobs and public transit.

Community Plan

The Community Plan designates the site as Regional Commercial. As defined in the Specific Plan, the "Regional Commercial" land use designation in the Community Plan is "a focal point of regional commerce, identity and activity and containing a diversity of uses, such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities, and supporting services." The Community Plan highlights the area as "mixture of diverse office uses, retail and service activities." This density of jobs creates a perfect opportunity to reduce vehicle miles traveled by locating a grocery store with alcohol sales within walking distance of an employment center.

While the overall Project design together with the proposed uses are generally consistent with the underlying land use of the Community Plan, the off-site sales of alcoholic beverages is a secondary use to the principal uses of sales of food and sundries of the grocery store. A CUB is required that is typically conditioned to protect the neighborhood and vicinity. In this instance there are four off-site sales establishments that are between 2,100 and 4,400 feet from the project well beyond the 1,000 foot radius reporting required for the CUB application. This separation of such outlets provides the necessary buffers to give the feeling that the area is not oversaturated with such uses. The fact that two of the four alcohol licensed establishments in the census tract are outlets that sell alcoholic beverages in conjunction with groceries and other goods. Alcohol sales are secondary products that complement the sales of food and other goods therefore reducing negative impacts potentially associated with such products.

Although the ABC considered this census tract slightly over concentrated with off-site licenses the census tract is not considered to be in a high crime area. Therefore, the proposed CUB would be an asset to the commercial development in the Community Plan area by adding a desired service and by supplementing the tax revenue.

The Community Plan identifies several issues and opportunities for commercial uses as part of a mixed-use project in the Sherman Oaks area. In order to address those issues and opportunities, the Community Plan includes the following Policies:

*2-3.2 New development needs to add to and enhance the existing pedestrian street activity*

While the project is just outside a Pedestrian Oriented District, it is being designed with many of the design features envisioned for such a district. As part of the community outreach effort, the Applicant agreed to submit to the Department of Public Works for their review and approval a Pedestrian, Streetscape and Transit Enhancement Plan to provide pedestrian, streetscape and transit enhancements to promote consistency with the neighboring Sherman Oaks Streetscape and Design Plan, with the objective of fostering a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales.

The Project's proximity to the intersection of Ventura and Sepulveda Boulevards would encourage pedestrian activity as nearby residents of employees would walk to the grocery store.

*2-3.5 Require that mixed use projects and development in pedestrian oriented districts be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.*

The project provides significant vertical and horizontal articulation and a large 13,000-square foot Public Plaza, which creates a distinctive design unparalleled when compared to development in the area. The building's massing steps up as it moves away from the Sepulveda Boulevard frontage, creating consistency with the existing built environment and pushing the project's building height as far from the closest single family neighborhood as practical. The Project's Sepulveda Boulevard frontage is designed with a 4-story structure consistent with the 4.5 levels associated with the Grand Apartments located to the site's south. The building's height steps back as it transitions toward the site's center and rear adjacent to the 405 Freeway and the Sherman Oaks Galleria's multi-story parking structure. The proposed height is needed to elevate the first two or three residential levels above the 26-foot tall Caltrans wall, thereby allowing light and air, as well as unobstructed views of the Santa Monica Mountains and the Sepulveda Basin. The proposed building heights are consistent with or lower than many of the existing buildings in the area, including the Galleria and its parking structure, the 16-story Comerica Bank building, the approximately 20-story National City Bank building, 13-story CitiBank Building as well as other structures found in the Regional Commercial area surrounding the intersection of Sepulveda and Ventura Boulevards (Exhibit D: surrounding height graphic).

Specific Plan

The Specific Plan does not expressly address alcohol-serving uses. The sales of alcoholic beverages are secondary and make up a small part of the overall sales and storage areas of the primary grocery store use. The purpose of the Specific Plan first and foremost is to

"assure that an equilibrium is maintained between the transportation infrastructure and land use development in the Corridor...". The proposed Project accomplishes this in two ways. First, as discussed previously, since the site enjoys a Regional Commercial land use designation, it could potentially be developed entirely with retail/commercial uses, which typically are the largest generators of vehicular trips. However, the Project is comprised of approximately 91 percent residential uses and only 9 percent of the square footage is dedicated to commercial uses which are dedicated to neighborhood serving uses, the combination of which generates far fewer vehicular trips. Therefore, the close proximity of the single family and multi-family residences and the on-site residences to the Project allows easy access to the grocery store by either pedestrian foot traffic or by bicycles. Second, the sales of alcoholic beverages in connection with the food sales promotes one-stop shopping and therefore assists in reducing vehicle trips and at the same time provides an additional desirable use for those shoppers wishing to purchase alcoholic beverages in connection with food purchases.

The Specific Plan requires four spaces per 1,000 feet of retail commercial floor area. The proposed Project will provide 208 off-street parking spaces in a secure parking garage immediately adjacent to the grocery store and retail spaces. In addition, there will be adequate spaces and the employees will be required to park on-site. Therefore, this parking provision will reduce the likelihood of vehicles spilling over into nearby residential neighborhoods and clogging on-street parking areas.

The Specific Plan also establishes regulations and guidelines to address the physical appearance, the type of development, the relationship between land uses, and to encourage a pedestrian friendly environment. Specifically, the Plan seeks to promote attractive and harmonious development and preserve and enhance the aesthetics of each community. The inclusion of alcohol sales in conjunction with the grocery store will not introduce an undesirable element into the neighborhood. Sales of alcoholic beverages will be conducted completely within the grocery store and will not be seen from the public areas of the adjacent public sidewalks and streets. The proposed CUB is consistent with and will achieve these goals.

The CUB is proposed in the grocery store commercial use which is permitted by right. The General Plan promotes the provision of services throughout the City in locations that are convenient to the public yet that do not impact nearby properties. The proposed sale of alcoholic beverages for off-site consumption would not impair the integrity and character of the zone in which it is located because the sales of alcoholic beverages is conducted completely inside the store and taken off-site to be consumed. The zone is designated for various commercial uses, and no significant problems or negative impacts have been caused by similar uses in the area or their patrons. However, the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass text is silent with regards to alcohol sales.

### **Conditional Use Permit - Additional Findings**

#### **13. Explain how the proposed use will not adversely affect the welfare of the pertinent community.**

The proposed Project with the CUB will not adversely affect the welfare of the pertinent community. On the contrary, the approval of CUB will enhance the Sherman Oaks community in the vicinity by providing easy access to the types of food and beverages typically sold at such a full service grocery store.

Over an 18-month period beginning in 2010, the Project engaged in a community outreach process to ascertain community concerns and needs. The end result included design

changes and enhanced volunteered community benefits. The Applicant agreed to volunteer a number of conditions as part of this outreach process, including a reduction in density, the creation a 13,000-square foot Public Plaza, enhanced landscaping that included an abandoned right-of-way and the establishment of a liaison to facilitate the utilization of park fees in the immediate area. These volunteered conditions represent the applicant's intention of working with the local community to achieve a project that meets the needs of the community it serves and results in a top quality project without adverse negative impacts that can hurt the success of a project.

The selling of a modest selection of alcoholic beverages will make up a small portion of the overall grocery sales area. Sales is tailored to provide a safe, convenient alternative to meet the needs for customers shopping for food and other related items typically sold in grocery stores. The safest and most desirable manner of selling alcoholic beverages is from within a larger store whose merchandise is varied, thereby precluding some of the loitering, littering and public safety issues that can arise with free standing liquor stores.

The proposed project will have a positive impact on the economic welfare of the community and approval of a conditional use for alcohol sales will not adversely affect the economic welfare of the community. The proposed project will complement and add to the revitalization of the area. Approval of the CUB at this location is for the sale of alcoholic beverages within a grocery store, which will enhance the economic welfare of the community. A grocery store is a public amenity to residents of the area and thereby enhances the economic welfare of the area as well. Such stores do not give rise to the adverse affects often associated with stand-alone liquor stores such loitering, littering, security and public safety. Off-site sales of alcoholic beverages are an important component to the success of a grocery store.

Further opportunities for success of the grocery store are great because there is a nearby work force that can supply employees and there a large number of near-by residents and 6.5 million square feet of businesses in that vicinity who have easy access to shop.

**14. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.**

Granting a CUB permit for the sale of alcohol for off-site consumption at this location will not result in an undue overconcentration of premises for the sale or dispensing of alcoholic beverages in the area. The California Department of Alcoholic Beverage Control ("ABC") determines the appropriate concentration of liquor licenses by US Census Tract, i.e., by population residing within a census tract. The project is located in Census Tract 1413.02 which has a year 2000 US Census-reported population of 5,325 persons. According to the ABC, the amount of liquor licenses for off-site consumption that is appropriate for this population is four or one license per 1,618 persons. There are currently four establishments within the census tract that sell liquor for off-site consumption. The census tract is therefore over-concentrated. Of these four establishments, however, one is a grocery store (Whole Foods Market), two are specialty wine/liquor stores (Wines of the World and Valley Beverage Company) and one is classified as a market (Cost Plus World Market). Three of the establishments (Whole Foods, Wines of the World and Valley Beverage Company) sell a full line of alcoholic beverages, the remainder sells beer and wine only. Therefore, the existence of a slight overconcentration of off-sale licenses in areas such as the subject vicinity is not automatically inappropriate and does not necessarily constitute an undue concentration.

The proposed project will include uses that complement rather than detract from existing uses in the area. As previously identified, although there is a Whole Foods Market south

of Ventura Boulevard, there are no grocery stores north of Ventura Boulevard within a few miles of the project site. The CUB is only necessary for the sale of alcoholic beverages. Thus, approval of the CUB would have no impact on whether or not there is a concentration of outlets selling alcoholic beverages in the area. Moreover, the Applicant has conducted market research which indicates that the proposed sales of alcoholic beverages is appropriate for the site.

The ABC reports that within Crime Reporting District No. 971, 235 crimes were reported within a twelve-month period compared to a citywide high average (120% of average number of offences or 282 offences). The total number of offences in the reporting district was 254 crimes. Therefore, this area is not considered to be a high crime reporting district which would trigger a CALDERA finding do to the level of crime (pursuant to CA Business and Professions Code Section 23958 and 23958.4.) A caldera will be filed because the number of permits request will now exceed what is permitted.

**15. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.**

Approval of the CUB will not detrimentally affect nearby residentially zoned properties. The closest residentially-zoned properties are those roughly 100 feet to the east across Sepulveda Boulevard, zoned R3-1, and developed with two and three-story apartment buildings. Single-family residential development is located adjacent to the above-mentioned three-story apartment complex approximately 200 feet from the Project. The conditional use application is for a small portion of the proposed project, the sale of alcoholic beverages within a grocery store. The proposal includes approximately 2,000 square feet of alcohol display area and an additional 400 square feet of storage. Sales of alcoholic beverages within the grocery store within a mixed-use development will not have a detrimental effect on residential properties because there is no on-site consumption that could include noise from patrons and traffic from late night parties that could spill over into the nearby residential neighborhoods. In addition, loitering, littering, traffic, safety or other undesirable effects are reduced that could potentially occur in and around some freestanding liquor store locations.

The proposed Project will provide a benefit to nearby residential uses by providing a clean, convenient one-stop shopping location for groceries and for alcoholic beverages. Currently, the project site is underutilized and a portion of the site nearly vacant. The proposed Project will be a significant improvement over existing conditions. The residential portion of the proposed Project will be compatible with nearby residentially zoned properties and the grocery store will be a benefit to the nearby neighborhoods in the vicinity of the Project site because of its strategic location that promotes pedestrian and bicycle access.

The proposed Project will provide 208 off-street parking spaces in a secure parking garage immediately adjacent to the grocery store and retail spaces. In addition, there will be adequate spaces dedicated to employees to park on-site. Therefore, this parking provision will reduce the likelihood of traffic spilling over into nearby residential neighborhoods.

**Site Plan Review Findings**

**16. That the project complies is in substantial conformance the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

As stated in the General Plan/Charter Findings above, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable Community Plan. The project generally conforms with the intent and purpose of the Ventura/Cahuenga Boulevard Corridor Specific Plan and where deviations have been requested, Specific Plan Exceptions have been made. Additional Findings have been made relative to the Zone Change (including the Height District Change), General Plan Elements, and Conditional Use Findings as stated herein.

- 17. That the project is consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The site plan clearly demonstrates an effort to arrange buildings and structures in a manner that reduces the appearance of size, mass, and height of the proposed project. The project was also reviewed by the Urban Design Studio and the Professional Volunteer Program, which has indicated that the project does conform in general to the Residential Citywide Design Guidelines for mixed-uses. The project incorporates on-site, enclosed parking areas and will incorporate shielded lighting as conditioned herein. Further, any loading and trash collection areas will be screened and enclosed on-site within the garage area.

- 18. That any residential project provides recreational and service amenities to improve habitability for its resident and minimize impacts on neighboring properties.**

The project provides a substantial amount of open space and recreational amenities. The most significant area is the approximately 300 foot by 120 foot central park atop the residential podium and surrounded by the buildings. Three additional inset parks connect the central park to Sepulveda Boulevard and provide view corridors for the units in the interior of the complex. These areas are comprised of several different landscaped courtyards and gardens including an herb garden, Italian orchard garden, and exotic grey leaf lotus land garden. In addition to the different parks and gardens on the podium level, which comprise approximately 61,500 square feet (which exceeds its requirement by approximately one acre) of the common open space, the Project also offers a pool and spa uses, a gym, bocce court, community and recreation rooms. Finally, approximately 17,500 square feet of private open space in the form of balconies will be provided. The Project incorporates considerable opportunities for active and passive recreation. The substantial amount of the Project's open space and recreational amenities provided on-site minimizes impacts on neighboring properties. Additionally, area residents would benefit from the 13,000-square foot publicly accessible Public Plaza that creates an inviting gathering place for members of the local community.

#### **Project Permit Compliance Findings**

- 19. That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan.**

The project is in substantial conformance with regulations, findings, standards and provisions of the Specific Plan. The City's long term vision for the site, defined as a Regional Commercial, is one of intense uses creating synergy with the nearby employment center served by quality public transit. The Specific Plan designates the site with a "Regional Commercial" land use designation, which is defined in the Plan as:



"A land use designation in the Community Plan which is a focal point of regional commerce, identity and activity and containing a diversity of uses, such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services."

As envisioned by the Specific Plan, the site should be developed with active and intense uses. The following outlines the project's compliance with the Specific Plan.

### Purposes

- Statement A of the Specific Plan, which provides: *"To assure that an equilibrium is maintained between the transportation infrastructure and land use development in the Corridor..."*

This statement creates a challenge for any development of this infill site due to its proximity to a heavily traveled intersection of Ventura Boulevard and Sepulveda Boulevard. This intersection is heavily traveled as it is the center of a large employment node and also a central connection between the low density residential communities found in the San Fernando Valley and high density employment nodes found on the Westside of Los Angeles

Current planning policies acknowledge the congestion reduction capabilities and environmental value of compact development. Due to the concentration of jobs in the area and the high level pass-through automotive congestion, a proposed mixed-use development dominated by residential floor area with community-serving retail advances the Specific Plan's purpose to create an equilibrium between transportation and land use. The Project places residents proximate to employment, service and public transit options.

- Statement D: *To assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area.*

The area is defined by its large employment node with significant amounts of office space and numerous retail establishments along Ventura Boulevard. A visual inspection of the area and the larger Ventura Boulevard highlights a large volume of empty storefronts and shuttered businesses, indicating the commercial (retail and office) rental markets are struggling and unable to maintain typical occupancy rates. Even if there were sufficient demand to fill the existing uses, locating a larger commercial use on the project site would exasperate the area's traffic congestion and fail to advance Purpose Statement A. The Project's focus on residential uses leads to an increased demand for the commercial services in the area while not aggravating the over-saturation of the commercial market or the area's traffic congestion.

- Statement G: *To enhance the plan area landscaping by providing guidelines and a process for a coordinated landscaping program of public and private property for the Specific Plan's communities.*

While not technically applicable to the site, the Project has volunteered a condition requiring it to utilize the Sherman Oaks Streetscape Plan as a baseline for the project's publicly accessible open space. This open space includes an approximately 13,000-square foot public plaza, and other pedestrian-oriented improvements planned for the Sepulveda Boulevard frontage, providing an inviting community gathering point with direct access into the project's commercial uses. The Project has also agreed to landscape and maintain a neglected island of public right-of-way paralleling Sepulveda Boulevard from

Camarillo south to Moorpark utilizing the same design guidelines as a baseline. The combination of the two areas would create a uniformed entry into Sherman Oaks from the north.

Overall, the Project would provide approximately 2.15 acres of public and private open space, which exceeds its requirement by approximately 1 acre. The Project proposes approximately 1.5 acres of common open space, in addition to the Public Plaza, on the project's podium level. The podium level buildings are arranged around a central park, with three smaller open spaces connecting the central park to Sepulveda Boulevard and Camarillo Street. Much of the project's courtyard landscaping would be visible from Sepulveda Boulevard and in some cases cascade over the podium edge.

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

Even though the project site is just outside the Sherman Oaks Pedestrian Oriented Area, its proposed design includes many features envisioned for this Area. A project objective is to create an inviting pedestrian environment promoting walking from the site to Ventura Boulevard, including its numerous employment and transit opportunities, as well as from Ventura Boulevard to the site's neighborhood-serving commercial uses. The Applicant agreed to submit to the Department of Public Works for their review and approval a Pedestrian, Streetscape and Transit Enhancement Plan to provide pedestrian, streetscape and transit enhancements to promote consistency with the neighboring Sherman Oaks Streetscape and Design Plan, with the objective of fostering a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage. The Plan may include such features as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales. By providing pedestrian improvements in the area, the proposed project seeks to offer viable alternatives to single occupancy automotive trips. These pedestrian enhancements will offer attractive connections to the area's employment and transit opportunities.

### **Section 6: Building Limitations**

The Project is located in within the Regional Commercial land use designation area east of the San Diego Freeway and is limited to a floor area ratio development right not to exceed 1.5:1. The Project, as proposed, with a 2.75:1 would exceed this maximum FAR and require the approval of a Specific Plan Exception. The recommendation for approval of an FAR of 2.25:1 also would require a Specific Plan Exception, but would reduce the overall mass and size of the project, as well as vehicle trips. With the granting of the Specific Plan Exception, the project, as conditioned, substantially complies with the applicable regulations, standards and provisions of the Specific Plan.

### **Section 7: Land Use Regulations**

- Yards and Setbacks (Section 7A)

The Specific Plan indicates that the yard requirements of both the Specific Plan and the LAMC are applicable to the site. The Specific Plan defines and designates the front yard, while the side yards are defined by the Los Angeles Municipal Code. There is no rear yard to this site. The Specific Plan requires a variable width front setback ranging from a minimum of 18 inches to maximum of 10 feet and defines Sepulveda Boulevard as its front yard. The proposed project provides an 18-inch minimum front yard along Sepulveda and a maximum 10-foot setback, except for one portion where a Specific Plan Exception is

requested to provide a 13,000-square foot Public Plaza. LAMC Section 12.11 C 2 requires an 11-foot side yard and LAMC Section 12.22 A 18 allows mixed-use projects fronting on a public street, such as Camarillo Street, to provide no yard setback. The proposed project provides a 28-foot setback along its north/western side yard and an 18-inch yard along Camarillo Street. Accordingly, the majority of the site substantially complies with the yard and setback requirements and, with the approval of the Specific Plan Exception to allow for the Public Plaza, the entire Project will substantially comply with applicable regulations, standards and provisions of the Specific Plan.

- Lot Coverage. (Section 7B.1)

The Regional Commercial and Community Commercial Plan Designation Areas of the Specific Plan prescribe that buildings and structures shall cover no more than 75 percent of the lot area. The Project slightly exceeds this maximum lot coverage prescribed by the Specific Plan by 3.5%, due primarily to the need to construct the project atop a podium. As stated in the Specific Plan Exception findings, the proposed project is consistent with the intent of the Specific Plan to use lot coverage to reduce massing. While not technically applicable, the Project also provides an additional 1.5 acres of podium level open space for the project residents, resulting in additional breaks in the massing. With the granting of the Specific Plan Exception, the Project, as conditioned, substantially complies with the applicable regulations, standards and provisions of the Specific Plan.

- Driveways (Section 7.C)

Multiple driveways are prohibited along a 250-foot or shorter street frontage. This provision is not applicable to the project site as all of its frontages exceed 250 feet.

- Landscaping (Section 7.D)

There are several landscaping requirements, primarily addressing parking lots and parking structures. There is no uncovered parking on the site, thus no parking lot trees will be required. The subterranean parking lot is not required to be landscaped and the one at-grade level will be within the building's podium. The Applicant has agreed to construct and maintain public open space within the Public Plaza, the abutting public right of way and along a desolate stretch of land south of the site on the east side of Sepulveda Boulevard, thereby creating an integrated landscape gateway to Sherman Oaks. The Project's design is in substantial conformance with the Specific Plan's landscaping requirements.

- Height Limit (Section 7.E.1.b.4)

The Project is located in an area of the Specific Plan within Sherman Oaks which imposes a height limit of 75 feet. In addition, Mixed-Use projects within this area of the Specific Plan may qualify for an adjustment to 82 feet in height. The project, as proposed, with a 100-foot maximum height would exceed this height requirement and would require the approval of a Specific Plan Exception. The recommendation for approval of a project height at 82 feet would be consistent with the height adjustment allowed for Mixed-Use projects. While the project is a mixed-use project, because it does not meet the definition of a Mixed-Use project under the Specific Plan, it would require a Specific Plan Exception. With the granting of the Specific Plan Exception, the Project, as conditioned, substantially complies with the applicable regulations, standards and provisions of the Specific Plan.

- Parking (Section 7.F)

The Specific Plan addresses parking requirements for commercial uses. Parking requirements for residential uses remain subject to the LAMC. The Specific Plan parking requirement for the project is 208 spaces, based on one parking space per 250 square feet of retail use. The Project's parking supply complies with the regulations of the Specific Plan

### **Section 8. Sign Regulations**

The Specific Plan contains a series of regulations governing signs including outlining the size, shape, location and permitted types of signs. The Applicant submitted a Sign program that is consistent with the Specific Plan.

### **Section 10. Transportation Mitigation Standards and Procedures**

The Department of Transportation (DOT) reviewed the traffic study for the Project in conformance with Section 10, Transportation Mitigation Standards and Procedures, of the Specific Plan. Based upon DOT's review of the Applicant's traffic study for the Project, DOT determined that the mitigation measures proposed by the Applicant would not reduce all Project traffic impacts to a less than significant level. In accordance with Paragraphs A.1 and D.5 of Section 10, DOT recommended an additional mitigation measure in its traffic assessment, which required the Project to contribute \$300,000 for the implementation improvements to increase parking availability, reduce search times and relieve traffic congestion; neighborhood calming improvements; and, transit, bicycle, pedestrian and streetscape improvements and amenities. Accordingly, the Project complies with the applicable regulations, standards and provisions of the Specific Plan.

### **Section 11. Project Impact Assessment Fees**

Prior to obtaining a building permit, the Project is required to pay or guarantee payment of a "Project Impact Assessment" (PIA) fee for the purpose of funding Specific Plan improvements, programs and services, including pedestrian improvements and transportation management organizations. With payment of the PIA fee, the Project will substantially comply with the applicable regulations, standards and provisions of the Specific Plan.

20. **That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

As outlined in the recommended CEQA findings, an Environmental Impact Report, ENV 2004-6000 EIR/ SCH # 2004111068, was prepared and certified by the City of Los Angeles as the Lead Agency in connection with the Advisory Agency's approval of VTT-61216. This document reviewed key environmental impact areas including: Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hazard and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Population, Housing & Employment, various Public Services, Transportation and Circulation and Utilities. The EIR incorporates a Mitigation Monitoring and Reporting Program, which includes mitigation measures that mitigate the potential significant impacts of the project to the extent feasible. While the EIR does identify certain significant and unavoidable impacts, the recommended CEQA findings include a Statement of Overriding Consideration that the Project's economic, social, aesthetic and environmental benefits outweigh these significant unavoidable impacts of the Project.

## CERTIFICATION OF EIR

The Department of City Planning, acting as Lead Agency, determined that an Environmental Impact Report ("EIR"), in accordance with State California Environmental Quality Act ("CEQA") Guidelines Section 15081, would be the appropriate level of review under CEQA for the proposed project.

The Department of City Planning issued Environmental Impact Report No. ENV-2004-6000-EIR (State Clearinghouse No. 2004111068)—consisting of the Draft EIR dated December 2010 and appendices attached thereto, as well as the Final EIR dated January 2013 and appendices attached thereto.

The project described below has been completed in compliance with CEQA, Public Resources Code Section 21000 et seq. in connection with the following approvals granted to M. David Paul & Associates (the "Applicant"). This Final EIR is being certified in connection with all discretionary or ministerial approvals and permits required to implement the Il Villaggio Toscano Mixed Use Project (interchangeably, the "Project" or the "proposed project").

### ***Proposed Project***

#### ***Project Environmental Setting – Baseline***

The environmental impact analysis is conducted against a baseline of existing conditions, i.e., the environmental setting. The baseline conditions are set as of the date the City published the Notice of Preparation ("NOP") for the proposed project on November 12, 2004. The Environmental Setting is fully described in Section III of the Draft EIR.

The project site is located in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan area, a highly urbanized regional area in the City of Los Angeles. With the exception of a single-family residence located at 4804 Peach Avenue, the project site is currently vacant and graded. The project site was previously graded as part of the removal of a four-story earthquake-damaged office building on the northeast portion of the site, 24 multi-family residential units in three two-story buildings on the southeast portion of the site, and 10 single-family detached residential units on the western portion of the site. Existing landscaping on-site consists of four non-native mature trees. An approximately 26-foot high masonry sound wall serves as a barrier between the project site and the I-405 and US-101 freeway interchange.

The project site is located in a highly urbanized area along Sepulveda Boulevard, a major north/south arterial that serves the community of Sherman Oaks. Surrounding land uses consist of predominantly low- to medium-rise commercial and residential buildings with a few high-rise buildings located nearby along Sepulveda Boulevard. Specifically, the six-level parking structure for the Sherman Oaks Galleria, a major retail and office complex, and a two-story motel (777 Motor Inn) are located immediately to the south of the site across Camarillo Street. Additionally, a four-story multi-family residential complex (referred to as the Grand Apartments) is located south of the motel (adjacent to the Sherman Oaks Galleria) along Sepulveda Boulevard, and a 16-story commercial office building is located further to the south. Multi- and single-family residential uses ranging from one to three stories are located to the east of the site across Sepulveda Boulevard with single-family residential uses located further east. The I-405 and US-101 interchange borders the site to the west and north.

There are two zoning designations on the properties to the south of the site across Camarillo Street. The property to the southwest is zoned [Q] C2-2 and is developed with the Sherman Oaks Galleria parking structure. The property to the southeast is zoned R4-2L and is developed with the 777 Motor Inn on the southwest corner of Camarillo Street and Sepulveda Boulevard.

The property to the south of the motel is developed with the Grand Apartments sitting atop an at-grade parking garage. The properties to the east across Sepulveda are zoned R3-1 and are developed with three-story apartment buildings. The properties abutting the site to the west and north are zoned PF-1XL and are developed with the northbound 405 San Diego Freeway connector to the eastbound 101 Ventura Freeway.

The Los Angeles County Metropolitan Transportation Authority and Los Angeles Department of Transportation ("LADOT") operate several bus routes that serve the project area. Five bus routes have stops within reasonable walking distance (approximately one-half mile or less) of the project site. There are three Rapid Bus stops within 1,500 feet of the project site providing access to numerous jobs centers, including the Van Nuys Government Center, Warner Center, Westwood Village/UCLA and Universal City, as well as access to the Orange and Red transit lines. The project site is within walking distance to approximately 6.5 million square feet of commercial office and entertainment uses.

Based on SCAG forecasts from the 2008 Regional Transportation Plan, in 2008, the Community Plan area had an estimated population of approximately 86,509 residents, 41,856 housing units, and 47,123 employment positions.

Regional access to the project vicinity is provided by the San Diego Freeway (I-405) and the Ventura Freeway (US-101). The San Diego Freeway is a north-south oriented freeway located adjacent to the west of the project site. The Ventura Freeway is the primary east-west freeway in the project area and is located adjacent to the north of the project site.

The project site is well served by a grid of arterial streets, including Sepulveda Boulevard, Ventura Boulevard, Van Nuys Boulevard, Burbank Boulevard, Beverly Glen Boulevard, Valley Vista Boulevard, La Maida Street, and Camarillo Street. Access to the project site is currently provided by Sepulveda Boulevard and Camarillo Street. Internal site access is provided by Peach Avenue and La Maida Street, which transect the project site.

Although sidewalks exist on both sides of Sepulveda Boulevard and Camarillo Street, pedestrian activity around the project site is minimal. No designated bicycle lanes are located on any of the streets adjacent to the project site.

For purposes of identifying other projects within the environmental setting that may contribute to cumulative environmental impacts, fifty one (51) small to large projects were identified within the vicinity of the project site. These projects are described in Table III-1 on page III-13 and are located on the map presented in Figure III-1 on page III-16 of the Draft EIR. The list of related projects was compiled from a number of sources, including LADOT's related projects database.

### ***Project Characteristics***

The Project characteristics have changed since the commencing environmental review. The density, intensity, and height of the proposed project have twice been reduced from the original proposed project.

### ***Original Project***

The proposed project studied in the Draft EIR included the development of a maximum of 500 multi-family residential units and approximately 55,000 square feet of neighborhood-serving commercial uses. The combined floor area for the residential and neighborhood-serving commercial uses for the proposed project totaled approximately 708,659 square feet, with a floor area ratio (FAR) of 3.3:1.

The residential buildings would be arranged around a main central courtyard, with multiple-themed gardens (e.g., a maze garden, herb garden, orchard garden, poplar garden), on the plaza level. The courtyards and gardens would be articulated at the ground level by stairs leading up to the plaza level (i.e., podium) above. Other recreational amenities associated with the residential uses would include a large pool facility, spa, gym, community rooms, a bocce court, and lobbies. In addition, residential units would include private balconies. In total, approximately 106,013 square feet of common and private open space would be provided on-site.

The proposed project's neighborhood-serving commercial uses would be located on the ground level, fronting Sepulveda Boulevard and Camarillo Street. It is anticipated that a neighborhood specialty grocery store, which would comprise up to approximately 45,000 of the 55,000 square feet of the neighborhood-serving commercial space, would serve as the Project's anchor tenant. The commercial storefronts and adjacent street frontages would be landscaped and enhanced with amenities (i.e., paving, seating, decorative light posts) to create a pedestrian-friendly urban setting. Additionally, a small piazzetta (i.e., small, Italian-style plaza) would be located on the ground level on Sepulveda Boulevard.

The proposed project, as evaluated in the Draft EIR, included a total parking supply of approximately 1,470 parking spaces, consisting of an estimated 1,000 parking spaces for project residents, 250 parking spaces for residential guests, and 220 parking spaces for retail visitors. Parking would be provided within a parking structure that would include two subterranean levels, one ground level, and one mezzanine level. Primary access to the parking structure would be provided via a new private two-way roadway along the back side of the site, (i.e., along the northern/western frontage) extending from Sepulveda Boulevard to Camarillo Street. This private roadway would provide two driveway access points to the parking structure along its length and would also serve as emergency access to the back of the site. In addition, a two-way retail-only driveway, a porte-cochere type driveway for residential drop-off/pick-up, and two two-way residential-only driveways on Camarillo Street are proposed.

The proposed project would be designed to achieve a silver rating under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) green building program. To achieve the LEED® silver rating, sustainability measures that address transportation, water efficiency, and energy efficiency would be incorporated as part of the Project.

Project construction would require approximately 165,000 cubic yards of grading and soil export. Construction would require approximately 20 to 23 months to complete.

### **Reduced Project**

In response to public comments received regarding the Draft EIR, the proposed project was revised. The revised project identified and evaluated in the Final EIR involves reducing the number of residential units from 500 units to 399 units, expanding the publicly accessible plaza from 2,300 square feet to 13,000 square feet along the Sepulveda Boulevard frontage, and reducing the proposed project's 55,000 square feet of neighborhood-serving retail by 3,000 square feet to 52,000 square feet of retail. Furthermore, the building heights along Sepulveda Boulevard have been reduced based on distance from the Sepulveda Boulevard property line. Additional changes in response to public comments include an 18-inch setback on Camarillo Street and along portions of Sepulveda Boulevard, the inclusion of a pedestrian entrance to the retail uses from the ground level parking along Camarillo Street, the inclusion of an open air colonnade along Sepulveda Boulevard, and the inclusion of landscaped gardens that extend from the interior residential levels to Sepulveda Boulevard. Expanding the size of the publicly accessible ground level plaza up to approximately 13,000 square feet along the Sepulveda

Boulevard frontage would exceed the maximum permitted front yard setback of 10 feet along this portion of the Sepulveda Boulevard frontage. The publicly-available plaza is proposed to include tables, chairs, benches, and planters with native landscaped vegetation.

With the proposed reduction in residential units and neighborhood-serving commercial uses, the proposed project's parking supply would be reduced from approximately 1,470 parking spaces to approximately 1,206 parking spaces, including 798 parking spaces for project residents, 200 parking spaces for residential guests, and 208 parking spaces for retail visitors. Also in connection with the reduction in the number of residential units, the amount of open space within the project site for residents would be reduced from approximately 106,013 square feet to approximately 93,500 square feet.

Based on the modifications to the Project proposed by the Applicant, several of the requested Specific Plan exceptions set forth in the Draft EIR have been revised or are no longer applicable. Specifically, with the proposed reduction in residential units and commercial uses, the Applicant has reduced the proposed project's floor area ratio of 3.3:1 to 2.75:1. Accordingly, the Applicant's request for exception from Specific Plan Section 6.B.4 has been revised to reflect the proposed project's reduction in floor area ratio from 3.3:1 to 2.75:1. With this modification, the combined floor area for the proposed project's residential and neighborhood-serving commercial uses would be reduced from approximately 708,659 square feet to approximately 582,359 square feet. In addition, with the inclusion of an 18-inch setback on Camarillo Street and along portions of Sepulveda Boulevard, the request for exception from Specific Plan Section 7.A.2.a is no longer required. However, in order to accommodate an expanded publicly accessible ground level plaza along Sepulveda Boulevard, the Applicant is requesting an exception from Specific Plan Section 7.A.2.a to exceed the front yard setback along a portion of the Sepulveda Boulevard frontage. Furthermore, the request for exception from Specific Plan Section 7.B.1 has been revised to reduce the lot coverage of 83 percent at grade to 78.5 percent at grade. Finally, with the revision to fully enclose the parking structure along Camarillo Street, the request for exception from Specific Plan Section 7.D.2.b would be eliminated. These proposed changes to the Project would reduce the overall environmental impacts of the proposed project compared to the Project studied in the Draft EIR.

### **Approved Project**

The Reduced Project has been further reduced from 399 units to 325 units and the floor area ratio has been reduced from 2.75:1 to 2:25:1. Maximum height has been reduced from the 100 feet sought by the Applicant to a maximum of 82 feet approved by the City Planning Commission.

In addition, at its April 25, 2013 hearing on this matter the City Planning Commission added landscaping to the pool deck and increased the tree wells to a minimum of 7 feet along the project boundary abutting the 405-to-101 Freeway Interchange.

### **Project Approvals**

The Applicant requests approval of the following discretionary actions (collectively, the "Project Approvals"):

- 1) Pursuant to **Los Angeles Municipal Code (L.A.M.C.) Section 12.32 F and Q**, the Applicant requests a Vesting Zone and Height District change from (Q)CR-1L, (Q)P-1L, R3-1L and R1-1L to the C2 zone and to Height District 2D.



- 2) Pursuant to **L.A.M.C. Section 11.5.7.F**, the Applicant requests the following Exceptions from the Ventura-Cahuenga Boulevard Corridor Specific Plan sections:
  - a) **Section 6.B.4**, which restricts the floor area of a project to 1.5 to 1. The Applicant is requesting a floor area ratio of up to 2.25 to 1.
  - b) **Section 7.A.2.a**, which prohibits front yard setbacks in excess of 10 feet. The Applicant is requesting to exceed the front yard setback by 59 feet for 137 lineal feet of the project's approximate 461 lineal foot Sepulveda Boulevard frontage to accommodate portions of an approximately 13,000 square foot public plaza, which is approximately 69 feet deep and approximately 137 feet wide.
  - d) **Section 7.B.1**, which restricts the maximum lot coverage to 75%. The Applicant is requesting maximum lot coverage of 78.5% at grade.
  - f) **Section 7.E.1.b.4**, which limits the building heights in this sub-area to 75 feet. The Applicant is requesting a maximum building height of 82 feet over approximately 32% of the site.
- 3) Pursuant to **L.A.M.C. Section 11.5.7 C**, the Applicant requests approval of the project for compliance with the Ventura/Cahuenga Boulevard Corridor Specific Plan with the exceptions identified above.
- 4) Pursuant to **L.A.M.C. Section 12.24 W 1**, the Applicant requests permission to sell a full line of alcoholic beverages for off-site consumption in conjunction with a retail grocery store.
- 5) Pursuant to **L.A.M.C. Section 17.01**, the Applicant requests approval of Vesting Tentative Tract Map (Tract No. 061216) to merge the land into a single ground lot, with 9 airspace lots.
  - a) The subdivision will create one ground lot and 9 airspace lots which will include the following uses:
    - i) Lot 1: contains the ground lot, fire lane and common access courtyard located proximate to Sepulveda Boulevard;
    - ii) Lots 2 - 6: contain the commercial uses fronting Sepulveda (except for the grocery store);
    - iii) Lot 7: contains the floor area within the grocery store;
    - iv) Lot 8: contains the commercial and guest parking;
    - v) Lot 9: contains the residential parking spaces, the loading dock and various vertical penetrations throughout the building; and
    - vi) Lot 10: contains the residential units and lobby;
  - b) The Applicant requests permission to vacate La Maida Street and Peach Avenue.
  - c) The Applicant requests approval of a Haul Route.
  - d) The Applicant is requesting that Sepulveda be defined as the front yard and the remaining two yards be defined as side yards.
- 6) Pursuant to **L.A.M.C. Section 16.05**, the Applicant requests that the decision-maker make the Site Plan Review findings.
- 7) Pursuant to various sections of the L.A.M.C., the Applicant will request approvals and permits from the Building and Safety Department (and other municipal agencies) for project

construction actions including, but not limited to the following: demolition, excavation, shoring, grading, foundation, building, and tenant improvements.

- 8) Pursuant to Section 21082.1(c) of the Public Resources code, Certification of the Environmental Impact Report and the adoption findings and Statement of Overriding Considerations.

### ***CEQA Process***

The City circulated a Notice of Preparation ("NOP") for the proposed project on November 12, 2004, for a 30-day comment period. In addition, a public scoping meeting was held on November 30, 2004, to receive written and verbal comments on the scope and content of the Draft EIR. The Initial Study, NOP, and comment letters received during the NOP comment period are included in Appendix A of the Draft EIR.

The Project traffic study was done in 2008 and included a comprehensive related projects list. The 2008 related projects database in the traffic study and EIR was large and extensive, analyzing 51 related projects within an approximate 3.5-mile radius of the Project site. A radius of 1.5-2.0 miles is typically used in most traffic studies. As a result, the traffic study conservatively assumed higher traffic volumes from related projects. While it is expected that some of the related projects have not proceeded or have been downscaled due to the economic recession that began in 2008, the trips from all of these projects are still included in the analysis of future traffic volumes. In addition, a generous ambient traffic growth factor of two percent per year was used at the time of the original traffic study, accounting for potential projects not yet proposed at the time the related projects database was developed. In 2010, the traffic study was updated to reflect a revised buildout year for the project and, as part of that update, additional ambient growth again was added to the counted traffic volumes, consistent with LADOT-approved methodologies for traffic study updates. No projects were removed from the 2008 related projects list.

Based on public comments in response to the NOP, the Initial Study and a review of environmental issues by the City, the Draft EIR analyzed the following environmental impact areas:

- Aesthetics
- Air Quality
- Biological Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population, Housing, and Employment
- Public Services - Police Protection

- Public Services - Fire Protection
- Public Services - Public Schools
- Public Services - Parks and Recreation
- Public Services - Libraries
- Transportation and Circulation
- Utilities - Water Supply
- Utilities - Wastewater
- Utilities - Solid Waste

The Draft EIR was circulated from December 16, 2010, to February 7, 2011. In addition, in response to requests from the public, the comment period was extended to March 7, 2011. Thus, the public review period exceeded the 45-day public comment period required by CEQA.

Following the Draft EIR public comment period, the Final EIR was prepared that addresses the environmental effects associated with implementation of the proposed project, identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). The Final EIR was also made available for review on the City's website. Electronic copies of the Final EIR were also made available at four libraries and the City of Los Angeles Department of Planning. Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the project site as well as individuals that attended the scoping meeting and provided comments during the NOP comment period.

A duly noticed public hearing on the project was held by the City's Deputy Advisory Agency and a Hearing Officer on February 19, 2013. Both written and oral comments were received in conjunction with the February 19 hearing. Final EIR Supplemental Responses to February 2013 Comments ("**Supplemental Responses to Comments**") were prepared by Matrix Environmental with technical reports attached. The Supplemental Responses to Comments include an update of traffic impacts to 2015 as well as technical reports responding to air quality, noise, and traffic concerns.

The Advisory Agency certified the Final EIR, adopted findings pursuant to CEQA, and approved Vesting Tentative Tract Map (VTT-61216) on March 29, 2013. The Tract Map was appealed in its entirety—including an appeal of the EIR Certification—on April 5, 2013. On April 24, 2013, one day before the City Planning Commission was scheduled to hear the appeal, the Appellant submitted to the City Planning Commission a 16-page letter dated April 23, 2013 with approximately 60 pages of attachments.

On April 25, 2013, the City Planning Commission held a duly-noticed public hearing to consider the Tract Map appeal and consider whether to approve the remaining project approvals: CPC-2010-3152- ZC-HD-SPE-SPR-SPP-CUB. At the April 25, 2013 hearing testimony was received from the Applicant and its representatives, the Appellant's representative, and members of the public. Following public testimony, the City Planning Commission certified the EIR, adopted CEQA findings, imposed additional conditions upon the project, and approved the project.

The Applicant had previously submitted an Economic Impact Analysis of the project dated August 2012 and prepared by the Los Angeles Economic Development Corporation, which set forth evidence of the economic benefits of the project. In response to the reductions in the project approved by the City Planning Commission, the LAEDC updated the Economic Impact Analysis. The Applicant submitted updated analysis, dated May 2013, to the City Planning Department.

The Final EIR consists of the Project Environmental Assessment Form, the Initial Study, the Draft EIR and appendices attached thereto, and the Final EIR and appendices and errata attached thereto, and Supplemental Responses to Comments and appendices attached thereto. The Administrative Record shall consist of the Final EIR, the Project Approvals applications, the Project Approvals determinations, the record of any public hearings or proceedings, and all public statements and comments whether written or oral submitted at public hearings, including any administrative appeals. The Administrative Record shall not consist of any draft or screencheck versions of the Draft or Final EIR, or of any internal correspondences within the City Planning Department or any other agency of the City that are part of the City's internal deliberative process. The Administrative Record shall not consist of any privileged attorney-client communication or work product by and between the City Attorney and any employees or officials of the City.

#### ***Required CEQA Findings***

Section 21081 of the California Public Resources Code and Section 15091 of the State CEQA Guidelines (the "Guidelines") require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three possible findings for each of the significant impacts.

- The first possible finding is that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)); and
- The second possible finding is that "such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (Guidelines Section 15091(a)(2)); and
- The third possible finding is that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or project alternatives identified in the final EIR." (Guidelines, Section 15091(a)(3)).

The Department of City Planning served as the Lead Agency under CEQA with respect to the proposed project and based on all the foregoing information, where applicable the City decision-maker must find that:

1. Pursuant to Public Resources Code Section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment as identified in the Final EIR; and
2. Pursuant to State CEQA Guidelines Section 15091(a)(1), that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final

EIR; and

3. The Final EIR has been completed in compliance with CEQA and is adequate under CEQA for approval of the actions necessary to implement the project and all other City permits, entitlements, and discretionary approvals for the project; and
4. Project alternatives that substantially reduce or avoid the project's significant environmental impacts are rejected as infeasible.

The City hereby finds that each and all of the Findings and Determinations contained in this document are based upon competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the Final EIR. The Findings and Determination constitute the independent Findings and Determinations of the City in all respects and are fully and completely supported by substantial evidence. All of the language included in this document constitutes Findings by the City, whether or not any particular sentence or clause includes a statement to that effect. All summaries of information and the Findings to follow are based on the Final EIR, the Project (and every component thereof), and/or other evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular Finding is not based in part on that fact. The summaries of information below are only summaries. Cross-references to the Draft and Final EIR and other evidence in the record have been made where helpful, and reference should be made directly to the Final EIR, and other evidence in the record for more precise information regarding the facts on which any summary is based. In addition, unless noted or stated otherwise, the rationale for the Findings is that set forth in the Final EIR (including the responses to comments), or elsewhere in the administrative record.

Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allows the occurrence of significant impacts identified in the Final EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to Section 15093 (b) of the CEQA Guidelines, that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided.

The City hereby adopts each of the above-referenced environmental findings as follows:

**A. Impacts Found to be Less than Significant (No Significant Impacts Would Occur and No Mitigation Required)**

The following impact areas were concluded by the EIR to be less than significant prior to mitigation, and based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that, based on substantial evidence, the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed:

**1. Aesthetics**

*Aesthetics/Visual Quality*

*–Short-Term Construction*

During construction of the proposed Project, the project site's visual appearance would be altered due to site preparation activities and the construction of project buildings. However, temporary fencing would be placed along the periphery of the project site to screen views of the construction activity from the ground level. Project construction activities may require the removal of several mature street trees bordering the site along Sepulveda Boulevard and Camarillo Street, thereby temporarily reducing the visual quality of these streets adjacent to the project site. However, removal of trees is necessary to implement the project's proposed landscaping plan, which would replace all street trees and would incorporate street frontage improvements, such as decorative paving on the sidewalks and the planting of new trees, shrubs, and turf. In this respect, the aesthetic impacts to trees during construction must be considered in the context of the Project's overall landscaping plan. Since the loss of street trees would be part of the Project landscape plan and removed trees would ultimately be replaced, the removal of street trees during construction would not result in a significant impact.

Visible construction activities would also include truck traffic to and from the site. However, the impact of construction trucking would not significantly impact the visual quality of the area, since major roadways are intended to accommodate a range of vehicle types, including trucks incidental to construction and deliveries. Furthermore, construction-related visual impacts would only occur on a short-term basis. The Project would not substantially alter, degrade or eliminate the existing visual character of the area. Thus, construction-related visual quality impacts would be less than significant.

#### *-Operation*

The existing structure on the project site is an aging residence, which does not possess notable aesthetic features nor contribute to a high visual quality of the surrounding area. Implementation of the proposed project would remove and replace the existing on-site residence with a series of new buildings and associated landscape improvements. Although the Project would develop new buildings up to 82 feet in height, the proposed building heights would not present a sharp contrast with surrounding developments, particularly given the diversity of building heights in the area. Surrounding development consists predominantly of low- to mid-rise buildings with high-rise structures present along Sepulveda Boulevard and throughout the Ventura Boulevard commercial corridor. With such variations in building heights in the surrounding locale, the Project's building heights would visually blend into the urban environment. The proposed Project would be only marginally taller than the adjacent parking and residential structures to the immediate south, and substantially shorter than the office tower further to the south. Furthermore, although the Project would be taller than the one to three story residential and commercial uses to the east, Project building heights would generally be buffered by the six lanes of Sepulveda Boulevard. Lastly, the elevated I-405 and US-101 interchange, would buffer the Project's building heights from off-site land uses located to the west and north. Overall, the Project would contribute to the diversity of building heights and would not detract from the existing valued aesthetic quality of the project area. Thus, project implementation would alter the existing visual character of the project site from an underutilized property with blighting influences (i.e., graffiti) to a new, contemporary development providing a cohesive mix of residential and neighborhood-serving commercial uses.

The residential buildings would be arranged around a main central courtyard, with gardens, on the plaza level, creating new open space areas and passive recreational uses for the enjoyment of project residents. The courtyards and gardens would be articulated at the ground level by an outdoor piazzetta and stairs leading up to the plaza level (i.e., podium) above. A colonnade along Sepulveda Boulevard would be included to enhance the architectural façade.

Overall, the Project would not alter, degrade, or eliminate the existing valued visual character of the area. Specifically, the Project would not remove or alter existing features or elements that

substantially contribute to the area's valued visual character nor convert a large area of visible natural open space. Furthermore, the Project would not introduce inappropriate contrast between the proposed project elements and existing features that embody the surrounding area's valued aesthetic image. Therefore, the Project would not substantially detract from the existing style or image of the Sherman Oaks community. Project impacts on visual quality would be less than significant.

#### *Views*

The Project site currently does not contain any scenic resources. Views of the Project site consist of a primarily vacant and graded site with one aging single family residence. Due to the site's relatively flat topography, its adjacency to the elevated I-405 and US-101 interchange, and the presence of existing low- to mid-rise buildings along Sepulveda Boulevard and Camarillo Street, the project site does not offer any valued views or occupy a substantial portion of any scenic viewshed. Additionally, most long-range views in the surrounding project area are obstructed or at least partially obstructed by existing development and/or the surrounding freeway infrastructure. Views are thus, limited to the immediate urban built environment. Therefore, development of the Project with buildings up to 82 feet in height would not result in the obstruction of valued views on-site or off-site since such views are not currently available.

The Project would not have a substantial effect on a scenic vista or alter views from a designated scenic highway, and would not substantially obstruct an existing view of a prominent, valued visual resource. Therefore, project impacts to views would be less than significant.

#### *Light and Glare*

Due to the heavily urbanized character of the area, particularly along the active commercial corridor of Sepulveda Boulevard, the surrounding area currently exhibits medium to high ambient nighttime lighting levels. The proposed project would introduce new illumination sources including interior and exterior lighting for wayfinding, security, parking, signage, architectural highlighting, and landscaping purposes. Lighting introduced along the eastern façade of the proposed buildings on Sepulveda Boulevard would be designed to minimize light spillover to residences located across Sepulveda Boulevard through the use of shielding, cut-off fixtures, or similar measures. In addition, all exterior project lighting would comply with applicable regulations contained within the LAMC and the Sherman Oaks Streetscape Plan and Design Guidelines. Furthermore, given the degree of ambient lighting that currently exists in the project area, the Project's proposed lighting levels would not substantially increase the existing ambient nighttime light levels.

Glare is currently generated by existing buildings, vehicle windows, and other reflective surfaces in the area. The façades of the buildings would include plaster siding and would not contain highly reflective materials. Windows consisting of low-reflectivity glass would be utilized to minimize off-site glare. As vehicular parking on the site would be enclosed within a parking facility, automobile-related glare impacts to any off-site sensitive uses would not occur. Thus, any potential glare effects would be insignificant.

Overall, the proposed project would not create a new source of substantial light or glare that would adversely affect adjacent light-sensitive areas or a new source of glare that would substantially affect day or nighttime views in the area. Therefore, project impacts associated with light and glare would be less than significant.

#### *Shading*

The nearest shadow sensitive receptors to the project site are the residential uses located to the east of the project site across Sepulveda Boulevard. Worst-case scenario shade/shadow simulations for the winter solstice, spring equinox, summer solstice, and fall equinox indicate that the greatest off-site shading would occur during the winter solstice. However, project shading on sensitive uses during the winter would not occur for more than the significance threshold of three hours between the time frame of 9:00 a.m. and 3:00 p.m. During the spring equinox and summer solstice, respectively, shading on the residential uses to the east would be very limited. During the fall equinox, noticeable shading would be experienced by the first row of residential properties to the east between the hours of 2:00 p.m. and 5:00 p.m. However, the Project's shading impacts on shadow sensitive uses during the fall would not occur for more than the significance threshold of four hours between the timeframe of 9:00 a.m. and 5:00 p.m. In summary, based on the shading simulations for the four seasons which are provided in Figures IV.A-11 through IV.A-14 in Section IV.A, Aesthetics, the project would result in less than significant shading impacts.

#### *Consistency with Applicable Policies*

The design of the Project would be consistent with the Community Plan and the Sherman Oaks Streetscape Plan and Design Guidelines. With regard to consistency with the Specific Plan, the Project would require Specific Plan exceptions enumerated above. The Specific Plan includes express provisions for granting exceptions to the Specific Plan. Therefore, seeking exceptions to the Specific Plan would not be inconsistent with the Specific Plan. Additionally, granting of the Specific Plan exceptions would be consistent with the Specific Plan's procedural requirements. Merely requesting Specific Plan exceptions does not render every inconsistency with the Specific Plan a potentially significant aesthetic impact because prior to granting the requested exceptions, the City considers compatibility and aesthetics with the required findings, and such findings include substantial evidence that the inconsistencies do not result in material adverse effects. The aforementioned Specific Plan exception findings are incorporated herein by reference. Project aesthetic impacts relative to consistency with applicable regulations or plans would be less than significant.

#### *Cumulative Impacts*

The cumulative analysis of aesthetics, views, light and glare, and shading considered 51 related projects. Similar to the proposed project, the related projects consist of infill development projects located in already urbanized areas. Of the related projects, the closest related project is Related Project No. 23, a mixed-use residential and commercial project located at 15212–15222 Ventura Boulevard located approximately 0.30 mile to the southeast of the project site. This related project would also be subject to the design standards and regulations of the Community Plan, Specific Plan, and Sherman Oaks Streetscape Plan and Design Guidelines. Therefore, it is not reasonably foreseeable that this related project would remove or alter aesthetic elements that contribute to the valued character of the surrounding area or would contrast with the existing visual environment. Development of the other related projects would not cause cumulative aesthetic impacts as these related projects are not visible from the project area due to either distance and/or existing intervening development.

With regard to views, only Related Project No. 23 is located within the same viewshed as the Project (i.e., along Sepulveda Boulevard) so as to contribute to cumulative impacts on views. However, valued views in the project area are not currently available due to existing intervening development. Therefore, development of Related Project No. 23 and the proposed project would not result in a significant impact on valued views.

Development of the proposed project as well as the other related projects would cumulatively introduce new or expanded sources of artificial light. As the project area is located in a highly



urbanized area, the additional artificial light sources introduced by the related projects and the proposed project would not significantly alter the existing medium-high to high lighting environment. Due to the distance of the related projects from the Project, the lighting and glare of the Project and these other related projects would not exceed the established thresholds of significance. As such, cumulative light and glare impacts are concluded to be less than significant.

None of the identified 51 related projects are located adjacent to the project site or within close proximity to the project site such that shading on the same sensitive uses would occur. Therefore, no cumulative shade/shadow impacts would occur relative to shadow sensitive uses.

## **2. Agricultural Resources**

The Project site is located in an urbanized setting. No agricultural uses or related operations are present within the site or surrounding area. Therefore, the proposed project would not result in impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and no further evaluation of this issue was necessary in the Draft EIR.

The Project site is zoned [Q]CR-1L (Limited Commercial), R3-1L (Multiple Dwelling), R1-1L (One-Family), and [Q]P-1L (Automobile Parking). No agricultural zoning is present on-site and in the surrounding area, and no nearby lands are enrolled under the Williamson Act. Therefore, no conflict exists with regard to agricultural zoning or Williamson Act contracts. No impact would occur, and no evaluation of this issue was necessary in the Draft EIR.

Since there are no agricultural uses or related operations on or near the Project site, the proposed project would not involve the conversion of farmland to other uses, either directly or indirectly. Therefore, no impacts to agricultural land or uses would occur, and no further evaluation of this issue was necessary in the draft EIR.

## **3. Air Quality**

Final EIR Section II.B.IV.B adds an in-depth survey of studies and literature regarding the potential health impacts of air pollutants, as well as public welfare and ecological effects of various air pollutants. This additional information does not change the proposed project air quality impact conclusions set forth in the Draft EIR, but amplifies the background information regarding those impacts.

### *Construction – Toxic Air Contaminants; Cumulative Impacts*

The greatest potential for toxic air contaminants (TAC) emissions during construction would be related to diesel particulate emissions associated with heavy equipment operations for grading and excavation activities. The proposed project would not result in a long-term (i.e., 70 years) substantial source of TAC emissions. In addition, there would be no residual emissions after construction and corresponding individual cancer risk. As such, project-related toxic emission impacts during construction would be less than significant.

Similar to the proposed project, the greatest potential for TAC emissions at each related project would involve diesel particulate emissions associated with heavy equipment operations during grading and excavation activities. Given that the proposed project contribution to cancer risk from construction activities would be less than significant and is a localized impact, related projects that have not already been built would not result in a long-term (i.e., 70 years) substantial source of TAC emissions with no residual emissions after construction and corresponding individual cancer risk. Thus, TAC emissions from the related projects are anticipated to be less than significant individually and cumulatively.

*Construction – Odors; Cumulative Impacts*

Potential sources that may emit odors during construction activities include the use of architectural coatings and solvents. Via mandatory compliance with SCAQMD Rules, no construction activities or materials are proposed which would create objectionable odors. Therefore, no construction-related odor impacts would occur and no mitigation measures would be required.

Also similar to the proposed project, potential sources that may emit odors during construction activities at each related project would include the use of architectural coatings and solvents. Via mandatory compliance with SCAQMD Rules, it is anticipated that construction activities or materials used in the construction of the related projects would not create objectionable odors. Thus, odor impacts from the related projects are anticipated to be less than significant unto themselves, as well as cumulatively in conjunction with the proposed Project.

*Operation – Cumulative Toxic Air Contaminant Impacts*

With respect to TAC emissions, the proposed project or any of the identified related projects (which are largely residential, restaurant, retail/commercial, and institutional developments), would not represent a substantial source of TAC emissions. Uses typically associated with TAC emissions include large-scale industrial, manufacturing, and transportation hub facilities. Based on recommended screening level siting distances for TAC sources, as set forth in the California Air Resources Board's Land Use Guidelines, the proposed project and related projects would not result in a cumulative impact requiring further evaluation. However, the proposed project and each of the related projects would likely generate minimal TAC emissions related to the use of consumer products, landscape maintenance activities, among other things.

Pursuant to California Assembly Bill 1807, which directs the CARB to identify substances such as TAC and adopt airborne toxic control measures (ATCMs) to control such substances, the SCAQMD has adopted numerous rules (primarily in Regulation XIV) that specifically address TAC emissions. These SCAQMD rules have resulted in and will continue to result in substantial Basin-wide TAC emissions reductions. As such, cumulative TAC emissions during long-term operations would be less than significant. In addition, the proposed project would not result in any sources of TACs that have.

*Operation – Localized Operation Impacts*

Project-generated traffic volumes are forecasted to have a negligible effect on the projected 1-hour and 8-hour CO concentrations at the intersections studied. Since a significant impact would not occur at the intersections operating at the highest V/C ratio, no significant impacts would occur at any other analyzed roadway intersection as a result of project-generated traffic volumes. Thus, the proposed project would not cause any new or exacerbate any existing CO hotspots, and, as a result, impacts related to localized mobile-source CO emissions would be less than significant.

A freeway CO analysis was completed to ascertain potential impacts to the project site from the US-101/I-405 interchange. Sensitive receptors on the project site would be exposed to 1-hour and 8-hour CO levels of 7.4 and 7.0 ppm respectively. These levels are below the 1-hour and 8-hour CO standards and, therefore, the US-101 and the I-405 would not cause local CO emissions to exceed the prescribed threshold at the project site.

The proposed project may include the installation and operation of diesel-fired generators for emergency power generation. Compliance with SCAQMD Rules and Regulations regarding stationary-source combustion equipment would ensure that contributions to localized PM<sub>10</sub>

concentrations remain below the  $2.5 \mu\text{g}/\text{m}^3$  significance threshold. Compliance with existing applicable laws or regulations that regulate conduct for the purpose of reducing environmental impacts may be assumed in CEQA analysis, and compliance with such laws or regulation need not be set forth as mitigation. Therefore, any potential impacts would be less than significant.

#### *Operation – Toxic Air Contaminants On-Site Sources*

The primary sources of potential air toxics associated with proposed project operations include diesel  $\text{PM}_{10}$  from delivery trucks (e.g., truck traffic on local streets and on-site truck idling) and emergency backup generators. Potential localized air toxic impacts from on-site sources of diesel particulate emissions would be minimal since the proposed uses are not typically associated with heavy-duty trucks trips to the site. However, in the event that a small number of trucks access the project site, they would be required to limit idling to 5 minutes while on-site. Based on the limited activity of the toxic air contaminant sources, the proposed project would not warrant the need for a health risk assessment associated with on-site activities, and, in this regard, potential air toxic impacts would be less than significant.

Typical sources of acutely and chronically hazardous toxic air contaminants include industrial manufacturing processes, automotive repair facilities, and dry cleaning facilities. The proposed project would not include any of these potential sources, although minimal emissions may result from the use of consumer products. As such, the proposed project would not release substantial amounts of toxic contaminants, and no significant impacts on human health would occur. Based on the limited activity of the toxic air contaminant sources, the proposed project does not warrant the need for a health risk assessment, and potential air toxic impacts would be less than significant.

#### *Operation – Odors; Cumulative Impacts*

The proposed project does not include any uses identified by the SCAQMD as being associated with odors. Thus, potential odor impacts would be less than significant.

Neither the proposed project nor any of the related projects (which are primarily general office, residential, retail, and restaurant uses) have a high potential to generate odor impacts.<sup>1</sup> Furthermore, any related project that may have a potential to generate objectionable odors would be required by SCAQMD Rule 402 (Nuisance) to implement Best Available Control Technology to limit potential objectionable odor impacts to a less than significant level. Thus, potential odor impacts from related projects are anticipated to be less than significant individually and cumulatively.

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<sup>1</sup> According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding.

*Operation – Global Climate Change; Cumulative Impacts*

The proposed project contains design features that would reduce the Project emissions profile and would represent improvements above what can be considered “business as usual.” The proposed project would be designed to achieve a silver rating under the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED®) green building program. To achieve the LEED® silver rating, sustainability measures that address transportation, water efficiency, and energy efficiency would be incorporated as part of the project. In addition, the very nature of the Project, urban infill located in a transit rich area, further improves the project’s GHG reducing potential. The Project would be consistent with the goals set forth in AB32, as well as in CARB’s scoping plan. The project’s GHG emissions reductions compared to the BAU scenario constitute an equivalent or larger break from “business-as-usual” than has been determined by CARB to be necessary to meet Assembly Bill 32’s goals. Therefore, the proposed project will not have a significant impact on the global climate change due to its greenhouse gas emissions.

The proposed project, by implementing project features and GHG reducing measures, results in a net decrease in GHG emissions when compared with business as usual. In addition, the City of Los Angeles is also taking direct action to reduce emissions from all utility users and improve transportation citywide. Therefore, due to the incremental amount of GHG emissions estimated for this project, the fact that estimated operational emissions are likely overstated, the lack of any evidence for concluding that the Project’s GHG emissions could cause any measurable increase in global GHG emissions necessary to force global climate change, and the fact that the Project incorporates design features to reduce potential GHG emissions that are consistent with the goals of AB 32, the CAT Report strategies, and the City of Los Angeles’ strategies, the Project is not considered to have a significant impact with respect to global climate change on a cumulative basis.

*SCAQMD Handbook Policy Analysis*

While development of the proposed project would result in short-term regional impacts, Project development would not have a long-term impact on the region’s ability to meet state and federal air quality standards. The proposed project would comply with SCAQMD Rule 403 and would implement all feasible mitigation measures for control of NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. Also, the project would be consistent with the goals and policies of the Air Quality Management Plan (AQMP) for control of fugitive dust. The Project’s long-term influence would also be consistent with the goals and policies of the AQMP and is, therefore, considered consistent with the SCAQMD’s AQMP.

*City of Los Angeles Policies*

The proposed project would be consistent with City of Los Angeles air quality policies, as it implements the air quality goals and policies set forth in the City’s General Plan. Development of the proposed project at the proposed site location offers the opportunity to provide residential uses within a highly urbanized regional employment center and adjacent to a regional shopping center. The Project would support the reduction of air emissions via its use of existing infrastructure, proximity to existing regional and local transit facilities, the provision of pedestrian-scale street frontages, and location near existing commercial uses that would meet many of the needs of the project’s future residents.

Overall, no significant impacts would occur as a result of project development with respect to compatibility with applicable air quality policies as set forth in the City’s General Plan Air Quality Element.

#### 4. Biological Impacts

##### *Cumulative Impacts*

The majority of the 51 related projects are located at a sufficient distance from the project site so as to not cause potential cumulative impacts to raptors in the area. However, three related projects are located within a half mile of the project site. The urbanized nature and sizes of these sites, along with their lack of seclusion, would prevent raptor hunting and breeding. Therefore, current and future use of these sites by raptors is unlikely. In addition, all of the related projects would be required to comply with the Migratory Bird Treaty Act, as well as the City ordinances for protected trees and street trees. As a result, cumulative impacts to biological resources would be less than significant.

#### 5. Cultural Resources

Attachment B Section V of the November 2004 Initial Study provided substantial evidence showing that potentially significant impacts to cultural resources were not reasonably foreseeable as result of the proposed project. As part of this Initial Study, the properties within the Project site have been formally assessed for historical significance for the purposes of CEQA compliance. A records search was conducted by the South Central Coastal Information Center (SCCIC) at California State University, Fullerton to identify previously recorded prehistoric and historic resources in and around the project site. This search included a review of the National Register of Historic Places (National Register) and its annual updates, the California Historical Resources Inventory database maintained by the California Office of Historic Preservation (OHP), and the City of Los Angeles Historic-Cultural Monuments register. The records search indicated that there are currently no previously identified federal or state level designated or eligible prehistoric or historic resources within or near the project site. There is, however, one City of Los Angeles Historic-Cultural Monument located outside of the project site, but within 0.5 mile of it. This resource is identified as the "Tower of Wooden Pallets" (monument number 184). This historic resource is far enough away from the proposed project site as to not be directly or indirectly impacted by the Project's implementation.

A review of survey data collected and evaluated indicates that no prehistoric or historic archaeological sites have been identified within the local area and that no unique or important prehistoric or historic archaeological resources have been encountered within the project vicinity. The project site is located within an urbanized area and has been subject to extensive disruption over the years; thus, any surficial archaeological resources, which may have existed at one time, have likely been previously disturbed.

The project site is located within an urbanized area that has been previously developed with various uses. Within the project area, any traditional burial sources, which include archaeological sites, burial sites, ceremonial areas, gathering areas, or any other natural area important to a culture for religious, burial, or heritage reasons, would likely be associated with the Native American group known as the Fernandeno, a branch of the Gabrielino. No known traditional burial sites or other type of cemetery usage has been identified within the project site or nearby vicinity. Nonetheless, any discovery of human remains or related resources would be treated in accordance with federal, state, and local regulations and guidelines for disclosure, recovery, relocation, and preservation, as appropriate, including CEQA Guidelines Section 15064.5(e). Therefore, no impacts are expected, and no further evaluation of potential impacts associated with the discovery of human remains is necessary.

## 6. Geology/Soils

### *Soil Conditions*

Project construction would require approximately 165,000 cubic yards of grading and soil export. Erosion and sedimentation from exposed soils could occur during construction. However, project construction activities would be conducted in compliance with erosion control measures, including grading and dust control measures, imposed by the City pursuant to grading permit regulations. In addition, the project would be required to have an erosion control plan approved by the City of Los Angeles Department of Building and Safety, as well as a Storm Water Pollution Plan (SWPPP) pursuant to the National Pollutant Discharge Elimination System (NPDES) permit requirements. As part of the SWPPP, Best Management Practices (BMPs) would be implemented during construction to reduce soil erosion and pollutant levels to the maximum extent possible. As such, construction of the project would not constitute a geologic hazard to other properties by accelerating instability from erosion or accelerating the natural processes of wind and water erosion and sedimentation that would result in sediment runoff or deposition that would not be contained or controlled on-site. Therefore, construction-related impacts associated with erosion and sedimentation would be less than significant.

Soil erosion and sedimentation effects during operation would be less as compared with existing conditions. In addition, Standard Urban Stormwater Mitigation Plan (SUSMP) provisions that would include site-specific BMPs would be implemented throughout the operational life of the project, which would assist in reducing on-site erosion. As such, operation of the project would not constitute a geologic hazard to other properties by accelerating instability from erosion or accelerating the natural processes of wind and water erosion and sedimentation that would result in sediment runoff or deposition that would not be contained or controlled on-site. Therefore, operational impacts associated with erosion and sedimentation would be less than significant.

With regard to landform alteration, the project site is located in an urbanized area and is currently graded. As no distinct or prominent geologic or topographic features would be destroyed, permanently covered, or materially and adversely modified as a result of the project, impacts related to landform alteration would be less than significant.

### *Seismic Hazard – Liquefaction*

The proposed project is located within a state-designated and city-designated liquefaction zone. However, liquefaction tests indicate that soil beneath the project site would not be prone to liquefaction during a 10 percent earthquake (e.g. earthquake with a 475-year return period). Furthermore, the project would comply with state and local building and safety codes, including the CBC and the Los Angeles Building Code. In addition, the Project would comply with the safety guidelines set forth in CGS *Special Publications 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California* and the project design recommendations set forth in the geotechnical report. The LADBS indicated that due to the improbability of liquefaction on the project site, no mitigation is necessary pursuant to the Seismic Hazard Mapping Act. Therefore, the Project would not cause or accelerate geologic hazards which would result in substantial damage to structures or infrastructure or expose people to substantial risk of injury and geologic hazard impacts related to liquefaction would be less than significant.

### *Seismic Hazard – Inundation by Seiches and Dam Failures*

The Project site lies within the inundation hazard areas of the Encino Reservoir and the Sepulveda Dam, which are managed by the Los Angeles Department of Water and Power. It is possible that overtopping of the reservoir and/or dam could occur with a worst-case scenario, leading to dam failure. Seismic activity could also lead to failure of either of these water containment structures. However, the California Division of Safety of Dams regulates the siting, design, construction, and periodic review of all dams in the State. Mitigation of potential seiche hazards has also been implemented by the Los Angeles Department of Water and Power through regulation of the level of water in its storage facilities and the provision of walls of extra height to contain seiches and prevent overflow or inundation. Further, the Sepulveda Dam has automatically controlled spillway gates that rise and lower to control the dam from overtopping. Automatic release of water from the dam is discharged to the Los Angeles River. In addition, the I-405 and US-101 Freeways serve as physical barriers between the Encino Reservoir, the Sepulveda Dam, and the project site. Therefore, the project would not cause or accelerate geologic hazards which would result in substantial damage to structures or infrastructure or expose people to substantial risk of injury due to inundation by a dam or a seiche. Impacts related to these issues would be less than significant.

### *Cumulative Impacts*

Impacts associated with geologic and soil issues are typically confined to a project site or within a very localized area and do not affect off-site areas associated with the related projects or ambient growth. Cumulative development in the area would, however, increase the overall potential for exposure to seismic hazards by potentially increasing the number of people exposed to seismic hazards. Nevertheless, all related projects would be subject to established guidelines and regulations pertaining to seismic hazards. As such, adherence to applicable building regulations and standard engineering practices would ensure that cumulative impacts would be less than significant.

## **7. Hazards and Hazardous Materials**

### *Release of Hazardous Materials*

Construction of the proposed project would involve the temporary use of potentially hazardous materials, including paints, adhesives, surface coatings, cleaning agents, fuels, and oils. However, all potentially hazardous materials would be used, stored, and disposed of in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. Additionally, any emissions from the use of such materials would be minimal and localized to the project site.

With regard to potentially hazardous conditions on the site, the project site is not listed on any of the local, state, or federal databases concerning hazardous materials. Furthermore, no evidence of hazardous environmental conditions was observed on the site. As such, the potential to uncover contaminated soils or groundwater beneath the site during project construction (particularly during grading and excavation activities) is considered low. Since construction of the Project would comply with applicable regulations and would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, impacts associated with the potential release of hazardous substances during construction of the proposed project would be less than significant.

Operation of the Project would involve the limited use of potentially hazardous materials typical of those used in residential and commercial developments, including cleaning agents, paints, pesticides and other materials for landscaping. All potentially hazardous materials would be used, stored, and disposed of in accordance with manufacturers' specifications and handled in compliance with applicable standards and regulations. Thus, any risks associated with these potentially hazardous materials would be reduced to a less than significant level through compliance with these standards and regulations. Therefore, as the Project would comply with applicable regulations and would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, impacts associated with the use of hazardous substances during operation of the proposed project would be less than significant.

#### *Asbestos Containing Materials*

Demolition of the one remaining building on the Project site would have the potential to release asbestos fibers into the atmosphere if they are not properly stabilized or removed prior to demolition activities. The removal of ACMs is regulated by SCAQMD Rule 1403 and, therefore, ACMs would be removed (if present) by a certified asbestos containment contractor in accordance with applicable regulations prior to demolition. Therefore, as the Project would comply with applicable regulations and would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, the risk of exposure to ACMs would be less than significant.

#### *Lead-Based Paint*

Results of qualitative lead screening did not indicate the presence of lead-based paint within the existing residence on the site. Therefore, the potential for construction workers to be exposed to lead during demolition of the existing residence is considered low. As the proposed project would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, potential impacts associated with the presence of lead would be less than significant.

#### *Underground Storage Tanks*

No evidence of underground storage tanks (USTs) was observed on the site and no records have been found which indicate the potential existence of USTs. As the proposed project would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, potential impacts associated with USTs would be less than significant.

#### *Oil and Gas*

There are no oil or gas wells or the drilling of oil and gas wells on the project site. In addition, the project site is not located on an oil, gas, or geothermal field or within a city-designated methane zone or methane buffer zone. As the Project would not increase the risk of interference with existing emergency response capacity to the project area over existing conditions or expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, no impacts associated with oil and gas would occur.



### *Groundwater*

Excavation activities for the Project would not encounter groundwater and the project site is not listed on the local, state, or federal databases concerning hazardous materials. As such, the potential to uncover contaminated groundwater beneath the project site particularly during grading and excavation activities is considered low. As the proposed project would not expose persons to substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards from groundwater contamination, potential impacts associated with contaminated groundwater would be less than significant.

### *Cumulative Impacts*

Impacts associated with hazards and hazardous materials are typically site-specific and do not cumulatively affect off-site areas. Furthermore, all related projects would be required to comply with local, state, and federal regulations pertaining to hazards and hazardous materials. Therefore, with adherence to such regulations, the cumulative development of the proposed project and related projects would not result in cumulatively significant impacts with regard to hazards and hazardous materials.

## **8. Land Use**

Section IV.G of the Draft EIR, Responses to Comments 7-1 through 7-5 (which are repeated and cross-referenced throughout the Responses to Comments), Final EIR Sections I.G, II.A.1 and IV.G, the separate Vesting Tentative Map findings, as well as the Specific Plan Exception findings—all of which are incorporated herein by reference—contain substantial evidence that environmental impacts relative to applicable plans, policies and regulations would be less than significant.

Not every policy, goal and provision of an applicable plan, policy or regulation is relevant to CEQA compliance. Only those provisions that are adopted for the purpose of avoiding environmental impacts are relevant to CEQA compliance. Similarly, a project need not be consistent with every applicable goal, policy or provision in order to be deemed to have a less-than-significant land use impact. Overall consistency with the applicable provisions adopted for the purpose of avoiding environmental impacts is a more reasonable and widely-accepted approach. Policy questions addressing whether the proposed project is desirable or undesirable are not relevant to CEQA compliance because desirability is separate and distinct from the physical environmental impacts of the proposed project and the CEQA question of whether those physical impacts result in potentially significant environmental impacts. With regard to consistency with the Specific Plan, the proposed project would require Specific Plan exceptions enumerated above. The Specific Plan includes express provisions for granting exceptions to the Specific Plan. Therefore, seeking exceptions to the Specific Plan would not be inconsistent with the Specific Plan. Additionally, granting of the Specific Plan exceptions would be consistent with the Specific Plan's procedural requirements. Merely requesting Specific Plan exceptions does not render every inconsistency with the Specific Plan a potentially significant

### *Consistency with Plans and Applicable Policies*

Section IV.G of the Draft EIR, Responses to Comments 7-1 through 7-5 (which are repeated and cross-referenced throughout the Responses to Comments), Final EIR Sections I.G, II.A.1 and IV.G provide detailed analysis of the Project's consistency with the following applicable plans, policies, and regulations:

- City of Los Angeles General Plan

The proposed project would be substantially consistent with the goals, objectives and policies of the General Plan Framework. In particular, the proposed project would be consistent with the site's Regional Center designation in terms of proposed land uses as it would develop a mix of residential uses and neighborhood-serving commercial uses in proximity to a number of employment, shopping, and dining destinations. The Project would also increase the vitality of the Regional Center area by redeveloping an existing underutilized and graded site. Additionally, by locating new residential uses along a major transportation corridor (Sepulveda Boulevard) and orienting neighborhood-serving commercial uses along the street frontages, the Project would promote pedestrian activity and would facilitate a reduction of vehicle trips in the project area. Since the Project would be consistent with the applicable goals and policies of the General Plan Framework, land use impacts relative to this plan would be less than significant.

- Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan

As further detailed in Section IV.G, Land Use, of the Draft EIR, the proposed project would be substantially consistent with the goals, objectives, and policies of the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan. In general, the project would provide a high-quality mixed-use development consisting of new residential and neighborhood-serving commercial uses in a Regional Commercial area of the Sherman Oaks community. Thus, the Project would not conflict with the surrounding uses but rather, would contribute to the area's identity as a major activity center. Furthermore, as the Project would locate new residential uses along a major transportation corridor, the Project would promote pedestrian activity and other alternative modes of transportation. The Project would also comply with applicable Community Plan policies and requirements pertaining to urban design and transportation. Since the Project would be consistent with the applicable goals and policies of the Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan, land use impacts relative to this plan would be less than significant.

- Ventura–Cahuenga Boulevard Corridor Specific Plan

Currently, the existing vacant and under-developed conditions on the project site do not reflect the high quality development promoted by the Ventura–Cahuenga Boulevard Corridor Specific Plan. Implementation of the proposed project would result in a high-quality, mixed-use development consisting of multiple-family residential and commercial uses along a major public transportation corridor. Section IV.G, Land Use, of the Draft EIR provides a side by side analysis of whether the Project would be consistent with the applicable standards and regulations of the Specific Plan. In order to implement the Project as proposed, the Applicant seeks Specific Plan Exceptions referenced above. As noted previously, the Specific Plan includes express provisions for granting exceptions to the Specific Plan. Therefore, seeking exceptions to the Specific Plan would not be inconsistent with the Specific Plan. Additionally, granting of the Specific Plan exceptions would be consistent with the Specific Plan's procedural requirements. With approval of the proposed Specific Plan Exceptions, the Project would generally be in conformance with the intent of the Specific Plan, and land use impacts relative to this plan would be less than significant.

- City of Los Angeles Do Real Planning Guidelines

The Do Real Planning Guidelines includes a set of 14 points to guide planning activities for the City. As further detailed in Section IV.G, Land Use, of the Draft EIR, the project would be consistent with these relevant points. Thus, land use impacts relative to the Do Real Planning Guidelines would be less than significant.

- City of Los Angeles Walkability Checklist

As further detailed in Section IV.G, Land Use, of the Draft EIR, the Project would comply with the principles presented in the City's Walkability Checklist. The Project would implement design features that would improve the pedestrian environment, in accordance with the objective of the City's Walkability Checklist. As such, the Project would generally be consistent with the City's Walkability Checklist.

- City of Los Angeles Municipal Code

A zone change from [Q]CR-1L, R3-1L, R1-1L, and [Q]P-1L to C2 (Commercial Zone) would bring the site into conformance with the existing Community Plan designation of the project site as Regional Center, and the C2 zone would be more appropriate for the project site as this zone was designed to accommodate both commercial and housing development in a manner that contributes to the economic growth of the area. Redevelopment of the site, as allowed under a C2 zone, would be an extension of the revitalization process occurring within the Ventura-Cahuenga Boulevard Corridor Specific Plan area. The C2 zone designation would allow mixed uses that include both residential and commercial development.

Similar to the proposed zoning change, the proposed height district proposed for the site corresponds to the prescribed height district for the land use designation (i.e., Regional Center). The project site is the only site within the boundaries of the Regional Center designation that is not designated as Height District 2D. As the project site was designated as Regional Center because of its proximity and physical relationship to the other properties within the Regional Center area, the proposed height district change would create a height district that is generally consistent with that of the surrounding uses, particularly the uses to the immediate south of the site.

- Regional Plans and Applicable Policies

Per SCAG, the proposed project is considered regionally significant. As further detailed in Section IV.G, Land Use, of the Draft EIR, the proposed project would be consistent with SCAG policies and principles, including those of the Regional Comprehensive Plan, Regional Transportation Plan, Compass Blueprint, and the Regional Housing Needs Assessment.

#### *Land Use Compatibility*

The proposed project would be compatible with various surrounding uses, including the Sherman Oaks Galleria to the south, as well as multi- and single-family residential uses to the east. The proposed neighborhood commercial uses would complement the Sherman Oaks Galleria and would represent an extension of the existing commercial uses along Sepulveda Boulevard. These neighborhood commercial uses would have hours of operation that are similar to those of other nearby retail uses. Furthermore, the location of the proposed residential and commercial uses would be appropriate given the site's location within a populated, heavily-traveled, mixed-use Regional Center.

The design of the proposed project would also be compatible with the surrounding uses and structures, which range in height from one story to approximately 16 stories. (See Supplemental responses to Comments Fig. 1.) While the proposed building heights would be greater than the single-story residence that currently exists on-site, the project height would not contrast with the heights of the Sherman Oaks Galleria. Furthermore, the single- and multi-family residential structures comprised of one to three stories to the east of the site are

separated from the site by Sepulveda Boulevard, a six-lane Class II Major Highway. Therefore, a buffer currently exists to aid in the transition of the proposed project's high-density residential uses to the medium- and low-density residential areas. In addition, the design of the project would aid in this transition as the commercial uses fronting Sepulveda Boulevard would provide an impression along this street as a smaller and more pedestrian scale, in keeping with the desire to encourage pedestrian activity, as well as transition to the less dense residential uses across Sepulveda Boulevard.

In addition, the project site is an ideal location for the proposed mixed-use project, as it is situated within a high commercial activity Regional Commercial area, along two major transportation corridors, and near a variety of employment opportunities. The project is designed to encourage pedestrian activity, as it would locate residential uses and commercial uses within the same building and would be easily accessible by foot for other residents within the project vicinity.

Based on the above, the Project would not substantially or adversely change the existing relationship between on- and off-site land uses and properties, or have the long-term affect of adversely altering a neighborhood or community through ongoing disruption, division, or isolation.

#### *Cumulative Impacts*

The 51 related projects generally consist of infill development in an already urbanized area and redevelopment of existing uses. As with the proposed project, related projects are expected to comply with relevant land use plans and regulations. Since the Project would be consistent with the Community Plan, Specific Plan, and the LAMC upon approval of the Specific Plan exceptions, zone change and height district change, the Project would not incrementally contribute to cumulative inconsistencies with respect to land use plans. Cumulative impacts associated with land use plans within the area would be less than significant.

Additionally, there are no related projects located within the immediate vicinity of the project site. The closest related project is Related Project No. 23, a mixed-use development consisting of 52 condominiums and 7,460 square feet of specialty retail, to be located at 15212–15222 Ventura Boulevard, approximately 0.30 mile to the southeast of the project site. As with the proposed project, the mixed-use nature of Related Project No. 23 would be consistent with the existing mix of commercial and residential uses that characterize the project area. Thus, development of Related Project No. 23 and the proposed project would not alter the existing land use relationships in the community. Therefore, cumulative land use impacts relative to land use compatibility would be less than significant.

### **9. Mineral Resources**

The project site is not located in an area containing significant mineral deposits as designated by the City of Los Angeles. The project site has been previously developed and is located in an urban, developed area. Therefore, project implementation would not result in the loss of availability of a known mineral resource. No impacts would occur, and no further evaluation of this issue was necessary in the Draft EIR.

According to the Conservation Element of the City of Los Angeles General Plan, sites that contain potentially significant sand and gravel deposits which are to be conserved follow the Los Angeles River flood plain, coastal plain, and other water bodies and courses and lie along the flood plain from the San Fernando Valley through downtown Los Angeles. These sites are also identified in two Community Plan elements of the City's General Plan (the Sun Valley and the Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon Community

Plans), neither of which incorporates the project site. Furthermore, the project site and its surrounding area are currently developed with urban uses. As such, project implementation would not result in impacts associated with the loss or availability of a known mineral resource that would be of value to the region and the residents of the state. No impacts would occur, and no further evaluation of this issue is necessary in the Draft EIR.

## 10. Noise & Vibration

### *Construction & Operation – Ground-borne Vibration*

The proposed project would generate ground-borne vibration during site clearing and grading activities or large bulldozer operations. Vibration velocities from the operation of construction equipment would range from approximately 0.003 to 0.089 inch per second peak particle velocity (PPV) at 25 feet from the source of activity. The nearest receptor (777 Motor Inn), which is approximately 50 feet from the project construction site, would be exposed to vibration velocities ranging from approximately 0.001 to 0.031 inch per second PPV. As this value is considerably below the 0.5 inch per second PPV significance threshold (potential building damage), project construction activities would not cause ground-borne vibration levels to exceed 0.5 inch per second PPV at any off-site structures. Thus, vibration impacts associated with construction would be less than significant.

With respect to annoyance, the Final EIR states that under a worst case scenario vibration impacts associated with construction would be significant at the 777 Motor Inn when heavy construction equipment is operating at the perimeter of the project site, close to the receptor. This would occur intermittently for short durations only during site grading and excavation phases. Vibration would be quickly reduced to below the significant threshold at approximately 80 feet from the receptor. The significance of ground-borne vibration impacts is a site-wide evaluation. On a site the size and depth of this site, the area where brief and sporadic ground-borne vibration annoyance occurs is a small fraction of the construction area and a small fraction of the construction time. It is, therefore, a less than significant impact.

Operation of the proposed project would include typical residential and commercial-grade stationary mechanical and electrical equipment such as air handling units, condenser units, exhaust fans, and electrical emergency power generators, which would produce vibration. In addition, the primary sources of transient vibration would include passenger vehicle circulation within the proposed subterranean parking facility, and on-site loading/refuse collection truck activity. Ground-borne vibration generated by each of the above-mentioned activities would be similar to the existing sources (i.e., traffic on adjacent roadways and adjacent parking structure) adjacent to the project site. The potential vibration impacts from all proposed project sources at the closest structure locations would be less than the significance threshold 72 VdB for perceptibility. As such, project operation activities would not cause ground-borne vibration levels to exceed 72 VdB at off-site vibration sensitive receptors including the 777 Motor Inn and impacts would be less than significant.

### *Operation – Off-Site Roadway (Mobile) Noise*

The larger proposed project studied in the Draft EIR is expected to generate a maximum of 5,844 additional daily trips. Traffic attributed to the proposed project would increase the total daily traffic traveling along the major thoroughfares within the project vicinity. This increase in roadway traffic volumes was analyzed to determine if any traffic-related noise impacts would result from project development. Reducing the residential units of the Project from 500 to 325 units as well as the reduction of the proposed project's neighborhood-serving commercial uses

from 55,000 square feet to 52,000 square feet, would further reduce the daily and peak-hour trips generated by the Project, which would also reduce roadway noise. The largest project-related traffic noise impact is anticipated to occur along the segment of Camarillo Street, west of Sepulveda Boulevard. Project-related traffic would add 1.8 dBA CNEL to this roadway segment, while related project plus ambient growth traffic volumes are expected to add less than 0.1 dBA CNEL to this roadway segment, for a combined total of 1.8 dBA CNEL. As the incremental increases in noise levels at all other analyzed locations are less than 1.8 dBA CNEL, and these noise level increases are less than the 3-dBA CNEL significance threshold, project roadway noise impacts are considered to be less than significant.

#### *Operation – On-Site Stationary Noise*

##### Mechanical Equipment

Stationary equipment (e.g., parking structure air vents, pool maintenance machinery, and building heating ventilation and air conditioning, HVAC, equipment) would be designed to comply with the City's Noise Ordinance requirement and the Project significance threshold of 5 dBA above the ambient noise levels. The Project mechanical design documentation will include mitigation measures required to minimize HVAC/mechanical noise levels to no more than 5 dBA above ambient noise levels. As such, impacts from stationary sources would be less than significant.

##### Loading Dock and Refuse Collection Areas

The loading dock area and refuse collection areas would be located together within a partially enclosed/covered area near the northeast corner of the proposed grocery store/retail building. Delivery and refuse service vehicles would have direct access to this area via a new private roadway along the back side of the site (i.e., along the northern/western frontage), extending from Sepulveda Boulevard to Camarillo Street. Loading dock and refuse service-related activities such as truck movements/idling and loading/unloading operations would generate noise levels that have a potential to adversely impact adjacent land uses during long-term project operations.

The nearest noise-sensitive use (i.e., multi-family residences across Sepulveda Boulevard) is approximately 150 feet east of the proposed loading dock and refuse service area. In addition, the eastern portion of the proposed grocery store/retail building would fully block the line-of-sight between the noise source and sound receptor location. Loading dock and refuse collection noise levels would be 52 and 47 dBA, respectively, and would add less than 1 dBA  $L_{eq}$  to the average daytime and nighttime ambient noise environments at this property line, and would not cause the existing daytime ambient noise level of 68.5 dBA, or nighttime ambient noise level of 58.1 dBA, to increase by the 5-dBA significance criterion. As such, impacts would be less than significant.

##### Courtyard Areas

The proposed project would incorporate a number of features that allow for small outdoor gatherings. The Project would be developed with a main central courtyard and three finger-like themed courtyards and gardens. The proposed courtyard areas would be located at the plaza level on top of the podium. All off-site noise sensitive receptors would be shielded from the courtyard areas by the project buildings. Therefore, potential noise impacts associated with courtyard area activities would be less than significant.

##### Parking Facilities

Parking would be provided within a parking structure with two subterranean levels, one ground level, and one mezzanine level. The ground level and the mezzanine level parking would be below the residential development and enclosed. Therefore, since all parking on the project site would be enclosed within the proposed parking structure, parking facility noise would not increase ambient noise levels at nearby sensitive receptors, including the 777 Motor Inn. As such, potential noise impacts would be less than significant.

#### Pool Facility

The proposed project would include a pool/spa facility located on the southwestern portion of the project site. Although the pool and spa related activities would generate noise, sensitive receptors surrounding the project area would not be exposed to adverse noise levels due to the noise shielding provided by the proposed buildings surrounding the pool area. As such, potential noise impacts would be less than significant.

Of the 51 related projects, the two closest related projects are situated approximately 1,500 feet to 1,700 feet from the project site and include Related Project No. 9 – 15357 Magnolia Boulevard, Apartment and Related Project No. 23 – 15212–15222 Ventura Boulevard, Condominium and Specialty Retail. All other related projects are located at a minimum of 2,500 feet away from the proposed project. The potential for noise impacts to occur are specific to the location of each related project, as well as the cumulative traffic on the surrounding roadway network.

#### *Cumulative Impacts*

##### Construction

Noise from construction of the proposed project and related projects would be localized, thereby potentially affecting areas immediately within 500 feet from the construction site. Due to distance attenuation and intervening structures, construction noise from one site would not result in a noticeable increase in noise at sensitive receptors near the other site, which would preclude a cumulative noise impact. As such, cumulative impacts associated with construction noise would be less than significant.

##### Operation

The cumulative increase in future CNEL traffic noise levels at project buildout with future ambient growth and the 51 related projects, relative to the existing baseline, would be 1.8 dB or less in areas that can potentially be affected by the proposed project. As the increase would be below the project's 3 dBA significance threshold, cumulative traffic noise impact would be less than significant.

The project site and surrounding area have been developed with uses that have previously generated, and will continue to generate, noise from lawn maintenance activities, mechanical equipment (e.g., air conditioning systems), and vehicle movements, among other community noise sources. Noise impacts related to project development would be less than significant. In addition, the other related projects are of sufficient distance (approximately 2,100 feet from the project site) such that operational noise levels from these projects would not be audible at the project site. As such, cumulative noise impacts related to long-term project operations would be less than significant.

## **11. Population, Housing & Employment**

### *Construction*

Project development would generate construction workers on-site during the demolition, grading and excavation, and building construction and finishing phases. However, individual construction projects would not be expected to necessarily generate new employment within the region. Rather, there is a pool of construction workers who move from project to project and are somewhat mobile. To the extent that the Project supports and contributes to the pool of construction workers, its impacts would be considered beneficial. Since construction employment related to the proposed project would not exceed expected growth, construction-related employment impacts would be less than significant.

#### *Operation (including Cumulative Impacts)*

##### Population

The proposed project includes new multi-family residential units and thus, would introduce a new residential population into the area. Based on a household size factor of 1.70 persons per household for medium density uses as provided in the Community Plan, the proposed project as originally proposed with 500 units would generate a residential population of 850 persons at full buildout. The increase of 850 permanent residents would represent approximately 48.16 percent of the anticipated growth within the local (Community Plan) area from 2008 to 2013, 1.02 percent within the subregional area, and 0.23 percent of the anticipated growth within the region. While the 850 new residents represent much of the growth anticipated in the local area, they constitute only a small portion of City and County growth and could easily be absorbed at these levels. This residential population would be reduced to 678 persons with the reduction of residential units from 500 to 399 units proposed in the Final EIR. The further reduction to 325 units approved by the City Planning Commission would generate a population of approximately 549 persons.

Additionally, the neighborhood-serving commercial component of the project would generate approximately 130 employees in several shifts. Any population growth attributed to project employees relocating to the area would not be substantial relative to the forecasted population growth in the community. Furthermore, project implementation would not result in indirect growth through the extension of existing roads or infrastructure as the roadways and infrastructure to be utilized by the project are currently in place. Based on all of the above, the Project would not substantially alter the location, distribution, density, or growth rate of population planned for the area by local and regional plans. Thus, impacts related to population growth would be less than significant.

Fifty-one related projects in the surrounding area are expected to be constructed and/or operational during the same time period as the proposed project. Of the 51 identified projects, a total of approximately 2,819 multi-family residential units (2,054 condominiums and 765 apartments) would be developed. At full capacity, these units could generate approximately 4,792 persons. When combined with the proposed project, a cumulative total of 5,642 persons would be added to the population by 2013. The increase in 5,642 residents would account for 1.49 percent of the anticipated increase in residents within the region. As these numbers are within the anticipated population growth projected by SCAG, the proposed project and the related projects would have a less than significant cumulative impact on population growth. Moreover, with the reduction in the project's residential units from 500 to 325 units, the cumulative population increase would decrease significantly.

##### Housing

Development of the proposed project described in the Draft EIR is projected to account for approximately 28.46, 0.89, and 0.35 percent of the 2008 to 2013 increase in residential units in the local area, subregion and region, respectively. The proposed project would account for



much of the housing increase within the local area. However, the area is experiencing a housing shortage compared to the amount of jobs and, therefore, would also benefit with the Project's contribution of residential units to the housing supply. The project's contribution to the amount of housing in the area would be reduced from that originally analyzed in the Draft EIR by 101 units.

Although the proposed project would not eliminate the housing shortage in the City, it would promote the goal of generating more housing. The proposed project would not result in a net loss of available housing units, would not be inconsistent with the current and projected housing demand and supply, and would not contribute to a jobs/housing ratio imbalance in the project area. Therefore, potential impacts related to housing would be less than significant.

When the project is combined with the related projects, a cumulative total of 3,319 units would be constructed. This would represent 2.32 percent of the total residential units anticipated to be built within the region by 2013. A cumulative total of 3,218 units would be constructed based on the reduced project. Therefore, as the proposed project and the related projects would contribute to the housing needed within the region, these projects would have a less than significant cumulative impact on housing.

#### Employment

Project development of approximately 52,000 square feet of commercial uses would result in approximately 123 new employment opportunities on the site. This increase in employment positions would account for approximately 9.57 percent of the local area's increase in employment, 0.27 percent of the subregion's increase in employment, and 0.10 percent of the region's increase in employment. As the increase in employment generated by the Project would represent a minimal amount of the employment projected for the local, subregional, and regional levels, impacts related to employment would be less than significant. Furthermore, given the current downturn in economic conditions, increases in employment growth would be considered a benefit to the local area, subregion, and region.

Development of the proposed project's 55,000 square feet of commercial space identified in the Draft EIR combined with the related projects' developed spaces would result in a total of 859,177 square feet of retail/service uses, 7,797 square feet of restaurant uses, 71,206 square feet of office uses, 137,109 square feet of medical office uses, expansion or development of 4,783 square feet of school uses, and a net addition of 52,363 square feet of "other" uses (e.g., self-storage space). Based on average employment generation factors for these uses as provided in SCAG's Employment Density Summary Report, SCAG (October 2001), a total of 2,556 employment positions would be added, which would account for 1.88 percent of the anticipated employment growth in the region. With the reduction of neighborhood-serving commercial uses from 55,000 square feet to 52,000 square feet proposed by the Applicant, new employment opportunities would be reduced to approximately 123 employment positions. As previously noted, given the current downturn in economic conditions, increases in employment growth would be considered a benefit to the region. In addition, the proposed project and related projects would result in a total cumulative development of 3,319 residential units, which accounts for 2.32 percent of the anticipated increase in residential units. The reduction of residential units from 500 to 325 units approved by the City Planning Commission would further reduce this percentage. Therefore, the related projects would result in a greater increase of residential units compared to employment positions, helping to balance the jobs/housing ratio in the region. Therefore, the proposed project combined with the related projects would have a less than significant cumulative impact on employment.

#### Jobs/Housing Ratio

The jobs/housing ratio for the region would be 1.40 in 2013. The jobs/housing ratio would improve to 1.38 by 2013 from 1.40 in 2008 for the subregional area and the jobs/housing ratio would improve to 1.11 by 2013 from the 1.13 for the local area. As such, the Community Plan area, the City of Los Angeles, and the County of Los Angeles would all benefit with a greater increase in residential uses compared to employment positions since all three geographical zones are already projected to experience a greater imbalance in the jobs/housing ratio. As such, the proposed project would not contribute to, but rather would help to alleviate, the jobs/housing ratio imbalance for the local area, subregional area, and the region. Thus, impacts would be less than significant.

#### *Consistency with Regulatory Framework*

Development of new residential units would support the policies of the City of Los Angeles General Plan Framework. The proposed project would accommodate various income levels by providing a mix of one- to three-bedroom units. The provision of new housing as part of the project would assist in addressing the housing shortage that currently exists throughout the County, City, and Community Plan area. In addition, the location of high-density housing in a commercial area such as the project vicinity would increase housing within the community while preserving the lower density residential neighborhoods. As such, the proposed project would be consistent with applicable policies regarding population, housing, and employment, and therefore, impacts would be less than significant.

The proposed project would add new units, varying in size, to the general housing supply and would contribute to housing availability and opportunity in the area. According to the RHNA, the Los Angeles City subregion area, in which the project is located, is in need of a total of 112,846 additional housing units, including 27,238 very low income, 17,495 low income, 19,304 moderate income, and 48,839 above moderate income housing. The proposed project would remove one existing single-family residential unit, but would construct 325 new residential units and, thus, would not substantially affect the existing housing units, generally, or low-income units. Further, the proposed project would not interfere with the potential provision of such housing in the geographic areas analyzed. Additionally, as the Project would locate new housing in close proximity to employment, shopping, dining, and other service destinations, the Project would create new live-work opportunities in the Sherman Oaks community. Therefore, the proposed project's development would not have adverse effects on the existing or future availability of housing for other sectors.

## **12. Public Services**

### *Police Protection - Construction*

With the exception of utility line connections, project construction and staging would be confined to the site and, therefore, would not interfere with LAPD access to surrounding properties. Construction activities would, however, generate traffic associated with the movement of construction equipment, the hauling of materials by construction trucks, and construction worker traffic. As such, construction activities could increase response time for police vehicles on Sepulveda Boulevard due to travel time delays caused by traffic. However, to address the potential for increased response times for emergency vehicles, the LAPD would be notified of the times of day and locations of any traffic slowing or lane closures. Traffic management personnel (flag persons) would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. Further, appropriate detour signage would be employed as necessary to ensure emergency access would be maintained to the project site and that traffic flow would be maintained on street right-of-ways. With coordination between the Project's construction managers and the LAPD, the potential impacts of construction on LAPD emergency access would be less than significant.

*Police Protection — Cumulative*

Of the 51 related projects, 18 include residential uses and are located within the service boundaries of the Van Nuys Community Police Station. In conjunction with the proposed project, these 18 related projects would cumulatively increase the demand for additional police protection services from the Van Nuys Community Police Station. Based on the average household size of 1.70 persons per unit for the Sherman Oaks Community Plan area, the related projects would generate a total residential population of 3,719 persons. The 18 related projects could potentially generate 112 additional crimes per year. Therefore, the residential populations of the proposed project and related projects could generate 138 additional crimes per year for a projected total in the Van Nuys area of 8,830 crimes per year. This represents an approximate 1.5 percent increase in annual crimes. Reducing residential units from 500 to 399 units as set forth in the Final EIR as well as the further reduction to 325 units approved by the City Planning Commission would reduce the number of additional project-related responses, thus reducing this percentage. In addition, the commercial components of the proposed project and related projects could potentially generate crimes.

However, similar to the proposed project, all related projects would be reviewed by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police protection services. Furthermore, it is anticipated that the LAPD would expand services as necessary to meet anticipated growth. As such, cumulative impacts to existing police protection services due to population growth and associated demand would be less than significant.

*Fire Protection - Construction*

Construction activities for the proposed project could temporarily increase the existing demand for fire protection and emergency medical services. However, in compliance with OSHA and Fire and Building Code requirements, construction managers and personnel would be trained in emergency response and fire safety operations. Additionally, fire suppression equipment (e.g., fire extinguishers) specific to construction would be maintained on-site. Project construction would comply with applicable codes and ordinances relating to fire safety practices. Therefore, construction impacts on fire protection and emergency medical services would be less than significant.

With the exception of utility line connections, project construction and staging would be confined to the project site and, therefore, would not interfere with LAFD access to surrounding properties, particularly the Sherman Oaks Galleria located south of the project site. Construction activities would, however, generate traffic associated with the movement of construction equipment, the hauling of materials by construction trucks, and construction worker traffic. As such, construction activities could increase response time for emergency vehicles on Sepulveda Boulevard due to travel time delays caused by traffic. However, traffic management personnel (flag persons) would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. Further, appropriate detour signage would be employed as necessary to ensure emergency access would be maintained to the project site and that traffic flow would be maintained on street right-of-ways. Since emergency access to the site would remain clear and unobstructed during construction of the project, impacts related to LAFD emergency access would be less than significant.

*Fire Protection — Cumulative*

Of the 51 related projects, five related projects involving residential development are located in the service district of Fire Station No. 88, the first responder to the project site. These related projects, in conjunction with the proposed project, would cumulatively generate the need for

additional fire protection and emergency medical services. Specifically, the proposed project in conjunction with the related projects would result in approximately 233 additional responses per year. This would represent an approximate 3.2 percent increase in Fire Station No. 88's number of annual responses for the 2008 year (7,392). Reducing residential units from 500 to 399 units as set forth in the Final EIR as well as the further reduction to 325 units approved by the City Planning Commission would reduce the number of additional project-related responses, thus reducing this percentage. In addition, the related projects within Fire Station No. 88's service area involving development of restaurant and service uses would increase the daytime population of the area, thereby increasing demand on LAFD services.

However, it is anticipated that developers of these related projects would be required to coordinate with the LAFD to ensure that the fire services of Fire Station No. 88 would not be significantly impacted. Additionally, the LAFD conducts periodic review of future staffing and facility needs to ensure that Fire Station No. 88 would have adequate staffing and resources. Furthermore, all related projects would be subject to review by the LAFD and thus, would be expected to comply with LAMC Fire Code and Building Code regulations pertinent to fire safety, access, hydrants, and fire flow. Therefore, implementation of the proposed project in conjunction with related projects would result in a less than significant impact relative to fire and EMS services

#### *Library Facilities and Services (including Cumulative Impacts)*

Project residents would likely utilize the Sherman Oaks Branch Library. It is projected that the project's 850 residents would represent approximately one percent of the future service population for this library. Reducing residential units from 500 to 399 units as set forth in the Final EIR as well as the further reduction to 325 units approved by the City Planning Commission would reduce the number of additional project-related responses, thus reducing this percentage. Therefore, the Project would result in a nominal increase in the demand for library services at the Sherman Oaks Branch Library. As identified by the LAPL, while the Sherman Oaks Branch Library does not meet the LAPL size criteria of 14,500 square feet for libraries with a service population above 45,000, this library does adequately meet the demand for library services within its community. Additionally, the Van Nuys Branch Library, the Studio City Branch Library, and the Encino-Tarzana Branch Library, are located nearby (within five miles) and, thus, would also be available for use by project residents. Use of these libraries would help in reducing the Project's demand on the Sherman Oaks Branch Library. Therefore, considering the population increase from the Project and the Project's nominal increased demand for library services, impacts would be less than significant.

Of the 51 related projects identified in the project vicinity, 29 are residential in nature or have residential components. These 29 related projects would result in the development of 2,819 new residential units and, based on an average household size of 1.70 persons per household, would generate a population of approximately 4,792 residents. These 29 related projects and the proposed project would add a total of 5,642 persons to the Sherman Oaks Branch Library's future 2013 service population of 85,022. However, this number is overstated as it does not consider that much of the growth associated with the Project and related projects is already accounted for in the service population projections made by the LAPL. In addition, as with the Project, it is anticipated that the related projects would be reviewed on a case-by-case basis to ensure that no significant impacts to library services would occur. As such, cumulative impacts on libraries would be less than significant.

### **13. Transportation**

#### *Operation – Freeway On Ramps, Off Ramps and Segments*

As shown in the Traffic Study provided in Appendix H, project-added trips to freeway on- and off-ramps in the vicinity would be less than 50 trips. Therefore, no significant impact to these ramps due to project traffic is expected and no further analysis is required per City criteria. Freeway impacts associated with the CMP were analyzed for the nearest CMP freeway monitoring segments. The Project would not result in significant impacts on CMP freeway segments during either the a.m. or p.m. peak hour.

#### *Operation – Public Transit*

The proposed project could add a small amount of new transit riders to existing public transit services. It is estimated that no more than 3.5 percent of the new trips generated by the Project would use transit. The 25 buses currently traveling on Sepulveda Boulevard adjacent to the site during the a.m. peak and the 21 buses on Sepulveda Boulevard during the p.m. peak hour would be able to adequately accommodate the Project's transit usage. Even with the Project's promotion of transit, given the population increase anticipated from the Project and the available capacity of transit lines, the Project would not add substantial new ridership to these transit lines that would exceed their capacity or conflict with adopted policies, plans, or programs supporting alternative transportation. Project impacts on public transit would be less than significant.

#### *Operation – Parking*

The proposed project described in the Draft EIR would be required to provide 963 parking spaces for the 500 residential units pursuant to the LAMC. For the 55,000 square feet of retail uses, 220 spaces would be required. However, the City Planning Department's Residential Parking Policy for Division of Land - Number AA 2000-1 establishes a parking standard for new condominiums of two spaces per unit plus 0.5 space per unit for guest parking. Therefore, to account for the possibility of condominium conversion at a later time, the proposed project would provide a total of 1,250 spaces for the residential uses. The Project would provide a total parking supply of approximately 1,470 spaces, which would exceed LAMC's total requirement of 1,183 spaces. Reducing residential units from 500 to 399 units as described in the Final EIR as well as the further reduction to 325 units approved by the City Planning Commission, and reducing the proposed project's neighborhood-serving commercial uses from 55,000 square feet to 52,000 square feet, would reduce the number of parking spaces required by the LAMC. The project approved by the City Planning Commission requires 2 spaces per residential unit plus 0.5 spaces per residential unit for guest parking (813 spaces), and 1 space for every 250 square feet of retail use (208 spaces). Thus the total required parking for the project is 1,021 spaces. The Project provides a total parking supply of 1,021 spaces, including 813 spaces for residential uses. The proposed parking supply meets all parking requirements.

As set forth in the Final EIR, the Applicant would include within all commercial leases with its commercial tenant(s) the necessary provision to provide parking within the project site to accommodate the demands of its respective employees. All employees of the commercial tenant(s) would park within the project site and would be prohibited from parking in the adjacent residential neighborhood across Sepulveda Boulevard. The Applicant would also include within all residential leases the necessary provision to require all residential tenants and their guests/visitors to park their respective vehicle(s) within the project site and would be prohibited from parking in the adjacent residential neighborhood across Sepulveda Boulevard.

Elimination of street parking will not result in significant parking impacts. The EIR did disclose that the removal of on-street parking in connection with the implementation of mitigation measures could have an effect on parking in the area, although this impact is concluded to be less than significant. (See Section VI, Other Environmental Considerations, page VI-12 of the Draft EIR.) The basis for this conclusion is that in the vicinity of the Camarillo Street/Sepulveda Boulevard intersection, there is metered on-street parking available along the east side of

Sepulveda Boulevard between Camarillo Street and Moorpark Street, along the south side of Moorpark Street between Sepulveda Boulevard and Columbus Avenue, and along both sides of Columbus Avenue between Moorpark Street and Ventura Boulevard. Off-street parking is also available in the Galleria parking structure. In the vicinity of the Ventura Boulevard/Beverly Glen intersection, there is metered on-street parking available along both sides of Ventura Boulevard between Beverly Glen Boulevard and Van Nuys Boulevard. In light of other available on-street and off-street parking within reasonable walking distance (i.e., approximately 1/4-mile), the on-street parking removals that would result from the project were concluded to be less than significant. Moreover, the commenter presents no evidence to support the claim that the removal of these spaces would result in spillover parking into adjacent residential neighborhoods. (See Supplemental Responses to Comments 1-19 & App. C.)

The Project's parking demand would not exceed the parking supply. Therefore, project impacts on parking would be less than significant.

#### *Cumulative Impacts (except for intersection impacts)*

A number of related projects would generate passengers that would use the same transit lines as the proposed project, cumulatively increasing the demand for transit. The Project's transit trips would constitute a small proportion of the cumulative demand for transit. Thus, the proposed project's cumulative impacts on transit would be less than significant.

With regard to parking and access, there are no related projects located in the immediate vicinity of the project site which could contribute to cumulative parking and access impacts. Furthermore, it is anticipated that any future related projects that would be developed near the project site would be subject to City review to ensure that adequate parking and access would be maintained in the project vicinity. Therefore, cumulative impacts related to these issues would be less than significant.

Cumulative impacts relative to pedestrian/bicycle safety would occur if related projects impact the same pedestrian facilities or bicycle routes as the proposed project. There are no related projects located within close proximity to the project site to potentially affect the same pedestrian facilities or bicycle routes as the proposed project. Thus, cumulative impacts relative to pedestrian/bicycle safety would be less than significant.

## **14. Solid Waste**

### *Construction*

Construction activities of the proposed project would generate construction and demolition ("C&D") waste including, but not limited to, soil, wood, asphalt, concrete, paper, glass, plastic, metals, and cardboard that would be disposed of in the County's unclassified landfills. The proposed project described in the Draft EIR would result in the export of approximately 165,000 cubic yards of soil, the demolition of 1,040 square feet of residential uses, and the construction of 656,734 square feet of residential uses and approximately 55,000 square feet of nonresidential uses. Based on these quantities, construction of the proposed project is estimated to generate 173,250 tons of soil, 60 tons of demolition debris, and 1,545 tons of construction debris for a combined total of 174,855 tons of C&D waste. This estimate does not account for the recycling and reuse of the Project's C&D. Nor does it account for reduction in waste generation associated with reducing the size of the square footage of the Project as described in the Final EIR. The proposed project's total solid waste generation during construction would represent approximately 0.34 percent of the estimated remaining capacity (50.800 million tons) at the County's unclassified landfills open to the City of Los Angeles. Based on the average 2008 unclassified landfill disposal amount of 0.174 million tons,

unclassified landfills generally do not face capacity shortages. Therefore, unclassified landfills would have adequate capacity to accommodate project-generated inert waste. Thus, construction impacts relative to solid waste would be less than significant.

### *Operation*

The project site is currently developed with a single-family residence that generates approximately 2 tons of solid waste per year. The residential, retail, and grocery store uses described in the Draft EIR would result in a net increase in solid waste generation on the site. However, the reduced Project described in the Final EIR would reduce this increase. In order to engage in the most conservative analysis, the Draft EIR solid waste generation of 500 residential units is utilized for solid waste impact evaluation. The residential uses are estimated to generate approximately 1,116 tons of solid waste per year, the retail approximately 44 tons of solid waste per year, and the grocery store approximately 250 tons of solid waste per year for a combined total of approximately 1,410 tons of solid waste per year. This amount represents a net increase of 1,408 tons of solid waste generation per year over existing uses.

Solid waste attributable to the proposed project would be disposed of at one of the County's Class III landfills open to the City of Los Angeles. The Project's total solid waste generation during operation of 1,410 tons would represent an approximate 0.04 percent increase in the City's yearly Class III solid waste disposal quantity (based on 2008 quantities), and represents approximately 0.001 percent of the estimated remaining capacity (123.17 million tons) at the County's Class III landfills open to the City of Los Angeles. Further, the Project's solid waste generation of 1,410 tons would constitute less than 0.001 percent of the estimated remaining capacity of Class III landfills open to the City of Los Angeles for the year 2011 (156.9 million tons).

The ColWMP 2007 Annual Report concludes that the County would be able to provide for its disposal needs through 2022 with the use of and expansion of in-County facilities, increased use of out of County landfills (e.g., Mesquite Regional Landfill) up to 15,000 tpd, as well as use of new conversion technologies for up to 10,000 tpd.

Based on the above, the existing and planned landfills/improvements identified in the ColWMP 2007 Annual Report would be able to accommodate project-generated waste. Project-generated waste would not exacerbate the existing shortfall of landfill capacity such that the projected timeline for the County's Class III landfills to reach capacity would be altered. In addition, the project would not generate solid waste at a level that would generate the need for an additional solid waste collection route or require new or expanded recycling or disposal facilities. The available capacity of the existing and/or planned landfills would not be exceeded, and impacts on solid waste generation from project operations would be less than significant.

The proposed project would include design features such as the provision of recycling containers on-site and adequate storage area for such containers in accordance with City Ordinance No. 171687. In addition, the proposed project would include several design features to achieve LEED Silver rating, including diverting construction and demolition waste from landfills, using salvaged, refurbished, or reused materials during project construction, and using materials with recycled content. Additionally, the proposed project would participate in the City's waste diversion programs (i.e., Curbside Recycling Program) to reduce the need for solid waste disposal. Therefore, the proposed project would not conflict with solid waste policies, objectives, regulations, plans, or programs. Impacts would be less than significant.

## **15. Water Supply**

### *Construction*

A short-term demand for water would occur during construction activities on-site (i.e., demolition, excavation, grading). As the Project would occur over a 20-23 month period, construction activities would occur intermittently and would be temporary in nature. Thus, the demand for water supplies for construction activities such as soil watering (i.e., for fugitive dust control), clean up, masonry, painting, and other related activities would be minimal. Overall, construction activities would require minimal water and would not be expected to have any adverse impacts on available water supplies or the existing water distribution system. Therefore, impacts associated with short-term construction activities would be less than significant.

### *Cumulative Impacts*

Fifty-one related projects are anticipated to be developed within the project vicinity. Related projects would have an average daily water demand of approximately 724,509 gpd or 812 AF per year. The Project's net increase of 122 AF per year over pre-existing conditions in conjunction with related projects would yield a total average water demand of approximately 833,900 gpd or 934 AF per year. Reducing residential units from 500 to 325 will reduce the gpd and AF per year of water demand. LADWP's 2005 UWMP projects yearly water demand to reach 776,000 AF by 2030, which is an increase of 17 percent from 2005 water demand. With the anticipated water demand increase of 934 AF per year from the development of the proposed project and related projects, the demand for water would fall within the available and projected water demand of LADWP's 2005 UWMP. In addition, given that the 2005 UWMP plans and provides for water supplies to serve existing and projected needs, including those of future growth and development as may occur through related projects, and that the requirements of SB 610 and SB 221 provide means to ensure that the water supply needs of notable development projects are carefully considered relative to LADWP's ability to adequately meet future needs, it is anticipated that LADWP would be able to supply the demands of the proposed project and related projects through the foreseeable future.

Development of the proposed project in conjunction with the related projects would cumulatively increase water demand on the existing water infrastructure system. However, each related project would be subject to discretionary review to ensure that the existing and planned water infrastructure would be adequate to meet the domestic and fire water demands of each project. Furthermore, LADWP, Los Angeles Department of Public Works, and the City of Los Angeles Fire Department would conduct ongoing evaluations to ensure facilities are adequate. Therefore, cumulative impacts on the water infrastructure system would be less than significant.

There are complex physical, chemical, and atmospheric mechanisms involved in global climate change that make it unreasonably speculative to predict what the effects of global climate change will be, particularly at a state or local level. Due to this unpredictability, the secondary affects that global climate change may have on water supplies for a given region is even more difficult to predict. The science on global warming is still evolving and has not reached a point where it can be quantified and incorporated into delivery projections of the SWP. Furthermore, policy recommendations on how to incorporate potential changes to water supply due to climate change into water resource planning and management are still being developed. Therefore, consistent with studies prepared by DWR, it is considered unreasonably speculative and premature to make an assessment of impacts under CEQA of how climate change will affect water availability for the proposed project.

In summary, LADWP would have be able to meet future water demands for the service area with the addition of the proposed project and related projects, and no significant cumulative impacts related to water demand would occur.

## **16. Waste Water**



### *Construction*

During construction of the proposed project, a negligible amount of wastewater would be generated by construction staff. It is anticipated that portable toilets would be provided by a private company, with the wastewater transported and disposed of off-site. Wastewater generation from construction activities is not anticipated to cause a measurable increase in wastewater flows at a point where, and at a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. Additionally, construction is not anticipated to generate wastewater flows that would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements. Construction of the Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities; or result in a determination by the City that it has inadequate capacity to serve the project's projected demand in addition to existing commitments. Therefore, construction impacts to the local wastewater conveyance and treatment system would be less than significant.

### *Operation – Wastewater Generation and Infrastructure*

The proposed project described in the Draft EIR is estimated to generate an average wastewater flow of 84,400 gpd and a peak flow of approximately 0.412 cfs. The reduction of residential units from 500 to 399 units as described in the Final EIR as well as the further reduction to 325 units approved by the City Planning Commission will reduce the amount of wastewater generated by the proposed project. The proposed project would include new connections to the 15-inch sewer line within Sepulveda Boulevard and the 8-inch sewer line within Camarillo Street. The Project's average wastewater generation flow of 84,400 gpd (0.0844 mgd) would enter the 15-inch sewer main and the 8-inch sewer line within Camarillo Street. Based on the Sewer Availability Request provided by the City of Los Angeles Bureau of Engineering, the existing municipal sewer lines would be able to accommodate project flows. Furthermore, in order to connect to the existing sewer system, the Project would be required to obtain an S-permit and pay a proportionate share of the costs of conveyance, operation, maintenance, repair and capital improvements to upgrade and improve the City of Los Angeles sewer system through payment of a Sewerage Facilities Charge. Project wastewater generation during operation would not require or result in the construction of new municipal wastewater conveyance facilities. Therefore, the impact of wastewater generation from the project on sewage conveyance infrastructure would be less than significant.

### *Operation – Wastewater Treatment*

The proposed project would generate approximately 84,400 gpd (0.084 mgd) of wastewater with a peak flow of 143,480 gpd (0.143 mgd) that would be treated at the Hyperion Treatment Plant (HTP), which is a component of the Hyperion Service Area. The average dry weather flow (ADWF) for 2010 for the HSA is projected to be approximately 492.3 mgd for the year 2015 and 511.3 mgd for the year 2020. These forecasted increases in wastewater flows without the project are well within the HSA effective treatment capacity of 529 mgd. According to these projections and based on effective treatment capacity, the HSA would still have a capacity of 51.7 mgd for the year 2010, 36.7 mgd for the year 2015 and 17.7 mgd for the year 2020.

The proposed project's wastewater generation would contribute an average wastewater flow of 84,400 gpd (0.084 mgd), which could be easily accommodated within the projected available treatment capacity of the HTS for the years 2010, 2015, and 2020. Furthermore, this amount is considered nominal on a citywide and regional scale and this increase would not significantly impact the projected ADWF for the years 2010, 2015, and 2020. In addition, the wastewater generation estimate does not account for reductions in wastewater that would occur with

implementation of water conservation measures. As such, the increase in wastewater flows generated by the project would have a less than significant impact on wastewater treatment facilities.

In addition, effluent conveyed to the HTP would not have a significant effect on the Santa Monica Bay as the HTP continually monitors all effluent to ensure that it currently meets applicable water quality standards and is required to comply with water quality standards established for beneficial uses. Lastly, the Project would be required to pay a connection fee through the Connection Fee Program, which would ensure that all users pay a fair share for necessary expansions of the sewer system, additional improvements to conveyance, treatment, and disposal facilities. The Project's contribution to the existing average daily flow (84,400 gpd) is approximately 0.12 percent of its remaining capacity. Thus, the Project would not result in a determination by the City that it has inadequate capacity to serve the Project's projected demand in addition to existing commitments. Therefore, the HTP has sufficient capacity to serve the Project's projected wastewater generation, and impacts would be less than significant.

#### *Cumulative Impacts*

Fifty-one related projects are anticipated to be developed within the project vicinity. All 51 are within the service areas of the HTS and the HTP for wastewater treatment. These related projects would cumulatively contribute, in conjunction with the proposed project, to the wastewater generation in the project area. The estimated average wastewater generation associated with the related projects would be approximately 614,968 gpd (0.615 mgd) on average. The proposed project would contribute an additional 84,400 gpd to this estimated generation for a total of 699,368 gpd (0.699 mgd). Reducing the number of residential units from 500 to 399 units as described in the Final EIR as well as the further reduction to 325 units approved by the City Planning Commission would reduce the amount of wastewater generated by the proposed project described in the Draft EIR.

The HSA has an effective treatment capacity of 529 mgd. By the years 2010, 2015, and 2020, the ADWF of the HSA is projected to be 477.3 mgd, 492.3 mgd, and 511.3 mgd, respectively. For the year 2010, the cumulative average wastewater flows would increase the projected ADWF to approximately 478 mgd. For the year 2015, the cumulative average wastewater flows would increase the projected ADWF to approximately 493 mgd. For the year 2020, the projected cumulative ADWF would be approximately 512 mgd. Thus, cumulative wastewater flows would be within the effective treatment capacity of the HSA. In addition, the ADWF estimates in conjunction with the projected cumulative wastewater estimate associated with the related projects represent a conservative analysis as the ADWF projections already take into account future population growth, including growth such as that represented by the related projects.

Additionally, in order to connect to the sewer system, related projects would be subject to payment of the City's Sewerage Facility Charges. Furthermore, implementation of the IRP and completion of the "Go-Projects," including improvements throughout the HSA consisting of the expansion of the Tillman Water Reclamation Plant (TWRP) and improvements in the HTP, Los Angeles-Glendale Water Reclamation Plant (LAGWRP), and wastewater collection system, capacity of the HTS would be increased to 570 mgd. The IRP would increase the treatment capacity of the TWRP and treatment process at the LAGWRP, which would result in less bypass flows to the HTP for processing. As such, the LADPW and Bureau of Sanitation anticipates ample wastewater treatment services to the City of Los Angeles and contracting cities through the year 2020 and cumulative impacts associated with wastewater treatment would be less than significant.

The HTP currently meets applicable water quality standards as set forth by the National Pollution Discharge Elimination System (NPDES). As such, the cumulative projects' wastewater effluent discharged to the Santa Monica Bay would have a less than significant impact on water quality. Implementation of the IRP, upgrades in the advanced treatment processes at the HTP, and continual monitoring by the Environmental Monitoring Division (EMD) would ensure that effluent discharged into Santa Monica Bay are within applicable limits. Thus, cumulative impacts on Santa Monica Bay water quality would be less than significant and the proposed project's contribution to the impact would not be cumulatively considerable.

**B. Impacts Determined to be Potentially Significant, but can be Mitigated to Less Than Significant Levels**

The following impact areas were concluded by the EIR to be less than significant with the implementation of mitigation measures described in the EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that, based on substantial evidence, mitigation measures described in the Final EIR will reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance:

**1. Air Quality**

**Potential Impacts**

*Operation – Toxic Air Contaminants Off-Site Sources*

For carcinogenic exposures, the summation of risk for the maximum exposed residential receptor totaled 1.1E-04 (1.1 in ten thousand) for the 30-year and 3.3E-05 (3.3 in one hundred thousand) for the 9-year exposure scenarios. The proposed project would result in locating sensitive receptors within an area of cancer risk in excess of the SCAQMD significance threshold of 10 in one million and, therefore, the proposed project would result in a significant impact without incorporation of mitigation measures. Particulate emissions from trucks and related diesel fueled vehicles contributed to more than 95 percent of the identified risk value.

To quantify non-carcinogenic impacts, the hazard index approach was used. The approach assumes that chronic sub-threshold exposures adversely affect a specific organ or organ system (toxicological endpoint). For each discrete chemical exposure, target organs presented in regulatory guidance were utilized. To calculate the hazard index, each chemical's concentration or dose is divided by the appropriate toxicity value. For compounds affecting the same toxicological endpoint, this ratio is summed. Where the total is equal to or exceeds one, a health hazard is presumed to exist. The analysis for the proposed project resulted in a chronic hazard index for the maximum exposed receptors of 0.2, which is approximately 13 percent of the SCAQMD recommended threshold. For acute exposures, the hazard indices for the 1-hour and 8-hour averaging times did not exceed 1.0. Therefore, non-cancer health risks are not considered significant.

For criteria pollutants, the assessment revealed that PM<sub>10</sub> emissions generated from the adjacent freeway would result in PM<sub>10</sub> concentrations at the maximum exposed residential receptor of 51.72 µg/m<sup>3</sup> and 22.68 µg/m<sup>3</sup> for the 24-hour and annual averaging times, respectively. These values exceed the SCAQMD's PM<sub>10</sub> significance thresholds for the 24-hour averaging time of 2.5 µg/m<sup>3</sup> and the annual averaging time of 1.0 µg/m<sup>3</sup> without incorporation of mitigation measures. For PM<sub>2.5</sub>, a maximum 24-hour average concentration of 9.2 µg/m<sup>3</sup> was predicted. This value also exceeds the SCAQMD's PM<sub>2.5</sub> significance threshold of 2.5 µg/m<sup>3</sup> and warrants mitigation. For CO, the maximum predicted 1-hour concentration of 0.61 parts per million (ppm) and 8-hour value of 0.47 ppm, when added to existing background levels, do not

cause an exceedance of the ambient air quality standards. For NO<sub>2</sub>, a maximum 1-hour concentration of 0.08 ppm was predicted. This concentration, when added to existing background levels, would also not cause an exceedance of the ambient air quality standards.

Because the 1-hour and 8-hour exposure levels associated with both toxic and criteria pollutants are within acceptable limits, no impacts are anticipated to residents who access and utilize amenities such as the pool and related courtyard locations. For exceedances of particulate exposure levels from diesel exhaust and reentrainment of roadway dust, the EIR imposes mitigation to reduce pollutant concentrations within residential occupancies by restricting the rate of infiltration, based on the recommendations of a comprehensive and detailed health risk assessment.

Final EIR Section II.B.IV.B adds an in-depth survey of studies and literature regarding the potential health impacts of air pollutants as well as public welfare and ecological effects of various air pollutants. This additional information does not change the proposed project air quality impact conclusions set forth in the Draft EIR, but amplifies the background information regarding those impacts. The Final EIR also modified Mitigation Measure B-10 to increase the HVAC control systems particulate filters minimum efficiency reporting value from (MERV) 14 to (MERV) 15.

With the implementation of Mitigation Measures B-10 (as modified in the Final EIR) and B-11, the above-referenced potentially significant air quality impacts of the proposed project would be less than significant.

## **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

## **2. Biological Resources**

### **Potential Impacts**

#### *Raptor Species*

The proposed project's removal of the four existing on-site non-native trees could potentially have an impact on raptor species due to the removal of potential foraging or hunting habitat to raptors in the area. Although the loss of the existing on-site trees for potential foraging raptors is not critical to the survival of these species, tree removal could possibly impact nesting sites for other bird species including some birds which are considered possible prey species for raptors. Nonetheless, to ensure that any nesting birds found on-site would not be impacted, mitigation measures are recommended to ensure that efforts are made to schedule all tree removals between September 1 and February 14 to avoid the nesting season and, thereby avoid potentially significant impacts. In addition, a biologist would be present on the project site to monitor any tree removal to ensure that nests not detected during the initial survey are not disturbed.

With the implementation of Mitigation Measure C-1, the above-referenced potentially significant raptor species impacts of the proposed project would be less than significant.

## **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

#### *Protected Trees and Street Trees*

No locally protected biological resources such as City-protected trees exist on the project site. As such, the Project would not conflict with the City of Los Angeles Preservation of Protected Trees Ordinance, and no impacts on locally protected species would occur. However, the Project would involve the removal of four existing elm (*Ulmus* sp.) trees, as well as several street trees along Sepulveda Boulevard and Camarillo Street. Since no protected biological resources exist on the site and project implementation would occur in accordance with City codes and Street Tree regulations, the Project would not conflict with any local policies or ordinances protecting biological resources. However, to ensure that no significant impacts would occur as a result of the removal of the non-protected trees on the project site, a mitigation measure is recommended.

With the implementation of Mitigation Measure C-2, the above-referenced potentially significant tree impacts of the proposed project would be less than significant.

#### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

### **3. Cultural Resources**

#### **Potential Impacts**

##### *Paleontology*

Appendix B of the Draft EIR, Initial Study Section V.c, identified potential paleontological resource impacts and prescribed mitigation. While this mitigation was included in the Initial Study attached to the Draft EIR, it was inadvertently omitted from the Mitigation Monitoring and Reporting Program attached to the Final EIR. The City hereby incorporates the analysis and mitigation measures from the Initial Study into the Project.

A paleontology records search of the project area was conducted by the Natural History Museum of Los Angeles County. A review of the record search data indicates that the project site contains surficial deposits of Quaternary Alluvium from the floodplain of the Los Angeles River channel immediately north of the site. These deposits typically do not contain significant vertebrate fossil remains in the uppermost layers. At depth, however, older Quaternary sediments that contain significant fossil vertebrate materials are likely to be encountered. Although the project site has been previously developed, any substantial excavations in the proposed project area could encounter fossil vertebrate remains based on the known occurrence of vertebrate fossils (and fossil invertebrates) within the older Quaternary sedimentary deposits. Thus, the potential for discovering unrecorded, paleontological resources does exist. However, with implementation of the Mitigation Measures M-1 through M-6 set forth in the revised Mitigation Monitoring and Reporting Program, potential impacts would be reduced to less-than-significant levels.

#### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR [Initial Study]." (Guidelines Section 15091 (a)(1)).

#### **4. Geology and Soils**

##### **Potential Impacts**

###### *Seismic Hazards — Faulting and Groundshaking*

The geotechnical report prepared for the Project was found to be acceptable by the City of Los Angeles Department of Building and Safety (LADBS), provided that the conditions specified therein are complied with during site development. As recommended in the geotechnical report, the project's proposed structures would be founded on a system of driven concrete piles and/or drilled cast-in-place piles, bearing in the dense native soil. Thus, with implementation of the geotechnical report's recommendations as set forth in Mitigation Measure D-1, the project would not cause or accelerate geologic hazards that would result in substantial damage to structures or infrastructure or expose people to substantial risk of injury, and geologic hazard impacts related to soil instability would be less than significant.

With the implementation of Mitigation Measure D-1, the above-referenced potentially significant faulting and groundshaking impacts of the proposed project would be less than significant.

##### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

#### **5. Hydrology and Water Quality**

##### **Potential Impacts**

###### *Construction and Operation — Hydrology and Water Quality*

Project-related construction activities have the potential to result in adverse effects on water quality. However, a Storm Water Pollution Prevention Program (SWPPP) would be developed and implemented during project construction. The SWPPP would outline BMPs and other erosion control measures to minimize the discharge of pollutants in storm water runoff.

Project construction activities would occur in accordance with City grading permit regulations to reduce the effects of sedimentation and erosion. Furthermore, routine safety precautions and "good housekeeping" practices would be implemented to minimize the potential pollution of storm water by both hazardous and non-hazardous pollutants. Compliance with state and city level permits, plans, and codes would ensure that construction of the project would not result in discharges that would create pollution, contamination or nuisance or that cause regulatory standards to be violated for the receiving water body. Thus, with compliance with NPDES requirements and City grading regulations, construction impacts related to water quality would be less than significant.

Development of the proposed project would permanently remove the surface storm drain system, including the street and curb network, drain inlets, and the storm drain, within La Maida Street. Storm drains and associated inlets and catch basins within Camarillo Street and

Sepulveda Boulevard would remain in place. On-site stormwater flows would continue to drain to the existing 7-foot-wide, 2.5-foot-tall concrete culvert via the proposed storm drain system for the project site.

Implementation of the Project would increase the amount of impervious surfaces areas on the site and, as such, would increase stormwater runoff as compared to existing conditions. Specifically, post-project stormwater runoff flow from a 50-year storm event would be approximately 18.3 cfs, which is greater than the existing 50-year stormwater runoff flow of 11.8 cfs. This increase in on-site stormwater flows from a 50-year storm event would be adequately accommodated by the culvert. In addition, the Project would be required to provide appropriate on-site drainage improvements to accommodate anticipated storm water flows. This would include numerous planter areas and, if necessary, a flow detention device that would help detain on-site runoff during a storm event.

During the operational phase of the proposed project, urban-related pollutants could potentially be conveyed by stormwater runoff into municipal storm drains. Urban related pollutants may include grease, oil, suspended solids, metals, solvents, phosphates, and pesticides/fertilizers. However, in accordance with NPDES requirements, a SUSMP would be required to be in place during the operational life of the Project to reduce the discharge of polluted runoff from the site. The SUSMP would set forth BMPs that would be implemented during the operational life of the Project. As part of the BMPs proposed, storm water runoff from the site would be directed to raised filtration planters on-site that would be equipped with a series of perforated pipes to collect water from the planters. Implementation of SUSMP requirements, inclusive of BMPs, would ensure that discharges from the Project would not violate water quality standards. Furthermore, the Project would also be designed in compliance with the Clean Water Act (CWA) and Order No. 90-079 of the RWQCB, which regulates the issuance of waste discharge requirements.<sup>2</sup> Operation of the Project would not result in discharges that would create pollution, contamination or nuisance or that cause regulatory standards to be violated for the receiving water body. Therefore, project impacts on water quality during operation would be less than significant.

### *Cumulative Impacts*

The 51 related projects within the project vicinity could potentially increase the volume of stormwater runoff and contribute point and non-point source pollutants, resulting in a cumulative impact to hydrology and water quality. However, the City of Los Angeles Department of Public Works reviews all construction projects on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available. In addition, as with the proposed project, the related projects would be subject to state and county NPDES permit requirements for both construction and operation. Furthermore, each project would be evaluated individually to determine appropriate BMPs and treatment measures to avoid impacts to water quality. Thus, compliance with state and county NPDES permit requirements for both construction and operation cumulative impacts to hydrology and water quality would assure that impacts are less than significant

With the implementation of Mitigation Measures F-1 through F-6, the above-referenced potentially significant hydrology and water quality impacts of the proposed project would be less than significant.

### **Finding**

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<sup>2</sup> Ibid.

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

## **6. Noise**

### **Potential Impacts**

#### *Operation — Site Compatibility (Proposed Residential Uses)*

The proposed project would locate sensitive residential receptors (i.e., proposed residential buildings) near two heavily traveled freeway corridors, I-405 and US-101, and a main thoroughfare, Sepulveda Boulevard. As the proposed residential structures would be built above a 23-foot podium, the existing freeway sound wall would have no measurable noise attenuation effect on freeway noise experienced at or within the proposed residential units. The freeway noise along the project western and northern building façades, which have a direct line-of-sight to the freeway, would be approximately 78 dBA (CNEL). The estimated 78 dBA (CNEL) represents the outdoor environment outside of the proposed residential building structure. With respect to the requirements of the applicable building codes (City's building code), the building design shall include adequate sound insulation to reduce the freeway noise to 45 dBA (CNEL) or lower at the interior of the residential use. The private balconies of the residential units, which have direct line-of-sight to the freeway interchange, would be exposed to freeway noise level up to 78 dBA (CNEL). However, there are no City's noise limits applicable to the private balconies. Incorporation of the mitigation measures would reduce potential impacts associated with the introduction of residential uses on the project site to a less than significant level.

The proposed courtyard areas would be located at the plaza level on top of the podium. The proposed project is designed such that the west-facing buildings would act as a noise barrier for courtyard uses. No courtyard areas would have direct line-of-sight to either US-101 or I-405, and the buildings would be of sufficient height to attenuate freeway-related noise to well below the "conditionally acceptable" 70 dBA (CNEL) for multi-family residential uses. As such, potential noise impacts associated with outdoor uses at the courtyard areas would be less than significant.

With the implementation of Mitigation Measures H-5 and H-6, the above-referenced potentially significant site compatibility – residential use impacts of the proposed project would be less than significant.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

## **7. Public Services**

### **Potential Impacts**

#### *Operation — Police*

Development of the proposed project described in the Draft EIR would generate a residential population of approximately 850 residents. As described in the Final EIR, the proposed project will be reduced from 500 units to 399 units, thereby reducing population to 678 persons. The further reduction to 325 units approved by the City Planning Commission would generate a



population of approximately 549 persons. In addition, the approximately 55,000 square feet of neighborhood-serving commercial uses described in the Draft EIR would generate a daytime population of approximately 165 persons. Reducing the proposed project's neighborhood-serving commercial uses from 55,000 square feet to 52,000 square feet will reduce daytime population associated with these uses to approximately 156 persons. The proposed project would be served by the Van Nuys Community Police Station, which has approximately 322 sworn officers and a civilian support staff of 28 persons. With the Project's estimated 850 new residents, the residential population for the Van Nuys Community Police Station's service area would increase to a total of approximately 287,664 residents. Based on this new population, the officer per resident ratio in the Van Nuys Community Police Station service area would decrease from 1 officer per 891 residents to 1 officer per 893 residents. This would result in a change in officer per resident ratio of less than one percent, which would not be a significant change. This change would be reduced based on the proposed project's revised estimated population of 549 persons consistent with the reduction of residential units from 500 to 325 units.

The new permanent residential and temporary daytime populations associated with the proposed project would increase the demand for police protection services provided by the Van Nuys Community Police Station. Assuming that the annual crime rate would remain constant at 0.03 crime per capita, the residential population of the project (850 residents) would potentially generate approximately 26 crimes per year. The total annual number of reported crimes in the service area of the Van Nuys Community Police Station was projected to nominally increase from 8,692 crimes to approximately 8,718 crimes. This change would be reduced based on the proposed project's revised estimated population of 549 persons consistent with the reduction of residential units from 500 to 325 units approved by the City Planning Commission. In addition, the commercial components of the proposed project and related projects could potentially generate crimes.

As vehicle theft and burglary from vehicles are the two most common crimes in the Van Nuys area, the proposed project would include security features within the parking facility such as surveillance cameras, appropriate lighting, and gated access. Additionally, the Project would provide for on-site security personnel and a keycard access system with keycard readers for residents to minimize the demand for police protection services. Furthermore, the proposed project would also generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc) that could be applied toward the provision of new police facilities and related staffing, as deemed appropriate. The Project's security design features, as well as revenue to the Municipal Fund, would help offset the increase in demand for police services.

Nonetheless, due to the Project's population increase and associated demand for police services at the time of project buildout, the LAPD's Crime Prevention Unit has stated that the project would have a significant impact on police services. Therefore, to reduce the proposed project's potential impacts on police services to less than significant levels, mitigation measures are provided below.

With the implementation of Mitigation Measures J-1 and J-2, the above-referenced potentially significant police resource impacts of the proposed project would be less than significant.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

*Operation — Fire*

Operation of the proposed project could result in significant impacts relative to:

- Capability of Existing Fire Services; and
- Fire Safety, Access, and Fire Flow Requirements; and
- Emergency Response Times.

The proposed project described in the Draft EIR would result in approximately 850 new residents. As described in the Final EIR, the proposed project will be reduced from 500 units to 399 units, thereby reducing population to 678 persons. Further reduction to 325 units as approved by the City Planning Commission reduces population to 549 persons. In addition, the proposed project would generate a daytime population associated with retail employees and visitors. The Project's residential and daytime populations would increase the demand for LAFD fire protection and emergency medical services.

Fire Station No. 88 is the closest fire station to the project site and, thus, would be the responder to the site in the event of an emergency. Based on Fire Station No. 88's current response rate of 0.16 response per capita, the 850 residents generated by the proposed project are anticipated to result in approximately 136 additional responses per year. The 136 additional responses per year by project residents would increase Fire Station No. 88's total annual response by 1.84 percent. Reducing the number of residential units from 500 to 399 units, as described in the Final EIR, would reduce the number of additional responses to approximately 108, thus reducing this percentage. Further reduction to 325 units as approved by the City Planning Commission would further reduce the number of additional responses. Furthermore, additional responses from the station would be required as a result of the Project's on-site daytime population. Notwithstanding, a substantial number of responses is not anticipated. Furthermore, given that the Project is located within close proximity (0.4 mile) of Fire Station No. 88, impacts relative to the LAFD's capability to provide adequate fire protection services would be less than significant. In addition, Fire Stations Nos. 83 and 39 would also be available to serve the project site in the event of an emergency. Furthermore, the Applicant would submit a plot plan for the Project for approval by the LAFD either prior to the recordation of the final map or the approval of a building permit to ensure that the LAFD would review site plans for access before construction of any portion of the project. Therefore, the proposed project would not require the addition of a new fire station or the expansion, consolidation or relocation of an existing facility to maintain service. Impacts on fire services would be less than significant.

A project's impact on fire services is determined in part by its compliance with the applicable provisions of the Fire Code and Building Code. A project that closely complies with applicable provisions is less likely to cause any significant impacts to fire services. The project site is 0.4 mile from Fire Station No. 88, which is within LAFD's recommended response distance of 1.5 miles. Based on the project site's response distance from Fire Station No. 88, as well as the anticipated minimal increase in potential demand to Fire Station No. 88, the proposed project would not require the addition of a new fire station.

Pursuant to Division 9 of the Fire Code, the proposed project would comply with specific fire safety, access, and fire flow requirements. The Applicant would submit a plot plan for the project for approval by the LAFD either prior to the recordation of the final map or the approval of a building permit. The plot plan would indicate the Project's compliance with the requirements of the Fire Code. Specifically, the Project would include a new 28-foot-wide driveway/fire lane along the back side of the site between Camarillo Street and Sepulveda Boulevard that would provide emergency access. Therefore, no portion of an exterior wall would be more than 150 feet from the edge of a roadway.

New hydrants may be required to serve the project to ensure that none of the Project's proposed buildings would be further than 300 feet from an approved fire hydrant. However, the Project would comply with applicable LAMC fire safety requirements for building construction, which include the submittal of a plot plan indicating the provision of adequate fire hydrants.

With regard to fire flow, a minimum of 4,000 gpm from four hydrants flowing simultaneously would be provided for the proposed project. For eight inch water mains, the LAFD requires fire flows of 2,500 gallons per minute (gpm) and a minimum residual pressure of 20 pounds per square inch (psi) is required for any fire service or hydrant flowing at capacity. Based on the Service Advisory Requests (i.e., fire pressure flow reports) from LADWP, the existing 8-inch water main in Sepulveda Boulevard could accommodate the 2,500 gpm flows with a residual pressure of 94 psi, which is well above the 20 psi fire flow requirement.<sup>3</sup> However, additional coordination with LADWP and LAFD during the development of the project plans would be required to ensure that adequate fire flow would be provided at the time of project occupancy.

The project would comply with the fire safety design and construction requirements for high-rises set forth in Division 118 of the Fire Code. Consistent with Fire Code Division 119, the Project would undergo an annual inspection including the evaluation of physical access, property condition, and all fire-safety facilities and equipment required under the LAMC Fire and Building Codes.

Based on the above, the Project would comply with applicable Fire Code and LAFD requirements and would have a less than significant impact relative to fire safety, access, hydrant, and fire flow requirements.

Project-related increase in traffic on surrounding roadways could have an impact on fire protection and emergency medical services, if the response capabilities of the LAFD were impeded. The 2008 fire-related response time for Fire Station No. 88 was 3.2 minutes, while the emergency medical service response time was 6.0 minutes. These times are above the 5 minute threshold that is generally acknowledged as an acceptable response time; however, due to the proximity of Fire Station No. 88 (0.4 mile) and the other two supporting stations to the site, emergency response to the project site is not expected to significantly decline due to implementation of the Project. Thus, project-related traffic is not anticipated to impair the LAFD from responding to service requests at the project site. Finally, the project would provide access for emergency vehicles to the project site subject to the approval of the LAFD. Therefore, the proposed project's potential impacts related to emergency response times would be less than significant.

With the implementation of Mitigation Measures J-3 through J-5, the above-referenced potentially significant fire response and protection resources impacts of the proposed project would be less than significant.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

#### *Public School Facilities and Services*

The proposed project is estimated to generate approximately 72 elementary school students, 43 middle school students, and 43 high school students for a total of approximately 158 students.

<sup>3</sup> LADWP, SAR Number 7367, Fire Service Pressure Final Reports, March 16, 2004.

Reducing the number of residential units from 500 to 399 units as described in the Final EIR would reduce the estimate of students. Further reduction to 325 units as approved by the City Planning Commission will further reduce the estimate of students generated by the project. The project site is located within LAUSD District 2, therefore, these students would attend Sherman Oaks Elementary School, Van Nuys Middle School, and Van Nuys High School. With the addition of 72 elementary school students from the proposed project, Sherman Oaks Elementary School would have an excess of 184 seats. With the addition of 43 middle school students from the project, Van Nuys Middle School is projected to have an excess of 199 seats. In contrast, with the proposed project's addition of 43 high school students, Van Nuys High School would have a shortage of 220 seats.

However, pursuant to Section 65995 of the California Government Code, the payment of developer fees in accordance with SB 50 is considered to provide full and complete mitigation for any impact to school facilities. Therefore, with payment of the required SB 50 fees, project impacts to schools would be less than significant.

#### *Cumulative Impacts*

Of the 51 related projects anticipated to be developed within the vicinity of the project site, only 19 were identified as being located within the attendance boundaries of at least one of the schools serving the project site (i.e., Sherman Oaks Elementary School, Van Nuys Middle School, or Van Nuys High School). The proposed project in combination with these 19 related projects would have the potential to generate a cumulative total of 93 elementary school students, 174 middle school students, and 174 high school students. Therefore, Sherman Oaks Elementary School and Van Nuys Middle School would have sufficient capacity to accommodate the cumulative total of 93 elementary school students and 174 middle school students. Van Nuys High School is projected to experience a shortage of 177 student seats, and thus, would be constrained by the addition of 174 high school students from the proposed project and related projects. However, the proposed project and related projects would be subject to the payment of developer fees in accordance with SB 50. Pursuant to Section 65995 of the California Government Code, the payment of developer fees in accordance with SB 50 is considered full and complete mitigation and thus, cumulative impacts on school facilities would be less than significant.

With the implementation of Mitigation Measure J-6, the above-referenced potentially significant public school impacts of the proposed project would be less than significant.

#### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

#### *Public Parks*

With regard to community parks, the proposed project would need to provide 1.70 acres of community parkland to meet the PRP's long-range standard for community parks of 2 acres per 1,000 residents and approximately 0.85 acre to meet the PRP's more attainable short- and intermediate-range standard of 1 acre per 1,000 residents. Reducing the number of residential units from 500 to 399 reduced the community parkland demand to 1.36 acres in order to meet the PRP's long-range goals and to 0.7 acre in order to meet the PRP's short-term and intermediate-range goals. Further reduction to 325 units as approved by the City Planning Commission will further reduce the community parkland demand. The proposed project's provision of on-site open space would help reduce the use of off-site community parks in the

area. Nonetheless, project residents would still be expected to utilize the community parks' amenities including sports fields, tennis courts, basketball courts, and children's play areas. The Project, therefore, would not meet the PRP's long-range standard or short- and intermediate-range standards for community parks. However, implementation of the mitigation measure below would ensure that through the provision of on-site recreational amenities and open space areas, payment of in-lieu fees, dedication of parkland, or a combination of these methods, the Project would comply with parks and recreational requirements. It should be noted that the PRP standards are citywide standards and not requirements for specific development projects, such as the proposed project. Rather specific, residential development projects are subject to Sections 12.21 and 17.12 of the LAMC.

Section 12.21 of the LAMC requires that development projects with six or more dwelling units on a lot provide a minimum square footage of usable open space per dwelling unit. Based on the proposed dwelling unit types, the Project would be required to provide approximately 56,050 square feet of total usable open space. This demand for usable open space would be reduced with the proposed reduction in residential units from 500 units to 325 units. The proposed project would provide a total of approximately 106,013 square feet of usable open space areas consisting of approximately 67,213 square feet of common open space (e.g., courtyards, gardens, pedestrian pathways, large pool facility, spa, gym, community rooms, a bocce court, and lobbies) and approximately 38,800 square feet of private open space (balconies) for its residents. Reducing residential units and commercial uses as set forth in the Final EIR would reduce the amount of open space from 106,013 square feet to 93,500 square feet. However, this revised amount would still exceed the usable open space requirement as set forth under Section 12.21 of the LAMC. Therefore, the proposed project would exceed the usable open space requirement as set forth under Section 12.21 of the LAMC.

The proposed project would also be subject to Section 17.12 of the LAMC, the City's implementing ordinance of the Quimby Act. Section 17.12 provides a formula for the dedication of land for park and recreational purposes and/or the payment of in-lieu fees (subject to determination by the Department of Recreation and Parks). Per Section 17.12, the proposed project would be required to dedicate approximately 32 percent of the gross subdivision area for parks and recreational purposes. Based on this requirement and the site area of 5.05 acres or approximately 219,778 square feet, the project would be required to do one or a combination of the following: dedicate approximately 1.62 acres or 70,720 square feet of park and recreation space or pay in-lieu fees. The Project would provide approximately 1.54 acres (67,213 square feet) of common park and recreation space, but this area would not be dedicated to the City of Los Angeles as required to satisfy Section 17.12 requirements. As such, the project Applicant would be required to pay in-lieu fees to satisfy Section 17.12 parkland requirements. The Project's 67,213 square feet of common open space could be credited against the total parkland dedication requirement or the total in-lieu park fee requirement, as determined by the DRP. With implementation of the proposed approximately 13,000-square-foot publicly accessible ground level plaza, the amount of common open space would increase to approximately 74,500 square feet or 1.71 acres. Thus, potentially significant impacts relative to Section 17.12 could occur.

However, implementation of Mitigation Measure J-7 would ensure that through the provision of on-site recreational amenities and open space areas as a credit against the dedication of open space, payment of in-lieu fees, dedication of parkland, or a combination of these methods, the project would comply with the maximum requirements established under the Quimby Act. With this mitigation measure, impacts on parks and recreational facilities would be less than significant.

#### *Cumulative Impacts*

Of the 51 related projects identified, 29 are residential in nature or have residential components. These 29 related projects in the area would result in the development of 2,819 new residential units. Growth from the proposed project and these 29 projects would combine to generate a cumulative demand for additional parks and recreational facilities. The 850 residents estimated to be generated by the proposed project, in addition to the estimated 4,792 residents associated with the 29 identified related projects, would result in a cumulative population increase of approximately 5,642 residents. Reducing the number of residential units from 500 to 325 units proposed would reduce the project-related demand for park space generated by the project and the associated cumulative demand for park space. This cumulative population would increase the demand for public parks and recreational facilities. However, as with the Project, the 29 related projects with residential uses would be subject to discretionary review to ensure consistency with the PRP and would be required to comply with the requirements of Sections 12.21 and 17.12 of the LAMC. Given that related projects would be required to dedicate land for park and recreational purposes, provide on-site open space to meet the recreational demands of residents per Section 12.21 of the LAMC, and/or pay in-lieu park fees pursuant to Section 17.12 of the LAMC, it can be expected that potential cumulative impacts to parks and recreational facilities would be reduced to levels that are less than significant.

With the implementation of Mitigation Measure J-7, the above-referenced potentially significant public park impacts of the proposed project would be less than significant.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

## **8. Transportation**

### **Potential Impacts**

#### *Construction Traffic*

Construction equipment, crew vehicles, haul trucks and delivery vehicles would generate traffic during the estimated 23-month construction period. It is anticipated that the construction workers would park off-site in nearby facilities until completion of the project parking structure.

During construction, it is anticipated that on-street parking would be removed along Camarillo Street west of Sepulveda Boulevard to provide additional room for construction activities. However, through traffic lanes near the project site would remain open. To lessen the potential for construction traffic to block through traffic lanes and driveways of nearby residents and businesses, truck staging would occur at an off-site location approved by the City of Los Angeles.

It is estimated that approximately 165,000 cubic yards of exported material would be transported from the site, which would generate approximately 150 outbound and 150 inbound truckloads per day, for a total of 300 truck trips per day. Trucks delivering materials for the construction of the parking structure would average approximately 42 inbound and 42 outbound trips per day, totaling approximately 84 delivery truck trips per day, while the construction of the residential and retail uses would generate an average of 11 outbound and 11 inbound trucks per day, for a total of 22 delivery truck trips per day. Although reducing the project FAR to 2.25:1 would result in an incremental reduction in construction traffic trips, a short-term significant construction traffic impact would still occur at the intersection of Camarillo Street & Sepulveda Boulevard during Months 1-2 and Months 3-4 in the a.m. peak hour prior to mitigation.

The Final EIR amended Mitigation Measure K-3 by adding three more specific requirements in addition to the 4 requirements identified in Draft EIR. With the implementation of Mitigation Measures K-1 through K-7, the above-referenced potentially construction traffic impacts of the proposed project would be less than significant.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

### *Access*

Primary access would be provided from a new private roadway that would extend along the back side of the site, (i.e., along the northern/western frontage) extending from Sepulveda Boulevard to Camarillo Street. This private roadway would provide two access points to the parking garage. Furthermore, additional driveways for retail access, residential access, and residential drop-off and pick up are proposed. Given these various points of access, no issues related to site access are anticipated to occur.

The intersections nearest the primary site access are La Maida Street at Sepulveda Boulevard and Camarillo Street at Sepulveda Boulevard. The La Maida Street and Sepulveda Boulevard intersection is projected to operate at LOS C during the a.m. peak hour and LOS D in the p.m. peak hour in the Future (2013) "With Project" Conditions. Camarillo Street and Sepulveda Boulevard is projected to operate at LOS C during the a.m. peak hour and LOS E in the p.m. peak hour in the Future (2013) "With Project" Conditions. Therefore, as this intersection would operate at LOS E in the p.m. peak hour, based on the City's significance threshold for access, the Project would result in a significant impact with respect to access. However, a mitigation measure is proposed at this intersection to improve conditions to LOS C in the p.m. peak hour.

With the implementation of Mitigation Measures K-8, the above-referenced potentially significant access impacts of the proposed project would be less than significant.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

### *Pedestrian/Bicycle*

The proposed project would encourage pedestrian activity in the area. The neighborhood commercial uses fronting Sepulveda Boulevard and Camarillo Street would be pedestrian-oriented. Pedestrians would have direct access to the neighborhood-serving commercial uses from the sidewalks along Sepulveda Boulevard and Camarillo Street. To further increase circulation a pedestrian entrance to the retail from the ground level parking along Camarillo Street will be included. The Project would also not introduce any hazardous design features. Thus, the Project would not result in an increase in pedestrian/vehicle or bicycle/vehicle conflict, and impacts relative to pedestrian/bicycle safety would be less than significant. Nevertheless, a mitigation measure is provided below to ensure that adequate bicycle parking would be provided on-site.

With the implementation of Mitigation Measures K-16, the less than significant pedestrian and bicycle impacts would be assured.

## Finding

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

### *Operation—Study Intersections*

Implementation of the proposed project described in the Draft EIR would generate approximately 5,844 net daily trips, which includes 321 trips during the a.m. peak hour and 549 trips during the p.m. peak hour. Trip generation would be reduced by implementation of the smaller project described in the Final EIR, but to assure the most conservative analysis, the Draft EIR trip generation rates are applied. Based on the City's significant traffic impact criteria, the proposed project would result in potentially significant impacts at 11 study intersections during one or both peak hours. Feasible mitigation measures were identified that mitigate potential impacts to less-than-significant levels at following 6 intersections:

- 101 Freeway EB On-Ramp and Sepulveda Boulevard (p.m. peak hour);
- Camarillo Street and Sepulveda Boulevard (both peak hours);
- Ventura Boulevard and Haskell Avenue (North) (p.m. peak hour);
- Ventura Boulevard/I-405 Freeway Southbound On-Ramp/Sherman Oaks Avenue (p.m. peak hour);
- Ventura Boulevard and Van Nuys Boulevard (p.m. peak hour);
- Ventura Boulevard and Beverly Glen Boulevard (p.m. peak hour);

The Final EIR modified Mitigation Measure K-13 to provide greater specificity as to the scope, use, and procedures of the funds required by Mitigation Measure K-13. With the implementation of Mitigation Measures K-8 through K-11, K-13 through K-15, the above-referenced potentially significant intersection impacts of the proposed project would be less than significant.

All of these mitigation measures are technically feasible. However, two of the measures involve the removal of on-street parking, which may have a secondary impact on local businesses and residents as discussed on Section VI, Other Environmental Consideration of the Draft EIR. These mitigation measures are not technically infeasible and the concern regarding secondary impacts is unreasonable speculative. Although these mitigation measures may be undesirable, they are not infeasible and shall be implemented. If this finding is appealed and overturned, the City may substitute an alternative measure of equivalent effectiveness.

The horizon date of the Project traffic study has been updated to 2015 (the "2015 Analysis"). (Supplemental Responses to Comments Appendix D.) The 2015 Analysis updates the traffic analysis for the Final EIR Project comprised of 399 dwelling units, a grocery store of 45,000 square feet and 7,000 square feet of retail use. This updated analysis assumes a two-year construction period. The updated traffic data in the 2015 Analysis reached the same conclusions for the Project as in the Final EIR. In particular, the 2015 Analysis concludes the Project would result in the same significantly impacted locations for the year 2015, without and with mitigation, as determined for the year 2013. Further reduction to 325 units as approved by the City Planning Commission will further reduce the traffic generated by operation of the



project, and would reduce the severity of potentially significant impacts, but would not reduce them to levels of less-than-significance without mitigation.

### Finding

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

### *Operation – Consistency with Plans*

The proposed project would result in a significant impact to the CMP arterial monitoring intersection of Ventura Boulevard and Sepulveda Boulevard. However, as provided in the following pages, the Project would include a mitigation measure that would partially mitigate the impact and another mitigation measure that would provide for a financial contribution to improving operations at this intersection. Thus, the Project would be consistent with the intent of the CMP. The proposed project would also be consistent with the goals of the Community Plan to minimize vehicle trips as it would develop a mix of residential and commercial uses in a Regional Center area of Sherman Oaks, within close proximity to various employment opportunities, retail, and other service destinations. In addition, the proposed project would include neighborhood-serving commercial serving uses on the ground level to encourage pedestrian activity, would be easily accessible to transit service provided along Sepulveda Boulevard and Ventura Boulevard, and would provide adequate parking. To minimize impacts on the transportation system, the project Applicant would also implement mitigation measures. Thus, the Project would support the goals of the Community Plan.

Furthermore, the proposed project would comply with the transportation requirements of the Specific Plan including, but not limited to: the implementation of mitigation measures to reduce traffic impacts to the extent feasible; implementation of a TDM Program; and payment of a Project Impact Assessment (PIA) Fee. These are statutory requirements adopted for the purpose of reducing environmental impacts associated with vehicle trips and compliance with these requirements becomes part of the Project; they are not mitigation measure. Therefore, the Project would not conflict with the implementation of adopted programs, plans, and policies addressing transportation.

The Final EIR included revisions of the TDM plan. At minimum, the TDM shall include following:

- Provide information regarding discounted bus passes to residential tenants at the time of lease execution.
- Designate a Transportation Coordinator that is part of the property management team on-site.
- Coordinate with area businesses to maximize leasing to their employees as central focus of marketing strategy.
- Provide preferential parking for carpools and vanpools for retail employees.
- Create and deliver personal trip plans (transit, carpool, vanpool, bicycle, walking) for each new resident and employee and provide updates upon request.
- Deliver transportation information to residents in project communications including website/page.

- Host semi-annual events to promote ridesharing and transit usage.
- Install Transportation Information Display(s) in common area(s).
- Wire residential units for high speed internet access.
- Unbundle the leasing of dwelling units from parking spaces.

With the implementation of Mitigation Measures K-8 through K-12, the above-referenced potentially significant impacts of the proposed project to consistency with plans would be less than significant.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

## **9. Water Supply**

### **Potential Impacts**

#### *Operation — Water Supply*

As set forth in the Final EIR, the proposed project would not result in significant impacts related to domestic water supply. However, mitigation measures are recommended to ensure that the proposed project would be compliant with the City's recommended water conservation measures.

Operation of the proposed project would result in an increase in long-term water demand for consumption, maintenance, irrigation, and other activities on the project site. According to the Water Supply Assessment (WSA) prepared by LADWP for the proposed project, the Project is estimated to result in a net increase in water demand of approximately 100 acre feet (AF) per year over pre-existing conditions. When considering only the existing single-family residence currently on the site, the proposed project would result in a net increase of approximately 122 AF per year.

According to the WSA prepared for the proposed project, LADWP anticipates that the approximately 100 AF per year increase in water demand generated by the proposed project over pre-existing conditions would fall within the available and projected water supplies for normal, single-dry, and multiple-dry years through 2020 water demand projections of LADWP's 2000 Urban Water Management Plan (UWMP). Subsequent to the approval of the WSA for the proposed project, LADWP adopted an updated (2005) UWMP and the pre-existing uses were removed from the site. Based on correspondence with the LADWP, the water demand for the proposed project was accounted for in the 2005 UWMP. Therefore, the proposed project's net increase of approximately 100 AF per year over pre-existing conditions and the net increase of approximately 122 AF per year over existing conditions would also fall within the available and projected water supplies for normal, single-dry, and multiple-dry years through 2030 water demand projections of LADWP's 2005 UWMP. Reducing residential units from 500 to 399 units as set forth in the Final EIR as well as further reduction to 325 units as approved by the City Planning Commission would reduce demand for water generated by the proposed project. Given that LADWP would be able to meet the water demand of the project, as well as the existing and planned future water demands of its service area, operational impacts on water supply would be less than significant.

In addition, compliance with State laws regarding water conservation measures (i.e., Title 20 and Title 24 of the California Code of Regulations (CCR)), as well as implementation of the Project's water saving features (i.e., drought tolerant landscaping, low-water fixtures and appliances) and mitigation measures, would reduce water consumption estimates for the project at full buildout, thereby reducing the demand on City supplies.

Proposed improvements would include connections to the existing 8-inch water mains located in Sepulveda Boulevard and Camarillo Street. To ensure sufficient water pressure in the system, the existing 8-inch main in Sepulveda Boulevard (approximately 100 feet north of Camarillo Street) and a portion of the existing 8-inch main in Camarillo Street (approximately 130 feet west of Sepulveda Boulevard) may be upgraded to a 12-inch main. An alternative to upgrading the existing 8-inch main in Camarillo Street could be the construction of a new 12-inch main north of the centerline of Camarillo Street. This would prevent interruption of water supply for two existing fire hydrants and other customers connected to the existing 8-inch main in Camarillo Street. The above mentioned infrastructure improvements will be verified during the detail design stage of the project in accordance with the Department of Water and Power. With these anticipated improvements, domestic water and fire flow demand would be met. Furthermore, Mitigation Measure J-4 as described in Section IV.J(2), Fire Protection, of the Draft EIR would reduce potential impacts related to the provision of fire flow to a less than significant level.

The proposed project would either meet or exceed the water efficiency requirements set forth by Title 20 of the CCR through incorporation of water conservation features that would include, but not be limited to, drought resistant plants and measures to reduce potable water consumption for irrigation by 50 percent, as well as low-water fixtures and appliances to reduce water demand by 20 percent. Therefore, the Project would be consistent with applicable regulations of the CCR.

The proposed project would be consistent with Ordinance Nos. 172,075 and 163,532, as project design features would include water facilities and fixtures with established maximum flow rate standards. The proposed project would include low-water fixtures and appliances to reduce water demand by 20 percent. Therefore, the Project would be consistent with Ordinance Nos. 172,075 and 163,532.

The projected water demand for the proposed project would fall within LADWP's projected future water demands set forth in their 2005 UWMP. In addition, the UWMP indicates that water would be available to meet the water demand of the projected service area until 2030. Therefore, the Project would be consistent with the UWMP.

With implementation of Mitigation Measures L-1 through L-5, the above-referenced potentially significant water supply impacts would be less than significant.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

### **10. Solid Waste**

#### **Potential Impacts**

##### *Cumulative Impacts*

Fifty-one related projects are anticipated to be developed within the vicinity of the project site.

Construction of the proposed project in conjunction with related projects would generate C&D waste and thus, would cumulatively increase the need for waste disposal at the County's unclassified landfills. The proposed project would generate 173,250 tons of soil, 60 tons of demolition debris, and 1,545 tons of construction debris for a combined total of 174,855 tons of C&D waste which constitutes approximately 0.34 percent of the estimated remaining capacity at the County's unclassified landfills open to the City of Los Angeles. While the Project's contribution to unclassified landfills would not be significant at an individual level, the Project's contribution in conjunction with related projects would be cumulatively significant. Therefore, Mitigation Measures L-6 and L-7 are recommended to reduce the Project's cumulative impacts during construction to a less than significant level.

Solid waste generation for related projects is forecasted to be 8,454 tons per year. In conjunction with the proposed project's net increase in solid waste generation, the total cumulative solid waste generation would be 9,862 tons of solid waste per year. This waste generation will be reduced by reducing the number of residential units from 500 to 325, but for a more conservative analysis, the larger Project waste generation is evaluated. Based on the proposed project's estimated net increase of 1,408 tons of solid waste generation per year, the proposed project's contribution to cumulative generation would be approximately 16,896 tons by 2022. Thus, the proposed project's net increase in solid waste generation would represent approximately 0.001 percent of the County's projected 199.53 million tons of waste disposal need through 2022. Based on the proposed project's net increase plus related project's estimated 8,454 tons of solid waste generation per year, the cumulative contribution to solid waste generation would be approximately 118,344 tons by 2022. While the Project's contribution to Class III landfills would not be significant at an individual level, the Project's contribution in conjunction with related projects would be cumulatively significant. Therefore, Mitigation Measures L-8 and L-9 are recommended to reduce the Project's cumulative impacts during operation to a less than significant level.

It is anticipated that related projects would be subject to environmental review on a case-by-case basis to ensure that they would not conflict with AB 939 waste diversion goals or the solid waste policies and objectives in the City's Source Reduction and Recycling Element (SRRE) or its updates, the City of Los Angeles Solid Waste Management Policy Plan (CISWMPP), and the General Plan Framework. Therefore, cumulative impacts to solid waste regulations, plans, and programs from implementation of the Project and related projects would be less than significant.

Implementation of Mitigation Measures L-6 through L-9 would reduce potentially significant cumulative solid waste impacts to less than significant water levels.

### **Finding**

The City adopts CEQA Finding III. A, which states that "changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)).

### **C. Significant Unavoidable Impacts That Cannot Be Mitigated to Less-Than-Significant Levels**

The City of Los Angeles determines that the following impacts are significant and unavoidable. In order to approve the Project with significant unmitigated impacts, the City will be required to adopt a Statement of Overriding Considerations. No additional environmental impacts other

than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the Project. The City finds and determines that all significant environmental impacts identified in the EIR for the construction and operation of the Project have been reduced to an acceptable level in that:

- a. All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the Project design features and/or mitigation measures; and
- b. Based on the EIR, the Statement of Overriding Considerations and other documents and information in the record with respect to the construction and operation of the Project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the Project as described in the Statement of Overriding Considerations for the construction and operation of the Project and implementing actions.

## 1. Air Quality

### Significant Impacts

#### *Regional and Localized Construction Impacts, Cumulative Construction Impacts*

Construction of the proposed project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust emissions would result from demolition and construction activities. Mobile source emissions, primarily particulate matter (PM) and nitrogen oxides (NO<sub>x</sub>), would result from the use of construction equipment such as dozers, loaders, and cranes. During the finishing phase, paving operations and the application of architectural coatings (i.e., paints) and other building materials would release volatile organic compounds (VOCs). Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and, for dust, the prevailing weather conditions. The assessment of construction air quality impacts considers each of these potential sources.

Project construction would require approximately 165,000 cubic yards of grading and soil export. Grading and site preparation for the proposed project would require the removal of the existing single-family residence. Construction would require approximately 20 to 23 months.

Construction-related daily maximum regional construction emissions would not exceed the SCAQMD daily significance thresholds for VOC, PM<sub>10</sub>, PM<sub>2.5</sub>, carbon monoxide (CO), or sulfur dioxide (SO<sub>x</sub>). However, NO<sub>x</sub> emissions would exceed the SCAQMD daily significance threshold during the site grading phase. Thus, regional construction emissions would result in a significant short-term air quality impact.

Maximum localized construction emissions for off-site sensitive receptors would not exceed the localized screening thresholds for CO. However, localized NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would exceed the applicable screening-level LST. Based on the dispersion modeling, NO<sub>x</sub> and PM<sub>10</sub> localized impacts would exceed the SCAQMD recommended thresholds. Therefore, with respect to localized emissions from construction activities, impacts would be significant and mitigation would be required.

Construction-period NO<sub>x</sub> mass regional emissions, and localized NO<sub>x</sub> and PM<sub>10</sub> emissions associated with the proposed Project are already projected to result in a significant impact to air

quality. As such, cumulative impacts to air quality during proposed Project construction would also be significant and unavoidable.

Implementation of Mitigation Measures B-1 through B-6 (as Mitigation Measures B-5 and B-6 are modified in the Supplemental Responses to Comments, will reduce the severity of the above-referenced significant air quality impacts of the proposed project, but will not mitigate the impacts to less-than-significant levels.

### **Finding**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact of Air Quality (Regional and Localized Construction Impacts, Cumulative Construction Impacts), as identified in the Draft EIR. However, although such measures may reduce and possibly eliminate certain impacts, the Project may be considered to result in a significant and unavoidable impact on the environment under CEQA. Specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

#### *Regional Operational Impacts, Cumulative Construction Impacts*

Regional air pollutant emissions associated with proposed project operations would be generated by the consumption of electricity and natural gas, and by the operation of on-road vehicles. Pollutant emissions associated with energy demand (i.e., electricity generation and natural gas consumption) are classified by the SCAQMD as regional stationary source emissions. Electricity is considered an area source since it is produced at various locations within, as well as outside of, the Basin. Since it is not possible to isolate where electricity is produced, these emissions are conservatively considered to occur within the Basin and are regional in nature. Criteria pollutant emissions associated with the production and consumption of energy were calculated using emission factors from the SCAQMD's CEQA Air Quality Handbook (Appendix to Chapter 9).

Mobile-source emissions were calculated using the URBEMIS 2007 emissions inventory model, which multiplies an estimate of the increase in daily VMT by applicable EMFAC2007 emissions factors. Based on the model for calculating regional emissions, the increase in regional emissions resulting from operation of the proposed project are expected to exceed the SCAQMD regional thresholds for VOC and NO<sub>x</sub>. Therefore, regional operational emissions would result in a significant air quality impact.

Regional operational emissions would still exceed the SCAQMD daily emission threshold for regional VOC and NO<sub>x</sub> after implementation of all feasible mitigation measures. Therefore, operation of the project would have a significant and unavoidable impact on regional air quality.

The proposed project's incremental contribution to cumulative air quality effects is not cumulatively considerable, per CEQA Section 15064(h)(3). However, by applying SCAQMD's cumulative air quality impact methodology, implementation of the proposed project would result in an addition of criteria pollutants such that cumulative impacts, in conjunction with related projects in the region, would occur. Therefore, the regional emissions of these pollutants generated by project operation would result in a cumulatively significant and unavoidable impact.

Implementation of Mitigation Measures B-7 through B-9, will reduce the severity of the above-referenced significant air quality impacts of the proposed project, but will not mitigate the impacts to less-than-significant levels.

## Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact of Air Quality (Regional Operational Impacts, Cumulative Construction Impacts), as identified in the Draft EIR. However, although such measures may reduce and possibly eliminate certain impacts, the Project may be considered to result in a significant and unavoidable impact on the environment under CEQA. Specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

### 2. Construction Noise

#### Significant Impacts

Construction activities at the project site would include three stages: (1) demolition; (2) site grading; and (3) building construction. Construction is estimated to last approximately 20 – 23 months. The proposed project would be constructed using typical construction techniques, and no blasting or impact pile driving will be used. Project construction would require the use of mobile heavy equipment with high noise level characteristics. Construction of the proposed project is estimated to last approximately 20 – 23 months. The site preparation work, including demolition, grading and excavation, would take approximately six months. Construction of the parking facility and project buildings would take approximately 14 months.

Construction-related noise would exceed ambient noise levels at the 777 Motor Inn (R3), the residences east of Sepulveda Boulevard (R1), and the residences on La Maida Street (R5) by a maximum of 19, 8, and 6 dBA, respectively, during the most intensive construction periods. Thus, construction activities would cause the exterior ambient noise level to increase by 5 dBA or more at noise-sensitive uses. As such, construction-period noise impacts would be significant without incorporation of mitigation measures.

Implementation of Mitigation Measures H-1 through H-4, will reduce the severity of the above-referenced significant noise impacts of the proposed project, but will not mitigate the impacts to less-than-significant levels.

The temporary sound barrier prescribed in Mitigation Measure H-1 can achieve a noise reduction of 10 dBA or more in areas where the line-of-sight between construction-period noise sources and off-site receptor locations is obstructed. Mitigation Measure H-2 would avoid operating several pieces of heavy equipment simultaneously, which causes high noise levels. Implementation of Mitigation Measure H-3 would reduce the noise level impact associated with construction activities to the extent practicable. Furthermore, as construction activity moves away from the property line towards the center of the project site, noise levels would attenuate considerably from these maximum levels. With the incorporation of mitigation, noise generated by construction activities would be less than significant on noise sensitive uses at the residences east of Sepulveda Boulevard and at the residences on La Maida Street. However, construction noise levels would still exceed the 5 dBA significance criterion at the 777 Motor Inn. Construction noise impacts would be significant and unavoidable at the 777 Motor Inn.

## Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact of Construction Noise, as identified in the Draft EIR. However, although such measures may reduce and possibly eliminate certain impacts, the Project may be considered to result in a significant and unavoidable impact on the environment under CEQA. Specific economic, legal, social, technological or other

considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

### 3. Transportation

#### Significant Impacts

##### *Operation & Cumulative—Study Intersections*

Implementation of the proposed project described in the Draft EIR would generate approximately 5,844 net daily trips, which includes 321 trips during the a.m. peak hour and 549 trips during the p.m. peak hour. Trip generation would be reduced by implementation of the smaller 325-unit project approved by the City Planning Commission, but to assure the most conservative analysis, the Draft EIR trip generation rates are applied. Based on the City's significant traffic impact criteria, the proposed project would result in significant impacts at the following 11 study intersections during one or both peak hours:

- 101 Freeway EB On-Ramp and Sepulveda Boulevard (p.m. peak hour);
- La Maida Street and Sepulveda Boulevard (p.m. peak hour);
- Camarillo Street and Sepulveda Boulevard (both peak hours);
- Ventura Boulevard and Haskell Avenue (North) (p.m. peak hour);
- Ventura Boulevard/I-405 Freeway Southbound On-Ramp/Sherman Oaks Avenue (p.m. peak hour);
- Ventura Boulevard and Sepulveda Boulevard (both peak hours);
- Ventura Boulevard and Kester Avenue (South) (p.m. peak hour);
- Ventura Boulevard and Van Nuys Boulevard (p.m. peak hour);
- Ventura Boulevard and Beverly Glen Boulevard (p.m. peak hour);
- I-405 Freeway Northbound Ramps/Greenleaf Street and Sepulveda Boulevard (both peak hours); and
- Moorpark Street and Sepulveda Boulevard (both peak hours).

As set forth in Finding B.7, mitigation measures would reduce traffic impacts at six of the 11 significantly impacted intersections to less than significant levels.

Even with implementation of Mitigation Measure IV.K-12, a significant impact would remain at the intersection of Ventura Boulevard and Sepulveda Boulevard (a CMP monitoring intersection) during the p.m. peak hour.

No feasible mitigation measure could be identified for the intersections:

- La Maida Street and Sepulveda Boulevard;
- I-405 Freeway Northbound On-/Off-Ramps/Greenleaf Street and Sepulveda Boulevard;



- Kester Avenue (South) and Ventura Boulevard; and
- Moorpark Street and Sepulveda Boulevard.

In total, it is concluded that the project would result in significant and unavoidable impacts at five intersections if all of the mitigation measures are determined to be feasible or alternative measures of equivalent effectiveness are provided.

Implementation of Mitigation Measures K-8 through K-15, will reduce the severity of the above-referenced significant traffic impacts of the proposed project, but will not mitigate the impacts to less-than-significant levels.

The traffic intersection analysis takes into account ambient growth and related projects to the future year. Therefore, cumulative traffic impacts at intersections that are not significantly impacted or which are mitigated to less-than-significant levels will be less-than-significant. Significant impacts at the remaining 5 intersections will also be cumulatively significant.

### **Finding**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impact of Traffic (Operations-Study Intersections), as identified in the Draft EIR. However, although such measures may reduce and possibly eliminate certain impacts, the Project may be considered to result in a significant and unavoidable impact on the environment under CEQA. Specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

### **D. Significant Irreversible Environmental Changes**

CEQA Guidelines Section 15126.2(c) indicates that:

*"[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."*

The Project would necessarily consume limited, slowly renewable and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. The proposed mixed-use development would require a commitment of resources that would include: (1) building materials; (2) fuel and operational materials/resources; and (3) the transportation of goods and people to and from the project site. Construction of the project would require the consumption of resources that are not replenishable or which may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper and lead; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment. The resources that would be committed during operation of the project would be similar to those currently consumed within the City of Los Angeles for residential and commercial uses. These would include energy resources such as electricity and

natural gas, petroleum-based fuels required for vehicle trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the project, and the existing, finite supplies of these natural resources would be incrementally reduced. It should be noted that increased consumption generated by the Project would be less than significant when compared with existing energy consumption levels citywide. Operation of the Project would also occur in accordance with Title 24, Part 6 of the California Code of Regulations, which establishes conservation practices that would limit the amount of energy consumed by the project. In addition, as the Project would be designed to achieve the Leadership in Energy and Environmental Design (LEED) Silver rating, several project design features would be included that would improve water and energy efficiency. However, the energy requirements associated with the Project would, nonetheless, represent a long-term commitment of essentially non-renewable resources.

In summary, construction and operation of the proposed project would result in the irretrievable commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these particular resources for future generations or for other uses during the life of the Project. However, continued use of such resources would be of a relatively small scale and would be consistent with regional and local growth forecasts in the area. Furthermore, the loss of such resources would not be highly accelerated as compared to existing conditions. As such, although irreversible environmental changes would result from the Project, such changes would be less than significant.

#### **E. Growth Inducing Impacts**

Section 15126.2(d) of the State CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Section 12126.2(d) of the State CEQA Guidelines states:

*"Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."*

The proposed project studied in the Draft EIR would redevelop the existing project site to provide 500 multi-family residential units and 55,000 square feet of neighborhood-serving commercial uses to better serve the existing and future needs of the Sherman Oaks community. The Final EIR describes a reduced Project comprising 399 residential units and 52,000 square feet of commercial uses. Further reduction to 325 units as approved by the City Planning Commission will further reduce potential growth inducing impacts. Although the introduction of residential uses would foster population growth within the area, it would help meet the housing demand for the local area, subregional area, and the region as discussed in Section IV.I the Draft EIR. Furthermore, the commercial uses proposed by the Project would not be expected to foster economic growth since these uses would primarily serve the future project residents and existing residents in the neighborhood. Development of the proposed project described in the Draft EIR would result in increased population of the site to approximately 850 residents and

approximately 130 employees in several shifts. These population and employee estimates would be reduced with the reduced Project of 325 residential units and 52,000 square feet of commercial uses. The number of units proposed and corresponding increase in population are within SCAG's forecasts for the Sherman Oaks – Studio City – Toluca Lake – Calhuenaga Pass Community Plan area, as described in Section IV.I, Population and Housing. In addition, the proposed residential development would meet existing and projected housing demand. Furthermore, the additional employment is expected to be provided from the existing labor force in the area, and the projected increase in workers would not exceed SCAG's forecasts for the area. Since the project site is located in an urbanized area and is currently developed with single-family and multi-family residences, operation of the Project would not require the extension of infrastructure, such as roads or utilities that would be expected to accommodate substantive growth beyond the Project. Implementation of the Project would also not open up undeveloped areas to new development or induce growth that was previously restricted due to inadequate access or infrastructure capacity. Overall, no growth-inducing impacts beyond the direct effects of additional housing and employment opportunities would occur as a result of the project.

## **F. Alternatives**

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of the proposed project while also meeting the Project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to the Project or its location which are capable of avoiding or substantially reducing any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The Draft EIR Alternatives Analysis, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

### **Project Objectives**

These project objectives fall under three primary categories: (1) Development Objectives; (2) Design Objectives; and (3) Economic Objectives.

#### **1. Development Objectives**

- Build upon the existing vitality and diversity of uses in the community of Sherman Oaks by providing a vibrant urban-living development within the vicinity of an existing regional shopping center.
- Create new living opportunities in close proximity to jobs, public transit, shops, restaurants, and entertainment uses.
- Provide new residential units to help meet the market demand for housing in southern California and, in particular, in the San Fernando Valley.
- Develop an energy-efficient and environmentally conscious project.
- Provide high-quality commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood.
- Bring convenient neighborhood-serving commercial uses within walking distance of numerous apartments and single-family residences in the surrounding neighborhood.

- Provide sufficient parking to meet the parking needs of the project's residents, guests and visitors, employees, maintenance personnel, and delivery vehicles.

## 2. Design Objectives

- Create a mid-rise development that complements and improves the visual character of the area through appropriate scale and high quality architectural design and detail.
- Design the interiors and exteriors of the proposed project to promote quality living spaces that effectively connect with the surrounding urban environment.
- Incorporate landscape features in a manner that provides character and texture in an urban environment, enhances the visual character of the development, and facilitates a sense of separation and privacy for project residents.
- Enhance pedestrian activity and neighborhood commercial street life in the project area.
- Provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that present an attractive retail face along street frontages.

## 3. Economic Objectives

- Bring the site to a more efficient and better use through development of new high-quality housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands.
- Revitalize an existing underutilized site.
- Create a viable and successful mixed-use project.
- Provide housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place.
- Maintain and enhance the economic vitality of the region by providing job opportunities associated with the construction of the proposed project.

## Alternatives Analyzed in the Draft EIR

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of the proposed project while also meeting the project's basic objectives.

## Finding

The City finds that the Project EIR considered a reasonable range of alternatives to the project to provide informed decision-making in accordance with Section 15126.6 of the State CEQA Guideline. By analyzing four specific alternatives, the Project EIR meets the requirements of CEQA.

The four alternatives analyzed for the proposed project include:

Alternative A: No Build/No Project Alternative;

Alternative B: Development in Accordance with Existing Plans/Regional Commercial Use Alternative;

Alternative C: All Residential Use Alternative;  
Alternative D: Alternative Site Alternative.

The City finds that the EIR studied a reasonable range of alternatives and the associated potential environmental impacts of each alternative

### **Alternatives Rejected as Being Infeasible**

Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and briefly explain the reasons underlying the lead agency's determination. The Draft EIR includes a thorough discussion of alternatives rejected as infeasible.

Reduced intensity alternatives are generally considered when a project has significant and unavoidable impacts attributable to a project-related change in the intensity of on-site operations. Several of the anticipated significant unavoidable impacts (e.g., air quality, noise) would occur in conjunction with construction activities and not with proposed operations. As such, similar impacts would be expected with any feasible alternative proposal for development within the project site. Project operations would result in significant and unavoidable impacts associated with regional air quality from mobile emissions and traffic at five intersections. Therefore, an analysis was undertaken to determine the extent to which the proposed project would need to be reduced in order to substantially reduce or eliminate some or all of these project impacts.

**Alternatives to Eliminate Significant Air Quality Impacts:** Alternatives were considered to eliminate the significant short-term construction and operational impacts of the Project. As discussed in Section IV.B, Air Quality, construction impacts would be for short durations. Furthermore, based on the thresholds upon which the construction analysis is based, a substantial reduction in the intensity of construction activities would be necessary to reduce regional construction emissions to below a level of significance. A reduction of intensity of construction to this level would not be able to meet any of the project goals and would likely not be built due to several reasons including market conditions, return on investment, and the City's desire for efficient use of land. Thus, such an alternative would not be feasible. Furthermore, a reduction in the intensity of construction activities would only extend the duration of construction activities.

With regard to operation of the Project, regional air quality impacts are largely associated with the vehicle trips generated by the proposed project. An alternative that would reduce the vehicle trips enough to substantially reduce the regional emissions associated with the Project would be substantially less than the size of the proposed project, compromising the underlying objectives of the proposed project. The reasonable range of alternatives required by CEQA does not require that a project so substantially different from the proposed project be studied or adopted when to do so would fail to accomplish any of the Project Objectives.

### **Finding**

The City finds that substantial evidence in the Administrative Record demonstrates that Alternatives to Eliminate Air Quality Impacts are infeasible.

**Alternatives to Reduce Significant Traffic Impacts:** The Traffic Impact Study prepared for the Project evaluated the intersection impacts associated with the Project's proposed 500 multi-family residential units, a 45,000 square foot grocery store, and 10,000 square feet of specialty retail uses. As determined in the Draft EIR, the Project would result in significant traffic impacts at five intersections if all of the mitigation measures proposed are implemented. In order to

eliminate the significant and unavoidable traffic impacts of the Project (at all five intersections that would be significantly impacted), it is estimated that the proposed project would need to be reduced by 86 percent. This would result in a project with approximately 70 units, an approximately 6,300 square foot grocery store, and approximately 1,400 square feet of specialty retail uses. An alternative that would reduce the amount of development proposed under the Project by more than half would not be able to achieve the Project's basic objectives to the same extent that the Project would. The Development Objectives to build upon the existing vitality of uses in the community by providing an energy-efficient urban-living development within the vicinity of an existing regional shopping center; create new living opportunities in close proximity to jobs, public transit, shops, restaurants, and entertainment uses to help meet the market demand for housing in the San Fernando Valley; and provide high-quality commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood would be severely limited under such a reduced alternative. The Design Objectives to create a mid-rise development that compliments and improves the visual character of the area through appropriate scale and enhances pedestrian activity and neighborhood commercial street life in the project area would also be restricted since the amount of square footage that would be developed under this alternative would be greatly reduced as compared to the Project. Finally, this alternative would not meet the Economic Objectives to bring to the site a more efficient and better use through development of new high-quality housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands that would maintain and enhance the economic vitality of the region to the same extent as the project. As such, this alternative has been eliminated from further consideration.

It should be noted that a reduced intensity alternative that would avoid the significant traffic impacts at the five intersections would not avoid certain other significant impacts. Specifically, construction-related air quality and noise impacts would still occur, similar to the project.

### **Finding**

The City finds that substantial evidence in the Administrative Record demonstrates that Alternatives to Reduce Significant Traffic Impacts are infeasible.

**Reduce Mixed-Use Specific Plan Compliant Alternative.** A public comment suggested that reduced intensity; Specific Plan complaint alternative should be studied that would reduce the number of residential units and FAR to meet the Specific Plan requirements. Substantial evidence shows that a Specific Plan-compliant mixed use project of 1.5 FAR with 277 residential units, a 45,000 square-foot grocery, and 6,000 square feet of neighborhood-serving retail impacts 10 of the 11 intersections impacted by the proposed Project, and after mitigation would result in the same significant unmitigated impacts at the same 5 local intersections as the Project. (See Crain & Associates letter dated February 14, 2013.) In order to reduce the proposed Project to a level that would eliminate all significant traffic impacts, the Project would need to be reduced by 86 percent to 70 residential units and 7,700 square feet of commercial—a reduction far below the permitted FAR and height limits in the Specific Plan. Construction of this reduced project would be comparable in terms of noise and air quality impacts because the project would still require podium construction to overcome the Freeway sound wall. Thus, a Specific Plan compliant mixed-use alternative would not substantially reduce or avoid the significant impacts of the proposed Project

### **Finding**

The City finds that substantial evidence in the Administrative Record demonstrates that a reduced mixed-use alternative is infeasible.

**Alternative A: No Project / No Build Alternative**

The No Project/No Build Alternative assumes that the proposed project would not be approved and no new development would occur within the project site. Thus, the existing physical conditions of the project site would remain. No new buildings would be constructed, the single-family residence located on-site would remain, and the rest of the project site would continue to be vacant and graded.

***Relationship to Project Objectives***

The No Project/No Build Alternative would not meet any of the Project's objectives. It would not allow the Applicant to meet the Project's Development Objectives. Specifically, this alternative would not provide a new urban-living development within the vicinity of an existing regional shopping center in close proximity to jobs, public transit, shops, restaurants, and entertainment uses to help meet the market demand for housing in southern California and the San Fernando Valley in particular. In addition, the No Project/No Build Alternative would not provide neighborhood serving commercial uses to serve project residents and the neighborhood and would not enhance the character of the neighborhood or develop an energy-efficient and environmentally conscious project.

Further, the Design Objectives would not be met under the No Project/No Build Alternative. Specifically, Alternative A would preclude a mid-rise development that compliments the visual character of the area; an interior and exterior design that promotes living spaces that connect with the surrounding urban environment; or incorporate landscape features. The Design Objectives to enhance pedestrian activity and neighborhood commercial street life in the project area and provide retail uses along street frontages would also not be realized by the No Project/No Build Alternative.

Finally, the No Project/No Build Alternative would not meet the Project's Economic Objectives of bringing the site to a more efficient use through development of new housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands; revitalizing an existing underutilized site; and creating a viable mixed-use project. In addition, the Economic Objectives of providing housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place and maintaining and enhancing the economic vitality of the region by providing job opportunities associated with the construction of the proposed project would also not be met by the No Project/No Build Alternative.

***Reduction of Significant Project Impacts***

The No Project Alternative would not result in any significant environmental impacts because no change to the physical environment would occur.

**Finding**

The City finds that Alternative A would not accomplish any of the Project's objectives and, therefore, the City finds that specific economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative A infeasible.

**Alternative B: Development in Accordance with Existing Plans/Regional Commercial Use Alternative**

The Development in Accordance with Existing Plans/Regional Commercial Use Alternative represents reasonably foreseeable development based on the site's current General Plan land use designation of Regional Commercial. This assumes that the site would be redeveloped with regional commercial uses, consistent with the Ventura-Cahuenga Boulevard Corridor Specific Plan land use designation for the site. Under this alternative, a maximum of approximately 333,000 square feet of regional commercial uses would be developed on the project site based on the permitted floor area ratio of 1.5:1 per the land use designation.

### ***Relationship to Project Objectives***

The achievement of Development Objectives would be limited under Alternative B. While this alternative would provide commercial uses within walking distance of apartments and single-family residents in the surrounding neighborhood and provide sufficient parking to meet the parking needs of employees, maintenance personnel, and delivery vehicles, a majority of Development Objectives would not be met. Specifically, this alternative would not build upon the existing vitality and diversity of uses in the community of Sherman Oaks by providing an urban-living development within the vicinity of an existing regional shopping center; create new living opportunities in close proximity to jobs, public transit, shops, restaurant, and entertainment uses; or provide new residential units to help meet the market demand for housing in southern California and the San Fernando Valley in particular.

The Development in Accordance with Existing Plans/Regional Commercial Use Alternative would meet most Design Objectives. It would allow the Applicant to create a development that complements the visual character of the area through appropriate scale and high quality architectural design and detail; incorporate landscape features in a manner that provides character and texture in an urban environment and enhances the visual character of the development; enhance pedestrian activity and neighborhood commercial street life in the project area; and provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that presents an attractive retail face along street frontages. However, this alternative would not meet the objective of designing the Project to promote living spaces that connect with the surrounding urban environment.

Finally, the Development in Accordance with Existing Plans/Regional Commercial Use Alternative might meet some of the Project's Economic Objectives by revitalizing an existing underutilized site and maintaining and enhancing the economic vitality of the region by providing job opportunities associated with the construction of the proposed project. However, the market data regarding retail vacancy rates in the area indicates that Alternative B may not revitalize the area and may not enhance the economic vitality of the region. Retail vacancy rates in the Ventura Boulevard/Sherman Oaks area are already above 14 percent,<sup>4</sup> which is more than double the Valley-wide Q1 2012 average of 5.9 percent. Furthermore, the San Fernando Valley experienced a Q1 2012 negative retail net absorption rate of -50,062 square feet.<sup>5</sup> "Except for Orange County, Southern California's retail markets were extremely weak in the past quarter, with rising vacancy rates, negative absorption, and soft rental rates."<sup>6</sup> Thus, the area has experienced an over-saturation of office uses with the second highest office vacancy rate in Los Angeles County; shopping center and retail vacancy rates are double the average vacancy rate throughout the San Fernando Valley and retail vacancy and absorption is predicted to get worse. Thus, both offices, as well as predominantly retail development on this site, would likely

<sup>4</sup> Doug Kriegel, Sherman Oaks Patch, "Signs Around Us Offer Hint About Economy" Aug. 15, 2011, <http://shermanoaks.patch.com/articles/signs-around-us-offer-hint-about-economy>; Keeley Webster, Sherman Oaks Patch, "Ventura Boulevard's Vacancy Rate Rises to 14%" May 4, 2011.

<sup>5</sup> NAI Capital Market Perspective, *Spring 2012*, pp. 4-5; [http://www2.naicapital.com/Portals/35/docs/2012Spring\\_Perspective.pdf](http://www2.naicapital.com/Portals/35/docs/2012Spring_Perspective.pdf)

<sup>6</sup> NAI Capital Reporter-Los Angeles County, Summer 2012, [http://www.naicapital.com/Encino/market\\_report/capital\\_recorder/images/la-retail.pdf](http://www.naicapital.com/Encino/market_report/capital_recorder/images/la-retail.pdf).



fail to revitalize an existing underutilized site and maintaining and enhancing the economic vitality of the region.

This alternative would not bring the site to a more efficient use through creating a viable mixed-use project or provide housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place.

### ***Reduction of Significant Project Impacts***

Despite incorporation of all feasible mitigation measures, the proposed project would result in significant impacts relative to air quality, noise, and traffic at five intersections. Alternative B would result in greater significant operational traffic and air quality impacts than the proposed project, and Alternative B would also result in significant construction-related air quality and noise impacts as does the proposed project. However, the air quality impacts relative to residential uses in proximity to the freeway would not occur in Alternative B.

The Development in Accordance with Existing Plans/Regional Commercial Use Alternative would develop 333,000 square feet of regional commercial uses. This alternative would result in a net trip generation of 11,205 daily trips, including 409 a.m. peak hour trips and 876 p.m. peak hour trips. Thus, this alternative would result in approximately 5,361 more daily trips, including 188 more a.m. peak hour trips and 327 more p.m. peak hour trips, as compared to the proposed project. With this increase in vehicle trips, this alternative would result in traffic impacts on the study intersections that would be considerably greater than the project. Specifically, after applying the same mitigation this alternative would result in significant and unavoidable impacts at 11 intersections as compared to five intersections under the proposed project. The 11 significantly impacted include: Oxnard Street/Sepulveda Boulevard; Burbank Boulevard/Sepulveda Boulevard; Magnolia Boulevard/Sepulveda Boulevard; La Maida Street/Sepulveda Boulevard; Camarillo Street/Sepulveda Boulevard; Ventura Boulevard/Sepulveda Boulevard; Ventura Boulevard/Kester Avenue (North); Ventura Boulevard/Kester Avenue (South); 405 Freeway Northbound Ramps – Greenleaf Street/Sepulveda Boulevard; Dickens Street/Ventura Boulevard; and Moorpark Street/Sepulveda Boulevard. Thus, impacts on intersections would be greater under this alternative and would be significant and unavoidable. This alternative's increase in daily trips would also result in greater traffic on freeway segments, on residential street segments, and at access points. Thus, the traffic impacts of Alternative B would be greater than the traffic impacts of the proposed project.

### **Finding**

The City finds that Alternative B would not meet the basic objectives of the Project and that Alternative B would not substantially reduce or avoid the Project's significant traffic and air quality impacts and, therefore, the City finds that environmental, economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative B infeasible.

### **Alternative C: All Residential Use Alternative**

The All Residential Use Alternative includes the residential development of the proposed project but none of the retail development. The alternative would include 500 multi-family residential units with on-site recreation and site amenities that are similar to the proposed project. It is assumed that the site design (e.g., access, building layout, configuration) would be similar to that of the proposed project, with residential development located within the former commercial areas, offering a somewhat lower building profile.

### ***Relationship to Project Objectives***

Several of the Project's objectives would be met under the All Residential Use Alternative, including the Development Objective to provide a vibrant urban-living environment within the vicinity of an existing regional shopping center in close proximity to jobs, public transit, shops, restaurants, and entertainment uses. The Design Objective to create a mid-rise development that complements and improves the visual character of the area, as well as the Economic Objectives to revitalize an existing site and provide housing that supports the economic future of the region, would also be met under this alternative. However, as this alternative would not include the development of 52,000 square feet of commercial uses as proposed under the project, the Development Objective to provide commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood within walking distance of numerous apartments and single-family residences in the surrounding neighborhood would not be met. The Design Objectives to provide retail uses that are designed in a manner that contributes to the project's overall design concept and that presents an attractive retail face along street frontages while enhancing pedestrian activity and neighborhood commercial street life in the project area would also not be achieved under this alternative. Furthermore, the Economic Objective to create a viable and successful mixed-use project through the development of new housing, commercial uses, and associated amenities consistent with anticipated market demands would also not be met under this alternative.

### ***Reduction of Significant Project Impacts***

Based on the alternatives analysis provided in the Draft EIR and Alternatives Comparison Table V-1, Alternative C, the All Residential Use Alternative, would be the environmentally superior alternative. With the elimination of the proposed commercial uses under this alternative, operational impacts associated with demand for public services and demand for utilities would be less than the proposed project. Additionally, as construction activities associated with development of this alternative would be reduced in scale and duration as compared to the proposed project, construction-related traffic impacts would be less under this alternative as compared to the project. Although this alternative would not eliminate the Project's significant impacts with respect to operational regional emissions and would still result in significant impacts on three intersections, this alternative would generate approximately 2,750 fewer daily trips than the proposed project. Thus, operational regional air quality and traffic impacts, while still significant and unavoidable, would be less than under the project.

### **Finding**

The City finds that Alternative C would not meet the basic objectives of the Project and, therefore, the City finds that specific economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative C infeasible.

### **Alternative D: Alternative Site Alternative**

The Alternative Site Alternative would consist of 500 multi-family residential units and approximately 55,000 square feet of neighborhood commercial uses. Specific criteria in determining the acceptability of an alternative location include existing land uses and zoning designations in the area that would be consistent with the proposed scale of development and number of residential units.

In accordance with CEQA Guidelines Section 15126.6(f)(2), alternative locations for the proposed project have been considered. As stated in the Guidelines, only locations that would

avoid or substantially lessen any of the significant effects of the project need be considered in the EIR. The purpose of the evaluation of an alternative location is to ascertain if moving a project to another area would reduce or eliminate significant environmental impacts that may be unique to a particular locale. Under this alternative, development was assumed to be similar to the project evaluated in the Draft EIR, i.e., would consist of 500 multi-family residential units and approximately 55,000 square feet of neighborhood commercial uses, which is the same as the proposed project. Specific criteria in determining the acceptability of an alternative location include existing land uses and zoning designations in the area that would be consistent with the proposed scale of development and number of residential units. Other requirements for a feasible alternative location are that the alternative site must be of adequate size to accommodate the proposed development, be available for acquisition, be within the same jurisdiction as the project site, preferably be underutilized from a land development perspective, and would serve the same, or similar, target market.

More specifically, the project Applicant's ability to reasonably acquire, control or otherwise have access to an alternative site is among the factors that may be taken into account when addressing the feasibility of alternatives. Since several of the Project's basic objectives focus on development within the San Fernando Valley, the Sherman Oaks Community in particular, and proximity to a regional shopping center (i.e., Sherman Oaks Galleria) and other existing commercial uses, the potential locations that could reasonably serve as an alternative site for the project are limited.

Furthermore, proximity to high-frequency transit is an important factor for successful infill mixed-use development. Yet, the likelihood of finding an alternative infill site of adequate size in within a quarter of a mile of a high-frequency bus line is quite low. Only about 12 percent of the potential infill sites in California are within a quarter of a mile of a high-frequency bus line. The project site's proximity to these transit options provides for optimal mixed use housing and retail infill potential.<sup>7</sup>

### ***Relationship to Project Objectives***

Development at an alternative site would generally meet project objectives to the same extent as the proposed project. However, development of an alternative site would likely not meet the Economic Objective to revitalize an existing underutilized site to the extent that the Project would because unlike the proposed project site – which the Applicant has owned for many years – an alternative site would need to be purchased.

### ***Reduction of Significant Project Impacts***

Development at an alternative site would not eliminate any of the Project's significant and unavoidable impacts because an urban in-fill project of the proposed size and scale in the Sherman Oaks community would generate the same type of impacts regardless of where it is located. No impacts would be reduced under this alternative as compared to the proposed project. Furthermore, this alternative would have the potential to generate additional significant impacts depending on the location of the site and its proximity to sensitive uses.

## **Finding**

The City finds that Alternative D would not substantially reduce or eliminate the Project's significant impacts and, therefore, the City finds that specific economic, legal, social,

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<sup>7</sup> Housing Policy Debate, Vol. 17 Issue 4 "The Future of Infill Housing in California: Opportunities, Potential, and Feasibility" *supra* p. 695.

technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative D infeasible.

### **Environmentally Superior Alternative**

In addition to the discussion and comparison of impacts of a proposed project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of adverse impacts. In this case, the No Project / No Build Alternative would result in the least impacts on the existing environment. However, Section 15126.6(e)(2) of the CEQA Guidelines states if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

Based on the alternatives analysis provided in the Draft EIR and Alternatives Comparison Table V-1, Alternative C, the All Residential Use Alternative, would be the environmentally superior alternative. With the elimination of the proposed commercial uses under this alternative, operational impacts associated with demand for public services and demand for utilities would be less than the proposed project. Additionally, as construction activities associated with development of this alternative would be reduced in scale and duration as compared to the proposed project, construction-related traffic impacts would be less under this alternative as compared to the project. Although this alternative would not eliminate the Project's significant impacts with respect to operational regional emissions and would still result in significant impacts on three intersections, this alternative would generate approximately 2,750 fewer daily trips than the proposed project. Thus, operational regional air quality and traffic impacts, while still significant and unavoidable, would be less than under the Project.

Several of the Project's objectives would be met under the All Residential Use Alternative, including the Development Objective to provide a vibrant urban-living environment within the vicinity of an existing regional shopping center in close proximity to jobs, public transit, shops, restaurants, and entertainment uses. The Design Objective to create a mid-rise development that complements and improves the visual character of the area, as well as the Economic Objectives to revitalize an existing site and provide housing that supports the economic future of the region, would also be met under this alternative. However, as this alternative would not include the development of 52,000 square feet of commercial uses as proposed under the Project, the Development Objective to provide commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood within walking distance of numerous apartments and single-family residences in the surrounding neighborhood would not be met. The Design Objectives to provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that presents an attractive retail face along street frontages while enhancing pedestrian activity and neighborhood commercial street life in the project area would also not be achieved under this alternative. Furthermore, the Economic Objective to create a viable and successful mixed-use project through the development of new housing, commercial uses, and associated amenities consistent with anticipated market demands would also not be met under this alternative.

### **Finding**

The City finds that Alternative C would not meet the basic project objectives and, therefore, the City finds that specific economic, legal, social, technological, or other considerations, including considerations identified in Section G of these Findings (Statement of Overriding Considerations), make Alternative C infeasible.

### **G. Statement of Overriding Considerations**

The Final EIR has identified unavoidable significant impacts. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allows the occurrence of significant impacts identified in the Final EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to Section 15093 (b) of the CEQA Guidelines, that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based on substantial evidence in the Administrative Record, as defined above.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that the each of the Project's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of the Project.

Summarized below are the benefits, goals and objectives of the Project. These provide the rationale for approval of the proposed Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts of the Project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the Project and the certification of the completed Final EIR. Despite the unavoidable impacts of the Project, the City approves the Project based on the following contributions of the Project to the community:

- Development of a 13,000 square-foot publicly-available plaza that will activate this segment of Sepulveda Boulevard compared to existing conditions; and
- Revitalization of a large under-utilized and vacant site into a coherent development and mix of uses; and
- Installation and maintenance for the life of the project of landscaping improvements within the median along Sepulveda Boulevard between Moorpark Street and Camarillo Street; and
- Use of the Project's two community rooms by local community-based organizations; and
- Pedestrian, streetscape and transit enhancements, such as street trees, planter boxes, street furniture, improvements to broken and uneven sidewalks, sidewalk and intersection scoring, street lighting, bicycle racks, bus shelters, and urban swales to promote consistency with the Sherman Oaks Streetscape and Design Plan and foster a high-quality pedestrian environment along the Project's Sepulveda Boulevard frontage; and
- According to the updated May 2013 "Economic Impact Analysis prepared by the Los Angeles County Economic Development Corporation (the "EIA"), construction of the proposed project will generate in the following economic benefits;

- Approximately \$218 million in total economic output in Los Angeles County;
  - Support 1,470 annual jobs with labor income of \$91.4 million; and
  - At least \$18.0 million of total state and local taxes.
- According to the EIA, operation of the proposed project will generate the following economic benefits:
    - Resident spending will generate \$9.0 million in total economic output and support 115 annual jobs in Los Angeles County with labor income of \$3.9 million;
    - Total ongoing state and local taxes generated due to spending by new residents of Il Villaggio Toscano is estimated to be \$954,240; and
    - Incremental property taxes due to the reassessed value of the property are expected to generate an additional \$1.55 million per year.

In addition, the Project will accomplish the following objectives:

### **1. Development Objectives**

- Build upon the existing vitality and diversity of uses in the community of Sherman Oaks by providing a vibrant urban-living development within the vicinity of an existing regional shopping center.
- Create new living opportunities in close proximity to jobs, public transit, shops, restaurants, and entertainment uses.
- Provide new residential units to help meet the market demand for housing in southern California and, in particular, in the San Fernando Valley.
- Develop an energy-efficient and environmentally conscious project.
- Provide high-quality commercial uses to serve project residents in a manner that contributes to a synergy of site uses and enhances the character of the neighborhood.
- Bring convenient neighborhood-serving commercial uses within walking distance of numerous apartments and single-family residences in the surrounding neighborhood.
- Provide sufficient parking to meet the parking needs of the Project's residents, guests and visitors, employees, maintenance personnel, and delivery vehicles.

### **2. Design Objectives**

- Create a mid-rise development that complements and improves the visual character of the area through appropriate scale and high quality architectural design and detail.
- Design the interiors and exteriors of the proposed project to promote quality living spaces that effectively connect with the surrounding urban environment.
- Incorporate landscape features in a manner that provides character and texture in an urban environment, enhances the visual character of the development, and facilitates a

sense of separation and privacy for project residents.

- Enhance pedestrian activity and neighborhood commercial street life in the project area.
- Provide retail uses that are designed in a manner that contributes to the Project's overall design concept and that present an attractive retail face along street frontages.

### 3. Economic Objectives

- Bring the site to a more efficient and better use through development of new high-quality housing, neighborhood-serving commercial uses, and associated amenities consistent with anticipated market demands.
- Revitalize an existing underutilized site.
- Create a viable and successful mixed-use project.
- Provide housing that supports the economic future of the region in an area in which the necessary infrastructure is already in place.
- Maintain and enhance the economic vitality of the region by providing job opportunities associated with the construction of the proposed project.

## H. Findings Regarding Public Comments and Responses to Comments

The Planning Department evaluated comments on environmental issues received from persons who reviewed the Draft EIR and comments received in conjunction with the February 19, 2013 joint Hearing Officer and Deputy Advisory Agency hearing. In accordance with CEQA, the Planning Department prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. Supplemental Responses Comments were prepared by Matrix Environmental with technical reports attached. The Planning Department reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has studied all the comments on the Draft EIR and the Responses to Comments contained in the Final EIR and the Supplemental Responses to Comments.

**Finding.** The City finds none of the comments to the Draft EIR or the comments received in conjunction with the February 19 hearing contain substantial evidence that the Draft EIR is inadequate, failed to disclose a significant environmental impact, or failed to identify a feasible mitigation or alternative that would substantially reduce or avoid the significant impacts of the proposed project. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR. Responses to Comments comply with CEQA and are directly responsive to the comments received on the Draft EIR.

### *Draft EIR Comments and Responses to Comments*

#### *Comment 2*

With regard to Comment 2, the City finds that CalTrans has not provided substantial evidence that the EIR is inadequate or incomplete with regard to any potentially significant traffic impact to freeway segments or off-ramps, and has not provided any substantial evidence that mitigation

measures determined to be infeasible are feasible. In addition, the City finds that the CMP analysis utilized in the Project Traffic analysis is supported by substantial evidence and provides adequate information as to the potential cumulative effect of the added traffic and references Section 15065(3) of the CEQA guidelines. Neither the Caltrans Guide nor the HCM contained therein identify any thresholds of significance for CEQA impacts. The thresholds in Section II.A of the Caltrans Guide refer only to *when* a traffic study is required, not to *impact* thresholds of significance for CEQA analyses. Consequently, CalTrans has provided no substantial evidence to show that the methodology of the Project Traffic analysis is inadequate or understates Project impacts.

*Comment 5*

The City finds that SCAQMD has not provided substantial evidence that the EIR is inadequate or incomplete with regard to its evaluation of air quality impacts. The Project Health Risk Assessment, air quality impact analysis, and Mitigation Measures are supported by substantial evidence contained within expert technical reports. SCAQMD encourages the City to relocate the proposed project away from proximity to the 101 and 405 Freeways. However, SCAQMD's opinion regarding whether the proposed project should be approved is not substantial evidence that the EIR is inadequate. The City does not prohibit residential development in close proximity to freeways. However, the City recognizes that residential development in close proximity to freeways requires in-depth analysis of exposure and mitigation measures informed by a comprehensive Health Risk Assessment. The EIR contains these requirements. Response to Comment 5-8 provides substantial evidence supporting the 30-year exposure duration utilized in the Project HRA. Although SCAQMD prefers a 70-year exposure duration methodology, SCAQMD has provided no substantial evidence that it is reasonably foreseeable that anyone will reside at the proposed project for a period approaching 70 years. To the contrary, substantial evidence in the record shows that the 30-year exposure duration far exceeds the reasonably foreseeable length of time any one person would reside within the proposed project. CEQA prohibits mitigation measures that are not rationally related to foreseeable impacts. Therefore, no mitigation would be rationally related to a speculative impact of a 70 year exposure because an exposure time of such length is neither reasonable nor supported by any evidence.

*Comment 6*

The City finds that notwithstanding Comment 6-11 from the Department of Water Power, it is not premature to estimate the size and capacity requirements of new water mains. On the contrary, CEQA requires that a project's reasonably foreseeable impacts be set forth and the best information be presented regarding mitigation. Furthermore, CEQA requires that this information be presented in sufficient detail to make mitigation measures enforceable and reasonably likely to reduce potential impacts. Merely stating that "main upgrades may be required" – as was suggested by LADWP – is not sufficient for CEQA analysis. On the other hand, CEQA does not require that a Draft EIR contain information that cannot be presently obtained. Consequently, the best estimates made by Sukow Engineering to determine approximate needs for water system upgrades based on the best available data constitutes substantial evidence supporting the EIR's conclusions. The Final EIR clarifies that the final sizes of the water system upgrades will be determined during the detail design stage of the project. The conclusion of the Draft EIR is supported by expert engineering analysis based on the best available data, combined with a requirement to comply with regulations and directives from LADWP, L.A. Dept. of Public Works, and the City of Los Angeles Fire Dept. regarding any capacity upgrades that may be required to meet minimum capacity and flow requirements. Such compliance is required by law before the Project can become operational and is not set forth separately as a mitigation measure, but may properly be considered a design feature of the Project.



*Comment 7 (restated or similar comments in Comment 8)*

The City finds that the Ventura/Cahuenga Boulevard Corridor Specific Plan Review Board (PRB) has not provided substantial evidence that the EIR is inadequate or incomplete. Comment letters 7 and 8 both articulate the PRB's opposition to the requested Specific Plan Exceptions but provide no substantial evidence relative to environmental impacts.

*Comment 9*

The City finds that the Sherman Oaks Neighborhood Council Board (SONC) has not provided substantial evidence that the EIR is inadequate or incomplete. Responses to Comment 9 contain substantial evidence supporting the conclusions of the Draft EIR. SONC's advocacy of "scrambled" pedestrian crossings, whereby pedestrians may cross in all directions while traffic is stopped, at Ventura and Sepulveda fails include any substantial evidence that such a measure would substantially reduce or avoid the Project's significant impacts. Furthermore, SONC's comments are not accompanied by any evidence of technical expertise with regard to traffic analysis or mitigation. SONC advocates that instead of vacating public streets as proposed by the Project that they be transformed into public parks. This proposal does not substantially reduce or avoid any of the significant impacts of the proposed project and, therefore, is not a proper alternative for purposes of CEQA analysis.

*Comment 10*

The City finds that the Encino Neighborhood Council has not provided substantial evidence that the EIR is inadequate or incomplete. Comment Letter 10 primarily opposes the requested Specific Plan exceptions but does not provide any substantial evidence relative to environmental impacts. Responses to Comment 10 contain substantial evidence supporting the conclusions of the Draft EIR.

*Comment 11*

The City finds that the homeowner's associations authoring Comment 11 have not provided substantial evidence that the EIR is inadequate or incomplete. Comment Letter 11, Comments 11-1 through 11-10 primarily oppose the requested Specific Plan exceptions but do not provide any substantial evidence relative to environmental impacts.

Comments 11-11 through 11-15 express opinions and speculations that the Draft EIR is defective and inadequate, but do not provide specific inadequacies or facts or evidence demonstrating that the Draft EIR is inadequate.

Comments 11-16 through 11-69 primarily restate conclusions of the Draft EIR or provide broad statements of what the EIR should evaluate. None of these comments contain substantial evidence that the Draft EIR failed to disclose a significant environmental impact or failed to identify a feasible mitigation measure. Responses to Comment 11 contain substantial evidence supporting the conclusions of the Draft EIR.

February 2013 Comments and Supplemental Responses to Comments

*Supplemental Responses to Comments*

The City Planning Department has thoroughly reviewed the Supplemental Responses to Comments and the technical reports attached thereto, and the City finds that the conclusions of the Supplemental Responses to Comments are supported by substantial evidence cited therein and elsewhere in the administrative record. The Supplemental Responses to Comments

provide substantial evidence that none of the comments received in conjunction with the February 19 hearing show that the EIR analysis is inadequate under CEQA or provide substantial evidence of significant new information requiring recirculation of the Final EIR.

Furthermore, the City has thoroughly reviewed the expert credentials of the persons preparing the technical reports attached to the Supplemental Responses to Comments. The City finds that substantial evidence demonstrates that Traffic Engineer Roy Nakamura of Crain & Associates, Acoustical Engineer Amir Yazdaniyaz of Acoustical Engineering Services, and Bill Piazza of Air Quality Dynamics possess the requisite expertise and experience in their respective fields and that the technical reports prepared by each of them is credible.

#### *SORSE Letter*

The City Planning Department received a letter from attorney Bradly Torgan on behalf an otherwise unidentified association of persons known as Sherman Oaks Residents for a Safe Environment ("**SORSE**").

The SORSE Letter was filed more than two years after the public comment period on the Draft EIR. The SORSE Letter ignored was submitted February 14, 2013—one business day before the February 19 hearing. The SORSE Letter is 30 pages with 13 attachments. A May 26, 2011 Project-specific correspondence from Hans Giroux addressed to Mr. Torgan and attached to the SORSE Letter indicates that Mr. Torgan had been retained several months before submitting February 14, 2013 letter. Although the SORSE letter was very late, the City Planning Department fully considered the SORSE letter and the Supplemental Responses to Comments provide complete responses to the SORSE Letter. In addition, the Supplemental Responses to Comments contain expert technical reports responding to the memoranda and reports attached to the SORSE letter.

Based upon the substantial evidence contained in the Supplemental Responses to Comments, the City finds that the SORSE Letter does not provide substantial evidence that the EIR analysis is inadequate under CEQA and does not contain substantial evidence of undisclosed significant environmental impacts or that significant impacts may be substantially more severe. The City further finds that the SORSE Letter does not provide substantial evidence of significant new information requiring recirculation of the Final EIR. Nevertheless, suggestion to tighten the enforceability Mitigation Measures B-5 and B-6 were incorporated into revised mitigation measures.

Furthermore, the City has thoroughly reviewed the expert credentials of the persons preparing the technical reports attached to SORSE Letter. The City finds that the credential of Hans Giroux fails to demonstrate that Hans Giroux possesses the requisite expertise, training, or experience to qualify him as an expert in the fields of air quality, human health, noise or vibration. Mr. Giroux's credential shows that he holds degrees in meteorology and physics, which do not establish him as an expert in air quality, human health, noise or vibration. He holds no degree in engineering or human health. Nothing in his credential shows any formal education or experience in human health risk assessments. His credential reveals no relevant publications he has authored and his experience as an educator has primarily been in the field of meteorology. The City finds that Mr. Giroux's memorandum does not contain credible expert opinion. The City further finds that the Supplemental Responses to Comments and expert reports by Bill Piazza and Amir Yazdaniyaz attached thereto provide substantial evidence refuting the opinions offered by Hans Giroux.

The City has thoroughly reviewed the experience of Mr. Arthur Kassan and finds Mr. Kassan to be qualified as an expert in traffic impact analysis. However, after thoroughly reviewing both Mr. Kassan's report attached to the SORSE Letter and Mr. Nakamura's reports, the City finds that

the opposing reports constitute a disagreement among experts. The City further finds that Mr. Nakamura's reports and conclusion are more credible and provide substantial evidence refuting Mr. Kassan's conclusions.

*February 19, 2013 Letter from Sherman Oaks Homeowner's Association and Homeowners of Encino*

The City Planning Department thoroughly reviewed a February 19, 2013 Letter from the Sherman Oaks Homeowner's Association and Homeowners of Encino (the "SOHA/HOME Letter"). The Supplemental Responses to Comments provide complete responses to the SOHA/HOME letter. Based upon the Supplemental Responses to Comments and other evidence in the administrative record, the City finds that the SOHA/HOME Letter does not provide substantial evidence that the EIR analysis is inadequate under CEQA and does not contain substantial evidence of undisclosed significant environmental impacts or that significant impacts may be substantially more severe. The City further finds that the SORSE Letter does not provide substantial evidence of significant new information requiring recirculation of the Final EIR.

*March 8, 2013 Memorandum from Armbruster Goldsmith & Delvac*

Armbruster Goldsmith & Delvac, attorneys for the Applicant, submitted a memorandum dated March 8, 2013 with several exhibits (the "AGD Memo") addressing the SORSE Letter, the SOHA/HOME Letter, and a February 7, 2013 electronic correspondence to the City Planning Department from Mr. Jeffery Kalban (the "Kalban Letter"). The City Planning Department has thoroughly reviewed the AGD Memo and the exhibits attached thereto. The AGD Memo agrees with the conclusions of the Supplemental Responses to Comments and provides further evidence and analysis supporting the EIR and responding to SORSE Letter and the SOHA/HOME Letter. The City finds that the AGD Memo provides substantial evidence that the SORSE Letter, the SOHA/HOME Letter, and the Kalban Letter do not provide substantial evidence that the EIR analysis is inadequate under CEQA nor do these letters provide substantial evidence of significant new information requiring recirculation of the Final EIR.

*April 23, 2013 Letter from SORSE*

On the day of the April 25, 2013 City Planning Commission hearing on the SORSE appeal and the project, the City Planning Commission received a 16-page letter with approximately 60 pages of attachments from attorney Bradly Torgan on behalf SORSE.

At the City Planning Commission hearing, Commissioner Perlman expressed dissatisfaction at receiving a lengthy opposition on the day of the hearing and noted that it is impossible for the Commissioners to consider lengthy material that is filed at the last minute. Thereafter, testimony was taken from Mr. Torgan on speaking on behalf of SORSE and from the Applicant's representative in rebuttal. No other written or oral testimony was given by anyone identifying himself or herself as a member of SORSE.

The City Planning Department staff has carefully considered the April 23 SORSE Letter and the material accompanying the letter and finds that the April 23 SORSE letter does not provide substantial evidence that the EIR analysis is inadequate under CEQA and does not contain substantial evidence of undisclosed significant environmental impacts or that significant impacts may be substantially more severe. The City further finds that the April 23 SORSE letter does not provide substantial evidence of significant new information requiring recirculation of the Final EIR.

Mr. Torgan refers to the November 8, 2012 Advisory Notice Regarding Sensitive Uses Near Freeways, which the City Planning Commission adopted as a guidance document for applicants proposing developments within 1,000 feet of a freeway (the "Advisory"). Mr. Torgan also refers to Case Number CPC 2008-4604 previously decided by the City Planning Commission as evidence that CEQA requires the City Planning Commission to restrict residential development within 500-feet of the freeway—as the Commission did in Case Number CPC 2008-4604. Substantial evidence presented at the April 25, 2013 hearing shows that Mr. Torgan's reference to the Advisory and to Case Number CPC 2008-4604 fail to provide substantial evidence of a significant unmitigated air quality impact or hazard.

The project air quality and hazard analysis is consistent with the Advisory. The Advisory is not a mandate and is not a prohibition on development within 1,000 feet of a freeway. It is a guidance document that strongly encourages doing air quality health risk assessments in such circumstances. The health risk assessment prepared for this project and included within the EIR contains substantial evidence supporting all the conclusion of the EIR. Furthermore, the Advisory expressly states that each proposal shall be evaluated on a case-by-case basis. Finally, residential uses are allowed in the applicable zones on the subject property, and if the City Planning Commission were prohibit residential development within 500 feet of a freeway on the subject property, then the City would be prohibiting all residential uses on this entire project site.

Case Number CPC 2008-4604 is not applicable to the proposed project and does not act as a precedent. The following differences distinguish Case Number CPC 2008-4604 from the proposed project:

Case No. CPC-2008-4606	Toscano Project
Entire project site was Industrial-Zoned – which does not allow residential uses – the applicant was seeking new zoning allowing residential development.	The property is zoned commercial & residential – which allows residential uses by-right; and residential uses previously existed on site.
The property was large enough to prohibit residential uses within 500 feet of the nearby freeway and still allow residential uses on other portions of the property.	Prohibiting uses within 500 feet of the abutting freeway would prohibit otherwise by-right residential uses throughout the entire site.
Health Risk Assessment did not contain site-specific analysis and identified significant impacts.	Health Risk Assessment contains substantial evidence and site-specific analysis showing that mitigation plus conditions support a conclusion of less than significant impact.

The April 23 SORSE letter includes another comment from Has Giroux, who Mr. Torgan presents as an expert in air quality and health risk assessments. As previously-stated with regard to Mr. Giroux's analysis accompanying the February 14, 2013 SORSE letter, the City finds that the credential of Hans Giroux fails to demonstrate that Hans Giroux possesses the requisite expertise, training, or experience to qualify him as an expert in the fields of air quality, human health, noise or vibration. Mr. Giroux's credential shows that he holds degrees in meteorology and physics, which do not establish him as an expert in air quality, human health, noise or vibration. He holds no degree in engineering or human health. Nothing in his credential shows any formal education or experience in human health risk assessments. His credential reveals no relevant publications he has authored and his experience as an educator has

primarily been in the field of meteorology. The City finds that Mr. Giroux's memorandum does not contain credible expert opinion.

The April 23 SORSE Letter referenced a UCLA study linking air pollution from freeways to autism in children and a UCLS/CARB study. Neither of these references provide substantial evidence of a significant air quality impact regarding the proposed project. They are generalized studies and are not project-area specific. Furthermore, substantial evidence was presented at the April 25 City Planning Commission hearing rebutting Mr. Giroux's comments and the referenced studies as follows:

- The UCLA study found that exposure to nitrogen dioxide (NO<sub>2</sub>) was the predominant pollutant linked to an increased likelihood of autism. The authors of the study also note that this link is not proof that air pollution causes autism and more research is required to determine a causal relationship.
- The project HRA evaluated NO<sub>2</sub> exposures. NO<sub>2</sub> exposures were found to be within acceptable limits and did not exceed the State's ambient air quality standard.
- The UCLA/CARB study noted an increase in the downwind extent of ultrafine particles in the early morning hours than previously thought to exist. Atmospheric conditions (e.g., wind direction and speed) influence the lateral extent and concentrations of ultrafine particles. The study also noted that for the 101 freeway in the San Fernando Valley, impacts associated with the freeway trend to the north.
- The project HRA analyzed near-field impacts utilizing an approved dispersion model and meteorological data which accounts for the atmospheric conditions that exist during early morning hours. The near-field concentrations predicted by the model are conservative (health protective) and consistent with regulatory guidance.
- The prevailing winds across the project site are northward and the freeway is on the northwest boundary of the project site. Thus, prevailing winds across the project site would be dispersing any near-field concentrations of freeway pollutants northward and away from the project site.
- The April 23 SORSE letter incorrectly claims that the project HRA focuses almost exclusively on diesel exhaust and its relationship with excess cancer risk and fails to recognize the recent UCLA/CARB study. The HRA evaluated exposures to particulates (PM<sub>10</sub> and PM<sub>2.5</sub>), carbon monoxide, nitrogen dioxide, benzene, butadiene, acetaldehyde, formaldehyde and diesel particulates. All were assessed based upon identified toxicity criteria and averaging times.
- A recent study conducted by the SCAQMD (Pilot Study of High Performance Air Filtration for Classrooms Applications, Draft Report: October 2009) confirms the efficacy of mitigation using MERV 16 filtration to remove diesel particulates and ultrafine particles. The report found that HVAC systems such as are proposed for the IVT project readily control black carbon (a surrogate for diesel particulate matter) and ultrafine particles by achieving removal efficiencies of more than 90 percent.
- The April 23 SORSE letter incorrectly states that the HRA fails to account of age

specific factors in the risk assessment because the authors of the HRA do not consider diesel particulate matter is a mutagenic compound. They are incorrect because studies show that extracts of diesel exhaust contain mutagenic compounds.

- Although studies indicate mutagenic extracts are found, along with many other non-mutagenic compounds, related studies also note that "whole" diesel exhaust does not elicit a mutagenic mode of action (USEPA, Integrated Risk Information System, Diesel Engine Exhaust. Website: <http://www.epa.gov/iris/subst/0642.htm>). As such, a mutagenic mode of action has not been identified for whole diesel exhaust at this time.

The April 23 SORSE letter includes another memorandum from traffic engineer Arthur Kassan. Most of the comments from Mr. Kassan repeat the disagreement among experts apparent in Mr. Kassan's previous memorandum and Crain & Associate's rebuttal of Mr. Kassan's analysis. As previously-stated, the City finds that the analyses prepared by Roy Nakamura of Crain & Associates presents the more credible evidence regarding potential project traffic impacts.

The remainder of the April 23 SORSE letter appears to restate arguments and assertions made in the February 14 SORSE letter, which have all been fully addressed to the satisfaction of the City.

#### **I. Mitigation Monitoring Program**

In accordance with the Requirements of Public Resources Code § 21081.6, the City hereby adopts the Mitigation Monitoring Program, which is attached to these Findings. The mitigation measures which have been identified for the project were identified in the Draft and Final EIR. The final mitigation measures are described in the MMRP. Each of the mitigation measures identified in the MMRP, and contained in the Final EIR, is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP, and contained in the Final EIR. The City reserves the right to make amendments and/or substitutions of mitigation measures if the City determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

#### **J. Consideration of Record; Independent Judgment**

The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period. In approving the proposed project, the City decision-makers have reviewed and considered the Draft EIR and appendices, the Final EIR and appendices, and all other pertinent evidence in the record of proceedings. The Applicant's consultants prepared the screen check versions of the Draft EIR, Final EIR and technical studies and the Applicant submitted proposed findings for consideration by the City. All such materials and all other materials related to the EIR or these findings were extensively reviewed and, where appropriate, modified by the Planning Department or other City representatives. As such, the Draft EIR, Final EIR, technical

studies, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

**K. Substantial Evidence**

The City finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, technical studies, and other CEQA related materials, the administrative record, staff reports, information provided by the applicant, each and all of which are incorporated herein by this reference. Moreover, the City finds that where more than one reason exists for any finding, each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

**L. Relationship of Findings to EIR**

These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control and the Draft EIR and Final EIR or both, as the case may be, are hereby amended as set forth in these Findings.

**M. Project Conditions of Approval**

Each of the project features and mitigation measures referenced in these Findings shall be conditions of project approval to be monitored and enforced by the City pursuant to the building permit process and the Mitigation Monitoring Program. To the extent feasible, each of the other findings and conditions of approval made by or adopted by the City in connection with the project are also incorporated herein by this reference.

**N. Custodian of Documents**

The custodian of the documents or other material which constitutes the record of proceedings upon which the Director's decision is based is the City of Los Angeles, Planning Department, located at 6262 Van Nuys Boulevard, Room 351, Van Nuys, California 91401.

**O. Recirculation Not Required**

(a) CEQA requires that the lead agency recirculate an EIR when significant new information is added to the EIR after public notice of its availability has previously been given but prior to its certification. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.
- (d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record

The Final EIR documents changes to the Draft EIR. Section II.C of the Final EIR provides substantial evidence that the changes to the Draft EIR do not do not result in new significant impacts and do not warrant circulation of the Draft EIR.

The Final EIR provides additional analysis that was not included in the Draft EIR. Furthermore, Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR. Furthermore, the Responses To Comments include substantial evidence that none of these comments provided substantial evidence that project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

The project approved by the City Planning Commission is substantially reduced compared to the project studied in the Final EIR. The project set forth in the Final EIR has been further reduced from 399 units to 325 units and the floor area ratio has been reduced from 2.75:1 to 2:25:1. Maximum height has been reduced from the 100 feet sought by the Applicant to a maximum of 82 feet approved by the City Planning Commission. In addition, at its April 25, 2013 hearing on this matter the City Planning Commission added landscaping to the pool deck and increased the tree wells to a minimum of 7 feet along the project boundary abutting the 405-to-101 Freeway Interchange. These changes only serve to reduce the severity of the project's significant impacts. They do not fundamentally change the proposed land uses or the arrangement of land uses on the project site. These changes do not necessitate new or different mitigation measures that would cause reasonably foreseeable secondary impacts. The FAR and height reductions were set forth in the City Planning Department recommendation report prior to the City Planning Commission hearing, and all project reductions were fully discussed at a duly notice public hearing before the City Planning Commission. None of the reductions to the project constitute changes that would deprive the public a meaningful opportunity to comment on a potentially significant impact or feasible alternative.

#### **P. Textual Refinements and Errata**

Textual refinements and errata were compiled and presented to the decisionmakers for review and consideration. The Planning Department staff has made every effort to notify the decisionmakers and the interested public/agencies of each textual change in the various documents associated with the project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.

#### **Q. Uses of EIR**



The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project. It is contemplated that there may be a variety of actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA). Because the City is the Lead Agency for the project, the EIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the project.

## **IV. Mitigation Monitoring and Reporting Program**

### **1. Introduction**

The California Environmental Quality Act (CEQA) requires a Mitigation Monitoring and Reporting Program (MMRP) for projects where mitigation measures are a condition of their approval and development. An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the project. Where appropriate, the EIR includes recommended mitigation measures to avoid or substantially lessen the significant environmental impacts associated with the project. This MMRP is designed to monitor implementation of these mitigation measures. This MMRP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6, and Section 15097 of the CEQA Guidelines. This MMRP describes the procedures the Applicant shall use to implement the mitigation measures adopted in connection with the approval of the project and the methods of monitoring and reporting on such actions. "Monitoring" is generally an ongoing or periodic process of project oversight. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. For this MMRP, the City of Los Angeles is the Lead Agency for the project.

### **2. Purpose**

It is the intent of this MMRP to:

1. Verify compliance of the required mitigation measures of the EIR;
2. Provide a methodology to document implementation of required mitigation;
3. Provide a record and status of mitigation requirements;
4. Identify monitoring and enforcement agencies;
5. Establish and clarify administrative procedures for the clearance of mitigation measures;
6. Establish the frequency and duration of monitoring and reporting; and

7. Utilize the existing agency review processes wherever feasible.

### **3. Administrative Procedures**

The Project Applicant shall be obligated to provide documentation concerning implementation of the listed mitigation measures to the appropriate monitoring agency and the appropriate enforcement agency as provided for herein. All departments listed below are within the City of Los Angeles unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project Applicant unless otherwise noted.

As shown on the following pages, each required mitigation measure for the project is listed and categorized by impact area, with accompanying discussion of:

- Enforcement Agency—The agency with the power to enforce the Mitigation Measure.
- Monitoring Agency—The agency to which reports involving feasibility, compliance, implementation and development are made.
- Monitoring Phase—The phase of the project during which the Mitigation Measure shall be monitored.
- Monitoring Frequency—The frequency of which the Mitigation Measure shall be monitored.
- Action Indicating Compliance—The action of which the Enforcement or Monitoring Agency indicates that compliance with the required Mitigation Measure has been implemented.

### **4. Enforcement**

This MMRP shall be in place throughout all phases of the project. The entity responsible for implementing each mitigation measure is set forth within the text of the mitigation measure. The entity responsible for implementing the mitigation shall also be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented.

### **5. Program Modification**

After review and approval of the final MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made by the Applicant or

#### IV. Mitigation Monitoring and Reporting Program

its successor subject to the approval by the City of Los Angeles. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. The flexibility is necessary in light of the prototypical nature of the MMRP, and the need to protect the environment with a workable program. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

## 6. Mitigation Monitoring and Reporting Program

### A. Aesthetics, Views, Light/Glare, and Shading

No Mitigation Measures are identified in the Environmental Impact Report for this environmental issue.

### B. Air Quality

#### (a) Construction

**Mitigation Measure B-1:** In addition to SCAQMD Rule 403 (Fugitive Dust) requirements, the Project applicant will implement the following measures:

- Water three times daily or non-toxic soil stabilizers shall be applied, according to manufacturers' specifications, as needed to reduce off-site transport of fugitive dust from all unpaved staging areas and unpaved road surfaces
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks or any equipment leaving the site each trip;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered;
- Replace ground cover in disturbed areas as quickly as possible;
- Pave road and road shoulders;
- Traffic speeds on all unpaved roads to be reduced to 15 mph or less;
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph; and
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation
- **Enforcement Agency:** SCAQMD

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- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
  - **Monitoring Phase:** Construction
  - **Monitoring Frequency:** Periodic field inspection during construction
  - **Action Indicating Compliance with Mitigation Measure(s):** Quarterly compliance certification report submitted by project contractor

**Mitigation Measure B-2:** Streets shall be swept as needed during construction with sweepers using reclaimed water, where available, but not more frequently than hourly, if visible soil material has been carried onto adjacent public paved roads.

- **Enforcement Agency:** SCAQMD; Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections during construction
- **Action Indicating Compliance with Mitigation Measure(s):** Quarterly compliance certification report submitted by project contractor

**Mitigation Measure B-3:** All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections during construction
- **Action Indicating Compliance with Mitigation Measure(s):** Quarterly compliance certification report submitted by project contractor

**Mitigation Measure B-4:** General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, all trucks and vehicles will have their engines turned off when not in use or idling will be limited to five (5) minutes or less, to reduce vehicle emissions. Ensure that all off-road equipment is compliant with the California Air Resources Board's

IV. Mitigation Monitoring and Reporting Program

(CARB) in-use off-road diesel vehicle regulation and SCAQMD Rule 2449. Construction activities should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

- **Enforcement Agency:** SCAQMD; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections during construction
- **Action Indicating Compliance with Mitigation Measure(s):** Quarterly compliance certification report submitted by project contractor

**Mitigation Measure B-5:** Petroleum-powered construction activity shall utilize electricity from power poles rather than temporary diesel power generators and/or gasoline power generators except for areas that construction worker or public safety would be of concern.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections during construction
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-6:** On-site mobile equipment shall be powered by alternative fuel sources (i.e., methanol, natural gas, propane or butane) where such equipment is commercially available and equivalent in performance to existing petroleum based equipment. In addition, the project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the mass grading phase of project construction. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided onsite at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered construction

equipment shall meet the Tier standards based on the following schedule:<sup>1</sup>

- January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- **Enforcement Agency:** SQAMD; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to construction; Periodic field inspections during construction
- **Action Indicating Compliance with Mitigation Measure(s):** Submittal to LADOT and SCAQMD and Quarterly compliance certification report submitted by project contractor

*(b) Operation*

**Mitigation Measure B-7:** Light-colored roof materials to deflect heat and reduce energy demand for building cooling purposes shall be used.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction (during plan check)

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<sup>1</sup> Construction equipment standards based on the April 1, 2010, to December 31, 2011, schedule have expired and, as such, are no longer applicable to the Project. All construction equipment utilized during Project construction would conform to the standards set forth under the January 1, 2012, to December 31, 2014, and Post-January 1, 2015, schedules, as applicable.

IV. Mitigation Monitoring and Reporting Program

- **Monitoring Frequency:** Once, at plan check
- **Action Indicating Compliance with Mitigation Measure(s):** Plan approval and issuance of building permits

**Mitigation Measure B-8:** Double-paned windows shall be used to reduce thermal loss and reduce energy demand for temperature control purposes.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction (during plan check)
- **Monitoring Frequency:** Once, at plan check
- **Action Indicating Compliance with Mitigation Measure(s):** Plan approval and issuance of building permits

**Mitigation Measure B-9:** The project shall be designed and operated to conserve energy as required by the Southern California Edison, Southern California Gas Company, and/or other appropriate agencies.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction (during plan check) and Operation (prior to occupancy)
- **Monitoring Frequency:** Once prior to occupancy
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of a Certificate of Occupancy

**Mitigation Measure B-10:** The project shall include heating, ventilation and air conditioning (HVAC) control systems that service residential occupancies consistent with the minimum specifications per floor and building location included in Attachment A of Appendix FEIR-D. At a minimum, residential units shall include HVAC control systems with particulate filters that have a minimum efficiency reporting value (MERV) of 15 as indicated by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. The air handling systems shall be maintained on a regular basis per manufacturer's recommendations by a qualified technician employed or contracted by the project proponent or successor. Operation and maintenance of the system shall ensure that it performs in compliance with the manufacturers' specified reporting value.

- **Enforcement Agency:** City of Los Angeles Department of City Planning



- **Monitoring Agency:** City of Los Angeles Department of Building and Safety and Department of City Planning
- **Monitoring Phase:** Construction; Operation
- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure B-11:** To minimize exposure to diesel exhaust and the reentrainment of paved roadway dust, the proposed project shall:

(1) install inoperable windows facing the freeway, except where operable windows are required by the building code; (2) place actively and passively utilized outdoor areas as far away from the roadway as possible; and (3) include landscaping along the property perimeter nearest the freeway with a dense mixture of shrubs and trees to maximize passive filtration of particulate air contaminants.

- **Enforcement Agency:** Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction (during plan check); Construction
- **Monitoring Frequency:** Agency review prior to issuance of building permit; once prior to occupancy
- **Action Indicating Compliance with Mitigation Measure(s):** Plan approval and issuance of building permits; Issuance of a Certificate of Occupancy

## C. Biological Resources

**Mitigation Measure C-1:** If vegetation removal occurs between February 15 and August 31, a biological survey shall be conducted by a qualified biologist prior to the removal of the vegetation to determine if nesting birds are occurring on site.<sup>2</sup> In the event nesting is observed, the biologist shall recommend a buffer area with a specified radius to be established (buffer may range between 50 and 300 feet as determined by the monitoring biologist), within which no disturbance or intrusion shall be allowed until the young had fledged and left the nest or it is determined by the monitoring biologist that the nest has failed. If no nesting is observed, no further action shall be warranted.

- **Enforcement Agency:** California Department of Fish and Game; Los Angeles Department of City Planning

<sup>2</sup> Since the MBTA protects nests, the risk of a "take" exists if a bird were nesting on the ground. Therefore, the measure includes vegetation (i.e., trees, brush) removal.

#### IV. Mitigation Monitoring and Reporting Program

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- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off; Compliance certification report submitted by qualified biologist in the event that vegetation removal occurs between February 15 and August 31.

**Mitigation Measure C-2:** Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the project site, shall be submitted for approval by the Department of City Planning and the Bureau of Street Services—Street Tree Division. All trees in the public right-of-way shall be treated in accordance with the current Street Tree Division standards and all conditions of approval shall be met.

- **Enforcement Agency:** Los Angeles Department of City Planning and Bureau of Street Services—Street Tree Division
- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-Construction; Post Construction
- **Monitoring Frequency:** Submittal of plans prior to construction and field inspection upon completion of construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of grading permit and field inspection sign-off

## D. Geology and Soils

**Mitigation Measure D-1:** The Applicant or its contractor shall incorporate the recommendations detailed in the geotechnical investigation prepared for the proposed project, as approved by the City of Los Angeles. (Geotechnical recommendations regarding pile or drill caissons, footings, slabs, fill, shoring, retaining walls, and site drainage are provided within the Geotechnical Engineering Investigation (geotechnical report) dated June 6, 2002, and Addendum I, Additional Exploration, dated March 17, 2003, both prepared by Geotechnologies, Inc. provided in Appendix C of the Draft EIR.)

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction and Construction

- **Monitoring Frequency:** Once prior to issuance of grading permit; periodic field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Approval of site-specific geotechnical report; Issuance of a grading permit

## E. Hazards and Hazardous Materials

No Mitigation Measures are identified in the Environmental Impact Report for this environmental issue.

## F. Surface Water Hydrology and Surface Water Quality

**Mitigation Measure F-1:** The project shall provide on-site storm drain improvements to detain peak storm water flows to the satisfaction of the City of Los Angeles Department of Public Works.

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Once at review of plans and field inspection during construction
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure F-2:** The project shall comply with the requirements of the applicable NPDES permit for stormwater discharge and with all applicable requirements of the RWQCB, EPA and local agencies including the City of Los Angeles regarding water quality.

- **Enforcement Agency:** Regional Water Quality Control Board; City of Los Angeles Department of Public Works
- **Monitoring Agency:** Regional Water Quality Control Board; City of Los Angeles Department of Public Works
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections during construction
- **Action Indicating Compliance with Mitigation Measure(s):** Approval of a Stormwater Pollution Prevention Plan; Field inspection sign-off

IV. Mitigation Monitoring and Reporting Program

**Mitigation Measure F-3:** The project shall implement Best Management Practices (BMPs) to detain or treat the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be provided

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once with approval of plans and field inspection during construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of certificate of occupancy; Field inspection sign-off

**Mitigation Measure F-4:** All storm drain inlets and catch basins within the Project area shall be stenciled with prohibitive language (such as "NO DUMPING—DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.

- **Enforcement Agency:** Los Angeles Department of Public Works
- **Monitoring Agency:** Los Angeles Department of Public Works
- **Monitoring Phase:** Operation (prior to and post occupancy)
- **Monitoring Frequency:** Once prior to certificate of occupancy; periodic field inspection during operation
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure F-5:** The legibility of signs and stencils discouraging illegal dumping shall be maintained.

- **Enforcement Agency:** Los Angeles Department of Public Works
- **Monitoring Agency:** Los Angeles Department of Public Works
- **Monitoring Phase:** Operation (prior to and post occupancy)
- **Monitoring Frequency:** Once prior to certificate of occupancy; periodic field inspection during operation
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure F-6:** Materials used on site with the potential to contaminate stormwater shall be: (1) placed in an enclosure such as, but not

limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

- **Enforcement Agency:** Los Angeles Department of Public Works
- **Monitoring Agency:** Los Angeles Department of Public Works
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Periodic field inspections during operation
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

## G. Land Use

No Mitigation Measures are identified in the Environmental Impact Report for this environmental issue.

## H. Noise

### *(a) Construction*

**Mitigation Measure H-1:** A temporary sound barrier, capable of providing a minimum 10 dBA reduction (e.g., solid wood fence) and minimum height of 8 feet, shall be erected along the project's east property line along Sepulveda Boulevard for the entire length of the project site as well as between the project site and the 777 Motor Inn.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off.

**Mitigation Measure H-2:** To the extent feasible, construction activities shall be scheduled so as to avoid operating several pieces of heavy equipment simultaneously, which causes high noise levels.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety

IV. Mitigation Monitoring and Reporting Program

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- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off and compliance certification report submitted by project contractor

**Mitigation Measure H-3:** Engine idling from construction equipment such as bulldozers and haul trucks shall be limited, to the extent feasible. Idling of haul trucks shall be limited to five (5) minutes at any given location as established by the South Coast Air Quality Management District. Signs that limit engine idling shall be posted on the project site during construction.

- **Enforcement Agency:** SCAQMD; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance with Mitigation Measure(s):** Quarterly compliance certification report submitted by project contractor

**Mitigation Measure H-4:** The construction staging area shall be located as far as feasible from sensitive receptors.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection; Compliance certification report by the project contractor

*(b) Operation*

**Mitigation Measure H-5:** An acoustical analysis of the architectural plans of the proposed residential building façade constructions shall be prepared by a qualified acoustical engineer, prior to issuance of building permits, to ensure that the building construction (i.e., exterior wall, window and door) will provide adequate sound insulation to meet the acceptable interior noise level of 45 dBA (CNEL).

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once-prior to Construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of building permit

**Mitigation Measure H-6:** The Applicant shall retain services of an acoustical consulting engineer experienced in mechanical noise analysis and during plan check provide the City with an acoustical report indicating that the project mechanical design meets the City's noise ordinance (i.e., maximum 5 dBA above ambient noise levels).

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once; prior to construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of building permits

## I. Population, Housing, and Employment

No Mitigation Measures are identified in the Environmental Impact Report for this environmental issue.

### J.1 Public Services—Police Protection

**Mitigation Measure J-1:** Prior to the issuance of the building permit, the Applicant shall consult with the LAPD's Crime Prevention Unit, regarding on site crime prevention features appropriate for the design of the property. These features may include the following elements:

- designing entryways, elevators, lobbies and parking areas with lighting that eliminates areas of concealment;
- eliminating areas of dead space;
- providing solid core doors with deadbolt locks to all residential units and commercial uses; and
- providing parking within an enclosed parking podium that would be internal to the site.

#### IV. Mitigation Monitoring and Reporting Program

- **Enforcement Agency:** Los Angeles Police Department, Los Angeles Department of City Planning
- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once
- **Action Indicating Compliance with Mitigation Measure(s):** Plan approval and issuance of building permit

**Mitigation Measure J-2:** Prior to the issuance of any building permits, the Applicant shall provide the commanding officer at the Van Nuys Community Police Station with a diagram of each portion of the property, including access routes and additional information which may facilitate a police response.

- **Enforcement Agency:** Los Angeles Police Department, Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once
- **Action Indicating Compliance with Mitigation Measure(s):** Written verification from Los Angeles Police Department

## J.2 Public Services—Fire Protection

**Mitigation Measure J-3:** Project building plans including a plot plan shall be submitted for approval by the Los Angeles Fire Department either prior to the recordation of the final map or the approval of a building permit.

- **Enforcement Agency:** Los Angeles Fire Department; Los Angeles Department of City Planning
- **Monitoring Agency:** Los Angeles Fire Department
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once
- **Action Indicating Compliance with Mitigation Measure(s):** Approval of the plot plan by the Los Angeles Fire Department

**Mitigation Measure J-4:** Prior to the issuance of a building permit, the Applicant shall consult with the Los Angeles Fire Department and design the project to meet on-site fire flow requirements and incorporate fire prevention and suppression features and other life-saving equipment.

- **Enforcement Agency:** Los Angeles Fire Department; Los Angeles Department of City Planning



- **Monitoring Agency:** Los Angeles Fire Department
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once
- **Action Indicating Compliance with Mitigation Measure(s):** Plan approval and issuance of building permit

**Mitigation Measure J-5:** The project shall comply with all applicable State and local Codes and Ordinances found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles, unless otherwise approved.

- **Enforcement Agency:** Los Angeles Fire Department
- **Monitoring Agency:** Los Angeles Fire Department
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Once prior to occupancy; periodic field inspections during occupancy
- **Action Indicating Compliance with Mitigation Measure(s):** Approval of the plot plan by the Los Angeles Fire Department; Field inspection sign-offs

### J.3 Public Services—Schools

**Mitigation Measure J-6:** Pursuant to California Government Code Section 65995, the Project Applicant shall pay developer fees to Los Angeles Unified School District prior to the issuance of building permits.

- **Enforcement Agency:** Los Angeles Unified School District
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once prior to issuance of building permit
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of building permit

### J.4 Public Services—Parks and Recreation

**Mitigation Measure J-7:** In consultation with the City of Los Angeles Department of Recreation and Parks, the Applicant shall do one or more of the following: (1) dedicate additional parkland to meet the requirements of Los Angeles Municipal Code Section 17.12; (2) pay in-lieu fees for any land dedication requirement shortfall; or (3) provide on-site

improvements equivalent in value to said in-lieu fees.

- **Enforcement Agency:** Los Angeles Department of Recreation and Parks
- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once prior to certificate of occupancy
- **Action Indicating Compliance with Mitigation Measure(s):** Certificate of occupancy

## J.5 Public Services—Libraries

No Mitigation Measures are identified in the Environmental Impact Report for this environmental issue.

## K. Transportation and Circulation

### (a) Construction

**Mitigation Measure K-1:** Prohibit parking along the west side of Sepulveda Boulevard from the northern site boundary to Camarillo Street and restripe to provide a southbound right-turn-only lane. For this short-term condition, it is proposed that the restriping be limited to the segment of Sepulveda Boulevard approximately from Camarillo Street to La Maida Street, that the existing southbound left-turn lane approaching Camarillo Street be temporarily reduced in width to 9 feet, and that the proposed southbound right-turn-only lane be 10 feet wide.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of a Certificate of Occupancy

**Mitigation Measure K-2:** Whenever feasible during construction, sidewalk access along Sepulveda Boulevard and Camarillo Street shall be provided to maintain pedestrian access.

- **Enforcement Agency:** Los Angeles Department of Transportation; Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Agency:** Los Angeles Department of Transportation; Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure K-3:** A Construction Management Plan or Worksite Traffic Control Plan shall be prepared by the Applicant and approved by the Department of Transportation and Department of Public Works and shall contain, at minimum, the following:

- The name and telephone number of a construction manager who can be reached 24 hours a day;
- An up-to-date list of local police, fire, and emergency response organizations and procedures for the continuous coordination of construction activity, potential delays, and any alerts related to unanticipated road conditions or delays, with local police, fire, and emergency response agencies. Coordination shall include the assessment of any alternative access routes that might be required through the proposed project area and maps showing access to and within the area and to adjacent properties;
- Procedures for the training of traffic safety personnel (flaggers) to assist in emergency response; and
- The location, times, and estimated duration of any roadway or sidewalk closures, traffic detours, use of protective devices, warning signs, and queuing areas.
- Configure construction parking to minimize traffic interference;
- Provide dedicated turn lanes for movement of construction trucks and equipment, where space is available and would not result in a safety concern for pedestrians and motorists; and
- Reroute construction trucks away from congested streets or sensitive receptor areas, where the resultant trip length would not substantially increase.
- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works
- **Monitoring Phase:** Construction

IV. Mitigation Monitoring and Reporting Program

- **Monitoring Frequency:** Periodic field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Written verification from City of Los Angeles Department of Transportation and City of Los Angeles Department of Public Works

**Mitigation Measure K-4:** Flaggers shall be provided as necessary to minimize impact to traffic flow and to ensure safe movement into and out of the project site.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Quarterly compliance report submitted by project contractor

**Mitigation Measure K-5:** Heavy-duty construction trucks shall arrive at the site no earlier than 7:00 A.M. and depart no later than 3:30 P.M.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Quarterly compliance certification report submitted by project contractor

**Mitigation Measure K-6:** Construction vehicles shall not be permitted to queue where they would interfere with traffic movement or block access to adjacent businesses or residences.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Quarterly compliance certification report submitted by project contractor.

**Mitigation Measure K-7:** All-construction-related vehicles shall be parked on-site or in off-site parking facilities, pursuant to a Temporary Parking Plan. On-street parking of construction-related vehicles shall be prohibited on nearby local streets.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Statement of compliance from the Department of Transportation or the Department of City Planning
- **Mitigation Measure(s):** Quarterly compliance certification report submitted by project contractor

*(b) Operation*

**Mitigation Measure K-8:** *Camarillo Street and Sepulveda Boulevard:* Dedicate an additional 6 feet and widen by 4 feet along the north side of Camarillo Street between Sepulveda Boulevard and the westerly site boundary. In order to implement this measure, on-street parking along both sides of this segment of Camarillo Street shall be removed and this leg of the intersection shall be restriped to provide an eastbound left-turn only lane, shared eastbound through and left-turn lane, and eastbound right-turn only lane. Modify the existing traffic signal to install eastbound protected-permissive phasing. In addition, on-street parking shall be removed during the A.M. peak period (approximately 7:00 A.M. to 10:00 A.M.) along the west side of Sepulveda Boulevard from the northerly site boundary to Galleria Gateway. The southbound approach shall be restriped to provide a fourth southbound through lane from north of Camarillo Street to north of Ventura Boulevard during the A.M. peak period.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once after completion of construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

IV. Mitigation Monitoring and Reporting Program

**Mitigation Measure K-9: *Ventura Boulevard/405 Freeway Southbound On-Ramp—Sherman Oaks Avenue:*** Widen by 5 feet the south side of Ventura Boulevard from Sherman Oaks Avenue to approximately 270 feet westerly, as measured from the centerline of Sherman Oak Avenue. Additionally, widen by 2 feet both sides of Ventura Boulevard from US-101 Freeway eastbound off-ramp/I-405 Freeway southbound on-ramp—Sherman Oaks Avenue to approximately 230 feet easterly as measured from the centerlines of the freeway ramps and Sherman Oaks Avenue; and restripe to provide an exclusive westbound right-turn-only lane at the intersection. Modify the existing traffic signal to accommodate restriping.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once after completion of construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure K-10: *Ventura Boulevard and Van Nuys Boulevard:*** Restripe to add a second southbound left-turn lane at Ventura Boulevard. Modify the existing traffic signal to install southbound protected left-turn phasing.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once after completion of construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure K-11: *Ventura Boulevard and Beverly Glen Boulevard:*** Widen by 3 feet the south side of Ventura Boulevard from Beverly Glen Boulevard to approximately 160 feet westerly, as measured from the centerline of Beverly Glen Boulevard. Restrict parking on south side of Ventura Boulevard and restripe the eastbound approach to provide an eastbound right-turn-only lane at Beverly Glen Boulevard.

- **Enforcement Agency:** City of Los Angeles Department of Transportation

IV. Mitigation Monitoring and Reporting Program

- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once after completion of construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure K-12:** *Ventura Boulevard and Sepulveda Boulevard:* Convert the southbound optional through-right-turn lane on Sepulveda Boulevard at Ventura Boulevard to a through lane.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once after completion of construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure K-13:** *US-101 Freeway Eastbound On-Ramp & Sepulveda Boulevard:* Install a new traffic signal to control this intersection, including southbound left-turn phasing and the ATSAC/ATCS upgrade. This signal would provide improved capacity and reduce conflicts between the southbound left-turning traffic accessing the on-ramp and the heavy northbound through traffic on Sepulveda Boulevard.<sup>3</sup>

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once after completion of construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure K-14:** *Ventura Boulevard & Haskell Avenue (North):* Widen the north side of Ventura Boulevard from the north leg of Haskell Avenue

<sup>3</sup> *Future traffic volumes at this intersection would satisfy the traffic volume criteria in the "Peak-Hour Traffic Signal Warrant" assuming the southbound left-turn lane as the "Minor Street" and northbound Sepulveda Boulevard as the "Major Street."*

IV. Mitigation Monitoring and Reporting Program

to approximately 190 feet easterly, as measured from the centerline of that leg, and restripe to provide a westbound right-turn-only lane.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once after completion of construction
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure K-15:** The project applicant will contribute \$300,000 to a fund for the identification and implementation of local parking, transportation and circulation improvements in the following areas: the area bounded clockwise by Haskell Avenue beginning at Valley Vista Boulevard and extending northerly to SR-101 (on the west), from that point extending easterly along SR-101 to I-405, and from that point extending northerly along I-405 freeway to westernmost prolongation of Magnolia Boulevard, and from that point extending easterly on Magnolia Boulevard prolongation to Kester Avenue, and from that point extending southerly along Kester Avenue to the prolongation of Moorpark Street, from that point extending easterly along the prolongation of Moorpark Street to Beverly Glen Boulevard–Tyrone Avenue, from that point extending southerly along Beverly Glen Boulevard–Tyrone Avenue to Dickens Street, from that point extending westerly along Dickens Street to Kester Avenue, from that point extending southerly along Kester Avenue to Valley Vista Boulevard, and from that point extending westerly back to Haskell Avenue. The \$300,000 payment will be guaranteed through cash, bond or irrevocable letter of credit, payable to DOT. The fund will be used for measures that include but are not limited to parking improvements intended to increase parking availability, reduce search times and relieve traffic congestion; neighborhood traffic calming; transit-related improvements and amenities; bicycle-related improvements and amenities; pedestrian-related improvements and amenities; and streetscape improvements and amenities.

- **Enforcement Agency:** Los Angeles Department of Transportation
- **Monitoring Agency:** Los Angeles Department of Transportation; Los Angeles Department of Public Works
- **Monitoring Phase:** Construction (prior to occupancy)
- **Monitoring Frequency:** Once



- **Action Indicating Compliance with Mitigation Measure(s):**  
Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure K-16:** Bicycle rack parking that is secure, convenient, and easily accessible, shall be added on-site and within the public right of way with the approval of Bureau of Street Services, Department of Public Works through their A Permit process. The copy of the A Permit will be submitted to Department of Building and Safety prior to approval of Certificate of Occupancy. Bicycle parking spaces shall be provided at the rate of two percent of the number of automobile parking spaces required for non-residential uses.

- **Enforcement Agency:** Los Angeles Department of City Planning
- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at issuance of first temporary or permanent Certificate of Occupancy
- **Action Indicating Compliance with Mitigation Measure(s):**  
Issuance of temporary or permanent Certificate of Occupancy.

## L.1 Utilities—Water Supply

**Mitigation Measure L-1:** For the commercial uses on the project site, the applicant shall (unless otherwise required and to the satisfaction of the Department of Building and Safety):

- Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- **Enforcement Agency:** Los Angeles Department of Building and Safety; Los Angeles Department of Water and Power
- **Monitoring Agency:** Los Angeles Department of Building and Safety; Los Angeles Department of Water and Power
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at issuance of first temporary or permanent Certificate of Occupancy
- **Action Indicating Compliance with Mitigation Measure(s):**  
Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure L-2:** Unless otherwise required, all restroom faucets for the commercial uses on the project site shall be of a self-closing design, to the satisfaction of the Department of Building and Safety.

- **Enforcement Agency:** Los Angeles Department of Building and Safety; Los Angeles Department of Water and Power
- **Monitoring Agency:** Los Angeles Department of Building and Safety ; Los Angeles Department of Water and Power
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at issuance of first temporary or permanent Certificate of Occupancy
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure L-3:** For the residential uses on the project site, the applicant shall (unless otherwise required and to the satisfaction of the Department of Building and Safety)

- Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- Install and utilize only high-efficiency, Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at issuance of first temporary or permanent Certificate of Occupancy

- **Action Indicating Compliance with Mitigation Measure(s):**  
Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure L-4:** In addition to the requirements of the Landscape Ordinance, the landscape plan for the proposed project shall incorporate the following:

- Weather-based irrigation controller with rain shutoff;
- Matched precipitation (flow) rates for sprinkler heads;
- Drip/microspray/subsurface irrigation where appropriate;
- Minimum irrigation system distribution uniformity of 75 percent;
- Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials;
- Use of landscape contouring to minimize precipitation runoff; and
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 square feet and greater, to the satisfaction of the Department of Building and Safety.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at issuance of first temporary or permanent Certificate of Occupancy
- **Action Indicating Compliance with Mitigation Measure(s):**  
Issuance of temporary or permanent Certificate of Occupancy

**Mitigation Measure L-5:** Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment; e.g., vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at issuance of first temporary or permanent Certificate of Occupancy
- **Action Indicating Compliance with Mitigation Measure(s):** Issuance of temporary or permanent Certificate of Occupancy

## L.2 Utilities—Wastewater

No Mitigation Measures are identified in the Environmental Impact Report for this environmental issue.

## L.3 Utilities—Solid Waste

### (a) Construction

**Mitigation Measure L-6:** The construction contractor shall only contract for waste disposal services with a company that recycles demolition and construction-related wastes. The contract specifying recycled waste service shall be presented to the Department of Building and Safety prior to approval of the demolition and building permits for the proposed project.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction (prior to commencement of construction activities); Construction
- **Monitoring Frequency:** Once prior to issuance of demolition permits
- **Action Indicating Compliance with Mitigation Measure(s):** Submittal of copy of contract by project contractor; Issuance of demolition permit

**Mitigation Measure L-7:** To facilitate on-site separation and recycling of demolition and construction-related wastes, the construction contractor should provide temporary waste separation bins on-site during demolition and construction of the proposed project.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction

- **Monitoring Frequency:** Periodic field inspections
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

*(b) Operation*

**Mitigation Measure L-8:** Recycling bins shall be provided at appropriate locations on the project site to promote recycling of paper, metal, glass, and other recyclable materials.

- **Enforcement Agency:** Los Angeles Department of City Planning, Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of City Planning, Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; Construction (prior to issuance of Certificate of Occupancy)
- **Monitoring Frequency:** Periodic field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Field inspection sign-off

**Mitigation Measure L-9:** All residential and commercial uses established within the project site shall be permanently provided with clearly marked, durable, source sorted recyclable bins at all times to facilitate the separation and deposit of recyclable materials.

- **Enforcement Agency:** Los Angeles Department of City Planning, Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of City Planning, Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; Construction (prior to issuance of Certificate of Occupancy)
- **Monitoring Frequency:** Once at plan approval; once at final field inspection
- **Action Indicating Compliance with Mitigation Measure(s):** Plan approval; Field inspection sign-off and issuance of Certificate of Occupancy

## M. Cultural Resources

**Mitigation Measure M-1:** A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the project site where the older Quaternary Alluvium would be disturbed. The services of a qualified paleontologist shall be secured by contacting the Natural History Museum of Los Angeles County. The

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frequency of inspections will be based on consultation with the paleontologist and will depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains.

- **Enforcement Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** To be determined by consultation with paleontologist
- **Action Indicating Compliance with Mitigation Measure(s):** Written verification by qualified paleontologist

**Mitigation Measure M-2:** If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage.

- **Enforcement Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** To be determined by consultation with paleontologist if resource(s) are discovered
- **Action Indicating Compliance with Mitigation Measure(s):** If unanticipated discoveries are found, submittal of compliance certification report by a qualified paleontologist

**Mitigation Measure M-3:** At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.

- **Enforcement Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** To be determined by consultation with paleontologist if resource(s) are discovered

- **Action Indicating Compliance with Mitigation Measure(s):**  
If unanticipated discoveries are found, submittal of compliance certification report by a qualified paleontologist

**Mitigation Measure M-4:** Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository.

- **Enforcement Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance with Mitigation Measure(s):**  
If unanticipated discoveries are found, submittal of compliance certification report by a qualified paleontologist

**Mitigation Measure M-5:** Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.

- **Enforcement Agency:** Los Angeles Department of City Planning; Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance with Mitigation Measure(s):**  
If unanticipated discoveries are found, submittal of compliance certification report by a qualified paleontologist

**Mitigation Measure M-6:** If fossils are found, following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.

- **Enforcement Agency:** Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of City Planning

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- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance with Mitigation Measure(s):** If unanticipated discoveries are found, submittal of compliance certification report and report(s) on archaeological findings by a qualified archaeologist

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