



# CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
<http://cityplanning.lacity.org/>

**Determination Mailing Date:** AUG 19 2014

**CASE:** CPC-2013-3554-ZC-HD-CU-ZV-ZAA  
**CEQA:** ENV-2013-3555-MND

**Location:** 5746 – 5750 Sepulveda Blvd.  
5747 – 5751 Halbreth Ave.

**Council District:** 4 – LaBonge  
**Plan Area:** Van Nuys- North Sherman Oaks  
**Zone:** R3-1

**Applicant:** El Cortez Motel, Inc.  
Rep.: Peg Malone-Brown, Rosenheim & Assoc.

**At its meeting of May 22, 2014, the City Planning Commission took the following action:**

1. **Denied** a Zone Variance to allow bicycle parking in the front yard setback area.
2. **Denied** an Adjustment for a bike rack within the required front yard.
3. **Denied** an Adjustment for a paved surface area for bikes in the front yard in lieu of the required landscaping.
4. **Approved the Zone and Height District Change** from the R3-1 Zone to **(T)(Q)RAS4-1VL** for the westerly portion of the project site.
5. **Approved a Conditional Use** to allow a hotel use within the proposed (T)(Q)RAS4-1VL Zone.
6. **Approved a Zone Variance** to allow a 2-level parking structure as an accessory use in the easterly (R3-1 Zone) portion of the site.
7. **Approved an Adjustment** for a 56 feet building height to allow for architectural elements.
8. **Approved an Adjustment** for an average front yard setback of 4.5 feet in lieu of the required 5 feet.
9. **Approved an Adjustment** for a 5-foot projection into the required front yard in lieu of the maximum 4-foot projection.
10. **Approved an Adjustment** for an awning projection of approximately 4 feet on each side of the entry way in lieu of the maximum 12 inches permitted.
11. **Approved an Adjustment** for a canopy structure over the driveway entrance to project approximately 2.5 feet into the required front yard.
12. **Adopted** the attached modified **Conditions of Approval**.
13. **Adopted** the attached amended **Findings**.
14. **Adopted** the Mitigated Negative Declaration No. **ENV-2013-3555-MND**.
15. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
16. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, 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** the City Council adopt the **Zone and Height District Change** from the R3-1 Zone to **(T)(Q)RAS4-1VL** for the westerly portion of the project site.
2. **Recommend** the City Council **adopt** the attached **Findings**.
3. **Recommend** the City Council **adopt** Mitigated Negative Declaration No. **ENV-2013-3555-MND**.

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:** Perlman  
**Seconded:** Ambroz  
**Ayes:** Ahn, Cabildo, Choe, Katz, Dake-Wilson  
**Absent:** Mack, Segura

**Vote:** 7 - 0



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

**Effective Date/Appeals:** The City Planning Commission's determination is appealable. Any aggrieved party may file an appeal within 20-days after the mailing date of this determination letter. 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: SEP 08 2014

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.

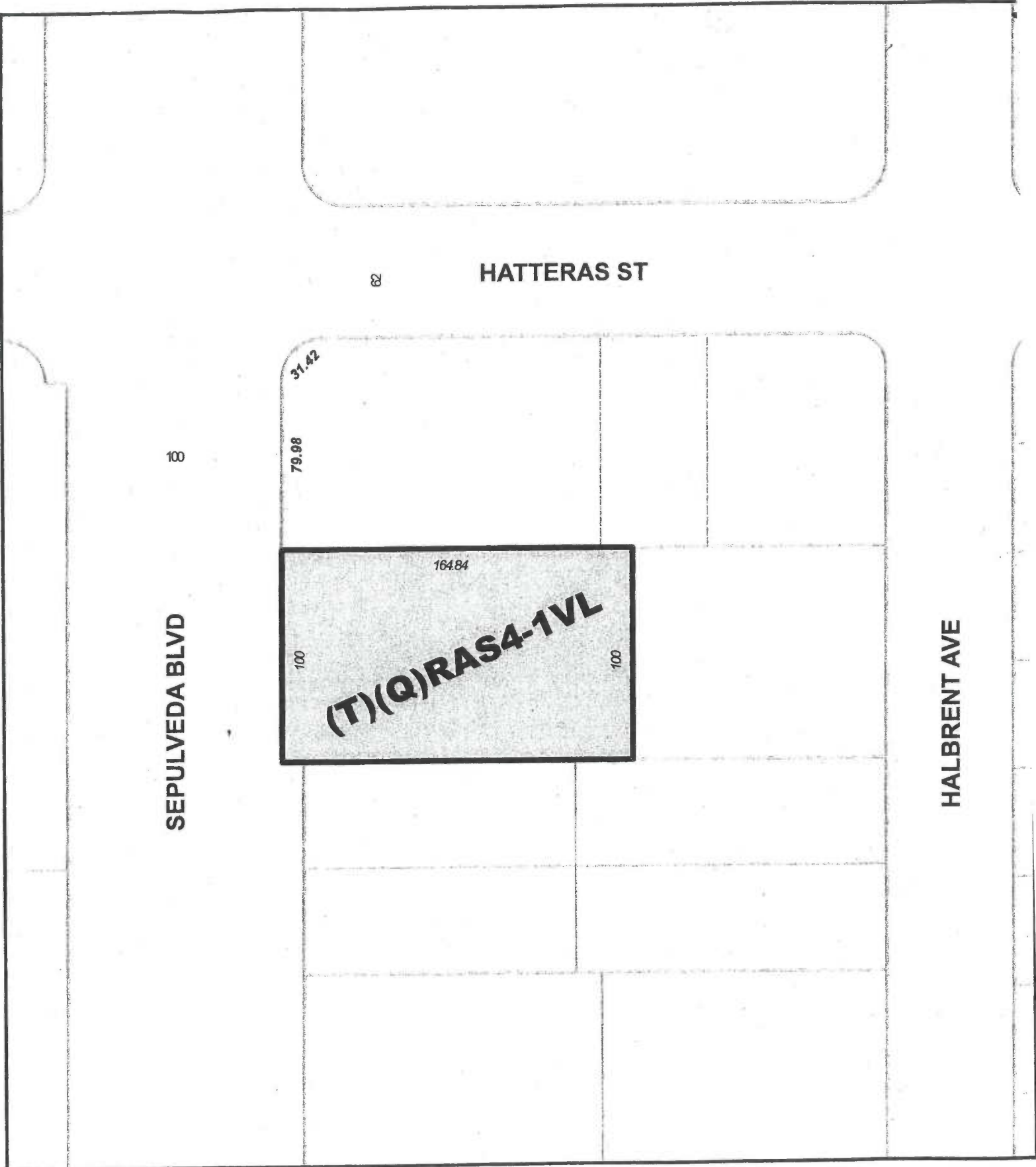
Attachments: [T] Conditions, [Q] Conditions, Ordinance, Map, modified Conditions of Approval, Findings  
City Planner: Theodore Irving

**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.

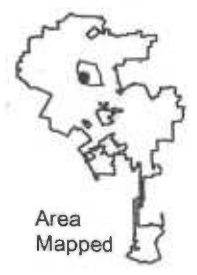


LH/ *[Signature]*



CM: 174 B 145 | CPC 2013-3554 ZC HD CU ZV ZAA

080614



Area Mapped

Section \_\_. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the Council of the City of Los Angeles, by a majority vote of all its members, at the meeting of \_\_\_\_\_.

\_\_\_\_\_  
Holly L. Wolcott, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Pursuant to Section 558 of the City Charter,  
the City Planning Commission on May 22, 2014,  
recommended this ordinance be adopted by the City Council.

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

File No. \_\_\_\_\_



## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32 G of the Municipal Code, the (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.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary), the following:

### Responsibilities/Guarantees.

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. Bureau of Engineering. Prior to issuance of sign offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.
  - a. Sepulveda Boulevard (Major Highway Class II) - That a 6-foot wide strip of land along the property frontage be dedicated to allow for the construction of a 12-foot wide sidewalk.
  - b. Sepulveda Boulevard – Construct an additional 6.5 foot concrete sidewalk along the property frontage to complete a 12-foot wide sidewalk. Close any unused driveways with standard curb height, gutter and sidewalk and upgrade all driveways to comply with ADA requirements.
  - c. Install tree wells with root barriers and plan street trees satisfactory to the City Engineer and Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077

Note: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

Refer to the Department of Water and Power regarding the relocation of fire hydrant located on the south side of the property.

- d. No major drainage problems are involved.
  - e. Sewer lines in Sepulveda Boulevard and Halbrent Avenue. All Sewage Facilities Charges and Bonded Sewer Fees are to be paid.
  - f. Halbrent Avenue (Local Street) – The public right-of-way shall be planted in substantial conformance with the preliminary landscape plans (Exhibit B) submitted by the applicant.
  - g. Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
  - h. An investigation by the Bureau of Engineering Valley District Office Construction may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering (818) 374-5090.
  - i. Submit a parking area and driveway plan to the Valley District Office of the Bureau of Engineering and Department of Transportation for review and approval.
3. Department of Transportation
- a. A 20-foot reservoir space shall be provided between any security gate(s) and the property line.
  - b. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Suite 400, Station 3.
  - c. **Parking and Driveway Plan.** A preliminary parking area and driveway plan shall be prepared and submitted to the Bureau of Engineering and City Wide Planning Coordination Section of the Department of Transportation in consultation with Council District Office No. 3 for approval prior to the submittal of building plans for plan check by the Department of Building and Safety.
4. Bureau of Street Lighting
- a. Installation of street lights to the satisfaction of the Bureau of Street lighting. If new street(s) are required, the property within the boundary of the development shall form or annexed into a Street Lighting Maintenance Assessment District prior to the final recordation or issuance of certificate of Occupancy.
  - b. Making any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights of way in the same manner as is required of other facilities, pursuant to

Municipal Code Section 17.05N, to the satisfaction of the Department of Telecommunications.

- c. Notice: Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 176,077 adopted by the City Council, must be paid in full at the Development Services Division office.
- d. Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.
- e. 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 by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, 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 must be given to the City Planning Department for attachment to the subject file.



## (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. **Use.** The use of the westerly 16,500 square-foot portion of the subject site shall be limited to those permitted in the RAS4 Zone.
2. **Site Plan.** The development of the property shall be in substantial conformance with this approval and the plans submitted by the applicant and attached to the case file as Exhibit B 3.
3. **Floor Area.** The total floor area of the new building on the subject property shall not exceed 3:1 FAR.
4. **Height.** The height of the proposed hotel building shall not exceed 50 feet, except for architectural elements which shall not to exceed 56 feet in height.
5. **Parking.** The project shall provide parking in compliance with the L.A.M.C. Section 12.21-A 4.
6. **Light and Glare.** The exterior of the proposed buildings shall be constructed of materials which reduce glare and reflectivity, such as high-performance tinted or deep-color glazed glass, pre-cast concrete or fabricated wall surfaces. All exterior windows should be tinted or contain a light reflective film to reduce illumination levels outside of the buildings.
7. **Graffiti.** Every building, structure or portion thereof shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material pursuant to Municipal Code Section 91.8104. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street, or alley, pursuant to Municipal Code Section 91.8104.15.
8. **Signage.** On-site signs shall be limited to the maximum allowable under the L.A.M.C. Section 12.12.2-A 6.

**DETERMINATION LETTER**  
**CPC-2013-3554-ZC-HD-CU-ZV-**  
**ZAA**  
**MAILING DATE: 08/19/14**

Brad Rosenheim  
Rosenheim & Associates  
21550 Oxnard Street, Suite 780  
Woodland Hills, CA 91367

LAPD  
Officer Cindy Schreiner  
100 W. 1<sup>st</sup> Street  
Los Angeles, CA 90012

Officer Ron Fisher  
6240 Sylmar Avenue  
Van Nuys, CA 91401

Jonathan Brand  
Council District 4  
City Hall, Room 480  
**Mail Stop #206**

Theodore Irving  
City Planner  
City Hall, Room 763  
**Mail Stop #395**

GIS/Fae Tsukamoto  
City Hall, Room 825  
**Mail Stop #395**

## FINDINGS

### General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Van Nuys-North Sherman Oaks Community Plan, as amended and adopted by the City Council on September 9, 1998. The existing Community Plan has classified the subject property under two land use designations. The easterly portion of the subject property has been designated Medium Residential with a corresponding of zone R3, while the westerly portion of the property has been designated Neighborhood Commercial with the corresponding zones of C1, C1.5, C2, C4, RAS3 and RAS4. Although the 28,519.6 square foot site has a dual land use designation, the entire property is zoned R3-1. The recommended zone change, from R3-1 to the (T)(Q)RAS4-1VL Zone, is applicable to the westerly portion of the project site and is consistent with the current Neighborhood Commercial land use designation and is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan. The zone for the easterly portion of the project site, situated in the Medium Residential land use category, remains unchanged.

2. **General Plan Text.** The Van Nuys-North Sherman Oaks Community Plan text includes the following relevant land use Goals, Objectives and Policies:

**GOAL 1 A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY**

Objective 1-1 to provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

**Policies:**

1-1.3 Protect existing stable single-family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses.

1-1.6 The City should promote neighborhood preservation, particular in existing single-family neighborhoods, as well as in areas with existing multiple family residences.

Objective 1-3 To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

1-3.2 Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, impacts on traffic levels when changes in residential densities.

**GOAL 2 A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE RESERVING THE HISTORIC COMMERCIAL AND CULTURAL CHARACTER OF THE COMMUNITY**

Objective 2-1 To conserve and strengthen viable commercial development.

Policies: 2-1.1 New commercial uses shall be located in existing established commercial areas or existing shopping centers

Objective 2-2 To enhance the identity of distinctive commercial districts

Policies: 2-2.2 Ensure that commercial in-fill projects achieve harmony in design with the best of existing development.

Circulation: The Department of Transportation studied the intersection of Sepulveda Boulevard and Burbank Boulevard as part of the analysis of the nearby circulation system, and concluded that it operated at a Level of Service (LOS) E or F. Per DOT's policy on Significant Impact Criteria, any increase in V/C over a value of 0.010 or more will significantly impact an intersection. DOT has verified that the proposed project will increase the subject intersection's V/C by 0.006 which is below the threshold of 0.010. Therefore, DOT has determined that the proposed project will not have a significant traffic impact at Sepulveda Boulevard and Burbank Boulevard.

**Framework Element – Commercial Districts** - The economic development policies presented in Framework are designed to facilitate business retention and job growth in several important ways. These include providing appropriate sites and infrastructure to accommodate future commercial and industrial growth; streamlining the City's permitting and regulatory processes; focusing the City's economic development efforts to more effectively utilize available resources; and, where appropriate, providing financial incentives to attract development to targeted districts, centers, and boulevards. The recommended zone change would allow for the retention of a hospitality business that would be improved with new facilities, amenities and operations in conjunction with a national hotel operator.

The **Transportation Element** of the General Plan is not likely to be affected by the recommended action herein. Sepulveda Boulevard is designated as a Class II Major Highway in the Transportation Element of the General Plan. The recommended dedications and improvements will implement the goals and objectives of the Community Plan.

Bicycle Ordinance No. 182,386 -

The proposed project is subject to the provisions of the recently adopted Bicycle Ordinance, which became effective March 13, 2013. The ordinance requires that a minimum of one short-term and one-long term bicycle parking space be provided, respectively, for every 20 guest rooms of a hotel. The proposed 33,811 square-foot hotel project will include 73 guest rooms and is required to provide a minimum of 4 (3.65) short-term bicycle parking spaces and a minimum of 4 (3.65) long-term bicycle parking spaces. The applicant intends to provide 5 short-term bicycle parking spaces along the property frontage within 50 feet of the hotel entrance, with 5 long-term bicycle parking spaces situated along the rear of the property at the ground level of the two-level parking structure.

The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action.

The recommended zone change along the westerly portion of the subject property for the hotel facility project is consistent with the current Van Nuys-North Sherman Oaks



Community Plan. The recommended zone change preserves and improves land designated for Neighborhood Office Commercial, while protecting the existing stable single-family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses. The Department of Transportation and the Bureau of Engineering have recommendations to enhance and improve the abutting Major Highway and the surrounding circulation system, that will be incorporated into the conditions of approval and contribute to the implementation of the Community Plan.

### Entitlement Findings

3. **Zone Change, L.A.M.C. Sec. 12.32.F:** The recommended zone change is in conformance with the public necessity, convenience, general welfare or good zoning practice.

The recommended RAS4 Zone for the westerly portion of the 28,519.6 square foot site is consistent with the Neighborhood Office Commercial Land Use Designation of the Van Nuys-North Sherman Oaks Community. The proposed project, which involves the re-development of the site for a hotel, is permitted by the Neighborhood Office Commercial Land Use Designation that permits the corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The project fills the demand for upgraded hospitality accommodations in the Van Nuys and Sherman Oaks section of the City and brings a national hotel operator (La Quinta) to the community to enhance the hospitality market. The hotel project is in conformance with the public convenience as it will provide a new hotel option along Sepulveda Boulevard, which has connectivity to other public transit lines as well as the nearby freeways.

Public Necessity: The granting of the proposed zone change would result in the redevelopment of a 28,519.6 square-foot site that has been a nuisance property for many years in the Van Nuys area. The recommended zone change would allow for the construction, use and maintenance of a new hotel development to meet the demand for hospitality uses with modern accommodations, amenities and services and provides neighborhood serving employment and service, consistent with the General and Community Plan's objective to promote economic development and jobs generation in the Community Plan Area.

Convenience: Granting the proposed zone change would result in the construction, use and maintenance of an enhanced hotel operation which will provide quality accommodations and amenities in a conveniently accessible hospitality facility. The redevelopment of the project site with a new nationally recognized hotel operator offers a convenient hospitality facility to the local residents and businesses in the Van Nuys and North Sherman Oaks community, as well as to the broader San Fernando Valley area. Also, the recommended change of zone for the project site will serve as a catalyst for the redevelopment of similar properties located nearby along Sepulveda Boulevard.

General Welfare: Granting the requested zone change from R3-1 to RAS4-1, for the westerly portion of the project site, would allow for the development of a 73-guest room hotel which would enhance the General Welfare of the immediate neighborhood as well as the broader Community Plan area. The zone change is being processed concurrently with a conditional use request to allow the operation of the 73-guest room hotel on the 28,519.6 square-foot site. The proposed hotel development will offer modern amenities, accommodations and services that are compatible to the surrounding business community and residents, while eliminating the nuisance activities that have long been associated with, and have been a threat to the general welfare of the community for many years.

The construction activity related to the new buildings will instantly result in demand for local workers and the demand for local goods and services. Upon completion, the new hospitality facility will add new permanent workers, bring new visitors and users to the area which will enhance its economic base and culture. The architecture of the new buildings, along with its landscaping, lighting and signage will improve the aesthetics and appearance of the area. Furthermore, the recommended zone change would not conflict with any applicable fire and safety codes which are intended to promote the General Welfare.

Good Zoning Practices: The Van Nuys-North Sherman Oaks Community Plan has Goals, Objectives, Policies and Programs relative to commercial land use for its protection and preservation, in addition to the Land Use Designation. As stated in the General Plan Text section above, "New commercial uses shall be located in existing established commercial areas or existing shopping centers" and to ensure "that commercial in-fill projects achieve harmony in design with the best of existing development."

The recommended zone change from R3-1 to RAS4-1, for the westerly portion of the 28,519.6 square-foot site, allows for the development of a hospitality facility that will be compatible with the commercial character of the Van Nuys and North Sherman Oaks Community. Also, the "Q" Qualified restriction of the proposed zone would restrict the site's use to that which is consistent with the zoning pattern abutting and surrounding the project site, and consistent with the existing land use patterns observed in the broader Van Nuys-Sherman Community Plan area. The easterly portion of the project remains zoned R3-1 in the Medium Residential Land Use Category to help protect the single family residential uses across the street from high intensity development. Therefore, the granting of the RAS4-1 Zone, which is consistent with the Community Plan's land use designation, its policies and existing zoning patterns, is practicing good zoning.

The action, as recommended, is made contingent upon compliance with the "(T)" and "(Q)" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

#### VARIANCE FINDINGS

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

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

##### Garage Parking in the R3 Zone

The strict application of the provisions of the zoning ordinance would prohibit the development of the 28,519.6 square-foot property as an integrated development, with the hotel building on the westerly portion of the site in the proposed RAS4-1VL Zone, the two-level accessory garage structure on the easterly portion of the site in the R3-1 Zone, and required bicycle parking within the front yard setback area, and would result in an unnecessary hardship inconsistent with the general purpose and intent of the Zoning regulations.

The purpose and intent of the zoning regulations is generally to designate and regulate the



location and use of buildings, structures, and land through the application of development standards and regulations including building height and bulk, yards, open space, and density, in order to encourage the most appropriate use of land, in keeping with the objectives set forth in the general plan. The general purpose and intent of the regulations is to limit uses to specific zones in order to comply with the general plan and provide compatibility between respective properties. Such regulations are written on a citywide basis and cannot take into account the unique characteristics of individual properties, and do not consider dynamic changes in the economy or use of land.

The zone variance request seeks to allow relief from the literal enforcement of the zoning ordinance as it applies to the easterly portion of the 28,519.6 square-foot property, to allow it to be used in manner otherwise not permitted in the R3-1 Zone, yet be compatible with the current and proposed land use pattern in the immediate commercial corridor. Granting relief from the strict application of the R3-1 regulations would permit the construction, use and maintenance of the proposed two-level accessory garage structure, which is an integral part of the proposed four-story hotel complex, on the easterly portion of the site within a manner that would have no impact on the residential neighborhood along Halbreth Avenue. The two-level accessory garage structure will be comprised of 60 parking spaces, observe a 15-foot front yard setback along Halbreth Avenue, and be improved with landscaping to enhance the appearance of the site and abutting properties, while providing protection from undesirable activity.

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

#### Bicycle Parking in the Front Yard Setback

The strict application of the provisions of the Bicycle Parking Ordinance (No. 182,386) would not prohibit the development of the 28,519.6 square-foot property as an integrated development, with the hotel building on the westerly portion of the site in the proposed RAS4-1VL Zone, the two-level accessory garage structure on the easterly portion of the site in the R3-1 Zone, and its required bicycle parking in compliance with the code, and would not result in an unnecessary hardship inconsistent with the general purpose and intent of the Zoning regulations.

The Bureau of Engineering requires the dedication of a 6-foot wide strip of land along the property's westerly frontage to allow for the construction of a 12-foot wide sidewalk to meet the Major Highway Class II Standards, pursuant to the Standard Street Dimensions adopted by the City Council on November 10, 1999. The dedication of land to establish a 12-foot wide sidewalk is consistent with dedication requirements for recent projects developed nearby, including a recently developed hotel (Hampton Inn) located south of the subject property. Establishing a 12-foot wide sidewalk at the subject site would be consistent with the sidewalk width of the residential property abutting the southerly boundary line and the existing properties further south along Sepulveda Boulevard. The 12-foot wide sidewalk would permit short term bicycle parking to be located in the right-of-way consistent with the municipal code and Citywide Design Guidelines, and would eliminate the need to locate the short term bicycle parking within the required 5-foot front yard setback area. Finally, the 12-foot wide sidewalk allows the City to be compliant with the Americans with Disabilities Act in the front of the new hotel development.

The strict application of the proposed RAS4-1VL Zone regulations and adopted bicycle ordinance would permit the construction, use and maintenance of the proposed hotel building, with short term bicycle parking within the public right-of-way.

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

Garage Parking in the R3 Zone

The proposed project site consists of two parcels totaling 28,519.6 square feet zoned R3-1, with the westerly parcel situated along Sepulveda Boulevard in the Neighborhood Office Commercial Land Use Category and the easterly portion situated along Halbrent Avenue in the Medium Residential Land Use Category. The project site is an interior through-lot with frontages on both streets and is currently developed as a unified hotel project. As a part of the proposed 73-guest room hotel, a zone change has been filed to re-zone the westerly portion of the project site, from R3-1 to RAS4-1VL so that it is consistent with the Neighborhood Office Commercial Land Use Category, while the easterly portion remains unchanged as its R3-1 Zone is already consistent with the Medium Residential Land Use Category. Upon the completion of the zone change, the 28,519.6 square-foot site will have two zones and two land use categories.

The resulting dual zoning and land use categories for the project site is the special circumstance that does not apply to other properties in the same zone. The project site is surrounded by commercial uses along Sepulveda Boulevard in the C Zones and residential uses on Halbrent Avenue in the R3 and R1 Zones. Other properties in the same zone and vicinity are not subject to dual zoning and land use designations whereby unified developments have been constructed over both zones. As such, a development within dual zoning, which includes the RAS4 and R3 Zones, is atypical of the other surrounding properties and a special circumstance applicable to the subject property.

7. **There are no special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

Bicycle Parking in the Front Yard Setback

The proposed project site consists of two parcels totaling 28,519.6 square feet zoned R3-1, with the westerly parcel situated along Sepulveda Boulevard in the Neighborhood Office Commercial Land Use Category and the easterly portion situated along Halbrent Avenue in the Medium Residential Land Use Category. The project site is an interior through-lot with frontages on both streets and is currently developed as a unified hotel project. As a part of the proposed 73-guest room hotel, a zone change has been filed to re-zone the westerly portion of the project site, from R3-1 to RAS4-1VL so that it is consistent with the Neighborhood Office Commercial Land Use Category, while the easterly portion remains unchanged as its R3-1 Zone is already consistent with the Medium Residential Land Use Category. Upon the completion of the zone change, the 28,519.6 square-foot site will have two zones and two land use categories.

The Bureau of Engineering requires the dedication of a 6-foot wide strip of land along the property's westerly frontage, abutting the proposed RAS4-1VL Zone, to accommodate the construction of a 12-foot wide sidewalk to meet the Major Highway Class II Standards, pursuant to the Standard Street Dimensions adopted by the City Council on November 10, 1999. The dedication of land to establish a 12-foot wide sidewalk is consistent with dedication requirements for recent projects developed nearby, including a recently developed hotel (Hampton Inn) located south of the subject property. Establishing a 12-foot wide sidewalk at the subject site would be consistent with the sidewalk width of the property abutting the southerly boundary line and the existing properties further south along Sepulveda Boulevard. The 12-foot wide sidewalk would permit short term bicycle

parking to be located in the right-of-way consistent with the municipal code and Citywide Design Guidelines, and would eliminate the need to locate the short term bicycle parking within the required 5-foot front yard setback area. Finally, the 12-foot wide sidewalk allows the City to be compliant with the Americans with Disabilities Act in the front of the new hotel development. As such, there are no special circumstances applicable to the subject property that does not apply generally to other property in the same zone and vicinity.

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

Garage Parking in the R3 Zone

The granting of the requested zone variance to permit the two-level accessory garage structure within the easterly R3-1 Zone portion of the project site is necessary for the preservation and enjoyment of a substantial property right generally possessed by other properties in the same vicinity, but is currently denied the subject property.

The special circumstances and practical difficulties related to the project site are attributed to its single ownership, dual land use designation, dual zoning with associated development standards and use regulations, double frontages and its through-lot configuration. In contrast, surrounding properties contain apartment complexes in the R3 Zone to the north and south (generally located between Sepulveda Boulevard and Halbrent Avenue), and commercial buildings in the CM and CR zones also to the south and to the west across Sepulveda Boulevard. However, these developments are generally contained within one zone and are developed in an integrated manner without the burden of the above described special circumstances and hardships experienced by the proposed project site. These special circumstances and practical difficulties deny the applicant the ability to develop the proposed project site as an integrated development, which is a reasonable expectation for a property owner.

9. **Such variance is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question**

Bicycle Parking in the Front Yard Setback

The requested zone variance to allow bicycle parking in the front yard setback area of the project site is not necessary for the preservation and enjoyment of a substantial property right generally possessed by other properties in the same vicinity.

The Bureau of Engineering requires the dedication of a 6-foot wide strip of land along the property's westerly frontage, abutting the proposed RAS4-1VL Zone, to accommodate the construction of a 12-foot wide sidewalk to meet the Major Highway Class II Standards, pursuant to the Standard Street Dimensions adopted by the City Council on November 10, 1999. The dedication of land to establish a 12-foot wide sidewalk is consistent with dedication requirements for recent projects developed nearby, including a recently developed hotel (Hampton Inn) located south of the subject property. Establishing a 12-foot wide sidewalk at the subject site would be consistent with the sidewalk width of the property abutting the southerly boundary line and the existing properties further south along Sepulveda Boulevard. The 12-foot wide sidewalk would permit short term bicycle parking to be located in the right-of-way consistent with the municipal code and the Citywide Design Guidelines, and would eliminate the need to locate the short term bicycle parking within the required 5-foot front yard setback area. Finally, the 12-foot wide



sidewalk allows the City to be compliant with the Americans with Disabilities Act in the front of the new hotel development. As such, the right and use generally possessed by other property in the same zone is preserved and can be enjoyed by the property owner following the required dedication.

10. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

#### Garage Parking in the R3 Zone

The granting of the requested zone variance to permit the two-level accessory garage structure within the easterly R3-1 Zone portion of the project site will not be materially detrimental to the public welfare or injurious to the surrounding properties or improvements.

Vehicular access to the two-level accessory garage structure will be from the westerly property frontage via a two-way driveway from Sepulveda Boulevard, a Major Highway Class II. No vehicular access will be provided from the easterly portion of the project site along Halbrent Avenue. On-site management will be provided 24 hours a day, 7 days a week, while security provisions will include cameras within the parking area, card key access to the hotel building, security patrol, and locked access gates along the side yard areas. In addition, low security lighting will be provided within the parking area and along the pathways between the parking areas and the hotel as necessary to ensure public safety and convenience, and security of the parking garage. The proposed two-level accessory garage structure will be 11 feet in height, which is significantly lower than the existing adjacent two-story apartment buildings to the north and south, and is also significantly lower than 45 feet in height, in which an apartment building could be constructed on the subject parcel. The easterly elevation of the garage structure will be improved with green screens featuring a trellis and vines to soften and buffer the façade. The proposed two-level accessory garage structure will be developed abutting a 15-foot landscaped setback area between the structure and the property line along Halbrent Avenue that will include trees shrubbery, and groundcover. Additionally, the two existing driveways will be closed and improved to create a 5-foot wide sidewalk and parkway resulting in an additional buffering of the garage structure.

The proposed two-level accessory garage structure will not result in noise, parking or other aesthetic impacts to the neighboring sites unlike that of the current surface parking lot environment, and the traffic study prepared for the proposed project concluded that no significant traffic impacts would result at the studied intersection of Burbank Boulevard and Sepulveda Boulevard.

Therefore, the granting of the requested zone variance to permit the two-level accessory garage structure within the easterly R3-1 Zone portion of the project site will not be materially detrimental to the public welfare or injurious to the surrounding properties or improvements. As such, the proposed accessory two level garage use will be consistent with the other uses in the surrounding area, and will be beneficial to the community in general.

11. **The granting of such variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

Bicycle Parking in the Front Yard Setback

The granting the requested zone variance will be materially detrimental to the public welfare or injurious to the surrounding properties or improvements as the short term bicycle parking spaces will be located on privately owned property which may not be generally available to the public.

As mentioned earlier, Bureau of Engineering required dedication and improvements are consistent with current national and local regulations, and policies, as well as requirements imposed on recent projects developed nearby, including a recently developed hotel (Hampton Inn) located south of the subject property. In addition to achieving the federal ADA mandate, establishing a 12-foot wide sidewalk at the subject site for bicycle parking would be consistent with the sidewalk improvements of the existing properties further south along Sepulveda Boulevard. The 12-foot wide sidewalk would permit the 5 required short term bicycle parking spaces to be located in the public right-of-way consistent with the municipal code and Citywide Design Guidelines. The required 6-foot wide dedication of land along the property frontage to accommodate the construction of the 12-foot wide sidewalk will ensure compliance with the Major Highway Class II Standards and such space will be readily available and convenient to the public. Maintaining consistent roadway and pedestrian circulation systems is good planning. Therefore, the denial of zone variance will not be materially detrimental to the public welfare or injurious to the surrounding properties or improvements.

12. **The granting of the variance will not adversely affect any element of the General Plan.**

Garage Parking in the R3 Zone

The subject property is located within the adopted Van Nuys-North Sherman Oaks Community Plan area and is designated for both Neighborhood Office Commercial land uses with corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4; and Medium Residential land uses with the corresponding R3 Zone. The project site is not located within any specific plan area.

The Van Nuys-North Sherman Oaks Community Plan is silent with regards to zone variances and in such cases, the decision maker must interpret the intent of the plan, which supports the maintenance and enhancement of the commercial base. The R3 portion of the project site is currently used to provide parking on an asphalt surface lot that is part of the existing motel complex. The existing asphalt surface parking lot, which can be accessed from Halbreth Avenue via two gated driveways, will be cleared to make room for the two-level accessory garage structure. The development of the two-level accessory structure, in conjunction with the new hotel building, contributes to enhancing the commercial uses along Sepulveda Boulevard.

Granting the requested zone variance to allow the two-level accessory garage structure in the R3-1 Zone portion of the 28,519.6 square-foot lot will not adversely affect any element of the General Plan. The proposed development of the 28,519.6 square-foot site for hospitality purposes is consistent with the existing adjacent uses and the surrounding area and also compatible with future developments planned for the immediate commercial corridor.

13. **The granting of the variance will not adversely affect any element of the General Plan.**



#### Bicycle Parking in the Front Yard Setback

The Van Nuys-North Sherman Oaks Community Plan is silent with regards to zone variances and in such cases the decision maker must interpret the intent of the plan, which supports the maintenance and enhancement of the commercial base. The RAS4-1VL portion of the 28,519.6 square-foot project site will be used for the 4-story hotel building and required setbacks, while the required 12-foot wide sidewalk will be available for use for bicycle parking, in connection with the commercial use. Denying the requested zone variance will not adversely affect any element of the General Plan.

### **ADJUSTMENT FINDINGS**

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case:

14. **That while the site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The subject site is a level, rectangular shaped interior through-lot consisting of two contiguous parcels totaling approximately 0.65 acres (approximately 28,519.6 square feet) located at 5746-5750 North Sepulveda Boulevard and 5747 – 5751 North Halbrent Avenue, within the Van Nuys – North Sherman Oaks Community Plan area. The westerly parcel, which has a 100-foot frontage along Sepulveda Boulevard and a uniform depth of 165 feet, is approximately 16,500 square feet in size. Sepulveda Boulevard is designated as a Major Highway Class II with a 100-foot right-of-way along the property frontage. The easterly parcel, which has a 100-foot frontage along Halbrent Avenue and a uniform depth of approximately 100 feet, is approximately 12,019.6 square feet in size. Halbrent Avenue is a Local Street with a 60-foot width at the property frontage. The 28,519.6 square-foot through-lot extends 285 feet from Sepulveda Boulevard to Halbrent Avenue and is zoned R3-1, with two land use designations, including Neighborhood Office Commercial on the westerly portion, which allows for the corresponding zones of C1, C1.5, C2, C4, RAS3 and RAS4, and Medium Density Residential on the easterly portion of the site, which allows the corresponding R3 Zone. Upon the approval of the requested zone change from R3-1 to RAS4-1VL for the westerly portion of the project, the project site will have the unique distinction of having a through-lot with two zones and two land use designation, and subsequently two sets of regulation standards.

#### Building Height, Front Yard Averaging, Awning and Canopy

Developing the 73-guest room hotel complex over a 28,519.6 square-foot site that is a through-lot with two distinct sets of regulations and standards make strict adherence to the zoning regulations impractical or infeasible. The applicant is seeking an adjustment for a 20% building height increase in lieu of the maximum 50 feet height in the RAS4 Zone to allow for architectural elements, an adjustment for an average front yard setback of 4.5 feet in lieu of the required 5 feet, an adjustment for a 5-foot projection in lieu of the maximum 4-foot projection, an adjustment for an awning projection of approximately 4 feet on each side of the entry way in lieu of the maximum 12 inches permitted, and an adjustment for a canopy structure over the driveway entrance to project approximately 2.5 feet into the required front yard.

The proposed hotel building will be 47 feet in height, with the exception of a 9-foot architectural feature that has been incorporated into the area that houses the stairwell and mechanical equipment. Per code, the roof top stairwell access and mechanical rooms are



allowed to exceed the maximum 50-foot height requirement. The increase in the maximum building height to allow the architectural element to be incorporated into the permitted structure would result in a total building of 56 feet as shown on the plans. The hotel's proposed 100-foot wide front yard is measured at a 3-foot depth at the southerly property line and extends to an 8-foot depth at the northerly property line, which is estimated to have an average depth of 4.5 feet. Although slightly reconfigured, the proposed front yard will continue to provide the minimum open space and provide the landscaping and hardscape required of the front yard setback area as there is no request to deviate from the minimum landscaping requirement. The hotel intends to provide a 5-foot by 20-foot doorway canopy projection over the pedestrian entry of the building. The doorway canopy's depth will extend 5 feet from the face of the building elevation, which is 1 foot greater than permitted by the code and will extend 20 feet wide across the 16-foot wide doorway. The code limits the extended width of a doorway canopy to one foot beyond the entry dimensions and the doorway canopy for the hotel exceeds the maximum by 3 feet on each side. The canopy projection will provide additional cover and shelter for hotel visitors and function as an architectural element. The garage canopy over the driveway is technically situated in the required 5-foot front yard setback of the RAS4-1VL Zone. The 3-foot 6-inch by 21-foot 6-inch canopy is situated over the garage entry to provide directional signage to the guest parking structure. Also, the architectural element serves as a support structure for the hotel's signage.

15. **That while the site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

Encroachment into the Front Yard Setback

The applicant is also seeking an adjustment to allow a bike rack within the required front yard and an adjustment for a paved surface area for bikes in the front yard in lieu of the required landscaping in order to provide the required short term bike parking. As stated earlier, the Bureau of Engineering requires the dedication of a 6-foot wide strip of land along the property's westerly frontage to allow for the construction of a 12-foot wide sidewalk to meet the Major Highway Class II Standards, pursuant to the Standard Street Dimensions adopted by the City Council on November 10, 1999. The dedication of land to establish a 12-foot wide sidewalk is consistent with the dedication requirements for recent projects developed nearby, including a recently developed hotel (Hampton Inn) located south of the subject property. Establishing a 12-foot wide sidewalk at the subject site would be consistent with the sidewalk width of the property abutting the southerly boundary line and the existing properties further south along Sepulveda Boulevard. The 12-foot wide sidewalk would permit short term bicycle parking to be located in the right-of-way consistent with the municipal code and Citywide Design Guidelines, and would eliminate the need to locate the short term bicycle parking within the front yard setback area. Finally, the 12-foot wide sidewalk allows the City to be compliant with the Americans with Disabilities Act in the front of the new hotel development. Therefore, the site characteristics do not make strict adherence to the zoning regulations impractical or infeasible.

16. **That in light of the project as a whole, including any mitigation measures imposed, 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 public health, welfare and safety.**

Building Height, Front Yard Averaging, Awning and Canopy

The proposed 73-guest room hotel project will be compatible with and will enhance the adjacent properties and developments within the surrounding neighborhood. Effectively,

the height of the proposed hotel building, measured to the top of the parapet, will be approximately 47 feet (exclusive of the rooftop structures, equipment, and the single architectural feature) and the hotel building itself will be situated on the westerly portion of the 28,519.6 square-foot parcel, sited a minimum of 125 feet from the easterly property line along Halbrent Avenue. A single architectural feature, which extends the overall height to approximately 56 feet along the building's Sepulveda Boulevard frontage, will serve to provide housing for the stairwell and mechanical equipment, and also serves to integrate the hotels signage within the building design, provide horizontal articulation of the building form and will balance the building's massing and bulk. The proposed project will provide the required 5-foot side yard setback with landscaping and the required 15-foot front yard setback with landscaping along Halbrent Avenue and achieve the minimum landscaping in a variable front yard setback area; as such, the landscaping will enhance the project's compatibility with, and will not adversely affect or further degrade, adjacent properties, the surrounding neighborhoods, or the public health, welfare and safety.

17. **That in light of the project as a whole, including any mitigation measures imposed, 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 public health, welfare and safety.**

Encroachment into the Front Yard Setback

The required 5 short term bicycle parking spaces can be situated in the required 12-foot wide sidewalk adjacent to the proposed hotel building and will be compatible with adjacent properties. Placing the bicycle parking spaces in the public right-of-way will be consistent with the Citywide Design Guidelines, and would eliminate the need to locate the short term bicycle parking within the front yard setback area. Finally, the 12-foot wide sidewalk allows the City to be compliant with the Americans with Disabilities Act in the front of the new hotel development. Denying the adjustment request will be a benefit to the public health, welfare and safety of the community.

18. **The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.**

Building Height, Front Yard Averaging, Awning and Canopy

The 28,519.6 project site is located within the area covered by the Van Nuys-North Sherman Oaks Community Plan, as amended and adopted by the City Council on September 9, 1998. The existing Community Plan has classified the subject property under two land use designations. The easterly portion of the subject property has been designated Medium Residential with a corresponding of zone R3, while the westerly portion of the property has been designated Neighborhood Commercial with the corresponding zones of C1, C1.5, C2, C4, RAS3 and RAS4. Although the 28,519.6 square foot site has a dual land use designation, the entire property is zoned R3-1 and not subject to any specific plan or special use district. As part of this application, the applicant has requested a zone change, from R3-1 to RAS4-1VL, for the westerly portion of the project site to allow the construction, use and maintenance of the 4-story hotel building, contingent upon the approval of the conditional use request. The easterly portion of the project site will remain R3-1 and will be developed with the accessory two-level parking structure, contingent upon the requested zone variance.

Granting the requested adjustments for the building height increase, encroaching canopy, front yard averaging, and projections on the westerly portion of the project site conforms substantially with the purpose intent and provisions of the Van Nuys-North Sherman Oaks Community Plan which intends to promote a safe, secure, and high quality residential environment and a strong and competitive commercial sector to best serve the needs of



the community. The proposed 4-story hotel development with the requested variations will protect the existing stable single-family and low density residential neighborhoods east of Halbrent Avenue from encroachment by higher density residential and other incompatible uses. The new hotel development represents a substantial upgrade of the hospitality accommodations historically associated with the commercial corridor and will strengthen its competitive position. Finally, granting the variations for the 4-story hotel building in the RAS4-1VL Zone will result in a commercial in-fill development that is in harmony with the recent developments such as the Target Store and office complex across the street, the new hotel south along Sepulveda Boulevard and the commercial developments north of Hatteras Street.

19. **The granting of an adjustment will not be in conformance with the intent and purpose of the General Plan.**

Encroachment into the Front Yard Setback

Denying the requested adjustments to encroach in the required front yard to establish 5-short term bicycle parking spaces will be in substantial conformance with the purpose intent and provisions of the Van Nuys-North Sherman Oaks Community Plan which intends to promote a safe, secure, and high quality environments and a strong and competitive commercial sector to best serve the needs of the community. Denying the adjustment will result in a commercial in-fill development that is in harmony with the recent developments such as the Target Store and office complex across the street, the new hotel (Hampton Inn) south along Sepulveda Boulevard and the commercial developments north of Hatteras Street.

**CONDITIONAL USE FINDINGS**

20. **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 proposed project will enhance the built environment in the surrounding neighborhood and will provide a service that is both essential and beneficial to the community, the City and the region. The Los Angeles Police Department, in its testimony to the City Planning Commission, contends the existing hotel has been related to nuisance activity in the community and law enforcement over the years and suggested measures be taken to reduce the likelihood that the future use would permit hourly room rental. The applicant proposes the redevelopment of the subject property to include the demolition of the existing motel and its associated parking. The older functionally obsolete motel complex will be replaced by an upgraded and modern full-service hotel operated by the nationally recognized hospitality provider (La Quinta Inns & Suite Hotel), providing 73-guest rooms, plus one manager unit, within a 4-story building and a two-level parking structure.

The proposed project would provide overnight accommodations at the 28,519.5 square-foot property consistent with the current hospitality demands, and operate under the City's regulations for hotel rentals in addition to the conditions imposed by the City Planning Commission. As a result, the project will contribute to the revitalization of the commercial corridor along Sepulveda Boulevard, bringing a benefit and convenience to the general welfare of people within the Van Nuys-North Sherman Oaks Community.

21. **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 proposed project's location, size, height, operation and other significant features will positively impact, be compatible with, and will encourage enhancements to the adjacent properties and the surrounding neighborhood, while contributing to improving the public health, welfare and safety of the vicinity.

The properties to the north are situated within the R3-1, P-1VL, and C1.5-1VL Zones, and developed with a single-story La Cabana Motel and associated surface parking, a 2-story apartment building and associated parking, and a one-story commercial shopping center (further to the north across Hatteras Street) including a Federal Express Office, a Bev-Mo Beverages store, a PetCo store, and Vista Paint store among other tenants. The property to the west across Sepulveda Boulevard is located within the CM-1 Zone and improved with a multi-story Target store and a 6-level parking structure. The properties, northwest across the intersection of Hatteras Street and Sepulveda Boulevard, are zoned M1-1 and improved with 8-story office buildings, and car and truck dealerships. The properties to the south are situated within the R3-1 Zone and improved with two-story apartment buildings, and finally, the properties to the east across Halbrent Avenue are situated within the R1-1 Zone and improved with one-story single family residences.

The proposed hotel development has been designed to integrate into the adjacent and existing surrounding land uses while remaining consistent with both the Neighborhood Office Commercial and Medium Density Residential land use designations of the Van Nuys-North-Sherman Oaks Community. The proposed 4-story hotel structure and use will be limited to the westerly portion of the 28,519.6 square-foot property adjacent to Sepulveda Boulevard, a Major Highway Class II and situated between an existing motel to the north and a medium density multi-family use to the south. Pedestrian and vehicular access to the hotel property will be along the major highway. The easterly portion of the 28,519.6 square-foot site, within the Medium Density land use category, will be developed with the proposed two-level partially subterranean parking structure and a 15-foot landscaped buffering area within the required front setback along Halbrent Avenue. The unused driveways abutting the easterly portion of the project site will be closed and reconstructed to limit access to the property to pedestrians and patrons.

Regarding operation of the hotel, on-site management will be provided 24-hours a day, 7 days per week. Security provisions included cameras within the parking areas, card key access to the hotel building, security patrol and locked access gates along the side yards extending from Sepulveda Boulevard to Halbrent Avenue. Low security lighting will be provided within the parking areas and along the pedestrian pathways between the parking areas and the hotel. The hotel amenities (lobby/front desk, owner/managers office, breakfast area, exercise room and spa, and laundry room, and lounge area) are located on the ground level, with all guest rooms and the manager's unit located on floors 2 through 4. As pointed out above, the City Planning Commission has imposed conditions to insure the operation of the proposed hotel will benefit the wellbeing of the community.

These elements ensure compatibility with and reflect careful site planning and consideration for the adjacent uses, including the adjacent motel and 6-unit apartment building to the north, the single family residential neighborhood to the east across Halbrent Avenue, the 32-unit apartment complex to the south and the commercial uses to the west across Sepulveda Boulevard. The proposed project will replace the existing older obsolete motel complex with a modern, upgraded well designed hotel use on the subject property revitalizing and enhancing the underutilized property and enhancing the commercial corridor along Sepulveda Boulevard. The proposed hotel project will be compatible with and will enhance the surrounding neighborhood, as well as the public health, welfare and safety.



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

The 28,519.6 project site is located within the area covered by the Van Nuys-North Sherman Oaks Community Plan, as amended and adopted by the City Council on September 9, 1998. The existing Community Plan has classified the subject property under two land use designations. The easterly portion of the subject property has been designated Medium Residential with a corresponding of zone R3, while the westerly portion of the property has been designated Neighborhood Commercial with the corresponding zones of C1, C1.5, C2, C4, RAS3 and RAS4. Although the 28,519.6 square foot site has a dual land use designation, the entire property is zoned R3-1 and not subject to any specific plan or special use district. As part of this application, the applicant has requested a zone change, from R3-1 to RAS4-1VL, for the westerly portion of the project site to allow the construction, use and maintenance of the 4-story hotel building, contingent upon to the approval of the conditional use request. The easterly portion of the project site will remain R3-1 and will be developed with the accessory 2-level parking structure, contingent upon the requested zone variance.

Granting the conditional use for the hotel operation on the westerly portion of the project site conforms substantially with the purpose intent and provisions of the Van Nuys-North Sherman Oaks Community Plan which intends to promote a safe, secure, and high quality residential environment and a strong and competitive commercial sector to best serve the needs of the community. The placement of the 4-story hotel building in the proposed RAS4-VL Zone along the westerly portion of the project site protects the existing stable single-family and low density residential neighborhoods east of Halbrent Avenue from encroachment by higher density residential and other incompatible uses. The new hotel development represents a substantial upgrade of the hospitality accommodations historically associated with the commercial corridor and will strengthen its competitive position. Finally, granting the conditional use for the 4-story hotel building in the RAS4-1VL Zone will result in a commercial in-fill development that is in harmony with the recent developments such as the Target Store and office complex across the street, the new hotel south along Sepulveda Boulevard and the commercial developments north of Hatteras Street.

**CEQA Findings**

A Mitigated Negative Declaration (ENV-2013-3555-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

## CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### **A. Conditions of Approval**

1. Prior to the issuance of any building permit, the applicant or his successor shall submit to the Planning Department revised plans showing compliance with the applicable L.A.M.C. provisions or as permitted by the grants and conditions of approval herein.
2. Use:
  - a) The use of the westerly 16,500 square-foot portion of the subject site shall be limited to a new 4-story, 33,811 square-foot, 73-guest room hotel building, plus one manager's unit.
  - b) The hotel is prohibited from renting any guest room by the hour or for any period of fewer than twelve consecutive hours.
  - c) The hotel is prohibited from renting any guest room more than once within any consecutive twelve-hour period measured from the start of one rental to the start of the next.
  - d) The hotel is prohibited from advertising an hourly rate or any other rate for a guest room based on a rental period of fewer than twelve consecutive hours.
3. The total floor area of the new building on the subject property shall not exceed 33,811 square feet.
4. **Parking.** Parking serving the on-site hotel may be permitted in the R3 Zone, in substantial conformance with Exhibit B.
5. **Bicycle Parking.** The project shall provide bicycle parking in compliance with Ordinance No. 182,386 as follows:
  - a. a minimum of 5 short term bicycle parking spaces shall be provided within the 12-foot wide sidewalk.
  - b. a minimum of 5 long term bicycle parking spaces shall be provided within the ground level of the two-level garage structure.
6. **Architectural Materials.**
  - a. A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to enhance the streetscape and identity of the site.
  - b. The proposed project shall not use architectural finishes that would produce substantial glare.
  - c. The ground floor level windows, along the building's westerly elevation shall be clear, energy efficient insulated glass.
  - d. The project shall incorporate windows and doors with well-designed trims and details as character defining features to reflect a consistent architectural theme.
7. **Driveway Access.** One 20-foot wide two-way driveway shall be provided along Sepulveda Boulevard. Vehicular access from Halbrent Avenue shall be prohibited.



8. **Pedestrian Access.** Designated pedestrian walkways from the public right-of-ways leading to the hotel interior entry as well as internal to the parking structure shall be provided.
9. **Landscaping.** The landscaping shall be in substantial conformance with the citywide landscape ordinance (L.A.M.C. Section 12.42-B) and as shown on the plans submitted by the applicant and attached to the case file as Exhibit B:

**B. Environmental Conditions**

10. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.
11. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
12. The parking stalls and driveways of the parking structure that are exposed to the sky shall be finished with either a light-colored surface material such as concrete, and/or a minimum of 80 percent of the total area of the stalls shall be shaded by vine-covered pergola, canopy, or trellis. Solar panels and their related support structures may be utilized to provide required shading.
13. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way nor from above.
14. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
15. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
16. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
17. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
18. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
19. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
20. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

21. Trucks having no current hauling activity shall not idle but be turned off.
22. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
23. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
24. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
25. (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
26. (Lead Paint) Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
27. (Polychlorinated Biphenyl – Commercial and Industrial Buildings) Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.
28. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
29. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains.
30. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
31. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.

32. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
33. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
34. A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.
35. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
36. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
37. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
38. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
39. Concrete, not metal, shall be used for construction of parking ramps.
40. The interior ramps shall be textured to prevent tire squeal at turning areas.
41. The two level parking structure located adjacent to residential buildings shall have a decorative wall with screened openings. The screened openings shall have vine coverings. A landscape buffer of not less than 15 feet shall be provided between the two-level parking structure and the public right-of-way along Halbrent Avenue. The landscape material shall be in substantial conformance with Exhibit B-14 through B-15.
42. All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
43. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
44. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and



semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

### **Administrative Conditions of Approval**

1. **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.
2. **Code Compliance.** Area, height and use regulations of the RAS4-1VL and R3-1 zone classifications of the subject property shall be complied with, except where herein conditions are more restrictive or relief has been granted.
3. **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.
4. **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.
5. **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.
6. **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.
7. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code to impose additional corrective conditions, if in the Commission's or Director's opinion such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
8. **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 relating to or 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.

9. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City planning Expedited Processing Section.