

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
APCSV-2016-1051-ZC-ZAA-BL	ENV-2016-1052-MND	3 – Blumenfield
PROJECT ADDRESS:		
18535 West Burbank Boulevard		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
<u>Applicant</u> Richard F. Moss 18535 Burbank, LLC 6345 Balboa Boulevard, Suite 310 Encino, California 91316		
<u>Representative</u> Jody Wood JW Expedite 4872 Topanga Canyon Boulevard Unit 241 Woodland Hills, California 91364 <input type="checkbox"/> New/Changed		
(818) 996-2000	(818) 337-9781	Jodywood123@gmail.com
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Valentina Knox-Jones	(818) 374-5038	Valentina.knox.jones@lacity.org
APPROVED PROJECT DESCRIPTION:		
<p>A Zone Change from R1-1 to (T)(Q) R3-1, a Building Line Removal for a 19-foot building line on the north side of Burbank Boulevard established under Ordinance No. 98921, and a Zoning Administrator's Adjustment to permit relief from the density requirements of the R3 Zone in order to construct a new 4-story, 14-unit multi-family apartment structure, at a height of 43-feet with 20 parking spaces on an approximate 10,729 square-foot lot. Remove the existing surface parking lot.</p>		

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

1. **FOUND**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration Case No. **ENV-2016-1052-MND**, and all the comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **FOUND** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **FOUND** the mitigation measures have been made enforceable conditions on the project; and **ADOPTED** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration and the associated Mitigation Monitoring Program.
2. **APPROVED** a Zoning Administrator's Adjustment to permit relief from the density requirements of the R3 Zone to allow a total of 14 units;
3. **ADOPTED** the Conditions of Approval as modified by the Commission;
4. **ADOPTED** the Findings as amended by the Commission;
5. **ADVISED** the applicant that, pursuant to the State Fish and Wildlife Code Section 711.4, a Fish and Wildlife and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing.
6. **RECOMMENDED** that the City Council **APPROVE** a Zone Change from R1-1 to (T)(Q) R3-1;
7. **RECOMMENDED** that the City Council **APPROVE** the Building Line Removal of a 19-foot building line on the north side of Burbank Boulevard established under Ordinance No. 98921;
8. **RECOMMENDED** that the City Council **ADOPT** the Conditions of Approval as modified by the Commission;
9. **RECOMMENDED** that the City Council **ADOPT** the Findings as amended by the Commission;
- 10.

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

Zone Change and Building Line Removal (ZC, BL)

FINAL ENTITLEMENTS NOT ADVANCING:

Zone Administrator's Adjustment (ZAA)

ITEMS APPEALED:

None

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input checked="" type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other _____	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other _____	<input type="checkbox"/>		

NOTES / INSTRUCTION(S):

1. **RECOMMENDED** that the City Council **APPROVE** a Zone Change from R1-1 to (T)(Q) R3-1;
2. **RECOMMENDED** that the City Council **APPROVE** the Building Line Removal of a 19-foot building line on the north side of Burbank Boulevard established under Ordinance No. 98921;
3. **RECOMMENDED** that the City Council **ADOPT** the Conditions of Approval as modified by the Commission;
4. **RECOMMENDED** that the City Council **ADOPT** the Findings as amended by the Commission;

FISCAL IMPACT STATEMENT:

Yes

No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

City Planning Commission (CPC)

Cultural Heritage Commission (CHC)

Central Area Planning Commission

East LA Area Planning Commission

Harbor Area Planning Commission

North Valley Area Planning Commission

South LA Area Planning Commission

South Valley Area Planning Commission

West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:

September 22, 2016

COMMISSION VOTE:

3 - 0

LAST DAY TO APPEAL:

DEC 07 2016

APPEALED:

No

TRANSMITTED BY:

Renee Glasco

Reviewed by: Rocky Wiles 

TRANSMITTAL DATE:

DEC 14 2016



SOUTH VALLEY AREA PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 900 12-4801, (213) 978-1300
www.planning.lacity.org

DETERMINATION MAILING DATE: NOV 14 2016

CASE: **APCSV-2016-1051-ZC-ZAA-BL**
CEQA: ENV-2016-1052-MND
Plan Area: Encino-Tarzana

Council District: 3 – Blumenfield
Zone: R1-1/(T)(Q)R3-1

PROJECT SITE: 18535 WEST BURBANK BOULEVARD

Applicant: Richard Moss, 18535 Burbank LLC
Representative: Jody Wood, JW Expediting

At its meeting on **September 22, 2016**, the **South Valley Area Planning Commission** took the following actions related to the following project:

Removal of an existing surface parking lot and the construction of a new 4-story, 14-unit multi-family apartment structure, 43-feet in height with 20 parking spaces on an approximate 10,729 square-foot lot.

1. **FOUND**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration Case No. **ENV-2016-1052-MND**, and all the comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **FOUND** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **FOUND** the mitigation measures have been made enforceable conditions on the project; and **ADOPTED** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration and the associated Mitigation Monitoring Program.
2. **APPROVED** a Zoning Administrator's Adjustment to permit relief from the density requirements of the R3 Zone to allow a total of 14 units;
3. **ADOPTED** the Conditions of Approval as modified by the Commission;
4. **ADOPTED** the Findings as amended by the Commission;
5. **ADVISED** the applicant that, pursuant to the State Fish and Wildlife Code Section 711.4, a Fish and Wildlife and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing.

RECOMMENDATIONS TO CITY COUNCIL:

1. **FIND**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration Case No. **ENV-2016-1052-MND**, and all the comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **FIND** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **FIND** the mitigation measures have been made enforceable conditions on the project; and **ADOPT** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration; and the associated Mitigation Monitoring Program.

2. **APPROVE** a Zone Change from R1-1 to (T)(Q) R3-1;
3. **APPROVE** the Building Line Removal of a 19-foot building line on the north side of Burbank Boulevard established under Ordinance No. 98921;
4. **ADOPT** the Conditions of Approval as modified by the Commission;
5. **ADOPT** the Findings as amended by the Commission;

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: Cochran
Seconded: Mather
Ayes: Beatty
Absent: Dierking

Vote: 3 - 0



Renee Glasco, Commission Executive Assistant I
South Valley Area Planning Commission

Effective Date/Appeals: The Los Angeles City Planning Commission's decision is appealable to the Los Angeles City Council **within 15 days** after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the 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: DEC 07 2016

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: Findings, Modified "(Q)" Qualified Conditions of Approval, "(T)" Conditions, Draft Ordinance and Zone Change Map.

c: Notification List
Valentina Knox-Jones
Kevin Jones

FINDINGS
AS MODIFIED BY THE SOUTH VALLEY AREA PLANNING COMMISSION

A. General Plan Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Encino-Tarzana Community Plan Area, updated and adopted by the City Council on May 13, 1992. The Plan designates the subject property as Medium Residential (corresponding to the R3 zone).

The staff recommended zone change to (T)(Q)R3-1 over the site **IS** in substantial conformance with the purposes, intent and provisions of the General Plan, as reflected in the adopted Community Plan. The proposed Project is requesting a height of 43 feet. The proposed Project, as recommended by staff, is in its scale and density would provide a good transition between the commercial zones east and the multi-family residential zones to the west.

2. **Community Plan Text.** The Encino-Tarzana Community Plan text includes the following relevant land use goals, objectives, policies and programs related to the staff recommended Project to the (T)(Q)R3 zone:

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.

Policy 1-1.4: Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.

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

Policy 1-3.1: Seek a high degree of compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.

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

Objective 13-2: To ensure that the location, intensity and timing of development is consistent with the provision of adequate transportation infrastructure utilizing the city's streets and highways standards.

Policy 13-2.1: No increase in density and intensity shall be effectuated by zone change, variance, conditional use, parcel map, or subdivision unless it is determined that the transportation system can accommodate the increased traffic generated by the project.

Policy 13-2.2: Driveway access points onto major and secondary highways, arterial, and collector streets should be limited in number and be located to insure a smooth, and safe flow of motor vehicles and bicycles.

The above objectives and policies seek to allow for the development of housing in such a way that new structures are consistent with the existing character and minimize impacts to transportation. The project is located between commercial uses and multi-family uses and its siting towards the street is consistent with both. By providing significant landscape planters in the front area of the lot, the landscaping is consistent with multi-family development in the area.

Based on documentation analyzed in the MND, the project would likely generate 14 vehicle trips during peak hours and that increase in vehicle trips is minor and would not significantly impact the existing transportation system. Additionally, vehicular access is being provided at the rear of the property to ensure that it does not negatively affect the flow of vehicles on Burbank Boulevard. Therefore, the project is consistent with the Community Plan policies listed above.

Chapter 5 – Urban Design, Multiple Residential

Site Planning: All multiple residential projects, of five or more units shall be designed around a landscaped focal point or courtyard to serve as an amenity for residents.

Design: The design of all buildings shall be of a quality and character that improves community appearance by avoiding excessive variety and monotonous repetition.

The proposed project is consistent with the current Community Plan Urban Design Chapter, and will fulfill the above-listed design guidelines. The pedestrian entrance for the site is located at the Burbank Boulevard street façade and includes an awning and landscape planters. The landscaped area at the front of the building serves as a focal point for the building and additional common open space is provided on the third floor in the form of an outdoor garden and will provide recreational space to the residents. The massing of the building and the exterior elevations are consistent with the design guidelines in that the exterior surface is varied and articulated, the building facades are complementary to one another on all elevations, and the parking is incorporated into the massing of the structure to minimize its appearance. Additionally, the proposed project would activate a parcel which is currently underutilized as surface parking between a commercial use and a multi-family residential use. Development of the site will further complement and activate the area.

In summary, the recommended zone change for the subject property to (T)(Q)R3-1 is consistent with the current Community Plan designation of Medium Residential, and will fulfill the above-listed Policies and Objectives of the Community Plan, and its associated policies and programs by providing additional multi-family housing at an appropriate density and location to meet the plan area's needs and by preserving the assigned community plan land use designation. The proposed (T)(Q)R3 Zone and new multi-family residential building would be compatible with the existing neighborhood land use and character.

B. Entitlement Findings

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

Public Necessity, Convenience, and General Welfare. The granting of the proposed Zone Change will result in a project that is in conformance with the public necessity and convenience by developing an under developed site with additional housing. The proposed Zone Change will promote the convenience by allowing for the complimenting alley dedications and street improvements to occur. The dedication and improvements at the project's street frontage will allow for better circulation, as well as, improve the aesthetic character of the street. Granting the requested zone change would be consistent with the General Welfare, in that the request involves a zone and use that is consistent with the plan's underlying Land Use Designation of Medium Residential. The improvements resulting from the zone change will enhance the visibility and aesthetic character of the site. Further, the project would incorporate environmental conditions which address residential proximity to the freeway (air filtration, double-pane glass), and the structure would comply with all applicable fire and safety codes which are intended to promote the General Welfare.

Good Zoning Practices. The subject property is located within the Encino-Tarzana Community Plan adopted by the City Council on May 13, 1992. The map designates the subject property for Medium Residential land uses with the corresponding zone of R3. The proposed zone change recommendation from the R1-1 Zone to the (T)(Q)R3-1 Zone is consistent with the current Medium Residential land use designation and the corresponding zone for that land use category. Plan. The zone change will allow the project site to be developed with a density that is consistent with the land use designation and provide an appropriate transition between the existing commercial uses along Burbank Boulevard to the east and the multi-family residential developments to the west.

The current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. 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.

2. **Building Line Removal, L.A.M.C. Sec. 12.32-R: The recommended Building Line Removal is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The requested building line removal is in conformity with public necessity, convenience, general welfare, and good zoning practice in that its retention on the subject property is no longer necessary for the purpose of reserving a portion of the property for future highway dedication and improvement. The Building Line along Burbank Boulevard was adopted by the City Council in November 1952 by Ordinance No. 98,921, and was originally a 32 foot Building Line but has since been reduced to 19 feet after dedications and improvements to Burbank Boulevard occurred.

Historically the primary function of the building line was to provide uniform setback of buildings. These are now considered archaic, as yard setbacks are required per the respective zone under the current L.A.M.C. The imposition of the 19-foot building line would necessitate that the development be shifted away from Burbank Boulevard and closer to the rear developments. Additionally, the Building Line has already been removed from the parcels directly to the east of the site. It is not necessary for the purpose of obtaining minimum, uniform alignment from the street at which buildings, structures or improvements may be built or maintained, since a minimum front and side yard setbacks must be observed from the new lot line for any new building or structure.

As part of the proposed project, the Bureau of Engineering (BOE) is not requiring a dedication along Burbank Boulevard but is requiring driveway improvements. Burbank Boulevard currently meets the City's standards for an Avenue II, and as such, the 19-foot building line will no longer be required on the subject property to ensure that dedication and improvements may occur at the subject site's frontage.

3. **Zoning Administrator Adjustment, L.A.M.C. Sec. 12.28.C.4:**

- a. **That while 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 intent of the R3 zone is to regulate the uses which may be permitted, the minimum lot area, the minimum lot width, the minimum lot area per dwelling unit, and the setbacks for front yards, side yards, and rear yards. The project complies with the R3 zone regulations with the exception of the lot area per dwelling unit.

The R3 zone permits a minimum lot area per dwelling unit of 800 square feet per unit. Since the lot area of the site is 10,735 square feet, the site would be limited to a maximum density of 13 units (rounded downward from 13.42). The 13 units would require a minimum lot of 10,400 square-feet. Since the lot is 10,735 square-feet, the applicant is requesting a Zoning Administrator's Adjustment to allow the 14th unit to have a minimum lot area of 335 square-feet (the difference between 10,735 from 10,400) instead of 800 square-feet. This represents a reduction of 58% for the last unit and all other units would be complying with the 800 square-feet per unit requirement.

As stated by the applicant, the site characteristics are unusual due to its proximity to the freeway, the high water table in the area, proximity to the busy intersection of Reseda Boulevard and Burbank Boulevard, and the vehicular access from the rear instead of from the front. The density of the proposed structure will continue to be similar with the surrounding neighborhood, and as such, the reduction in lot area per dwelling unit is minimal and will remain consistent and compatible with development in the surrounding area.

- b. **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 the public health, welfare, and safety.

The Zoning Administrator Adjustment for an increase in density would not physically degrade adjacent properties, as the reduction in lot area per dwelling unit is minimal and will remain consistent and compatible with development in the surrounding area. It is useful to note that the subject property is adjacent to both R3 zones and C2 zones. The R3 zone allow for a minimum lot area per dwelling unit of 800 square-feet whereas the C2 zone allows for a minimum lot area per dwelling unit of 400 square-feet. The subject property will provide 800 square-feet for the 13 units and 335 square-feet for the 14th unit. This last unit does not vary significantly from the adjacent C2 zone and since the majority of the project complies with the R3 zone, the density of this project is slightly higher than its adjacent R3 zone properties but still technically lower than the potential for its adjacent C2 zone properties. As such, the project is compatible with the neighborhood.

Lastly, as conditioned, environmental measures have been incorporated as part of the conditions of the grant and the project is not anticipated to affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

- c. **That the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

The intent of the Zoning Code is to provide for minimum lot area to regulate density. In this case, thirteen of the units would meet the lot area requirements and the request for the fourteenth unit represents a 58% reduction for only that one unit. No other reductions in yards or height have been requested. This sole request, as such, does not conflict with the spirit and intent of the Municipal Code.

C. CEQA Findings

Environmental. A Mitigated Negative Declaration (ENV-2016-1052-MND) was prepared for the proposed project. The Mitigated Negative Declaration No. ENV-2016-1052-MND is an adequate environmental clearance for the project, as recommended by City staff. In this case, the applicant would be permitted to develop the property to the density allowed in the R3-1 zone, and the recommended zone is consistent with the Plan designation of Medium Residential. 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 Project Planning Valley Section of the Planning Department in Room 430, 6262 Van Nuys Boulevard.

**(Q) QUALIFIED CONDITIONS OF APPROVAL
AS MODIFIED BY THE SOUTH VALLEY AREA PLANNING COMMISSION**

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. Development Conditions:

1. **MODIFIED: Use.** The use and restrictions/limitations of the subject property shall be limited to those permitted in the R3 Zone as defined in Sections 12.10 of the LAMC.
2. **Site Development. Plot/Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development plans including site and elevation plans, and including complete landscape and irrigation plans prepared by a licensed landscape architect or architect, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be revised in substantial conformance with this approval and shall be substantial conformance with the plans dated **May 8, 2015**, and labeled "**Exhibit E5**", attached to the subject case file.
3. **Open Space.** The project shall comply with the open space standards of Section 12.21.G of the Los Angeles Municipal Code.
4. **Solar Energy.** The project shall include infrastructure for the future installation of solar energy generation.
5. **Air Filtration.** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better in order to reduce the effects of diminished air quality on the occupants of the project within 1,000 feet of a Freeway.
6. **Noise Reduction.** All exterior windows having a line of sight of Burbank Boulevard (an Avenue II) or the Ventura 101 Freeway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (ATC) value of 50, as determined in accordance with ADTM E90 and ASTM E413, or any amendment thereto.
7. **Curb Cuts.** All curb cuts along Burbank Boulevard shall be removed.
8. **Off-street Parking.** Automobile and bicycle parking shall be provided on-site as required by LAMC Sections 12.21 A.4 and 12.21 A.16, respectively, and to the satisfaction of the Department of Building and Safety.
9. **EV Parking.** The project shall include at least 20% of the total code required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20% EV Ready, i.e. with wiring in five (5)% of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When

the application of either the 20% or 5% results in a fractional spaces, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

10. **Los Angeles County Metropolitan Transportation Authority (Metro).** Prior to the commencement of construction of the project, the applicant and/or owner should contact LACMTA's Metro Bus Operations Control Special Events Coordinator at (213) 922-4632 regarding construction activities that may impact Metro bus lines.

11. **Construction Activities.** The following limitations shall be required during the construction of the Project:

- a. **Posting of Construction Activities.** The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
- b. **Construction Hot-line.** A 24-hour "hot-line" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors and the local neighborhood association, if any. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.
- c. **Construction Parking.** Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owners' base of operations.
- d. **Construction Truck Deliveries.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period. A circulation plan shall specifically address the routing of delivery and exiting vehicles from the project site during all phases of construction to minimize any potential impacts to adjacent residential areas resulting from development of the proposed project. If warranted, any truck haul routes and staging areas shall be subject to approval by the Department of Building and Safety and Department of Transportation (no soil is anticipated to be transported off site).
- e. **Security.** A security patrol or fencing shall be provided at the project site in order to minimize trespassing, vandalism, short cuts, and other attractive nuisances.
- f. **Dust Control.** Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the northernmost property line between the site and adjoining lots to the north and south as necessary to preclude dust dispersion from the project site to

adjacent homes. The walls shall be in place during any time period when grading is being conducted within 100 feet of any occupied residence on said adjoining lots. The temporary wall may be installed on the adjoining residential lot(s) if requested by an occupant of the residence thereon provided that: (1) it is safe and practical to do so, and (2) the written consent of the owner of said lot is provided to the developer prior to erection of the dust wall. Once erected the dust walls along the northern property line shall remain in place until the entire site grading is completed.

B. Urban Design Conditions:

12. Landscaping

- a. **Landscape Planters.** Incorporative decorative materials into the design of the landscape planters along Burbank Boulevard to provide visual interest. Include a change in color, material, and texture.
- b. **Landscaped Walls.** Utilize trees, shrubs, and vines along walls situated at the property lines to soften appearance.

13. **On-Site Lighting.** Prior to issuance of a Certificate of Occupancy, the applicant shall install onsite lighting along all vehicular and pedestrian access ways. Installed lighting shall provide $\frac{3}{4}$ foot candle of flood lighting intensity as measured from the ground. Lighting must also be shielded from projecting light higher than 15 feet above ground level and away from adjacent property windows. The maximum height of any installed lighting fixture shall not exceed 14 feet in height.

14. **Glare.** 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. **Wall.** A six-foot-high, solid, decorative, masonry wall shall be constructed, if no such wall exists, to the adjacent Ventura 101 Freeway to the north.

16. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The project owner shall be required to acquire approval from the Director of Planning, via a Building Permit clearance sign off, for the installation of any security devices on the exterior or the structure.

17. **Trash Enclosures.** All trash enclosure areas shall be screened from public view from Burbank Boulevard.

18. **Surface Equipment.** All surface or ground mounted mechanical equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.

19. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or

parapet walls constructed of materials complimentary to the materials and design of the main structure.

C. Environmental Conditions:

20. **Aesthetics (Light).** 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.

21. **Aesthetics (Glare).** 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.

22. Air Quality

a. AQ-1 All off-road construction equipment greater than 50 hp shall meet US EPA Tier 4 emission standards, where available, to reduce NO_x, PM₁₀ and PM_{2.5} emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology 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.

b. AQ-2 Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NO_x emissions requirements.

c. AQ-3 At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

23. **Erosion/Grading/Short-Term Construction Impacts.** The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

24. **Grading (20,000 Cubic Yards, or 60,000 Square Feet of Surface Area or Greater).** The project shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Department of City Planning and the Department of Building and Safety's Grading Division. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

d. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.

- e. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- f. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- g. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

25. **Public Services (Fire).** 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.

26. **Public Services (Police).** 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.

27. Transportation/Traffic.

- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk

shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

28. **Public Services (Schools).** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

D. Administrative Conditions:

29. **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.
30. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
31. **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.
32. **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.
33. **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.
34. **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.
35. **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 and the Area Planning Commission.
36. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status

reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.

- a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during Project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of Project implementation as follows:
 - i. Pre-construction (prior to issuance of a building permit);
 - ii. Construction (prior to certificate of occupancy); and
 - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of Project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

- b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.
- c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

37. Indemnification.

The applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of, in whole or in part, this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and

- attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

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.

1. **Dedication(s) and Improvement(s).** The applicant shall comply with all the requirements of the Bureau of Engineering, including the dedication and improvement requirements for the project detailed in the letter dated **June 1, 2016**. These include the following:

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:

Burbank Boulevard, fronting the subject property to the south, is designated as an Avenue II. Per recommendations from Bureau of Engineering letter, the following dedications and improvements will be required of the applicant for Burbank Boulevard:

- **Dedication.** No dedication is required.
- **Improvement.** Upgrade all driveways to comply with ADA requirements.

Rear Alley (North of Burbank Boulevard), an alley existing along the rear of the property and connects to Burbank Boulevard. Per recommendations from Bureau of Engineering, the following dedications and improvements will be required of the applicant:

- **Dedication.** The applicant shall work with the Bureau of Engineering to determine the suitable dedication area for an alley turnaround at the rear. The applicant should obtain prior approval for the configuration of the turning area from the Valley District Office B-Permit Section and prepare a legal description to be submitted with the dedication application.
 - **Improvement.** The applicant shall work with the Bureau of Engineering to determine the suitable improvements for the rear alley turnaround at the rear.
2. **Engineering – Sewer Facilities.** 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.
 3. **Engineering – Drainage Facilities.** Construction of necessary drainage facilities, to the satisfaction of the Bureau of Engineering.
 4. **Public Works – Street Trees.** Construction of tree wells and planting of street trees and parkway landscaping, to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.

5. **Engineering and Transportation – Driveway and Parking Plans.** Preparation and submittal of a parking area and driveway plan, to the satisfaction of the appropriate Valley District Office of the Bureau of Engineering and the Department of Transportation. A parking area and driveway plan shall be prepared for approval by the appropriate district office of the Bureau of Engineering and the Department of Transportation. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.
6. **Transportation – Site Access and Internal Circulation.** A final DOT approval shall be obtained prior to issuance of any building permits for the driveway, internal circulation, and parking scheme for the proposed Project. This shall be accomplished by submitting a detailed and fully dimensioned site plan and parking layout, with a minimum scale of 1"=40', to the DOT Valley Development Review Section at 6262 Van Nuys Boulevard, Suite 320, Van Nuys, 91401, before submittal of building plans for plan check to the Department of Building and Safety.
7. **Public Works – Street Lighting.** Installation of street lights, to the satisfaction of the Bureau of Street Lighting. The applicant shall be responsible for street lighting modifications required at an intersection if there are improvements by the Department of Transportation (also for off-site improvements).
8. **Department of Telecommunications – Cable Television Franchise.** 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.
9. **Engineering – Notice of Payment of All Engineering Fees.** 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.
10. **Engineering – Notice of Completion of Construction of All Public Improvements:** 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.
11. **Planning - 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.
12. **Department of Recreation and Parks - Recreation and Parks Dedication/Fee.** Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.