

## (Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Los Angeles Municipal Code (LAMC), the following limitations are hereby imposed upon the use of the subject property, subject to the “Q” Qualified classification.

### A. Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans stamp-dated September 16, 2016 and materials submitted by the Applicant, stamped “Exhibit A for the site plan and Exhibit B for the building elevations and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Valley Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions.
2. **Use.** The property shall be limited to 75 dwelling units.
3. **Height.** Building height shall be limited to 41 feet. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any nearby single-family residential properties. Roof top decks shall not be located on homes directly abutting single family residences, and the parapet shall be lowered to a maximum height of 1-foot above the roof line.
4. **Signage.** No signage, other than that permitted by the LAMC sign regulations, shall be installed on the property.
5. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
6. **Storage of Materials.** No open portions of the property around the building shall be used for storage of equipment, products or waste products.
7. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted conceptual Landscape Plan, Exhibit A7, September 16, 2016, with the following changes:
  - 7a. Small trees and vertical landscaping shall be provided along the yard setback between the buildings on the north and the property lines on the north and east. Additional mature trees shall also be planted on the south property line.
8. **Maintenance.** The property shall be maintained in a neat and attractive condition at all times. The property shall be maintained free of weeds and debris.

9. **Parking.** The property shall consist of 150 parking spaces for the 75 dwelling units and 19 guest parking spaces totaling 169. At a minimum, automobile parking and bicycle parking shall be provided in accordance with LAMC Sections 12.21.A.4 and 12.21.A.16, respectively, and applicant shall indicate on the site plan the location of short/term guest bicycle parking. Parking on the “Woonerf” shall not be permitted through signage and other means.
10. **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 provide 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. When the application of the 20% 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.
11. **Driveway Entrance.** The vehicular entryways to the site from both Plummer Street and Sepulveda Boulevard are permitted gates that include pedestrian access.
12. **Vesting Tentative Tract Map No. 73939.** Development of the project is subject to the approval of Vesting Tentative Tract Map No. 73939, and, if approved, the project shall be in full compliance with all conditions imposed therein.
13. **Air Filtration.** The project shall include an air filtration system having a Minimum Efficiency Reporting Value (MERV 11) to reduce the effects of diminished air quality on occupants of the project.

## B. Environmental Conditions

### 14. Aesthetics (Landscape Plan)

All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect in accordance with LAMC Sections 12.40 and 12.41. The final landscape plan shall be reviewed and approved by the City of Los Angeles Department of City Planning during the building permit process.

### 15. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties, nor from above.

### 16. Air Quality

- a. All off-road construction equipment greater than 50 hp shall meet US EPA Tier 4 emission standards, where available, to reduce NOx, PM10 and PM2.5 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. 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 NOx emissions requirements.
- c. 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.

17. **Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas)**

- a. The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
- b. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1 – August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch capture or kill (Fish and Game Code Section 86).
- c. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
- d. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- e. If a protected native bird is found, the applicant shall delay all clearance/construction disturbances activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
- f. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and

stakes Construction personnel shall be instructed on the sensitivity of the area.

- g. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**18. Tree Preservation (Grading Activities)**

“Orange fencing” or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (trunk diameter of 8 inches or greater) non-protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.

**19. Tree Preservation (Non-Protected Trees)**

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

**20. Tree Removal (Locally Protected Species)**

- a. All protected tree removals require approval from the Board of Public Works.
- b. A Tree Report shall be submitted to the Urban Forestry, Division of the Bureau of Street Services, Department of Public Works, for review and approval (213-847-3077), prior to implementation of the Report's recommended measures.
- c. A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- d. The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on required landscape plan, which

shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.

- e. The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new protected tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's protected tree bond may be exonerated.
- f. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the protected trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

**21. Green House Gas Emissions**

- a. Low- and non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.
- b. To encourage carpooling and the use of electric vehicles by Project residents and visitors, 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 provide 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. When the application of the 20% 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.
- c. The Project shall meet the Tier 1 requirements of the Los Angeles Green Building Code.
- d. The Project shall meet the Tire 2 requirements of the Los Angeles Green Building Code.

**22. Emergency Evacuation Plan**

Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following:

mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

**23. Increased Noise Levels (Demolition, Grading, and Construction Activities)**

- a. 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.
- b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

**24. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)**

- a. All exterior windows having a line of sight of a Major Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- b. The applicant, as an alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

**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 – Demolition/Construction Sites)**

Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

**27. Public Services (Police)**

Prepare plot plans and advise the applicant/owner to consult with the police department regarding the guidelines at either the downtown or Valley LAPD offices and to call the neighborhood police department when any suspicious behavior is noticed to mitigate impacts on police services. Police recommendations may include but are not limited to secured parking, security

fencing, security lighting, information signs, building design and landscaping to reduce places of potential concealment. Plans shall incorporate 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. These measures shall be approved by the Police Department prior to the issuance of building permits.

**28. Public Services (Construction Activity Near Schools)**

- a. The developer and contractors shall maintain ongoing contact with administrator of Sepulveda Middle School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
- b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

**29. Recreation**

That the Quimby fee be based on the RD1.5 Zone.

**30. 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.

**C. Administrative Conditions**

31. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
32. **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.
33. **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 assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
34. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean the agencies, public offices, legislation or their successors, designees or amendment to any legislation.
35. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.
36. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the department of City Planning and the Department of Building & Safety.
37. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proved necessary for the protection of persons in the neighborhood or occupants of adjacent property.
38. **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.

39. **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 City Planning Commission.

## CONDITIONS OF APPROVAL

### A. Site Plan Review (LAMC 16.05)

1. **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 in substantial conformance with the plans labeled "**Exhibit A-6**", attached to the subject case file.
2. **Vehicular Access.** Vehicular driveway access to the Project site shall be provided from Sepulveda Boulevard and Plummer Street.
3. **Permeable Paving.** The Project shall incorporate techniques throughout the Project site including permeable paving and landscaping to avoid excessive runoff into the Los Angeles Flood Control Basin.
4. **Trash Enclosures.** All trash enclosure areas shall be screened from public view from Sepulveda Boulevard and Plummer Street.
5. **Air Filtration.** The project shall include an air filtration system having a Minimum Efficiency Reporting Value (MERV 11) to reduce the effects of diminished air quality on occupants of the project.
6. **Photovoltaic Solar Panels.** The project shall include rooftop infrastructure and panels for solar energy generation to serve on-site for a minimum eight units or 10% of the 75-units approved.

### 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 tract map (VTT-73939) or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

#### Bureau of Engineering

1. 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 and Fire Department (and other responsible City, regional and federal government agencies, as may be necessary). Specifically, the Project developer shall:
  - a. That the proposed internal driveway access not to be shown on the final map.
  - b. Improve Sepulveda Boulevard adjoining the subdivision by the reconstruction of the existing sidewalk and provide a new 17-foot- wide full-width sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.
  - c. Improve Plummer Street adjoining the subdivision by the reconstruction of the existing sidewalk and provide a new 10-foot wide full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements including sidewalk area west of this tract all satisfactory to the Valley District Engineer.
2. No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; one (1) on Plummer Street and two (2) on Sepulveda Boulevard.
3. Sewer lines exist in Sepulveda Boulevard and in Plummer Street. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to building permit.
4. Submit parking area and driveway plan to the Valley District Office of the Bureau of Engineering and Department of Transportation for review and approval.
5. Make satisfactory arrangements in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code (LAMC) Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 N. Main Street, Room 1255, Los Angeles, CA 90012.
6. Recreation and Parks. 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.
7. **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.

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.

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.

## FINDINGS

### General Plan/Charter Findings

#### 1. General Plan Land Use Designation.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The subject property is located within the Mission Hills – Panorama City – North Hills Community Plan as updated and adopted by the City Council on June 9, 1999. The existing Plan designates the subject site for Medium Residential land uses along the Sepulveda Boulevard frontage with a corresponding zone of R3 and the remainder of the site Low Density with corresponding zones of RE9, RS, R1 and RU. The site is currently zoned RA.

The proposed plan amendment would designate the entire site for Low Medium II Residential land uses. The proposed project, a 75-unit condominium (townhome style) development, is consistent with the proposed zone change to RD1.5-1 for the entire project site and the accompanying Plan amendment to Low Medium II Residential which corresponds to the RD1.5, RD2, RW2, and RZ2.5 for the site. The project will provide needed housing and recreational space in the area. The buildings are all to be 3-stories with a maximum of 41-foot height with roof top decks; below the 45 foot limit established by Height District 1. The project provides 150 parking spaces and 19 guest spaces to comply with a long standing parking policy used by the Deputy Advisory Agency for new condominium development. The project site is not within a specific plan area.

#### Charter Section 555(a)

*That the part or area involved has significant social, economic or physical identity.*

The project site is a very underutilized parcel of land on the south side of Plummer Street, on a section of Plummer Street that is adjacent to an existing 75-unit senior citizen housing development east of the site. The location of this site is unique because it serves as a buffer between the more intensive uses along Sepulveda Boulevard to the east from the single family neighborhood to the west and south. Its substantial size, approximately 136,492 square feet of lot area (3.13 net acres), the development of 75-unit detached residential condominium project and the fact that the site has dual zoning establishes a strong physical identity.

2. General Plan Text. The Mission Hills – Panorama City – North Hills Community Plan text includes the following relevant land use goals, objectives, policies and programs:

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

The Mission Hills – Panorama City – North Hills Community Plan was updated and adopted by the Los Angeles City Council on June 9, 1999. The project, a Vesting Tentative Tract Map for condominium purpose, advances a number of specific policies and objectives contained in the Community Plan. These include:

**Objective 1-2:** To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.

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

**Program:** The plan concentrates most of the higher residential densities near transit corridors and/or Transit Oriented Districts (TOD).

**Objective 1-5:** To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background. Policies 1-5.1 promote greater individual choice in type, quality, price, and location of housing.

**Policy 1-5.3** Ensure that new housing opportunities minimize displacement of the residents.

**Program:** The decision maker should adopt a finding which addresses any potential displacement of residents as part of any decision relating to the construction of new housing.

**Policy 1-5.4** Provide for development of townhomes and other similar condominium type housing units to increase home ownership options.

**Program:** The Plan cannot require that condominium unit be built instead of rental units; however the Plan encourages such types of development by designating specific areas for Low Medium residential land use categories.

**Policy 1-5.5** Provide for livable family housing at higher densities.

**Program:** The Plan promotes that the Zoning Code be amended to provide that multiple residential densities should not be limited by the number of bedrooms per unit in order to facilitate family housing.

The proposed project will meet the above objectives and policies by providing housing at an appropriate density and location to meet the plan area's needs. The proposed project would revitalize the site and would be compatible with the existing neighborhood land use and character by creating fifteen separate 4 to 6 unit buildings all to be 3-stories with a maximum height of 41 feet with roof top decks. The project would provide a natural transition between the higher intense uses fronting Sepulveda Boulevard to the east from the single family neighborhood to the west and south.

The proposed site plan reduces massing and provides building separation from single-family residences with open spaces and landscaped setbacks. The project will improve Sepulveda Boulevard and Plummer Street with a new full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements including sidewalk adjacent to the subject site.

The proposed project will provide additional housing opportunities for residents, while contributing to the revitalization of the area. Therefore, the proposed project is consistent with the General Plan and the proposed Low Medium II Residential land use designation that helps to implement the goals and objectives of the Mission Hills – Panorama City – North Hills Community Plan.

### **Zone Change / General Plan / Legislative Action Findings**

#### **3. The requested zone change is in conformance with public necessity, convenience, general welfare and good zoning practice.**

There is a critical and well-documented demand for housing throughout the City of Los Angeles. The proposed Zone Change, General Plan Amendment, T Conditions, Q Conditions and Building Line are consistent with Section 558 of the City Charter and Section 12.32 of the LAMC in that it will be in conformance with public necessity, convenience, general welfare and good zoning practice as described below. With the approval of the requested General Plan Amendment, the requested zoning will be consistent with the General Plan.

The proposed zone change from R3-1 and RA-1 to (T)(Q) RD1.5-1 creates a more uniform type of development that is at a density between the Low Residential and Medium Land Use designation. Immediately east of the subject site is an existing 3-story, 75-unit senior housing development with surface parking that was approved in the early 1980s by Zone Variance (ZA-1981-362-ZV).

Public necessity requires that housing be provided for all segments of the population in diverse locations. Further, said housing must be affordable to the maximum extent possible and provided in such a manner as to protect adjacent projects from adverse impact. The proposed project is beneficial in terms of public necessity in that it offers desirable market-rate, residential units, providing a new, high quality, for-sale dwelling option that is currently unavailable in the local community. The granting of a General Plan Amendment as proposed with a zone change will permit development of this type in a manner that addresses the public necessity for housing in this area. These homeownerships will come with usable open space amenities, and transit accessibility that helps to serve and support local businesses.

The proposed project replaces outdated buildings on a site that has been neglected and under served for a number of years, with a new townhome style housing product currently unavailable at this time. The proposed project follows good planning principles by offering a density transition between the single-family dwellings to the south and west of the project site from the senior citizen housing and more intensive uses fronting Sepulveda Boulevard. The project further follows good planning principles by scaling back the height to under 42 feet where the zoning code permits a maximum height of 45 feet.

In conjunction with its central location, the project site is well-served by public transit. The intersection of Sepulveda Boulevard and Plummer Street is served by Metro Rapid Bus Line 734 going south to Westwood/UCLA and north to the Sylmar Metro Station. It is also served by Metro Local Bus Line 167 going west to the Chatsworth Metro Station and southeast to Coldwater Canyon.

The proposed plan amendment and zone change provide housing opportunities in a way that supports good zoning practice. The densities proposed are in line with the projected housing growth of the area and therefore are compatible with objectives of the Community Plan. The site plan design utilizes the odd shaped lot configuration by dividing the housing units into 15 buildings to be 4 to 6 units each therefore decreasing the potential massing impact. Adequate setbacks provide ample space for light and air circulation for the proposed buildings as well as surrounding structures. The site plan accommodates two small open space parks like amenities connected with interior pedestrian pathways.



A review of the General Plan and its elements including, the Mission Hills – Panorama City – North Hills Community Plan, reveals that there is no conflict or inconsistency with any stated element or objectives if the proposed Zone Change and General Plan Amendment are approved.

### **Q Condition Findings**

- 4. The Q limitations are necessary to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood.**

The proposed Q conditions contain provisions regarding limiting building height, graffiti removal, parking that includes guest spaces, and landscaping to ensure that the project is harmonious with the surrounding neighborhood with regards to its scale and appearance.

- 5. The Q limitations are necessary to secure an appropriate development in harmony with the objectives of the General Plan.**

The proposed Q conditions contain provisions regarding land use and the number of dwelling units permitted and a requirement that a Plan amendment zone change be obtained in order to ensure that the development is in harmony with the objectives of the General Plan.

- 6. The Q limitation is necessary to prevent or mitigate adverse environmental effects of the zone change.**

The proposed Q conditions contain mitigation measures regarding replacement of trees removed, limitations on construction noise and aesthetics to prevent or mitigate adverse environmental impacts from the project.

### **T Condition Finding**

- 7. Public necessity, convenience and general welfare require that provision be made for the orderly arrangement of the property concerned into lots and/or that provision be made for adequate streets, drainage facilities, grading, sewers, utilities, park and recreational facilities; and/or that provision be made for payments of fees in lieu of dedications and/or that provision be made for other dedications; and/or that provision be made for improvements; all in order that the property concerned and the area within which it is located may be properly developed in accordance with the different and additional uses to be permitted within the zone to which the property is proposed for change.**

The current action, as recommended, has been made contingent upon compliance with new "T" conditions of approval imposed herein for the proposed project. Such T Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site.

### **Building Line Removal Findings**

- 8. The building line removal is necessary to establish, change or remove a building line in order to give proper effect to the zoning proposed in the proceeding, or to achieve any purpose set forth in Subdivision 1 of this subsection; The building line removal is necessary to provide for the systematic execution of the General Plan; to obtain a**

minimum uniform alignment from the street at which buildings, structures or improvements may be built or maintained; to preserve the commonly accepted characteristics of residential districts; to protect and implement the “Mobility Element of the General Plan”; to provide sufficient open space for public and private transportation; to facilitate adequate street improvements; to prevent the spread of major fires and to facilitate the fighting of fires; and to promote the public peace, health, safety, comfort, convenience, interest and general welfare.

The building line removal is in connection with a proposed Zone Change. The City did not require any new dedication from Plummer Street because it is already a fully dedicated street with four existing travel lanes. The project is also setback twice as far as the existing building line so removal of the line will not hinder the public peace, but instead protect the health, safety, comfort, convenience, interest and general welfare.

### **Site Plan Review Findings**

#### **9. That the Project is consistent with the General Plan**

As described in detail below, the proposed project is consistent with the relevant goals, objectives, policies, and programs of the General Plan. The Community Plan encourages a variety of housing options in order to meet the housing demands of the area. Furthermore, the subject site is designated with Low and Medium Residential land use categories, which is specifically intended for a variety of residential types. The General Plan Amendment from Low Residential and Medium Residential to Low Medium II Residential creates a uniform project, consistent with the General Plan. The proposed development is consistent with the objectives and policies stated below:

#### **Objectives 1-2**

To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.

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

**Program:** The plan concentrates most of the higher residential densities near transit corridors and/or Transit Oriented Districts (TOD).

#### **Objectives 1-5**

To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background.

**Policy 1-5.1** Promote greater individual choice in type, quality, price and location of housing.

**Program:** The Plan promotes greater individual choice through its establishment of residential design standards and its allocation of lands for a variety of residential densities.

**Policy 1-5.3** Ensure that new housing opportunities minimize displacement of the residents.

**Program:** The decision maker should adopt a finding which addresses any potential displacement of residents as part of any decision relating to the construction of new housing.

**Policy 1-5.4** Provide for development of townhouses and other similar condominium type housing units to increase home ownership options.

**Program:** The Plan cannot require that condominium units be built instead of rental units; however the Plan encourages such type of development by designating specific areas for Low Medium residential land use categories.

**Policy 1-5.5** Provide livable family housing at higher densities.

**Program:** The Plan promotes that the Zoning Code be amended to provide that multiple residential densities should not be limited by the number of bedrooms per unit in order to facilitate family housing.

A Site Plan Review approval will permit the development of a needed affordable multi-family residential project consistent with the intent of the General Plan. The proposed development is also consistent with the land use designation of the Mission Hills – Panorama City – North Hills Community Plan. Compliance with the LAMC and the goals, policies and programs of the Plan will ensure compatibility with the surrounding community. A 75-unit residential condominium (townhome style) use at the subject site will create an appropriate transition from the senior citizen housing and commercial and higher density land uses along Sepulveda Boulevard from the single family residential neighborhood directly south and immediately east of the subject site while providing the need for (for-sale) housing. As a result the general welfare of the surrounding residential neighborhood would be preserved.

### **Citywide Design Guidelines Consistency**

The City of Los Angeles General Plan Frameworks and the 35 Community Plans that comprise the City's Land Use Element promote architectural and design excellence in buildings, landscape, open space, and public space and emphasize the preservation of the City's character and scale. The Citywide Design Guidelines have been created to implement the 10 Urban Design Principles of the Framework Element, which are a statement of the City's vision for the future of Los Angeles, providing guidance for new development and encouraging projects to complement existing urban form in order to enhance the building environment in Los Angeles. The Citywide Design Guidelines contain design principles and measures that address the different elements of site and building design based on land use. Each section is organized by overarching objectives followed by a list of specific strategies. The proposed multi-family residential project is subject to the Residential Citywide Design Guidelines and conforms to the following objectives and strategies:

#### **Site Planning**

***Site Planning No. 3*** *Where additional setback is necessary or a prevailing setback exists, activate the area with a courtyard or "outdoor room" adjacent to the street by incorporating residential amenities such as seating or water features, for example.*

The proposed project includes enhanced landscape courtyard along the south side of Plummer Street and a small open space park along the west side of Sepulveda Boulevard.

*Site Planning No. 5 Locate a majority of code-required open space at the ground level in a manner that is equally accessible to all residential units to promote safety and the use of outdoor areas. Roof top areas can be used as common open areas.*

The project includes ample open space landscaping at the ground level. The total landscape area is 27,715 square feet. The project is providing roof top decks that can be utilized as common open space.

#### Building Orientation

*Building Orientation No. 2 Entries should be designed according to simple and harmonious proportions in relationship to the overall size and scale of the building. Design entries in proportion to the number of units being accessed. Ensure that pedestrian entries provide shelter year round.*

The projects front entry for the 75-units provides an arched entryway that provides shelter year round. The second story balcony above adds year round shelter for the entry doors below.

#### Building Façade

*Building Façade No. 2 Design multi-family buildings to convey individual residential uses, even when applying a modern aesthetic. Modulated facades can prevent residential buildings from appearing commercial.*

The building facade are designed to be offset to create architectural interest and avoid uninteresting blank walls.

*Building Façade No. 4 Alternate different textures, colors, materials, and distinctive architectural treatments to add visual interest while avoiding dull and repetitive facades.*

The project is providing various earth tone colors to the building façade and includes distinctive architectural treatments such as window cornices for the upper level and balconies for the second level.

*Building Façade No. 7 Integrate varied roof lines through the use of sloping roofs, modulated building heights, or innovative architectural solutions.*

The buildings include varied roof heights to break the massing to the building façade and add visual interest to the structure.

#### Off-Street Parking and Driveways

*Off-Street Parking and Driveways No. 1 Prioritize pedestrian access first and automobile access second. Orient parking and driveways toward the rear or side of buildings and away from the public-right-of-way.*

The guest parking spaces are concentrated towards the center of the site, away from the public-right-of-way.

#### On-Site Landscaping

*On-Site Landscaping No. 3 Design open areas to maintain a balance of landscaping and paved areas.*

The project includes various courtyards that includes pedestrian linkages to the open space areas.

**10. That the Project is consistent with any applicable Redevelopment Plan**

The subject site is part of the CRA Pacoima / Panorama Earthquake Disaster Assistance Project Area. However, the Redevelopment Plan has been terminated in accordance with State Legislation that abolished redevelopment agencies in the State of California.

**11. That the Project consists of an arrangement of buildings and structures (including height, bulk, and setback), off-street parking facilities, loading areas, lighting, landscaping, trash collection and other such pertinent improvements, which is or will be compatible with existing and future development on neighborhood properties.**

The proposed Project is designed with two open space parks, landscaping and articulated building elevations. The proposed 75-unit (townhome style) condominium project is designed so that 15 buildings will only house 4 to 6 units so that the overall massing is minimized as opposed to having one structure with 75-units over a subterranean parking garage. All of the proposed units have been carefully designed with respect to light and ventilation by incorporating pedestrian pathway linkages between the buildings and the two open court yards. The usable open space provided meets open space municipal code requirements. The proposed development will provide usable open space comprised of 18,469 square feet. The building components and open space areas are oriented with the least impact on adjacent and neighboring residential properties that also includes the use of translucent glass for windows that face south of the property to add additional privacy for the neighbors immediately south of the project site.

The Project has been designed to be compatible with existing and future development on neighboring properties and will provide desirable for-sale housing for the population in the Community. It also provides housing in close proximity to the Metro Rapid Line 734 at the intersection of Sepulveda Boulevard and Plummer Street and also served by Metro Local Bus Line 167 going west to the Chatsworth Metro Station and southeast to Coldwater Canyon.

**CEQA Findings**

A Mitigated Negative Declaration (ENV-2015-4183-MND) was prepared for the proposed project. The Department of City Planning published the Mitigated Negative Declaration beginning July 21, 2016 for 20 days, ending August 10, 2016 for the subject case. A revised MND was executed on September 16, 2016 to correct the project description as to number of units, number of protected trees, parking to be removed and to specify the land use "add areas" for the two lots located at 15420 – 15450 West Plummer Street; changing the land use from Low Residential to Low Medium II Residential only. After further consideration by the Department of City Planning, the previously recommended General Plan Amendment for an add area for the properties at 15420-15450 Plummer Street should be removed from this action and considered as part of the future Community Plan Update process for the Mission Hills-Panorama City-North Hills Plan Area. The revised MND was not re-published because the Project did not intensify in density or height. The add areas will not be intensified because an existing 75-unit senior citizen housing project exists at 15450 Plummer Street and the property located at 15420 is not proposed for any future use at this time. Therefore, the revised MND,

after careful analysis and reflecting independent judgement of the City, finds that the original published MND was adequate in addressing all of the potential environmental impacts with proper mitigation measures. The department found potential negative impacts could occur from the project's implementation due to:

*Aesthetics (landscape, light);*  
*Air Quality;*  
*Biological Resources (tree removal, habitat modification);*  
*Green House Gas Emissions*  
*Noise (demolition, grading, construction, adjacent to freeway)*  
*Public Services (fire, police, recreation)*  
*Transportation (traffic)*

On the basis of the whole of the record before the Advisory Agency including any comments received, the Advisory Agency found that, with imposition of the mitigation measures described in the MND and listed as Environmental Conditions in this report, there would be no substantial evidence that the proposed project will have a significant effect on the environment. The Advisory Agency adopted the MND on August 10, 2016. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. A reconsideration of the above Mitigated Negative Declaration was executed on September 16, 2016, but not re-published since the Project did not intensify in density or height from the original published MND and therefore adequate in addressing all of the potential environmental impacts with proper mitigation measures. Other identified potential impacts not specifically mitigated by these conditions are already subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects. The records upon which this decision is based are with the Valley Subdivisions Unit of the Planning Department in Room 351, 6262 Van Nuys Boulevard. Since the approval date the City finds on the basis of its independent judgment, after consideration of the whole of the administrative record, the therein proposed project was assessed in the referenced Mitigated Negative Declaration (ENV-2015-3535-MND REC1), and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent environmental analysis is required for approval of the project.