

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

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2016-2944-VZC-SPR-DB-CDO	ENV-2016-2945-MND	6 – Martinez
<b>PROJECT ADDRESS:</b>		
6569-6581 North Van Nuys Boulevard; 14506-14534 West Kittridge Street		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Pablo Kupersmid, 6569 Van Nuys LLC; Saviors Van Nuys LLC 14541 Delano Street Van Nuys, CA 91411 <input type="checkbox"/> New/Changed		
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Boaz Miodovsky, Ketter Design 14541 Delano Street Van Nuys, CA 91411	818 387-8832  310 906-6880	<a href="mailto:boaz@ketterdesigns.com">boaz@ketterdesigns.com</a>  <a href="mailto:heather@hleeconsulting.com">heather@hleeconsulting.com</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Peg Malone-Brown	818-374-5036	<a href="mailto:peggy.malone-brown@lacity.org">peggy.malone-brown@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Vesting Zone Change		

**FINAL ENTITLEMENTS NOT ADVANCING:**

Site Plan Review; Density Bonus; Community Design Overlay

**ITEMS APPEALED:**

N/A

**ATTACHMENTS:**

**REVISED:**

**ENVIRONMENTAL CLEARANCE:**

**REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other \_\_\_\_\_

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other

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**NOTES / INSTRUCTION(S):**

**FISCAL IMPACT STATEMENT:**

- Yes                       No

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

**PLANNING COMMISSION:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> North Valley Area Planning Commission |
| <input type="checkbox"/> Cultural Heritage Commission (CHC)        | <input type="checkbox"/> South LA Area Planning Commission     |
| <input type="checkbox"/> Central Area Planning Commission          | <input type="checkbox"/> South Valley Area Planning Commission |
| <input type="checkbox"/> East LA Area Planning Commission          | <input type="checkbox"/> West LA Area Planning Commission      |
| <input type="checkbox"/> Harbor Area Planning Commission           |  |

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
May 23, 2018	6 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
July 26, 2018	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
James K. Williams Commission Executive Assistant II	October 3, 2018



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: JUL 06 2018

**Case No. CPC-2016-2944-VZC-SPR-DB-CDO**

Council District: 6 – Martinez

CEQA: ENV-2016-2945-MND

Plan Area: Van Nuys-North Sherman Oaks

**Project Site:** 6569-6581 North Van Nuys Boulevard;  
14506-14534 West Kittridge Street

**Applicant:** 6569 Van Nuys, LLC; Saviers Van Nuys, LLC  
Representative: Boaz Miodovsky, Ketter Design

At its meeting of **May 23, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of 3 commercial buildings and a surface parking lot, and the construction, use and maintenance of a 6-story mixed-use building providing approximately 157,100 square feet of floor area, including 18,400 square feet of ground floor commercial retail space, and 174 units of apartment housing, including 10 units set aside for Very Low Income Households, with 348 residential parking spaces (including 18 mechanical lift spaces), 67 commercial parking spaces, and 20,489 square feet of open space, constructed to a maximum height of 75 feet (top of loft), on an approximately 56,289 square foot site (1.29 acres). A total of 51,000 cubic yards of soil export is proposed in order to construct two levels of subterranean parking, to a depth of approximately 22 feet below natural grade. None of the existing street trees along Van Nuys Boulevard are proposed to be removed or disturbed.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-2945-MND ("Mitigated Negative Declaration"), and all 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 Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved**, pursuant to Los Angeles Municipal Code Section (LAMC) Section 12.32.Q, a Vesting Zone Change, from [Q]C2-1L-CDO to (T)[Q]RAS4-1L-CDO and from [Q]P-1VL-CDO to (T)[Q]RAS4-1VL-CDO, and modification of the Van Nuys Central Business District (CBD) Community Design Overlay (CDO) District, [Q] Condition No. 4.a., to allow the main entry doors of ground floor commercial business to be recessed from the front lot line (i.e., Van Nuys Boulevard) a maximum of 14 feet 9 inches (a total of 177 inches), in lieu of a maximum of 36 inches;
3. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review, for a development project consisting of 50 or more units;

4. **Approved**, pursuant to LAMC Section 12.22 A 25(g)(3), a Density Bonus, to allow a 23.4 percent (33 units) increase in density, and one Off-Menu Incentive, permitting an additional 25 feet in building height, and an additional three stories within the portion of the site currently zoned [Q]P-1VL-CDO, in lieu of the otherwise maximum permitted height of 50 feet and 3 stories (in the requested RAS4 Zone), in exchange for setting aside 10 units (7 percent of the base density) for Very Low Income Households;
5. **Approved**, pursuant to LAMC Section 13.08 E.3(a), a Design Overlay Approval for a project located within the Van Nuys Central CBD CDO;
6. **Adopted** the attached Conditions of Approval as modified by the Commission, including the revised "Exhibit A"; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

**Moved:** Khorsand  
**Seconded:** Padilla-Campos  
**Ayes:** Ambroz, Mitchell, Perlman, Dake Wilson  
**Absent:** Choe, Millman

**Vote:** 6 – 0

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

**Effective Date/Appeals:** *The decision of the Los Angeles City Planning Commission is final and not appealable as it relates to the Vesting Zone Change and the Off-Menu Density Bonus Incentive.* The decision of the Los Angeles City Planning Commission, related to the remaining approvals, is appealable to the City Council within 20-days of the mailing date of this determination letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 20-day period shall not be considered by the Council and the decision of the City Planning Commission will become final and effective upon the close of the 20-day appeal period.

Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:**           **JUL 26 2018**          

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.** The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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.

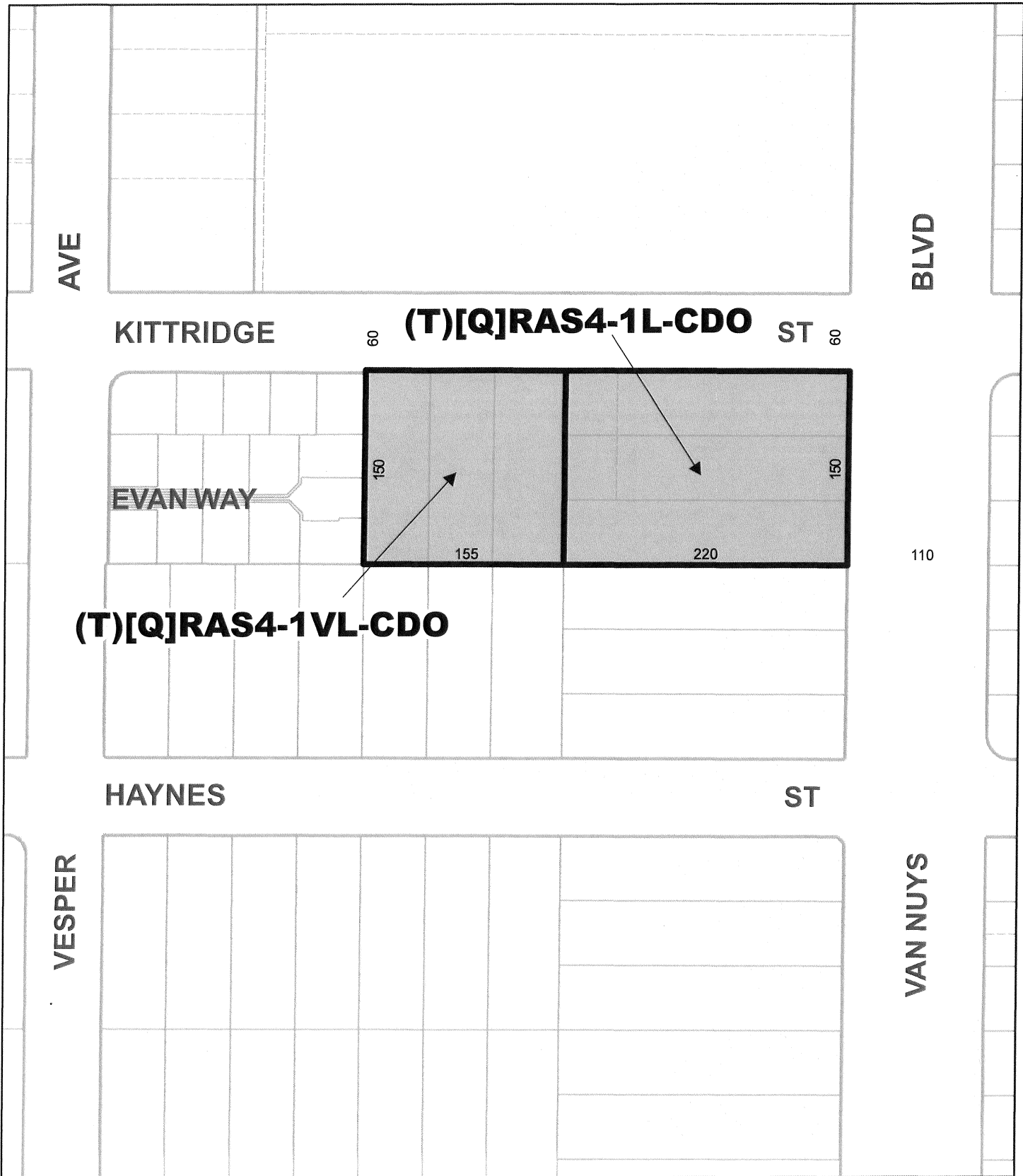
Attachments: Zone Change Ordinance, Modified Conditions of Approval, Findings

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

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

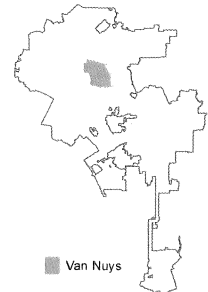
THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



CPC-2016-2944-VZC-SPR-DB-CDO  
 MY/af 041918

City of Los Angeles



## [Q] QUALIFIED CONDITIONS OF APPROVAL

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

### Zone Change Entitlement Conditions

1. **Use and Density.** Permit the development of a mixed-use project consisting of a maximum of 174 residential apartment units, including density bonus units, and a maximum of 18,400 square feet of ground floor commercial space, in accordance with LAMC Section 12.11.5.
2. **Floor Area.** A maximum Floor Area Ratio (FAR) of 3.0:1 shall be permitted.
3. **Height.** A maximum height of 75 feet shall be permitted.
4. **Yards.** Notwithstanding the provisions of LAMC Section 12.11.5, each building shall be built to the front and side property lines, as shown in Exhibit "A", consistent with the requirements of the Q Qualified Classification Condition No. 3.a of Ordinance 174421 (Van Nuys CBD CDO District).
5. **Plans.** The use and development of the subject property shall be in substantial conformance with the submitted plans, including the Site/Level Plans, Floor Plans, Building Elevations, Building Sections, Landscape Plans, and Renderings (Exhibit "A") attached to the subject case file, as modified herein by the Conditions. Prior to the issuance of building permits, detailed development plans that show compliance with all Conditions of Approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning Department Development Services Center for verification of compliance with the imposed Conditions; the plans submitted to the Department of Building and Safety shall be revised in conformance with this approval. Minor deviations may be allowed only in order to comply with provisions of the LAMC, the subject conditions, and the intent of the subject permit authorization.
6. **Landscaping.** The project shall provide a minimum of 9,189 square feet of landscaping (as shown on Sheet A2.1), including a minimum of 2,587 square feet on the 2nd floor, a minimum of 2,528 square feet on the 5th floor, and a minimum of 4,074 square feet on the 6th floor. In addition, and as shown on Sheet L-1.0, landscaping shall be provided on the ground floor (Street Level) including planter boxes adjacent to commercial space entrances, and a row of 24-inch box Giant timber bamboo trees (*Bambusa oldhamii*) along the west property line. 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 Landscape Plan, Exhibit "A", and shall incorporate any modifications required as a result of this grant.
7. **Open Space.** The project shall provide a minimum of 20,489 square feet of open space, as shown in Exhibit A.
8. **Residential and Commercial Parking.** As shown on Exhibit "A", the project proposes 348 residential automobile parking spaces and 67 commercial automobile parking spaces, and a total of 211 bicycle parking stalls. At a minimum, 206 residential automobile parking spaces shall be provided in accordance with LAMC Sections 12.21 A.4, 37 commercial automobile



parking spaces shall be provided in accordance with LAMC Section 12.21.A.4.(x)(3)6, and 211 bicycle parking shall be provided in accordance with LAMC 12.21 A.16, respectively, and any amendments thereto.

- 9. Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
- 10. Entrances.** Notwithstanding Ordinance No. 174,421, main entry doors shall be recessed a minimum of six (6) inches and a maximum of 14 feet 9 inches (a total of 177 inches) from the front lot line (i.e., Van Nuys Boulevard).
- 11. Van Nuys Central Business District Community Design Overlay District Q Qualified Classification Conditions - Ordinance No. 174,421.** Comply with all following provisions of Ordinance No. 174,421, except as permitted in Condition No. 10 (Entrances) above:

**a. Uses.**

- i. New auto-related uses, except retail, shall be prohibited. Auto-related uses shall include, but are not limited to auto repair, auto body, auto sales, services station, car wash, rentals, and other such uses as determined by the Director of Planning.
- ii. New drive-thru businesses shall not be permitted along Van Nuys and Victory Boulevards, except drive-thru businesses that take access off a Secondary, Collector or Local Street, or alley.
- iii. Multiple Family uses shall not be permitted on the ground floor along Van Nuys and Victory Boulevards.
- iv. New adult entertainment businesses (Section 12.7 B 17), Pawnshops, and swap meets (Section 12.24 W 42 c 1) shall be prohibited.

*Pawnshop:* a place of business where a licensed person lends money on the security of personal property deposited within the shop and where these goods are displayed for resale or exchange.

- v. Open Storage areas shall be prohibited.

*Open Storage:* the covered or uncovered ground level portion of a business operation which is not completely enclosed within a building or structure and is used to store items for purchase or repair, or is used for tools of trade. The term does not apply to nurseries, flower stores, auto sales or other uses as determined by the Director or his/her designee.

**b. Signs.**

- i. Signs shall be no larger than one (1) square foot per every two (2) feet of building frontage. In the case that more than one business occupies a building, the calculations shall be divided between the businesses; in no instance shall a business use duplicate measurements. Rear entrances shall be a maximum of one (1) square foot per every three (3) feet for each linear foot of wall facing the alley or parking area.
- ii. Temporary signage including but not limited to holiday decoration, sales, advertisements, etc. shall be removed within 30 days of posting.

- iii. Temporary signage is limited to one (1) per business establishment.
- iv. Each business is only allowed one (1) wall, Awning, Canopy, projecting, or Pedestrian Sign for the primary entrance. An additional sign shall be permitted where rear public entrances exist.

Awning: a roof-like cover extending over or in front of a door or window as a shelter or decorative element.

Canopy: a projecting horizontal architectural element of a building having the form of a flat band.

Pedestrian Sign: a sign which is attached to a wall or the underside of an Awning or Canopy with one or two sign faces perpendicular to the face of the building.

- v. The following signs are prohibited:

- off-site signs;
- billboards;
- Box/Cabinet/Can/Cannister Signs;
- signs that flash, blink, move, or have the appearance of movement;
- internally illuminated architectural canopy signs;
- murals;
- pole signs; and
- roof and roof-top signs

- vi. Box/Cabinet/Can/Cannister Signs: a sign whose text, logos and/or symbols are placed on a face(s) of an enclosed cabinet attached to a building, structure, pole, or freestanding. The face may or may not be translucent and the sign may or may not be illuminated.
- vii. Any neon lighting or sign shall be calculated into the total window signage permitted and shall not exceed five percent (5%) of the window area.
- viii. Multi-tenant Retail Uses are only allowed one (1) collective wall, Awning, Canopy, projecting or Pedestrian Sign for the primary entrance identifying the type of businesses contained within. An additional collective sign shall be permitted where rear public entrances exist.

Multi-tenant Retail Use: any location where new or secondhand goods are offered or displayed for sale or exchange by two to nine Independent Vendors within a completely enclosed building.

Independent Vendor. any individual, partnership, corporation, business association, lessee, sub-lessee or other person or entity, doing business on the subject property for any period of time; where a fee is charged for the privilege of offering or displaying new or secondhand good for sale or exchange; or a fee is charged to prospective buyers for admission to the area where new or secondhand goods are offered or displayed for sale or exchange.

- ix. Tenants in Multi-tenant buildings and businesses shall be permitted a listing sign identifying tenants. The area of such sign shall be incorporated into the total area permitted and shall not exceed two (2) square feet and shall be located adjacent to the window or door area.

**c. Building Orientation.**

- i. Each building shall be built to the front and side property lines with primary ground floor entrances fronting the public right-of-way, even when rear entrances are provided. Allowances will be given for the visibility triangle required by Section 12.21C.7 LAMC.
- ii. Corner buildings shall be permitted a corner entrance. This entrance shall be located at a forty-five degree (45 °) angle.

**d. Security Devices.**

- i. Exterior security grills, security bars, roll-down grills, and similar security devices shall be prohibited.

**e. Wireless Antennas.**

- i. Freestanding unmanned wireless telecommunication facilities, including radio or television transmitters, shall be prohibited.

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

Pursuant to Section 12.32 Q of the Municipal Code, the (T) Tentative Classification shall be removed 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 and Improvement.** Construct or suitably guarantee the following, to the satisfaction of the City Engineer:

- a. **Van Nuys Boulevard (Boulevard II) Street Dedication.** Accept the future street radius property line return at the intersection with Kittridge Street.
- b. **Kittridge Street (Collector Street) Street Dedication.** A 3-foot wide strip of land along the property frontage to complete a 33-foot half right-of-way in accordance with Collector Street standards of Mobility Plan 2035.

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

- c. **Van Nuys Boulevard Improvements.** Repair all broken, off-grade or bad order concrete curb, and sidewalk. Construct an access ramp at the intersection with Kittridge Street to comply with ADA requirements.
- d. **Kittridge Street Improvements.** Repair all broken, off-grade or bad order concrete curb, gutter and sidewalk. Construct additional concrete sidewalk in the parkway area. Upgrade all driveways to comply with ADA requirements.

**2. Street Trees.** Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

**3. Street Lighting.**

- a. **Improvement Plans/Maintenance Assessment District.** Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
- b. **Improvement Condition:** Construct new street lights: three (3) on Kittridge St. If street widening per BOE improvement conditions, relocate and upgrade street lights; two (2) on Van Nuys Bl.

Notes:

- i) The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.
  - ii) Conditions set: In compliance with a Specific Plan, by LADOT, or by other legal instrument excluding the BOE conditions requiring an improvement that will change the geometrics of the public roadway or driveway apron, additional improvements or the reconstruction of street lighting improvements may be required as part of that condition.
4. **Sewerage Facilities Charges/Fees.** Sewers exist in Van Nuys Boulevard and Kittridge Street. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
5. **Sewer Investigation.** An investigation may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Valley District Office Sewer Counter of the BOE (818) 374-5090.
6. **Shoring and Lateral Support Plan.** Submit shoring and lateral support plans to the BOE Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (818) 374-5090.
7. **Parking and Driveway Plan.** Submit a parking area and driveway plan to the Valley District Office of the BOE and the Department of Transportation for review and approval.
8. **Cable Television Access.** Make 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. **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 BOE, 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.

Required improvements within existing or designated roadways shall be guaranteed through the B-permit process of BOE before the issuance of any building permit for this project, and shall be completed to the satisfaction of DOT and BOE prior to the issuance of any Certificate of Occupancy.

# CONDITIONS OF APPROVAL

As modified by the City Planning Commission May 23, 2018

Pursuant to LAMC Sections 12.22.A.25, 13.08.E, and 16.05, the following conditions are hereby imposed upon the use of the subject property:

## **Density Bonus and Site Plan Review Conditions**

1. **Final Plans.** Prior to the submittal of final plans to the Department of Building and Safety, the applicant shall submit final plans for approval to Valley Project Planning which correct internal inconsistencies in the Exhibit "A" plan set, show the depth of the pool, and all landscape planters (in substantial conformance with the site plan, landscape plans, and renderings of Exhibit "A"), and provide a unit layout plan sheet.
2. **Affordable Units.** A minimum of ten (10) units, that is seven (7) percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2), affordable to Very Low Income Households. As identified in the Determination made by the HCIDLA for replacement units, zero (0) replacement units are required.
3. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make ten (10) units available to Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
5. **Guest/Public Parking.** All residential parking spaces in excess of Code required parking shall be made available as guest/public parking spaces. All guest/public parking spaces shall be single stalls and pooled; no tandem guest/public parking spaces shall be allowed within the subterranean levels. A revised plan depicting compliance with this condition shall be provided to the satisfaction of the Department of City Planning, prior to the issuance of any building permit for the proposed project.
6. **Commercial Public Parking.** All commercial parking spaces in excess of Code required parking shall be made available as public parking spaces.
7. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Very Low Income households), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.

8. **Separation of Parking.** Commercial parking shall be separated from residential parking. Wayfinding signs shall be posted to direct and distinguish the commercial parking from the residential parking, and the guest/public parking from the residential and commercial parking. A parking plan shall be provided prior to final sign-off.
9. **Parking Management.** A parking attendant/valet shall be provided for all tandem commercial parking spaces, as required by the LAMC. A parking attendant shall service all commercial parking spaces provided in excess of Code requirements on a 24 hours a day, 7 days a week basis. The commercial parking spaces provided in excess of code requirements shall remain free of charge and available for use by the public 24 hours a day 7 days a week within the garage, and shall be clearly identified with Wayfinding signs. A security gate staffed with an attendant 24 hours a day 7 days a week shall be provided to manage access to the commercial parking area.

The residential parking spaces in excess of Code required parking shall be made available as guest/public parking spaces, and shall remain free of charge and available for use 24 hours a day 7 days a week within the garage. A parking attendant shall service all residential parking spaces provided in excess of Code requirements on a 24 hours a day, 7 days a week basis. A security gate staffed with an attendant 24 hours a day 7 days a week shall be provided to manage access to the residential parking area. Guest/public parking spaces provided behind security gates shall be clearly identified with Wayfinding signs, and managed as follows:

- a. A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking;
- b. An electronic intercommunications system shall be installed. The system shall be readily accessible to the drivers of the guest vehicles and to the units served by the secured guest parking;
- c. The security gate shall be set back from the public right-of-way, as required by the City of Los Angeles Department of Transportation, so as to provide a queuing area for vehicles and to prohibit blockage or interference with the public right-of-way by waiting vehicles.

A parking management plan shall be prepared which addresses provisions to assure the orderly usage of all residential and commercial guest/public parking spaces, including but not limited to attendant staffing levels, as necessary to assure the safe and secure operation of the guest/public parking areas.

10. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by DWP in consultation with DCP.
11. **Sign Program.** A Sign Program shall be prepared which demonstrates compliance with the Van Nuys CBD CDO Q Conditions, and Guidelines and Standards, incorporated herein.
12. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
13. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. Any other equipment, such as a transformer, shall also be screened from view.

**14. Electric Vehicle Parking.** Electric Vehicle Parking. The project will include at least 20 percent (20%) of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans will 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 will be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total code required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" will be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

Any parking spaces provided above LAMC requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

**15. Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

**16. Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

**17. Solar Panels.** Solar panels shall be installed on the roof of the building's lofts to the maximum extent feasible, and shall be provided as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

**18. Solar Power.** The project shall provide the maximum feasible amount of solar power, in kilowatts, as based on the required installation of solar panels identified by Condition No. 17 above. Solar panels may be installed on all rooftop areas all structures and/or surface parking lots with the exception of areas occupied by rooftop mechanical equipment.

**19. Lighting.** All outdoor lighting shall be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes). Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.

**20. Utility Connections.** New utility connections shall be undergrounded to the best extent possible.

**21. Driveway Access and Circulation.** Final DOT approval is required prior to the issuance of any associated building permits. Approval is given when DOT receives an acceptable site and access plan and payment of all applicable application fees. Plans should be submitted to DOT Valley Development Review, 6262 Van Nuys Blvd., Suite 320, Van Nuys 91401, prior to plan check submission to the Department of Building and Safety. In order to minimize and prevent last minute building design changes, the applicant should contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. Both driveways being proposed along Kittridge Street should have a width of  $W=30'$



exclusive of side slopes or to the satisfaction of DOT. A minimum 20-foot reservoir space between the new property line and the first parking stall or gate shall be provided. All truck loading and unloading should take place on site with no vehicles having to back into the project via any of the project driveways.

22. **Fire Safety.** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans for Fire Department approval and review prior to issuance of final building permits.

- a. Access for Fire Department apparatus and personnel to and into all structures shall be required;
- b. One or more Knox Boxes shall be required to be installed for LAFD access to the project. The location and number shall be determined by LAFD Field Inspector (Refer to FPB Req #75);
- c. 505.1 Address Identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property;
- d. The entrance to a residence lobby must be within 50 feet of the desired street address curb face;
- e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units;
- f. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane;
- g. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane;
- h. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height;
- i. 2014 City of Los Angeles Fire Code, Section 503.1.4 (Exception)
  - o When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire land to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel;
  - o It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.
  - o This policy does not apply to single-family dwellings or to non-residential buildings.
- j. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street or fire lane. This stairwell shall extend onto the roof;
- k. Entrance to the main lobby shall be located off the address side of the building;
- l. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department;
- m. When rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department;

- n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan;
- o. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access;
- p. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

NOTE: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call (818) 374-4351. You should advise any consultant representing you of this requirement as well.

23. **Commercial Amenities.** The project shall provide benches/seating, trash receptacles, landscaped planters, and stamped or colored concrete at the ground floor adjacent to commercial business entrances. Plans shall be updated to reflect the types and locations of these amenities.

#### **Van Nuys CBD CDO Conditions**

24. **Façade Treatment- Standards 5 and 6:** Building facades shall be extended and continue beyond the ground floor; successive floors shall be offset by recessed windows, balconies, offset planes, awnings or other architectural details; a minimum of sixty percent (60%) of the first floor building façade shall be dedicated to windows and doors, and a minimum of twenty percent (20%) shall be articulated with wall treatments including two (2) or more of the following: recessed entryways, planters, murals, mosaic tile, or public art and/or other means of creating visual interest.

Incorporate the upper floor building façade treatment elements and design into the treatment of ground floor building walls along the southern side of the structure, which shall be made as architecturally integrated as possible, by incorporating elements to break up blank expanses including reveals, offset planes, decorative split face concrete block, murals, mosaic tile, public art, and/or other decorative material consistent with the overall architecture, materials, and design of the building.

The use of exterior building finish materials and colors shall be applied consistently on all sides of the project, so as to ensure all building facades are treated with equal architectural design and rigor. Specifically, the proportion of the building façade which is covered in blue aluminum panels shall be roughly proportional across all sides of the structure.

To ensure free flow pedestrian access between commercial establishments without the need to use the public right-of-way, and to create defensible space at ground floor level consistent with Design Out Crime principles of required mitigation measures, no perpendicular wall shall extend at the ground floor level from the building wall to the building columns located on the property line along N. Van Nuys Boulevard and W. Kittridge Street.

Ground floor building columns along the N. Van Nuys Boulevard and W. Kittridge Street frontages shall be set back 18 inches from the property line. Building columns shall be proportional in length and width to the sign band element, and shall have consistent color

and material with the sign band element, providing architecturally integrated façade treatment, consistent with Guideline 6.

25. **Building Wall Green Screen – Standard 6.** On the proposed project’s south and west sides, a decorative screen for vining plant material which extends along the ground floor building wall, and which is incorporated into the ground floor building wall design, shall be provided. Evergreen vining plant material shall be provided at the base of the decorative screens and planted with sufficient spacing to ensure coverage of the decorative screen at plant maturity, and shall be irrigated and maintained.
26. **Garage Screen Landscaping – Guideline 6 and 16.** The ground level opening between the two driveways along W. Kittridge Street shall be improved with a green screen or alternative decorative treatment which extends uniformly (i.e. has no breaks in it) along the proposed aluminum grill located between the two driveways. A landscaped planter shall be provided at the base of the screen, and shall be planted with evergreen vining plants spaced to provide coverage of the screen at maturity. Such landscaping shall be irrigated and maintained, designed for pedestrian scale, and located so that it responds to the need for buffering the aluminum grill which vents the parking area, while serving as an integrated element within the building’s architectural design.
27. **Windows- Standards 7a, 7b and 7c:** First and second floor windows shall be recessed a minimum of three (3) inches. Windows shall be designed to provide transparent viewing for pedestrians and passing traffic; no darkened, heavily tinted, or screened windows are permitted on the first floor. Additionally, windows and other openings shall contribute to 40 percent of each successive floor.
28. **Entrances- Standard 8a:** Entrances shall be illuminated.
29. **Roof Line and Forms- Standard 9a:** Roofs shall be flat and shall have parapets that extend above the roof line to screen rooftop mechanical equipment from public view.
30. **Lighting- Guideline 10 and 11:** Design exterior lighting as part of the overall architectural concept; lighting fixtures, standards, and all exposed accessories shall be harmonious with the building design. Projecting lighting elements which detract from the appearance of their setting shall be avoided; illuminate buildings and landscape to indirectly create a strong positive image. Concealing light features within buildings and landscaping can highlight attractive features and avoid intrusion into neighboring properties.
31. **Freestanding Walls- Standard 13a and 13b:** Walls shall incorporate surfaces and textures to discourage graffiti where possible. Masonry walls shall be constructed from decorative brick, stone, split face concrete block, or other decorative material. Masonry block walls shall be finished with a masonry cap. The use of chain link fencing shall be prohibited.
32. **Awnings- Standard 14a and 14b:** The building shall provide a one-color awning-type structure in the form of a sign band, as shown in Exhibit “A”, which extends horizontally from the building’s face at the top of the first floor, and shades the ground level commercial retail entrances. Glossy, vinyl, plastic, metal and horizontal ribbed awning materials shall be prohibited.
33. **Screening- Standard 16a:** Trash storage bins and recycling areas shall be located within the building and fully screened.

34. **Screening- Standard 16b:** Ground mounted equipment or electrical transformers shall be fully screened on all sides from public view by substantial landscaping and/or a decorative wall. Rooftop mounted mechanical equipment shall be screened.
35. **Security Devices- Guideline 17-1, Standard 17-1a and 17-1b:** Exterior security devices, such as rolling shutters, grilles, barbed wire, razor wire, concertina wire, and the like, shall be prohibited. Interior security grills and similar security devices shall remain fully retracted during business hours.
36. **Wireless Antennas- Standard 18a:** Building and roof-mounted antennas and other telecommunications equipment shall be painted and textured to integrate into the architecture of the existing structures to which they are attached or shall be effectively screened by the use of parapets or similar architectural elements.
37. **Wireless Antennas- Standards 18b and 18c:** Accessory equipment (i.e., power supply boxes) shall be effectively screened through placement underground, internally within the building structure, or on rooftop locations behind architectural elements. All new facilities shall be designed to accommodate more than one service provider.
38. **Building Colors- Standard 20b:** Exterior building elements, such as down-spouts, gutters, vents, and other mechanical equipment shall be painted to blend into the background surface whenever possible screening of the equipment is not possible.
39. **Building Materials- Standards 20a and 21:** Colors and materials shall be in conformance with Exhibit "A" except as revised herein by the Conditions.

#### **Environmental Conditions (ENV-2016-2945-MND)**

40. **Biological Resources - Habitat Modification (Nesting Birds, Non-Hillside or Urban Areas):**
  - a. 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).
  - b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to disturbance of suitable nesting habitat, the applicant shall:
    - i. 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.
    - ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.

- iii. 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.
- iv. 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.

**41. Tree Removal (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 the Department of Public Works, Bureau of Street Services.

**42. Tree Protection – Construction Fencing:**

- a. Prior to the issuance of any grading permit, and for the duration of proposed construction activities, the applicant shall install orange staked construction fencing around the drip line of the four palm trees (*Washingtonia robusta*) along W. Van Nuys Boulevard which are located immediately adjacent to the subject property. Placement of this required fencing shall be verified a licensed Tree Arborist, and proof of such verification shall be provided (in a letter) to the Department of Building and Safety prior to the issuance of any grading permit.

**43. Tree Removal (Public Right-of-Way):**

- a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.
- b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).
- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a

1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.

- d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

#### 44. Cultural Resources

- a. **Mural Identification:** Prior to the issuance of demolition permits for the project, the existing north wall of the bank lobby shall be physically examined and tested to determine if the canvas murals placed within the building are still intact. In order to prevent potential damage of the murals, physical testing and removal of drywall shall be carried out by a qualified construction firm with experience in historic preservation and the treatment of mural restoration and removal. All work shall be overseen by a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards (NPS 1983) to assist the construction firm with archival research to pinpoint the location of the murals before physical testing begins. Prior to the issuance of the demolition permits, a summary report of the findings of the physical examination and testing shall be prepared by a qualified architectural historian and approved by the City of Los Angeles Office of Historic Resources.
- b. **Mural Preservation:** If murals are present, and prior to the issuance of demolition permits for the project, a comprehensive plan shall be developed by a qualified architectural historian and approved by the City of Los Angeles Office of Historic Resources, which addresses the careful removal, restoration and preservation of the murals. Removal shall be completed by a qualified construction firm approved by the City of Los Angeles Office of Historic Resources (OHR), having experience in historic preservation. The results of any such removal shall be documented to the satisfaction of the OHR. Prior to the issuance of a certificate of occupancy for the project, or as required by the OHR, restoration of the murals shall be completed by a qualified art conservator who will carefully examine and document the murals to ensure they can be returned to their original condition. The murals shall be relocated either within the new project or to a nearby suitable location.

#### 45. Geology and Soils

- a. **Soils Report Approval Letter:** Prior to the issuance of any grading permit, the applicant shall submit a revised/amended Geotechnical Investigation that addresses the proposed six-story building, and obtain a new Soils Report Approval Letter from the LADBS.
- b. **Erosion/Grading/Short-Term Construction Impacts:** The applicant shall provide a staked signage at the site with a minimum of three-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.

#### 46. Land Use and Planning

- a. **Landscape Plan:** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in

accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.

- b. **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.
- c. **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.
- d. **Human Health Hazard (Vector Control):** The property shall be maintained in a neat, attractive, and safe condition at all times; On-site activities shall be conducted so as not to create noise, dust, odor, or other nuisances to surrounding properties; Trash and garbage bins shall be maintained with a lid in working condition; such lid shall be kept closed at all times; Trash and garbage collection bins shall be maintained in a good condition and repair such that there are no holes or points of entry through which a rodent could enter; Trash and garbage collection containers shall be emptied a minimum of once per week; Trash and garbage bin collection areas shall be maintained free from trash, litter, garbage, and debris.

#### 47. Noise:

##### a. Increase Noise Levels (Demolition, Grading, and Construction Activities):

- i. Construction and demolition shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday.
- ii. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- iii. The following equipment shall be retrofitted with an industrial grade muffler or muffler of similar capacity, capable of reducing engine noise by at least 15 dBA: backhoes, caisson drill rigs, compactors (ground), cranes, dozers, excavators, front end loaders, graders, rollers, and trucks.
- iv. The following equipment shall be retrofitted with a residential grade muffler or muffler of similar capacity, capable of reducing engine noise by at least 20 dBA: pavers and scrapers.
- v. Air compressors, auger drill rigs, concrete mixers, concrete pumps, generators, saws, jackhammers, and pneumatic equipment shall be enclosed by materials capable of reducing noise levels by at least 13 dBA.
- vi. Pile drivers shall be prohibited at the project site.
- vii. A temporary noise control barrier/sound curtain shall be installed on the western and northern property lines. The barrier shall be at least 20 feet high on the western boundary and 8 feet high along the northern boundary in order to block the line-of-sight of adjacent land uses to engine noise from equipment operating near the property line. The noise control barrier/sound curtain shall be engineered to reduce construction-related noise by at least 10 dBA for ground-level receptors with no line-of-sight to construction activity. The noise control barrier/sound curtain shall be engineered and erected according to applicable codes, and shall remain in place until all windows have been installed and all activities on the project site are complete.

- viii. Adjacent land uses within 500 feet of the construction activity shall be notified about the estimated duration and hours of construction activity at least 30 days before the start of construction.
- ix. Heavy-duty trucks shall be prohibited from queuing and/or idling on Kittridge Street. Queuing and/or idling shall be limited to Van Nuys Boulevard.
- x. All construction areas for staging and warming up shall be located as far as possible from adjacent residences and sensitive receptors.
- xi. Portable noise sheds shall be provided for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators.

**b. Increased Vibration Levels (Demolition, Grading, and Construction Activities):**

- i. Prior to issuance of a grading permit, a qualified structural engineer shall survey the existing foundation and structural integrity of single-family residences adjacent to the western boundary of the project site (including 14538 W. Kittridge Street [APN 2236-011-029], 14537 W. Evan Way [APN 2236-011-030], 14536 W. Evan Way [APN 2236-011-040], and 14540 W. Evan Way [APN 2236-011-039]) subject to the property owner(s) granting access to conduct the survey, and shall submit a pre-construction survey letter establishing baseline conditions at these buildings to the lead agency and to the mitigation monitor. Vibration levels shall be actively monitored when heavy-duty construction equipment (e.g., excavator, large bulldozer, or caisson drill) is located within 10 feet of western single-family residences. Vibration activity shall be modified if monitored vibration levels exceed 100 VdB within 10 feet of western single-family residences. Activity modification may include, but is not limited to, changing equipment or relocating vibration-generating activity. At the conclusion of vibration-causing activities, and prior to the issuance of any temporary or permanent certificate of occupancy for the proposed project building, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to the western single-family residences. The letter shall identify recommendations for any repair, and certify the completion of any repairs as necessary to confirm the integrity of the foundation and structure of the western single-family residences.

**c. Increased Noise Levels (Mixed-Use Development):**

- i. Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.

**48. Public Services:**

- a. **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.
- b. **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.

- c. Public Services (Construction Activity Near Schools):** The developer and contractors shall maintain ongoing contact with administrators of Ararat Charter School Kindergarten, Options for Youth High School, Van Nuys Elementary School, Options for Youth High School, CHAMPS Charter High School of the Arts Multi-Media & Performing, Valley Charter Middle School, Sherman Oaks Middle School, and Van Nuys High 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.

The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.

Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

- d. Public Services (Schools Affected by Haul Route):** The City of Los Angeles Department of Building and Safety shall assign specific haul route hours of operation based upon Ararat Charter School Kindergarten, Options for Youth High School, Van Nuys Elementary School, Options for Youth, CHAMPS Charter High School of the Arts Multi-Media & Performing, Valley Charter Middle School, Sherman Oaks Middle School, and Van Nuys High School hours of operation.

Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the schools during periods when schools are in session especially when students are arriving or departing from the campuses.

#### 49. Transportation and Traffic

- a. Transportation:** The following shall be implemented to minimize traffic disruption during construction:
- i. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

- ii. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
  - iii. There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.
  - iv. No hauling shall be done before 9 a.m. or after 3 p.m.
  - v. Trucks shall be spaced so as to discourage a convoy effect.
  - vi. A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.
  - vii. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
  - viii. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind.
  - ix. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
  - x. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.
  - xi. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
  - xii. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.
- b. Pedestrian Safety:** The following shall be implemented to ensure pedestrian safety duration construction:
- xiii. The 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.
  - xiv. Temporary pedestrian facilities shall 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.
  - xv. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.

- xvi. The applicant shall keep sidewalks open during construction unless closure is 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. Construction Work Site Traffic Control Plan:** The following shall be implemented to ensure pedestrian safety duration construction:

- i. A construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. As identified in Mitigation Measure No. XII-20, Heavy-duty trucks shall be prohibited from queuing and/or idling on Kittridge Street, and queuing and/or idling shall be limited to Van Nuys Boulevard. Further, DOT recommends that all construction related traffic be restricted to off-peak hours.

### Administrative Conditions

**50. Inadvertent Discovery:** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (818) 374-5050.
- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 30 days, to conduct a site visit and make recommendations to the Project permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.

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<sup>1</sup> Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity

- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
  - g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
  - h. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.
51. **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.
52. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
53. **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.
54. **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.
55. **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.
56. **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.
57. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
58. **Indemnification.** Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, 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.
- c. 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 \$50,000. 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 (b).
- d. 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 (b).
- e. 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. Actions 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.

59. **Project Design Feature:** Because lead and volatile organic compounds were detected in soil samples during preparation of the Phase II Environmental Site Assessment, even though well below screening (significance) levels, a Soil Management Plan will be prepared and submitted to the satisfaction of the Department of Building and Safety, prior to the issuance of any grading permit.

## FINDINGS

### General Plan/Charter Findings (Charter Sec. 556, 558)

The proposed zone change is in substantial conformance with the purposes, intent, and provisions of the General Plan and is in conformity with public necessity, convenience, general welfare and good zoning practice. The City of Los Angeles' General Plan consists of the Framework Element, seven required Elements that are mandated by State law, including Land Use, Mobility, Housing, Conservation, Noise, Safety, and Open Space, and optional Elements including Air Quality, Service Systems, and Plan for a Healthy Los Angeles. Thirty-five individual community plans comprise the Land Use Element for the City of Los Angeles. This section provides relevant goals, objectives, policies, and programs that are established in the General Plan that form the basis for staff's recommended actions for the proposed project.

- 1. General Plan Land Use Designation.** The subject property is located on N. Van Nuys Boulevard in the Van Nuys - North Sherman Oaks Community Plan, which was adopted by the City Council on September 9, 1998. The Plan designates the subject property with two land use designations and two height districts: Community Commercial land use on the eastern / front portion of the site, with corresponding zones of CR, C2, C4, RAS3, and RAS4, and Height District 1L; and General Commercial land use on the western / rear portion of the site, with corresponding zones of C1.5, C2, C4, RAS3, and RAS4, and Height District 1VL. The western / rear portion of the site property is subject to the General Plan Footnote No. 2, which limits the height district to three stories and 45 feet. The subject site is currently zoned [Q]C2-1L-CDO (on the eastern / front portion of the site), and [Q]P-1VL-CDO (on the western / rear portion of the site). The applicant is seeking to change the zone of the subject property to RAS4, which is consistent with the corresponding zones. No change to the height district is proposed. The applicant has requested an off-menu density bonus to permit 33 additional units and one off-menu incentive (to permit an additional 25 feet in height and 3 additional stories on the -1VL rear portion of the site), in exchange for setting aside 7 percent (10 units) for Very Low Income Households, in order to permit development of a mixed-use project consisting of 174 apartment units, and approximately 18,400 square feet of ground floor commercial retail space, which is consistent with the State Law, and the proposed zone. The proposed zone is consistent with the project site's General Plan Land Use Designation, and with approval of the requested density bonus, the proposed height, number of stories, and density would also be consistent.
- 2. General Plan Text.** The Van Nuys - North Sherman Oaks Community Plan sets forth planning purposes, objectives, and policies for land uses within its boundaries. The Community Plan's stated purposes are to promote an arrangement of land uses, streets, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the people who live and work in the community.

The proposed mixed-use project would be in conformance with the following objectives, and policies of the Van Nuys - North Sherman Oaks Community Plan:

**GOAL 1:** *A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the community.*

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

**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.

**Program:** The Plan includes an Urban Design Chapter which is supplemented by Design Guidelines and Standards for residential development.

**Objective 1-2:** To locate new housing in a manner which reduces vehicular trips and make 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 the development.

**Program:** The plan concentrates most of the higher residential densities near transit corridors.

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

The project involves demolition of 3 commercial buildings and a surface parking lot, and the construction, use and maintenance of a 6-story mixed-use building providing approximately 157,100 square feet of floor area, including 18,400 square feet of ground floor commercial retail space, and 174 units of apartment housing, including 10 units set aside for Very Low Income households, with 348 residential parking spaces (including 18 mechanical lift spaces) and 67 commercial parking spaces, as well as 20,489 square feet of open space, constructed to a maximum height of 75 feet (top of loft), on an approximately 56,289 square foot site (1.29 acres). (Note: at the time the hearing notice was mailed, the application materials identified a request for Parking Option No. 1, however, subsequent to the release of the hearing notice, the applicant indicated the proposed project will provide parking pursuant to the requirements of the LAMC, Section 12.21.A.4, and that Parking Option No. 1 will not be requested). The applicant will provide code-required parking in lieu of either Density Bonus Parking Option (1 or 2), and proposes an additional 142 residential parking spaces and 30 commercial parking spaces in excess of code requirements. A total of 51,000 cubic yards of soil export is proposed in order to construct two levels of subterranean parking, to a depth of approximately 22 feet below natural grade. A total of 13 non-protected, significant on-site trees will be removed and replaced at a 1:1 ratio. While the existing street trees along W. Kittridge Street would likely be removed to provide a 3-foot dedication and improvement, none of the existing street trees along Van Nuys Boulevard are proposed to be removed or disturbed.

Properties in the vicinity of the project site are characterized by flat topography and improved roadways, and include residential uses, commercial uses, and schools. Specifically, a surface parking lot and commercial uses, including a bank, are located to the immediate south of the project site in [Q]C2-1L-CDO and [Q]P-1VL-CDO zoning; two- and three-story single-family residential units are located to the immediate west in (T)[Q]CR-1VL-CDO zoning; W. Kittridge Street and commercial retail uses are located to the immediate north in [Q]C2-1L-CDO and [Q]P-1L-CDO zoning; and N. Van Nuys Boulevard and commercial uses with surface parking are located to the immediate east in [Q]C2-1L-CDO zoning. Further distant to the northwest, west and southwest along Vesper



Avenue are single-family residences in the R1-1-HPOZ Zone, a three unit apartment in the [Q]RD1.5-1 Zone, and a church (Church of the Valley) in the R1-1 Zone. To the north and south along N. Van Nuys Boulevard the development is characterized by 1- and 2-story commercial buildings fronting along Van Nuys Boulevard, and surface parking lots. Further distant to the east and across Van Nuys Boulevard, along W. Kittridge Street are several apartment buildings in the [Q]CR-1L-CDO Zone and the [Q]R3-1-CDO Zone. Sensitive receptors in the project area include the Church of the Valley located approximately 275 feet west of the site, Ararat Charter School Kindergarten located approximately 550 feet east of the site, and Van Nuys High School located approximately 950 feet west of the project site. Interstate 405 is approximately 1.5 miles west of the project site, SR 170 is approximately 2.3 miles east of the site, and SR 101 is approximately 2.3 miles south of the site.

The proposed project's location is proximate to various public transit routes, including the following bus lines:

- Metro Local Line 164: West Hills to Burbank via Warner Center, Reseda, Lake Balboa, Van Nuys and North Hollywood.
- Metro Local Line 165: West Hills to Burbank via Canoga Park, Reseda, Lake Balboa, Van Nuys and North Hollywood
- Metro Local Line 233: Sherman Oaks to Lake View Terrace via Van Nuys, Panorama City and Pacoima
- Metro Local Line 237: Encino to Sherman Oaks via Van Nuys, Northridge, Granada Hills, Sylmar and North Hills
- Metro Local Line 656: Hollywood to Van Nuys via Studio City and North Hollywood
- Metro Local Line 744: Pacoima to Northridge via Panorama City, Van Nuys, Sherman Oaks, Encino, Tarzana and Reseda
- Metro Local Line 788: West Los Angeles to Arleta via Westwood, Sherman Oaks Van Nuys and Panorama City
- Metro Orange Line: North Hollywood to Chatsworth via Van Nuys, Reseda, Winnetka, Warner Center and Canoga Park
- DASH: Panorama City/Van Nuys: Panorama City to Van Nuys
- The Van Nuys Boulevard/Victory Boulevard Rapid Bus Stop is located within 0.25 miles from the project
- The Metro Orange Line Van Nuys station is located at the northeast corner of the Van Nuys Boulevard/Aetna Street intersection

As per the traffic study and DOT assessment letter (Exhibit "E1"), significant traffic impacts are not expected from the project, and the site is in close proximity to bus lines operating along Van Nuys Boulevard, Victory Boulevard, and Vanowen Street. With incorporation of the DOT Project Requirements as mitigation measures and conditions of approval, the project is not expected to cause any adverse impacts on livability, services and public facilities, or traffic levels.

The proposed project will meet the above objectives and policies by providing additional housing at an appropriate density, with a variety of pricing options, and at a location along a transit corridor to meet the Plan area's population needs and infrastructure capacities. The project furthermore preserves the assigned Community Plan Land Use designation.

The Community Plan also sets standards for Urban Design in Chapter V for multi-family residential, and commercial, projects. The design policies in Chapter V establish the minimum level of design that shall be observed in multiple-family and commercial projects within the entire plan area. The policies of Chapter V are administered via the Van Nuys Central Business District CDO. As such, and by extension, conformity with the CDO also establishes conformity with the Chapter V of the Community Plan. The findings in support of conformity with the Van Nuys Central Business District CDO are presented below.

Additionally, the staff recommended zone change to the RAS4 zone is in substantial conformance with the purposes, intent and provisions of the General Plan, as reflected in the adopted Framework Element. The City's General Plan Framework Element identifies the overall form of the city, and sets forth goals with regard to urban design objectives, including a livable City for existing and future residents, attractive to future investment, and comprised of interconnected, diverse neighborhoods that function at both the neighborhood and citywide scales. The Citywide Commercial Design Guidelines (which include mixed-use projects) were crafted as a tool to implement the General Plan Framework Element's goals, policy, and objectives within neighborhoods. As conditioned, the project will be in substantial conformance with the following objectives of the Residential Citywide Design Guidelines, including:

Objective 1: Consider Neighborhood Context & Linkages in Building & Site Design

Objective 2: Employ Distinguishable and Attractive Building Design

Objective 3: Provide Pedestrian Connections Within and Around the Project

Objective 4: Minimize the Appearance of Driveways and Parking Areas

Objective 5: Utilize Open Areas and Landscaping Opportunities to their Full Potential

Objective 6: Improve the Streetscape Experience by Reducing Visual Clutter

The project complies with these Guidelines in that the project provides direct paths of travel for pedestrians, and orients the building to N. Van Nuys Boulevard and W. Kittridge Street. Additionally the project activates the street level frontage with commercial tenant spaces along both N. Van Nuys Boulevard and W. Kittridge Street that incorporates clear and unobstructed windows facing the sidewalk. As noted earlier, the project also uses articulations and material changes, and has been conditioned to provide color and material changes on all sides of the project. The project will widen W. Kittridge Street, plant street trees along W. Kittridge Street, and provide new landscaping along the ground level. Additionally, as conditioned, the project will underground any new utility service as possible.

The Community Plan text also includes the following objectives and policies:

**Objective 1-5:** To promote and ensure 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 1-5.2** Promote housing in mixed use projects in transit corridors.

**Program:** The municipal code provides a bonus in floor area and height for mixed use projects in the areas identified in this program.

**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.

The proposed 174 unit mixed-use project will provide 21 studio units, 80 1-bedroom units, fifty-eight 2-bedroom units, six 1-bedroom + loft units, and nine 2-bedroom + loft units, which allows for a choices of housing units. The project will also be providing 10 units set aside for Very Low Income households that will help provide housing for a variety of incomes and backgrounds. The site is located along Van Nuys Boulevard, a Boulevard II (formerly a Major Highway) and transit corridor, and can support the proposed increased land use intensification. The proposed mixed-use residential/ground floor commercial building would be compatible with the existing neighborhood land use and character. Additionally, the project will not displace any existing residents as the current uses onsite are entirely vacant commercial buildings.

**GOAL 2- A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the community.**

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

**Policy 2-1.1** New commercial uses shall be located in existing established commercial areas or existing shopping centers.

**Program:** The Plan Map identifies specific areas where commercial development is permitted.

**Policy 2-1.3** Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

**Program:** Chapter V - Urban Design, proposes policies for commercial development which address this policy; the Plan also insures more compatibility by downsizing and/or establishing more restrictive height limits.

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

**Policy 2-2.1** New development needs to add to and enhance the existing pedestrian street activity.

*Program:* Development within these areas is subject to the design standards establish.

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

*Program:* Implementation of the Design Guidelines in Chapter V.

**Policy 2-2.3** Require that the older commercial business areas with pedestrian oriented districts be designed and developed to achieve a high level of quality, distinctive character and compatibility with existing uses.

*Program:* The Plan includes Design Guidelines which implement this policy for commercial projects and projects located within pedestrian oriented districts.

*Program:* A Community Design Overlay district (CDO) is designated for the older commercial business district along Van Nuys Boulevard between the south side of Oxnard Street to Wyandotte Street.

**Policy 2-2.4** Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts incorporate retail and service oriented commercial uses.

*Program:* Design Guidelines address this policy.

**Policy 2-4.1** Protect commercial plan designations so that commercial development is encouraged.

*Program:* The Plan and Plan Map maintain the current amounts of commercial land use designations to implement this policy.

As noted above, the project is located on Van Nuys Boulevard, a transit corridor. The project is proposed in an existing commercial area, and as noted above, complies with the Urban Design guidelines in the Van Nuys-North Sherman Oaks Community Plan, as reflected in the Van Nuys Central Business District CDO, as well as the Citywide Commercial Design Guidelines (including mixed-use projects). The project maintains a commercial use for the ground floor on the property, encouraging an active street frontage and pedestrian activity.

The project has been designed to be articulated to provide variation and visual interest, and the ground floor materials (stucco and aluminum siding) will help avoid opportunities for graffiti. The project has been conditioned to incorporate surfaces and textures to discourage graffiti on walls, and masonry walls are required to be constructed of decorative brick, stone, split face concrete block, or other material, creating a stable environment with a pleasant and desirable character.

The project complies with the design policies in that the project uses the stairwells as vertical articulations, and provides balconies, landscaping, and material changes on all sides of the development. As conditioned, the mechanical and electrical, and rooftop equipment will be screened from view. The project also proposes to keep enclosed trash areas within the building footprint.

Parking is integrated with the building, and the basement and ground floor parking is located behind the commercial space which faces the street. The commercial space maximizes the frontage along both Van Nuys Boulevard and Kittridge Street frontages. The project has been conditioned to install on-site lighting along all pedestrian walkways and vehicular access ways, and shield and direct on-site lighting onto driveways and walkways, directed away from adjacent uses.

Therefore, as conditioned, the recommended development meets the objectives of the Community Plan, is permitted in the requested RAS4 Zone, and is consistent with the general plan land use designation.

The Housing Element for 2013-2021 was adopted by City Council on December 3, 2013, and is an element of the City's General Plan. The project is consistent with the following goals, objectives, and policies:

**GOAL 1:** *A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.*

**Objective 1.1** Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

**Policy 1.1.2** Expand affordable rental housing for all income groups that need assistance.

**Policy 1.1.3** Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

**Policy 1.1.4** Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

As noted above, the proposed 174 unit mixed-use project will provide 21 studio units, 80 1-bedroom units, fifty-eight 2-bedroom units, six 1-bedroom + loft units, and nine 2-bedroom + loft units, which allows for a choices of housing units. The project will also provide 10 units set aside for Very Low Income households that will help provide housing for a variety of incomes and backgrounds. The site is located along Van Nuys Boulevard, a Boulevard II (formerly a Major Highway) and transit corridor, and can support the proposed increased land use intensification. As such, the project is consistent with the above goals, objectives, and policies of the Housing Element.

**Objective 1.2** Preserve quality rental and ownership housing for households of all income levels and special needs.

**Policy 1.2.2** Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.

**Policy 1.2.7** Strengthen the capacity of the development community to preserve and manage affordable housing.

As noted above, the project provides a variety of rental options, and provides new affordable units. The 10 units set aside for Very Low Income Households will be preserved through a covenant for 55 years, or until 2073. As such, the project is consistent with the above goals, objectives, and policies of the Housing Element.

3. **Charter Findings.** The proposed zone change complies with Charter Section 556 and 558 in that the change promotes land use regulations with regards to use, height, density, etc., that is consistent with the General Plan, as noted above in Finding Nos. 1 and 2, and with public necessity, convenience, general welfare, and good zoning practice, as noted in the discussion at Finding No. 4, all of which are referenced as if fully incorporated herein.

### **Entitlement Findings**

4. **Zone Change, 12.32 C.2:**

The adoption of the proposed land use ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice.

The project site consists of one flat lot, irregular in shape that fronts the west side of N. Van Nuys Boulevard for a distance of approximately 147 feet, and has approximately 375 feet of frontage along W. Kittridge Street. The lot is approximately 147 feet wide and approximately 375 feet deep.

The site is in the Van Nuys-North Sherman Oaks Community Plan, and currently has split zoning with [Q]C2-1L-CDO (on the eastern / front portion of the site), and [Q]P-1VL-CDO (on the western / rear portion of the site). The property is subject to the General Plan Footnote No. 2, which limits the height to three stories and 45 feet. The property is currently subject to the [Q] Conditions of Ordinance 174,421, commonly known as the "Van Nuys Central Business District Community Design Overlay Q Conditions," which prohibits certain uses, places additional signage restrictions, regulates building orientation and entrances, and prohibits certain security devices and wireless antennas. The property is within 500 feet of a public school, but not within 500 feet of a park.

The project site is currently improved with three vacant commercial buildings (previously La Tapachulteca Latino Market and WSS Shoes) originally constructed between 1950 and 1959, located along the sites N. Van Nuys Boulevard frontage to a depth of approximately 150 feet. The remainder of the project site is improved with a surface parking lot and landscaping, including 13 non-protected, significant (i.e., 8-inch or greater trunk diameter as measured 54 inches above ground height) trees. One curb cut currently exists along the sites W. Kittridge frontage. Based on the Historical Resources Report prepared by RINCON Consultants, Inc., dated August 31, 2017 for the subject property, none of the existing buildings are currently listed or eligible for listing as a historical resource at the federal, state, or local level. Thirteen trees onsite will be removed for the project; all are over eight

(8) inches in diameter and none are protected species. As identified in Case No. ENV-2016-2945-MND, the four palm trees (*Washingtonia robusta*) along W. Van Nuys Boulevard appear to meet local criteria for listing as a City of Los Angeles Historical Monument. The proposed project is appropriately conditioned to provide construction fencing around the four palm trees (*Washingtonia robusta*) along W. Van Nuys Boulevard which will remain in place for the duration of construction. As such, impacts to the four palm trees are found to be less than significant.

The project proposes a Vesting Zone Change for a uniform zone across the entire site from the [Q]C2-1L-CDO and [Q]P-1VL-CDO to the (T)[Q]RAS4-1L and (T)[Q]RAS4-1VL Zones, respectively, consistent with the subject property's General Plan Land Use designations of General Commercial and Community Commercial. The requested RAS4 zone permits a maximum building height of 50 feet, and consistent with the RAS Zone Interpretation Memo dated April 21, 2005, the RAS Zones can exceed a General Plan Footnote when that Footnote is general in nature and generally refers to all parcels under that category. Thus, the maximum height allowed in the RAS4 zone on the subject property would be 50 feet, and not 45 feet, as otherwise restricted by Footnote No. 2. The applicant has also requested a density bonus for 33 additional units, which includes an off-menu incentive to permit an additional 25 feet in height. With approval of the requested off-menu density bonus incentive, the proposed project would be in conformance with the height restrictions of the RAS4 zone. The property is not in any specific plan area, but is located within the Van Nuys Central Business District CDO area, which regulates building orientation, uses, signs, entrances, security devices, and freestanding wireless antennas. Specifically, the CDO requires buildings to be built to the front and side property lines, superseding the yard requirements of the requested RAS4 zone. It also prohibits multi-family uses on the ground floor along Van Nuys Boulevard. As shown in Exhibit "A", the proposed project complies with both of these requirements, and as identified on sheet A5.0 Building Elevations, no signage has been proposed, so the project has been conditioned to comply with the CDO signage requirements. The project has also been conditioned to comply with the building orientation, security devices, and wireless antenna regulations of the Van Nuys CBD CDO. With regard to entrances, the applicant has requested modification of the Van Nuys Central Business District CDO [Q] Condition No. 4.a., to allow the main entry doors of ground floor commercial business to be recessed from the front lot line (i.e., Van Nuys Boulevard) a maximum of 14 feet 9 inches (a total of 177 inches), in lieu of a maximum of 36 inches. As conditioned, the requested modification would activate the street level by providing additional space for free flow movement of pedestrians between commercial establishments (without having to use the sidewalk area), and provide improvements/amenities including covered (shaded) outdoor seating areas, landscaped planters, and trash receptacles, encouraging pedestrian activity and activating the proposed project at the street level, which will enhance the Districts' appearance and create a sense of place along N. Van Nuys Boulevard, a hub within the San Fernando Valley. As such, and as shown below, the proposed project would be in conformance with the overall purposes and intent of the Van Nuys Central Business District CDO; and with approval of the requested [Q] condition modification, the proposed project would be in substantial conformance with the Van Nuys Central Business District CDO [Q] Conditions.

Public Necessity - The proposed mixed-use building provides necessary housing to the City of Los Angeles, with both a variety of unit types and economic segments by providing 174 new units, 10 of which will be set aside as affordable for a period of 55 years. This provided

housing aligns with the Los Angeles Mayor's Executive Directive No. 13<sup>1</sup>, which notes an affordable housing crisis in the City and encourages the development of new housing units.

Convenience - The proposed project will be conveniently located along the N. Van Nuys Boulevard commercial corridor, in close proximity to existing commercial and retail uses, multi-family and single-family residential neighborhoods, and is served by a number of bus lines proximate to the site (see above discussion under Finding No. 2). The subject site is also proximate to the Van Nuys Civic Center, and LA Valley College, as well as regional freeways including the 170 (Hollywood) to the east, and the US 101 freeway to the west.

The project will provide a clear residential entry point from W. Kittridge Street, and has been conditioned to provide easily accessible short-term commercial bike racks next to the commercial space entrance doors, and short-term residential bike racks next to the main residential entry along W. Kittridge Street. In addition, the project has been conditioned to provide all long-term residential and commercial bike parking spaces to be conveniently located within the first floor (ground level) parking level. These features make the use more accessible and convenient for those utilizing alternative modes of transportation.

General Welfare – In addition to providing needed housing as noted above, the proposed project will also be beneficial with respect to the general welfare because it will increase the economic viability of the community in which it is located by providing commercial space in addition to the residential units.

Good Zoning Practice - With respect to good zoning practice, the proposed project's use and design is substantially consistent with the purposes of the General Plan, and Community Plan. Including the Density Bonus incentive for additional height through providing affordable units, the project has been designed in substantial conformance with applicable zoning and development limitations. Additionally, the proposed project is consistent with the land use designation of the subject property and sound zoning practices, as it will provide a desirable and beneficial commercial use on commercially designated property that does not encroach upon or impact residentially zoned properties or neighborhoods.

The proposed Vesting Zone Change will eliminate the outdated P Zone on the subject property and permit the construction of a mixed-use project with 174 residential units, including 10 affordable, set-aside units, and 18,400 square feet of commercial space in the RAS4 Zone. This is good zoning practice in consideration of the location of the subject property along a commercial corridor where adjoining commercial properties are within the same land use designation. Moreover, the proposed project will replace an underutilized surface parking lot that has obsolete P zoning, with a mixed-use project within the RAS4 zone, bringing a much more beneficial and attractively designed community oriented use which houses all required parking within the development.

Furthermore, the proposed project is consistent with the Purpose Statement of the RAS4 Zone, as contained in LAMC Section 12.11.5:

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<sup>1</sup> Los Angeles Mayor's Executive Directive No. 13, dated October 23, 2015 as cited from: [https://www.lamayor.org/sites/g/files/wph446/f/page/file/ED\\_13\\_-\\_Support\\_for\\_Affordable\\_Housing\\_Development.pdf?1445984955](https://www.lamayor.org/sites/g/files/wph446/f/page/file/ED_13_-_Support_for_Affordable_Housing_Development.pdf?1445984955)



“The purpose of this zone is to provide a mechanism to increase housing opportunities, enhance neighborhoods, and revitalize older commercial corridors. The RAS4 Zone is intended to provide a tool to accommodate projected population growth in mixed use and residential projects that is compatible with existing residential neighborhoods.”

The proposed project replaces older buildings and surface parking lots, related to a former La Tapachulteca Latino Market and WSS Shoes, with desirable, market-rate and affordable residential units in a mixed-use building, providing a new, high-quality, for-rent dwelling option. In addition to expanding available housing opportunities, the proposed project expands commercial opportunity with a commercial use oriented along the project site’s ground-floor N. Van Nuys Boulevard and W. Kittridge Street façades, encouraging an active street frontage and pedestrian activity.

5. **“T” and “Q” Classification Findings, LAMC 12.21 G and Q:**

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 ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the required actions.

The “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. The “Q” conditions that limit the scale and scope of future development on the site are also necessary to protect the best interests of, and to assure a development more compatible with, surrounding properties and the overall pattern of development in the community, 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.

6. **Vesting Zone Change, L.A.M.C. Sec. 12.32 Q.3:**

The conditions adopted for the vesting zone change are necessary to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood; to secure an appropriate development in harmony with the objectives of the General Plan; to prevent or mitigate potential adverse environmental effects of the zone change; or that public necessity, convenience or general welfare require that provisions be made for the orderly arrangement of the property concerned into lots and/or that provisions be made for adequate streets, drainage facilities, grading, sewers, utilities and other public dedications and improvement.

The discussion at Finding Nos. 1 and 2 is referenced as if fully incorporated herein and detail how the project complies with the General Plan Land Use Designation. Furthermore, the project allows the site to secure an appropriate development in harmony with the objectives of the General Plan, by retaining the General Plan Land Use Designation, keeping a commercial use along the ground floor of a commercial and transit corridor, and by providing housing options for diverse economic needs in the population.

The project is consistent with public necessity, convenience, general welfare, and good zoning practice, as noted in the discussion at Finding No. 4, which is referenced as if fully incorporated herein.

The discussion at Finding No. 5 is referenced as if fully incorporated herein, and details how the recommended T and Q conditions support these findings for preventing adverse effects of the zone change, and public dedications and improvements.

As such, the project complies with LAMC Section 12.32 Q for Vesting Zone Changes.

**DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES PROGRAM DETERMINATION (OFF-MENU INCENTIVE)**

**Code Criteria**

As permitted by LAMC Section 12.22 A.25 the applicant is requesting an off-menu incentive that will facilitate the provision of affordable housing at the site, as follows: one (1) off-menu incentive for a 25-foot increase in height, and an additional three stories within the western / rear portion of the site, in lieu of the otherwise maximum permitted height of 50 feet (in the requested RAS4 Zone) and three stories (pursuant to Community Plan Footnote No. 2). Pursuant to LAMC Section 12.22 A.25 (g)(2)(i)c, and Government Code 65915(d), the Commission shall approve a density bonus and requested incentive unless the Commission finds that:

7. **The incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The record does not contain substantial evidence that would allow the Commission to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The requested incentive, an increase in height, per LAMC 12.22 A.25(g), permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive allows the developer to expand the building envelope so the additional ten (10) restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to set aside ten (10) units for Very Low Income dwelling units for 55 years.

*Height Increase (incentive).* The project is a six (6)-story mixed-use multi-family residential building with 174 dwelling units, including ten (10) affordable units, with ground floor commercial space. Without any density bonus incentive, the project would otherwise be limited to a maximum height of 50 feet. The on-menu incentive only allows for an 11-foot increase in height or one additional story, whichever is lower. However, the requested incentive would allow for an increase in the height limitation to a total of 75 feet to

accommodate a balance of commercial space, affordable housing, and market rate units. The project proposes a height of 75 feet.

As expressed by the applicant in the supplemental materials provided (Exhibit "E3"), 26 units, public common areas, and landscaped planters would be lost without the requested 25-foot height increase. The Van Nuys CBD CDO Q Conditions prohibit multi-family uses on the ground floor, which leaves only the 2<sup>nd</sup> through the 6<sup>th</sup> floors for locating residential units. The additional height requested is necessary to construct the number of units proposed, and to allow for 18,400 square feet of ground floor commercial space, consistent with the commercial zone, land use designation, and character of the surrounding area along N. Van Nuys Boulevard. In addition, the height increase will allow the project to be configured in a manner more efficient than otherwise possible in order to make the project financially feasible for a rental apartment development that includes seven (7) percent affordable units.

8. **The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)).

#### **SITE PLAN REVIEW, L.A.M.C. Sec. 16.05:**

9. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

As per Findings No. 1, 2, and 4 the project is consistent with the General Plan, by retaining the General Plan Land Use Designation, keeping a commercial use along the ground floor of a commercial and transit corridor, and by providing a variety of housing options for diverse economic needs in the population.

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

#### **Height**

The proposed project would be the tallest structure on the block. All of the immediately surrounding properties to north, south, east, and west are no taller than a three (3)-story building, or approximately 31 feet in height. However, many of the surrounding properties have surface parking, and are not developed to the full utilization of the land. As the permanent [Q] conditions would allow for a height of 75 feet in the RAS4 zone, the project's

height is compatible with the potential future development on the adjacent properties along N. Van Nuys Boulevard, and the project's transitional height provides buffering and mass articulation, providing for compatibility with adjacent 2- and 3-story homes to the west.

#### Bulk/Massing

Consistent with the requirements of the Van Nuys CBD CDO, the proposed project would utilize the full width of the lot, which has a frontage of approximately 150 feet of frontage along N. Van Nuys Boulevard, and approximately 375 feet of frontage along W. Kittridge Street. This lot width is similar to the lots immediately adjacent to the subject site but not as wide as the lots further north of the subject property. The massing of the structure along the street façade has been broken up by different planes and material treatments that make the structure appear less imposing from the street.

#### Building Materials

The proposed materials of stucco, clear glass, metal guard railing, anodized aluminum grill vents, vinyl framed windows (residential floors), anodized aluminum frame ground floor windows/doors, and blue/grey aluminum panel siding are compatible with existing developments, but will also have the potential to set a precedent that will inspire future developments on the block.

#### Entrances/Access

The project provides clear entrances from the street, N. Van Nuys Boulevard and W. Kittridge Street, for both the commercial and residential uses. This is consistent with other nearby commercial properties that also orient the entrances toward the street. In response to the applicant's stated objective for resident guest parking, staff has conditioned the project to require a remote electronic gate opening system to enable the security gate to be opened from each residential unit. To ensure that the project's commercial spaces (which include tandem spaces) remain available to both business patrons and employees, the proposed project has been conditioned to require a parking lot attendant/valet during commercial business hours, and card key access outside of normal business hours. As shown on Sheet A3.0 and A3.1, the residential parking is currently configured to provide a number of the proposed spaces as tandem parking spaces. To ensure that these spaces remain available and accessible to guests of residents, as well as to residents, which is the stated purpose by the applicant, the project has been conditioned to require that these excess residential spaces to be single (and not tandem) stalls, pooled, clearly identified with Wayfinding signage, and accessible via electronic card key control installed at the gate which is operable from each residential unit. The applicant has been advised that projects reviewed by the CPC have been required to provide electric vehicle ready parking stalls for all parking spaces provided in excess of code requirements.

As shown on the Exhibit "A" Site Plan, appropriate separation of the commercial parking spaces from the resident parking spaces has been provided by separate driveway ingress/egress to each parking area, and by locating the commercial parking solely on the ground floor level.

#### Setbacks

The proposed project would be constructed to the front and side property lines, in conformance with the Q Conditions of the Van Nuys CBD CDO, and nearby properties. The project also observes a five (5) foot rear yard setbacks at the ground level, with the upper residential floors (i.e., 2<sup>nd</sup> through 6<sup>th</sup>) setback a minimum of 5 feet consistent with the requirements of the requested RAS4 zone. Noteworthy are the transitional height setbacks

provided along the northerly and westerly sides of the project, providing further buffer and compatibility with the surrounding land uses.

### Parking

Based upon the number and type of dwelling units proposed, and the applicant's revised Site Plan Review Form, 206 automobile parking spaces for residential uses are required for the project. Automobile parking shall be provided consistent with LAMC Section 12.21.A.4, which requires one (1) on-site parking space for each residential unit with less than three (3) habitable rooms, one and one-half (1.5) on-site parking spaces for each residential unit with three (3) habitable rooms, and two (2) on-site parking spaces for each residential unit with more than three (3) habitable rooms. The Bicycle Parking Ordinance, LAMC Section 12.21.A.16, allows affordable residential projects not requesting Parking Option No 1 or 2 to reduce required automobile parking by up to 30 percent. However, the applicant has not requested either of these reductions, nor any reduction in required automobile parking spaces with bicycle parking replacement spaces. Based upon the number and type of dwelling units proposed, the 206 automobile parking spaces for residential uses shall be provided.

Based upon the project site's location within the Los Angeles State Enterprise Zone, a minimum of 37 automobile parking spaces are required for the proposed project. Automobile parking shall be provided consistent with LAMC Section 12.21.A.4.(x)(3)6, which requires two (2) on-site parking spaces for each 1,000 square feet of gross commercial floor area.

Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one (1) per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one (1) per 10 dwelling units or guest rooms, with a minimum of two (2) short-term bicycle parking spaces. Short-term and long-term bicycle parking for commercial retail space requires one (1) bicycle parking space per 2,000 square feet for long-term bicycle parking and one (1) bicycle parking space per 2,000 square feet for short-term bicycle parking, with a minimum of four (4) bicycle parking spaces (two [2] as long-term and two [2] as short-term bicycle parking). Based upon the number of dwelling units, at least ten (10) long-term bicycle parking and ten (10) short-term bicycle parking spaces shall be provided onsite for the commercial retail uses, or pursuant to LAMC Section 12.21 A.16 for any other permitted commercial use.

Unlike many nearby properties, the project locates all parking underneath the building footprint, and behind the ground-floor commercial. This is compatible with future development as the nearby properties have surface parking on the under-developed lots. It should also be noted that the parking layout provides 142 residential and 30 commercial parking spaces in excess of Code requirements, and the project has been conditioned to provide for appropriate parking management of these excess parking spaces, including ensuring that excess residential parking will be available to guests and residents, that commercial spaces will remain secure after business hours, and to require that corrected final plans be submitted to correct inconsistencies in project data presented in Exhibit "A".

### Lighting

No lighting fixtures were shown on the elevations or other plans, but the project has been conditioned to install security lighting that would be shielded and down-casted within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping

The project proposes landscaping as a part of the project. There is minimal landscaping in the nearby properties, and the existing project site has minimal landscape also. The project has been conditioned to provide landscape consistent with Exhibit "A", and is providing 136 new trees onsite, while retaining the four (4) existing palm street trees along N. Van Nuys Boulevard. As such, this project will be introducing more landscaping than what currently exists.

Trash Collection

Trash and recycling is located on the interior of the building, on the ground floor. This location will reduce the impact of unpleasant odors to any neighboring properties, and will also screen from view the trash from the street.

**11. The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The project provides several recreational and service amenities for the residents of the project. Specifically, the second floor (first residential floor) will have a large open air courtyard with meandering walks and a fire pit within plentiful landscaping and sitting areas. A gate guarded swimming pool and adjacent lounging area will be provided. Also on this level will be a gym room and a multipurpose recreation room. On the west end of the second floor will be a dog park. The west end of the fifth floor will have common area seating around a fire pit. Lounge areas are provided amidst the landscaping, and the west end of the sixth floor will include a yoga area, a bocce ball court, and barbeque and sitting areas with a fireplace. Additionally, 145 of the units have private balconies. The condition requiring EV-ready parking spaces (installed with chargers) onsite will support the adoption of low and zero emission transportation fuel sources by the project's occupants and visitors. The condition requiring solar panels will support the site's EV chargers and other site electrical uses to help reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, these conditions provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element policy 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel sources, new mobility technology and supporting infrastructure). The solar and EV conditions are also good zoning practice because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions. These conditions allow the project to improve the health, wellness, air and mobility of the neighborhood, but within the context of the project's proposed density, uses, and features. As such, the project provides recreational and service amenities to improve habitability for the residents and to minimize impacts on neighboring properties.

CDO Findings

**12. The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.**

The project involves demolition of 3 commercial buildings and a surface parking lot, and the construction, use and maintenance of a 6-story mixed-use building providing approximately 157,100 square feet of floor area, including 18,400 square feet of ground floor commercial retail space, and 174 units of apartment housing, including 10 units set aside for Very Low Income households, with 348 residential parking spaces (including 18 mechanical lift spaces) and 67 commercial parking spaces, as well as 20,489 square feet of open space, constructed to a maximum height of 75 feet (top of loft), on an approximately 56,289 square foot site (1.29 acres). The applicant will provide code-required parking in lieu of either Density Bonus Parking Option (1 or 2), and proposes an additional 142 residential parking spaces and 30 commercial parking spaces in excess of code requirements. A total of 51,000 cubic yards of soil export is proposed in order to construct two levels of subterranean parking, to a depth of approximately 22 feet below natural grade. A total of 13 non-protected, significant on-site trees will be removed.

#### Ground Floor

All commercial projects within the boundaries of the Van Nuys CDO must comply with the Design Guidelines and Standards. As a mixed-use project, the design of the proposed project is subject to these Guidelines and Standards, and as conditioned, the commercial component substantially complies with them. Specifically, the ground floor storefront design invites commercial interest and promotes pedestrian scale (recessed building entrances), provides a pleasing design reinforced through a simple but effective use of building materials, presents a unique design and architectural character (transitional height and aluminum siding, consistent podium level exterior landscaping, aluminum siding, and ground floor transparent windows (Guideline 7), creates harmony between existing and new buildings (color, materials, landscaping, and signage), and adheres to the stated principles of consistency, safety, and simplicity.

#### Massing

The building is constructed to the front and side property lines, and all parking is provided off W. Kittridge Street, a side street, contained within the rear of the building at the ground level screened by an aluminum grille, and also within subterranean parking garages (Guideline 2; Standard 2). Entrances to the ground floor commercial retail space along both N. Van Nuys Boulevard and W. Kittridge Street are recessed up to 14 feet 9 inches (177 inches), and while greater than the maximum 3-foot recess otherwise permitted by the CDO Q condition, it would afford opportunities for outdoor eating, landscaped planters, and seating, and enable a pedestrian friendly environment consistent with the principles and objectives of both the Van Nuys CBD CDO and Guideline 1 of the Guidelines and Standards. A sign band wraps the building's street frontages at the top of the ground floor, creating a consistent massing element at the building's base, and separating the upper residential floors from ground floor commercial space. The building's façade design extends through successive floors (Guideline 5). As conditioned, and consistent with Section 5.B Guideline 6 and Standard 6, the building's façade treatment elements will be architecturally integrated through the consistent rhythm of color and materials, including providing a strong ground floor building column form (i.e., length and width of column) and finish consistent with the design treatment of the sign band element; a pedestrian friendly environment will be created by the provision of free flow access between commercial establishments, consistent with Design out Crime mitigation requirements.

#### Transparency and Articulation

A minimum of sixty percent of the ground floor façade will be comprised of windows and doors, and a minimum of 20 percent will be articulated with wall treatments including two or

more of the following (recessed entryways, planters, murals, mosaic tiles, or public art). In further conformance with Guideline 6, entrance to the upper residential floors is located in the middle of the building's W. Kittridge Street frontage, as denoted by the vertical blue aluminum façade element extending upward from the ground floor to the roofline, and the placement of a vertical address element which extends to the full height of the ground floor on the right side of the residential entry. The building's massing is articulated by transitional height which is used at both the building's 5<sup>th</sup> and 6<sup>th</sup> floors along N. Van Nuys Boulevard, as well as at the 2<sup>nd</sup> through the 5<sup>th</sup> floors along the building's westerly property line adjacent to 2- and 3-story single-family small-lot homes. Vehicular access for both commercial patrons and residential tenants is located at the northwest of the site along W. Kittridge Street, with separate driveway ingress and egress provided for each use.

### Lighting

Public safety, architectural emphasis, and promotion of evening activity is addressed through the requirement for lighting that adds emphasis to the ground floor commercial and residential lobby entrances, signage, landscaping, and parking areas. (Design Principle; Standard 8a; Guideline 12). The design of exterior lighting, including fixtures, standards, and accessories, will be required to be a part of the overall architectural concept, including consideration of concealing light features within building elements and landscaping (Guideline 10/1). Further, consistent with Standard 12a and required mitigation measures, all lighting is required to be shielded, directed on-site, and away from surrounding residential areas. This requirement will also apply to any lighting within the ground level commercial parking area located along W. Kittridge Street, and the size of the perforations in the clear anodized aluminum grille which vents the ground level parking areas, which must meet this standard.

With regard to awnings and canopies, the proposed project achieves the intent of the guidelines in that it includes a building overhang element which features a sign band that spans the commercial frontages along N. Van Nuys Boulevard and W. Kittridge Street, responding to the scale, proportion, and rhythm of the building's design

Windows on the first and second floor will be required to be recessed at least three inches, while the ground floor commercial windows will be required to be transparent, with upper floors comprised of a minimum of 40 percent windows and other openings (Guideline 7; Standards 7a, 7b, and 7c). The roofline of the building is flat and well-articulated by the loft spaces, and there are changes to the horizontal plane through the use of different building materials, colors, and vertical elements per Guideline 9, Standards 9a, 19b, and 20b.

As proposed, the project's trash, recycling, and mechanical equipment areas are located within the building, and as such they are screened from public view, consistent with the requirements of Guideline 16. As conditioned, and consistent with Guideline 16, and Standards 16a and 16b, trash bins shall have a cover, and any ground-mounted equipment or electrical transformers shall be fully screened from public view. The proposed project would comply with Guidelines 17-1 and Standards 17-1a, and 17-1b, which require that the appearance of security devices enhance the area by prohibiting the installation of new exterior devices, including rolling shutters, grilles, barbed wire, razor wire, and concertina wire, and that interior security grills and similar security devices remain fully retracted during business hours.

As proposed, the project complies with Guideline 19 and Standard 19b in that prohibited finish materials would not be permitted. Consistent with Standard 19a, the building columns along N. Van Nuys Boulevard and W. Kittredge Street have been conditioned to be improved consistent with the same aluminum panel finish proposed for the sign band



element, consistent with the standard of maintaining visual interest and providing for the use of complementary materials, particularly at the ground floor level. Consistent with Standard 19c, 20a, Guideline 21, and Standard 21, use of highly reflective colors, especially glare-producing colors, fluorescent and day-glow colors, are prohibited, and the front façade design and materials are continued around the southeast corner of the building, which provides an arctic blue aluminum panel extending across all residential floors for a distance of approximately 25 feet, and no more than four (4) exterior colors are proposed. As conditioned, exterior elements including down spouts, gutters, vents, and other mechanical equipment are required to be painted to blend into the background surface whenever screening of equipment is not possible.

As stated on Sheet A5.0, no signage is proposed as a part of the applicant's request, and as such, the project has been conditioned to comply with the Q Conditions of the Van Nuys CBD, as well as the Design Guidelines and Standards pertaining to Signs, through the requirement to prepare a sign program.

Therefore, as conditioned, the building design substantially complies with the Van Nuys CBD Community Design Overlay Guidelines and Standards as the project includes attractive architectural and articulate façade elements, is consistent with the CDO, and provides for the design principles of consistency, safety, and simplicity.

**13. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic, or environmental resources adjacent to the site and the vicinity.**

The project offers a cohesive design scheme that will help promote an attractive and inviting district as the Van Nuys CDO Design Principles intended. The proposed project is one of the first projects being redeveloped in a corridor that has older, and functionally obsolete buildings. The new building façade and design will enhance the physical appearance of the site and provides for transitional height to buffer the single-family small lot homes to the west, and soften the building's massing along N. Van Nuys Boulevard. Further, the proposed landscaping enhances the streetscape which has four (4) existing palm trees along N. Van Nuys Boulevard, which will remain. The project proposes a total of 136 trees. As identified in the MND, there are no cultural, scenic, or environmental resources adjacent to the site or in the immediate area that would be impacted by the new six-story, 174-unit residential apartment over at-grade and subterranean parking, and mitigation measures have been required in the event that murals which could be present are encountered during the demolition of existing commercial buildings.

**CEQA Findings**

ENV-2016-2945-MND was circulated for 20 days ending on April 18, 2018. On March 28, 2017 a comment letter was received from Los Angeles Unified School District (LAUSD), and a second letter was received on April 17, 2018 from South Coast Air Quality Management District (SCAQMD) (See Exhibit "E4"). The State CEQA Guidelines require a lead agency to consider the MND for adoption together with any comments received during the public review process. The following presents a response to correspondence received regarding the MND.

The LAUSD comment letter notes concerns about the proximity of Ararat Charter School (i.e., 500 feet to the east) of the proposed project site, and expresses concerns over the

potential for negative impacts of the project to students, staff, and parents traveling to and from the campus (specifically, traffic, and pedestrian safety), and on that basis provides mitigation measures for incorporation as conditions of project approval.

The City of Los Angeles appreciates LAUSD's review and guidance provided in its comment letter. Analysis of potential construction impacts to Ararat Charter School located approximately 500 feet east of the project site was included in ENV-2016-2945-MND. This analysis identified that potential impacts to schools within the area proximate to the project site may result during construction operations, including haul truck activities. Further, the analysis concluded that with mitigation, potential impacts would be reduced to less than significant levels. These required mitigation measures have been included as conditions of project approval in this Staff Report. Importantly, many of the mitigation measures requested by LAUSD are duplicative of those identified in ENV-2016-2945-MND (See Conditions No XIV-20, XIV-40, XIV-50, and XVI-30), and as such have already been addressed and incorporated into the proposed project requirements. Three of the requested conditions are in fact not conditions, but offer a statement or assertion of purported fact. These comments are noted for the record:

- School buses must have unrestricted access to schools.
- Construction trucks and other vehicles are required to stop when encountering school buses using red-flashing-lights must-stop-indicators per the California Vehicle Code.
- Parents dropping off their children must have access to the passenger loading areas.

Lastly, two of the requested conditions would require that the applicant fund crossing guards at the contractor's expense, and to provide security patrols, as follows:

- Funding for crossing guards at the contractor's expense is required when safety of children may be compromised by construction-related activities at impacted school crossings.
- Contractors are required to provide security patrols (at their expense) to minimize trespassing, vandalism, and short-cut attractions.

Regarding these last two requested conditions, staff would note that the LAUSD's letter does not provide substantial evidence supporting a fair argument that, without the LAUSD requested conditions, the project would result in potentially significant impacts to the environment, as related to safety of children/students at school crossings, or from trespassing, vandalism, or short-cut attractions. Therefore, in absence of any evidence to the contrary, and as identified in ENV-2016-2945-MND, potential impacts to safety during construction would be less than significant, with compliance to all required mitigation measures identified in ENV-2016-2945-MND. The comment is noted for the record.

The second letter received on April 17, 2018 was from South Coast Air Quality Management District (SCAQMD). This comment letter identifies the need for additional mitigation, and provides mitigation language for the proposed project relative to the following:

- Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters
- Diesel-Fueled Trucks with 2010 Model Year Engines

- SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil
- SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

With regard to the SCAQMD's request for Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters, and for use of Diesel-Fueled Trucks with 2010 Model Year Engines, staff would note that in both cases, the MND concluded that potential impacts from both particulate matter emissions, and from NOx emissions, generated during construction, on nearby residents, would be less than significant, and that no mitigation was warranted. As a result, no mitigation was applied. In absence of any other evidence to the contrary from SCAQMD, and based on the air quality impact analysis presented in the MND, construction-related impacts would be less than significant. As such, no mitigation is warranted.

With regard to SCAQMD's request that both SCAQMD Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil) and SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities) be incorporated into the final MND, staff would note that all development within the city, including the proposed project, is subject to applicable regulatory compliance measures, including those of the SCAQMD. To that end, these two regulations cited by SCAQMD have been added to the cited Regulatory Compliance Measures listed at the back of the Mitigation Monitoring Program prepared for the proposed project.

Based on the above, the City finds there is no basis to change the impact analysis or conclusion in the Mitigated Negative Declaration related to air quality.

As such, the City Planning Commission FINDS, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-2945-MND, as published on April 17, 2018, ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; FINDS the Mitigated Negative Declaration reflects the independent judgement and analysis of the City, FIND 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.