

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

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2016-3866-VZCJ-SPR	ENV-2016-3865-MND	CD 3 – Blumenfield
PROJECT ADDRESS:		
7111 – 7123 North Winnetka Avenue		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
George Shakiban/Rainbow Investments, LLC 23945 Calabasas Road Calabasas, CA 91302 <input type="checkbox"/> New/Changed	(818) 223-9070	george@encodesign.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Athena Novak, AHN & Associates LLC 4924 Balboa Boulevard Encino, CA 91316	(818) 906-7449	athenanvk@aol.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Valentina Knox-Jones	(818) 374-5038	valentina.knox.jones@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Vesting Zone Change (VZC)		

FINAL ENTITLEMENTS NOT ADVANCING:

Site Plan Review (SPR)

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):

N/A

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 checked="" 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 | |

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
October 24, 2019	6 - 0
LAST DAY TO APPEAL:	APPEALED:
December 24, 2019	No
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	January 6, 2020



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: DEC 04 2019

Case No. CPC-2016-3866-VZCJ-SPR

Council District: 3 – Blumenfield

CEQA: ENV-2016-3865-MND

Plan Area: Canoga Park – Winnetka – Woodland Hills – West Hills

Project Site: 7111 – 7123 North Winnetka Avenue

Applicant: Rainbow Investments, LLC; George Shakiban
Representative: AHN & Associates, LLC; Athena Novak

At its meeting of **October 24, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing, one-story, 21,489 square-foot medical building and associated parking lot, and the construction of a new, four-story, 154 unit apartment building. The building will have a maximum height of 45 feet and a total floor area of 162,559 square feet, on a site comprised of two parcels with a total combined area of 70,276 square feet (after dedications). A total of 209 vehicular parking spaces will be provided on the ground level and within one level of subterranean parking. The Project will provide an interior courtyard, a community recreational room, a rooftop deck, pool area, and community gym. A portion of the subterranean parking garage will extend within the P-1VL-RIO zone, while all other habitable portions of the structure have been set back to be located outside of the P-1VL-RIO zone.

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-2016-3865-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** that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **Found** that 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;
2. **Approved** and **recommended**, that the City Council approve, pursuant to Section 12.32 of the Los Angeles Municipal Code (LAMC), a Vesting Zone Change from (Q)C2-1VL-RIO to (T)(Q)RAS4-1VL-RIO, with the exception of the portion zoned P-1VL-RIO which shall remain P-1V-RIO;
3. **Approved** and **recommended** that the City Council adopt, pursuant to LAMC Section 11.5.11(e), three Developer’s Incentives for an Affordable Housing Project as follows:
 - a. To permit a 4 foot front yard setback in lieu of the required five foot front yard setback, as required in the RAS4 Zone;
 - b. To permit a 4 foot northern side yard setback in lieu of the required five foot side yard setback, as required in the RAS4 Zone; and
 - c. To permit a zero rear yard setback from the existing P-1VL-RIO Zone, in lieu of the required 15 foot rear yard setback, as required in the RAS4 Zone;

- 4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates 50 dwelling units or more;
- 5. **Adopted** the attached modified Conditions of Approval; and
- 6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Khorsand
 Second: Perlman
 Ayes: Leung, Mack, Millman, Padilla-Campos
 Absent: Ambroz, Choe, Mitchell

Vote: 6 – 0

Cecilia Lamas, Commission Executive Assistant
 City Planning Commission

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

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. The remainder of the determination is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers 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: DEC 24 2019

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, Map, Modified Conditions of Approval, Findings

c: Michelle Levy, Senior City Planner
 Valentina Knox-Jones, City Planner

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:



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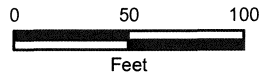
GAULT ST

100

WINNETKA AVE

COMANCHE AVE

(T)(Q)RAS4-1VL-RIO

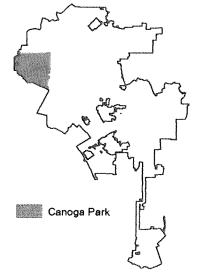


CPC-2016-3866-VZCJ-SPR

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City of Los Angeles



(Q) QUALIFIED CONDITIONS OF APPROVAL

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

1. **Use.** The use of the subject property shall be limited to those uses permitted in the RAS4 Zone as defined in Section 12.11.5 of the LAMC, and as otherwise permitted by LAMC Section 12.24. Portions of the site zoned P-1VL-RIO shall be limited to those uses permitted in the P Zone as defined in Section 12.12.1 of the LAMC, and as otherwise permitted by LAMC Section 12.24.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled **Exhibit A** and dated **October 9, 2019**, attached to the file, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Floor Area.** The floor area ratio of all buildings shall be limited to no more than 2.5:1 FAR.
4. **Density.** The project shall be limited to a maximum density of 154 residential units.
5. **Height.** The height of all buildings and structures on the subject property shall not exceed 45 feet, as shown in **Exhibit A**. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties with single-family dwellings.
6. **Automobile Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms.
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 Senior Citizens and/or Disabled Persons), 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. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces.

9. **JJJ Compliance / LAMC Section 11.5.11 – On-Site Provision of Affordable Units.** A minimum of 5% of the total project units shall be reserved at rents affordable to Extremely Low Income households (eight units) and a minimum of 6% of the total units shall be reserved at rents affordable to Very Low Income households (ten units), as defined by the State Density Bonus Law 65915(C)(2). Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD), at a rent determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file.
10. **Labor Requirement.** Pursuant to Measure JJJ, certified by City Council on December 13, 2017 and codified as Section 5.522 of the Administrative Code, the applicant shall confer with Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, and shall provide the following to the Department of City Planning:
- a. A signed Preconstruction Checklist Agreement between the Applicant and the Bureau of Contract Administration (maintained in the case file), prior to clearing any Building Permit, which covers the following:
 - i. Licenses. All building and construction work on the project will be performed at all tiers by contractors that are licensed by the State of California and the City of Los Angeles. The project will employ only construction workers that possess all licenses and certifications required by the State of California and the City of Los Angeles.
 - ii. Local Hire. At least 30 percent of all respective workforces' construction workers' hours of Project Work will be performed by permanent residents of the City of Los Angeles. Of these, at least 10 percent of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project. If such minimums are not met, evidence of a good faith effort to solicit such local workers shall be provided.
 - iii. Wages. The project will pay construction workers performing Project Work hourly wage rates for those classifications in compliance with the applicable prevailing wage rate determination established pursuant to the California Labor Code.
 - iv. Training. At least 60 percent of construction workforces employed on the project will be:
 - a) Workers who graduated from a Joint Labor Management apprenticeship training program approved by the State of California.
 - b) Alternatively, workers employed that have minimum hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program.

- c) Workers who are registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally approved apprenticeship program.
 - b. After the project has completed construction, and prior to any Certificate of Occupancy, a signed report from the Bureau of Contract Administration that indicates compliance with the above licenses, local hire, wages and training requirements shall be added to the case file.
11. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact. If the project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.
12. **Mitigation Monitor.** During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by 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.

Dedications and Improvements. Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary). Dedications and improvements herein contained in these conditions which are in excess of street improvements contained in either the Mobility Element 2035 or any future Community Plan amendment or revision may be reduced to meet those plans with the concurrence of the Department of Transportation and the Bureau of Engineering.

1. **Dedication(s) and Improvement(s).** Prior to issuance of sign offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

- a. Street Dedications.

Winnetka Avenue (Boulevard II) – A 5-foot wide strip of land along the property frontage to complete a 55-foot half right-of-way in accordance with Boulevard II of Mobility Plan 2035 and a 20-foot radius property line return at the intersection with Gault Street.

Gault Street (Local Street) - None.

- b. Street Improvements.

Winnetka Avenue – Construct a new full-width concrete sidewalk along the property frontage including around area of the property line return. Repair all broken, off-grade or bad order concrete curb and gutter. Upgrade all driveways to comply with ADA requirements or close unused driveways with concrete sidewalk, curb and 2-foot gutter.

Gault Street – Upgrade the access ramp at the intersection with Winnetka Avenue. Repair all broken, off-grade or bad order concrete curb, gutter and sidewalk. Close all unused driveways with concrete sidewalk, curb and 2-foot gutter.

2. **Engineering Fees.** Prior to issuance of a clearance letter by the Bureau of Engineering, all engineering fees pertaining to Ordinance No. 184,054 adopted by the City Council, must be paid in full at the Department Services Division office.
3. **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) 84 7-3077.
4. **Street Lighting.** Installation of street lights to the satisfaction of the Bureau of Street Lighting, including the upgrade of two (2) street lights on Winnetka Avenue and one (1) street light on Gault Street. Note: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.
5. **Fire.** Incorporate into the building plans the recommendations of the Fire Department relative to fire safety, which includes the submittal of a plot plan for approval by the Fire Department prior to the approval of a building permit. 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.
6. **Sewers.** Construction of necessary sewer facilities to the satisfaction of the Bureau of Engineering. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
7. **Drainage.** Construction of necessary drainage facilities to the satisfaction of the Bureau of Engineering.
8. **Driveway/Parking Area Plan.** Preparation of a parking area and driveway plan to the satisfaction of the appropriate Valley District Office of the Bureau of Engineering and the Department of Transportation. The driveway, parking and loading area(s) shall be developed substantially in conformance with the provisions and conditions of the subject Department of Transportation authorization. Emergency vehicular access shall be subject to the approval of the Fire Department and other responsible agencies.
9. **Police Department.** Preparation of a 'plot plan in conformance with the Design Out Crime Guideline Booklet and guidelines defined in the Crime Prevention Through Environmental Design (CPTED) handbook to mitigate impacts on police services. Police recommendations may include but are not limited to secured parking, security fencing, security lighting, information signs, building design and landscaping to reduce places of potential concealment. The plans shall be to the satisfaction of LAPD Crime Prevention Section Personnel.
10. **Recreation and Parks.** Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
11. Making any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner

as is required of other facilities, pursuant to Municipal Code Section 17.05N, to the satisfaction of the Department of Telecommunications.

12. Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.
13. **Planning Covenant**. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

CONDITIONS OF APPROVAL

(As modified by City Planning Commission on October 24, 2019)

Pursuant to Section 12.32 of the Los Angeles Municipal Code (“LAMC”), the following conditions are hereby imposed upon the use of the subject property:

Site Plan Review Conditions:

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked **Exhibit "A"**, **stamp dated October 9, 2019**, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
2. **Colors/Materials.** As shown in “Exhibit A”, the following materials shall be used:
 - Facades which alternate use of painted cementitious board (Hardie Plank), stucco, and accent stucco; in the following colors – white, ‘flame’ (orange), Desert Gray (Taupe), and dark grey
 - Gray metal panels utilized on vertical tower architectural features
 - Decorative elements including metal clad canopies, dark bronze window frames, anodized aluminum railings, grey metal copping, non-glare downlight fixtures, recessed downlights under overhangs, and wood trellises.
3. **Residential Density.** The project shall be limited to a maximum of 154 dwelling units.
4. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units
5. **Gault Street Driveway.** Outbound traffic from Gault Street shall be restricted to a left turn only, to the satisfaction of the Department of Transportation.
6. **River Implementation Overlay (RIO) District Approval.** Prior to the clearance of building permits for the project, the applicant shall obtain a RIO Administrative Clearance, or other appropriate approval, from the Department of City Planning, in accordance with Section 13.17 of the LAMC and the River Implementation Overlay Zone (Ordinance No. 183,145).
7. **Landscape Buffer.** A 20-foot wide landscape buffer along the western property line shall be kept free and clear of structures and shall be in substantial conformance with the landscape plans shown in **Exhibit B**. Gates and walls shall be allowed within this landscape buffer. No public or private utilities shall be permitted above grade within the landscape buffer area. Parking spaces and drive aisles shall be permitted below grade.
8. **Open Space.** The project shall provide at least 17,200 square feet of common open space areas as follows:
 - a. **Courtyards.** A minimum of 11,000 square-feet shall be provided for the central courtyard.

- b. **Private Balconies.** The project shall provide a minimum of 124 balconies that each measure 50 square feet, for a minimum total of 6,200 square feet.
9. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
 - a. Minimum depth for trees shall be 42 inches.
 - b. Minimum depth for shrubs shall be 30 inches.
 - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
 - d. Minimum depth for an extensive green roof shall be 3 inches.

The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

- a. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 - b. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 - c. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity)
10. **Permeable Paving.** The Project shall incorporate techniques throughout the Project site including permeable paving and landscaping to avoid excessive runoff into the Los Angeles Flood Control Basin. LID requirements shall be met by providing an underground BMP filtration basin on the southeast portion of the project site.
11. **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 the Department of City Planning.
12. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
13. **Electric Vehicle Parking.** The project shall provide one (1) inch conduit run between every other parking space, capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total provided parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of the 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall 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 charges to immediately accommodate electric vehicles within the parking areas.

(Modified by City Planning Commission on 10/24/2019)

14. **Solar Panels.** A minimum of 15 percent of the total square-footage of the building rooftop shall install solar panels on the roof plan provided as a part of an operational photovoltaic system to be maintained for the life of the project. The solar panels shall be installed prior to the issuance of a certificate of occupancy. 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.
15. **Lighting.** 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.
16. **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.
17. **Air Filtration.** The project shall include an air filtration system having a Minimum Efficiency Reporting Value (MERV 13) to reduce the effects of diminished air quality on occupants of the project.
18. **Rooftop Mechanical Equipment.** All rooftop mechanical equipment shall be screened from view.
19. **Storage of Materials.** No open portions of the property around the buildings shall be used for storage of equipment, products or waste products.
20. **Signage.** No signage, other than that permitted by the LAMC sign regulations, shall be installed on the property. There shall be no off-site commercial signage on construction fencing during construction.
21. **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.
22. **Tribal Cultural Resource 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 (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), 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:
 - Upon a discovery of a potential tribal cultural resource, the Applicant 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)374-9918.
 - 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 Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

- The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Applicant 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 and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant 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 by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- 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.

23. **Human Remains Inadvertent Discovery.** In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:

- Stop immediately and contact the County Coroner: 1104 N. Mission Road Los Angeles, CA 90033 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).

- The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
 - The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.
24. **Archaeological Resources Inadvertent Discovery.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
25. **Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

Environmental Conditions (ENV-2016-3865-MND):

26. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
27. **Increased Noise Levels (Demolition, Grading, and Construction Activities).**
- a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
 - b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

- d. A temporary noise control barrier shall be installed on the property line of the construction site abutting residential uses. The noise control barrier shall be engineered to reduce construction-related noise levels at the adjacent residential structures with a goal of a reduction of 10dBA. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all activities on the project site are complete.
28. **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.
29. **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.
30. **Safety Hazards.** The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycles, and vehicle safety. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.
31. **Inadequate Emergency Access.** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.
32. **Pedestrian Safety.**
- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
 - b. Temporary pedestrian facilities 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.
 - c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
 - d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Administrative Conditions:

33. **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 case file.
34. **Code Conformance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
35. **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.
36. **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.
37. **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.
38. **Building Plans.** Page one 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.
39. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
40. **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 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 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 (ii).
- 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 (ii).
- 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.

FINDINGS

General Plan/Charter Findings

1. General Plan Land Use Designation.

The Project Site is located within the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, adopted by the City Council on June 30, 1993. The site is subject to the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan Footnote Nos. 6, 8, and 9, which clarify that streets are shown for reference, mobile home parks are consistent with the Plan, and that it is the intent of the Plan that entitlements granted be one of the zone designations within the corresponding zones shown on the plan. The site has a land use designation of Community Commercial, as designated on the plan map with the following corresponding zones listed: CR, C2, C4, RAS3, and RAS4. The site is currently zoned (Q)C2-1VL-RIO and the applicant is requesting a zone change to RAS4-1VL-RIO, which is consistent with the Community Commercial land use designation. A Qualified (Q) Condition, established by Ordinance No. 153,016, states that the use of the property shall be limited to a 21,000 square-foot medical office building with various conditions regarding landscaping, signage, and vehicular access. The requested zone change would repeal the existing Qualifying (Q) Condition on the site and replace with a new Qualifying (Q) Condition which is tailored to the subject project.

As such, the requested zone change to (Q)RAS4-1VL-RIO is consistent with the Community Plan's land use designation and the Community Plan's footnotes. In addition, the recommended (T) conditions will require public improvements.

2. General Plan Text.

The Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan text includes the following relevant objectives:

Goal 1: A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan area.

Objective 1-1: Achieve and maintain a housing supply sufficient to meet the diverse economic needs of current and projected population to the year 2010.

Policy 1-1.1: Maintain an adequate supply and distribution of multi-family housing opportunities in the Community Plan Area.

Objective 1-2: Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services, and facilities.

Policy 1-2.1: Locate higher residential densities near commercial centers and major bus routes where public service facilities, utilities and topography will accommodate this development.

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

Objective 1-4: Provide a diversity of housing opportunities capable of accommodating all persons regardless of income, age or ethnic background.

Policy 1-4.3: Ensure new housing opportunities minimize displacement of the residents

In conformance with these goals, objectives, and policies, the proposed project is the demolition of an existing medical office building and surface parking lot, and the construction of a 154-unit apartment building with market-rate and affordable housing. Consistent with Policy 1-4.3, the project will create new housing opportunities without displacement of residents, as the site is not currently utilized for residential uses. Additionally, the inclusion of affordable housing, as well as a variety of unit sizes, will ensure the project provides a diversity of residential unit types in order to provide variety to the community. Consistent with Policy 1-2.2, the project is utilizing a site with a commercial land use designation, in order to provide a development which is located near a commercial center and near bus routes. The requested zone change would ensure the development of the site is consistent with the Community Plan policies.

3. Framework Element.

The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project Site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The proposed zone change is consistent with these provisions in that the subject site is located near the intersection of Sherman Way and Winnetka Avenue, both major boulevards. The area surrounding this intersection is identified as a Community Center in the Framework Element with appropriate floor area ratios of 1.5:1 to 3:1. The construction of a four-story structure with a FAR of 2.4:1 is consistent with this designation and the Framework Element policies.

4. Housing Element.

The Housing Element 2013-2021 was adopted on December 3, 2013 and identifies the City's housing conditions and needs, and establishes the goals, objectives and policies that are the foundation of the City's housing and growth strategy. The project is consistent with several objectives and policies of the Housing Element. The plan text includes the following relevant housing objectives and policies:

Goal 1: Housing Projection and Preservation.

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 among Mixed-Use Boulevards.

Objective 1.3: Forecast and plan for changing housing needs over time in relation to production and preservation needs.

Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within the City to meet the projections of housing needs, according to the policies and objectives of the City's Framework Element of the General Plan.

The proposed zone change for the subject property will facilitate the construction of additional market rate and affordable, mixed income housing in order to meet current and projected needs. Therefore, the Zone Change is consistent with the Housing Element goals, objectives and policies of the General Plan.

5. The Mobility Element

The Mobility Element of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Winnetka Avenue, abutting the property to the east, is a designated Boulevard II, and has been conditioned to dedicated fully to a half right-of-way of 55 feet and will be improved. Gault Street, abutting the property to the south, is a designated Local Street, is fully dedicated to a width of 60 feet and will be improved as well, as part of the (T) Tentative Classification conditions.

Therefore, as conditioned, the Zone Change to (T)(Q)RAS-1VL-RIO is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

6. Sewerage Facilities Element

The Sewerage Facilities Element of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

7. Health and Wellness Element and Air Quality Element.

Policy 5.1 and 5.7 of the Plan for a Healthy LA, the Health and Wellness Element, and Policy 4.2.3 of the Air Quality Element are policy initiatives related to the reduction of air pollution and greenhouse gases. As conditioned herein, the Project would be required to provide parking spaces which would be equipped for the immediate installation and use of EV Charging Stations, as well as for future use. The Project has also been conditioned to install solar panels to an operating photovoltaic system. The installation and operation

of the solar panels would help to reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, the conditions would 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 the City. As conditioned, the Project would be consistent with the aforementioned policies, as well as Policy 5.1.2 of the Air Quality Element, by ensuring that future developments are compatible with alternative fuel vehicles and shift to non-polluting sources of energy. 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. As such, the Project provides service amenities to improve habitability for the patrons of the Project and to minimize impacts on neighboring properties.

8. Charter Findings – City Charter Section 556 and 558 (Zone Changes).

The proposed zone change complies with Section 556 and 558 in that the zone change promotes land use regulations which are consistent with the General Plan, as noted in Findings Nos. 1 - 7 above; and with public necessity, convenience, general welfare, and good zoning practice, as noted below in Finding No. 9.

Entitlement Findings – Vesting Zone Change

9. Pursuant to LAMC Section 12.32. C and G., the zone change is in conformance with the public necessity, convenience, general welfare and good zoning practice.

The current application is a request to remove a "Q" condition and to rezone a portion of the subject site from (Q)C2-1VL-RIO to (Q)RAS4-1VL-RIO, with the portions of the site currently zoned P-1VL-RIO to remain. The Community Plan designates the site for Community Commercial land uses, with CR, C2, C4, RAS3, and RAS4 zones listed as corresponding zones. Staff is recommending the inclusion of 'T' Tentative Classification conditions, and as such, the recommended zone would be (T)(Q)RAS4-1VL-RIO, which is consistent with the Community Plan's land use, as the RAS4 Zone classification is a corresponding zone.

i. Public Necessity: The granting of the proposed Vesting Zone Change will result in a project that is in conformance with the public necessity and convenience by providing additional housing on a commercially zoned site. Additionally, as the site does not currently contain residential uses, this development will not result in displacement of existing tenants, as the property is currently developed with a medical office building.

ii. Convenience: The project will redevelop a commercial corner which is currently underutilized – a one story structure and surface parking. The project is conveniently located along an existing commercial corridor (Winnetka Avenue) and is near Sherman Way which has several community serving uses (grocery store, restaurants, coffee shops, drug stores, clothing stores, etc.) and nearby public schools. Redevelopment of the site will provide a convenience to the community, in that additional housing units will be provided and the roadway will be improved per the 'T' Tentative Classification conditions. Moreover, the project site is convenient to the community, in that multi-family units are being provided along the commercial corridor, rather than within an existing and established single-family neighborhood.

iii. General Welfare: As previously mentioned, the zone change will allow for the development of additional housing, which will benefit the general public as the City is facing a housing shortage. Additionally, the roadway will be improved per the 'T' Tentative Classification conditions. Lastly, the project will provide various 'green' amenities such as solar panels and EV charging, which benefit the larger public by reducing GHG emissions.

iv. Good Zoning Practices: Approval of the zone change is consistent with the type of development encouraged by the General Plan Framework Element and the Community Plan. The project will ensure that the character and scale of residential neighborhoods are maintained, while still allowing for infill development of an underutilized site, which is consistent with the Community Commercial General Plan Land Use designation as defined by the Framework Element. Moreover, the siting of a multi-family development along a commercial corridor, in order to avoid impacts to the interior of establish single-family neighborhoods, is considered a good zoning practice.

10. Pursuant to LAMC Section 12.32 G, Findings for "T" and "Q" Classifications.

Pursuant to LAMC Sections 12.32-G,1, the current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions and the project specific Conditions of Approval imposed herein for the proposed project.

The existing Q Conditions on the site were applied through Ordinance 153,016 as part of a Zone Change request associated with Case No. CPC-27802, which was approved on February 8, 1979, and changed the site to (T)(Q)C2-1. The Q Conditions required that the proposed, and subsequently constructed, medical building be consistent with the plans which were approved, limited the height and floor area of the building, required landscaping along Gault Street, limited the hours of operation, limited vehicular access of the site, limited lighting, and required that a landscape plan be provided. This case was effectuated with the Certificate of Occupancy which was issued for the building and the T Conditions were removed on October 16, 1979.

The existing Q conditions are removed through this action, by repealing Ordinance No. 153,016, and new T and Q Conditions have been applied to the site, to ensure the identified dedications, improvements, and construction notices are executed to meet the public's needs, convenience and general welfare served by the required actions.

11. Affordable Housing – LAMC Section 11.5.11, the recommended action is deemed consistent with the requirements of Measure JJJ.

In order for a project with ten or more dwelling units to be eligible for a zone change which results in increased residential floor area, density or height; the project shall meet one of the affordability provisions and job standards, detailed in LAMC Section 11.5.11.

If the zone change results in a residential density increase greater than 35 percent (35%), then the Project shall provide no less than five percent (5%) of the total units at rents affordable to Extremely Low Income households and either six percent (6%) of the total units at rents affordable to Very Low Income households or 15 percent (15%) of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units. The Project as conditioned will provide five percent (5%) of the total units at rents affordable to Extremely Low Income households and six percent (6%) of the total units at rents affordable to Very Low Income households.

As the building will be fully contained on the commercial portion of the lot (C2 portion), the project is eligible to provide 6% of the total units at rents affordable to Very Low Income households. If the structure were to be located on the P Parking Zone portion of the site, the project would be subject to providing 11% of Very Low Income household units, as the project would be constructing a residential use where not previously allowed. As the project will not construct dwellings on the existing P Parking Zone area, and only subterranean parking will be provided in that area, the project will be constructing residential units on a zone which allows residential, and is therefore subject to the 6% Very Low Income requirement.

Additionally, the applicant is entitled to, and is requesting, three incentives or concessions specified in California Government Code Section 65915(k) or the applicable Affordable Housing Incentive Program. The first request is to permit a four (4) foot front yard setback in lieu of the required five (5) foot front yard setback, as required in RAS4 Zone. The second request is to permit a four (4) foot northern side yard setback in lieu of the required five (5) foot side yard setback, as required in the RAS4 Zone. Lastly, the third request is to permit a zero (0) rear yard setback from the existing P-1VL-RIO Zone, in lieu of the required fifteen (15) foot rear yard setback, as required in the RAS4 Zone.

It is important to note, the project is dually zoned with a 20-foot strip of P Parking Zone along the western property line. Per the Applicant's discussions with Department of Building and Safety staff, the RAS4 zone requires a 15-foot rear yard setback, which would result in the building be placed 35 feet from the property line. The applicant has asked for relief from this requirement and has asked to place the building just outside of the P Parking Zone. If the applicant were to have requested a zone change along the entire site, the project would have only been required to set the building 15 feet back from the property line, whereas the current configuration sets the building 20 feet back from the property line. Therefore, the landscape buffer in the P Zone functions essentially as a rear yard.

Lastly, the Project is conditioned to provide a labor provision which ensures at least 30 percent (30%) of all construction hours will be performed by permanent City residents, that construction worker wages will be 'living wages' as stipulated in California Labor Code Section 1770, and that all construction workers will be hired with appropriate training requirements.

As such, the Project complies with the affordability provisions and job standards detailed in LAMC Section 11.5.11 and Section 5.522 of the Administrative Code.

Entitlement Findings – Site Plan Review

12. 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 described in detail below, the proposed project is consistent with the relevant goals, objectives, policies, and programs of the General Plan. Goal No. 1 of the General Plan's Housing Element is, "Housing Production and Preservation." In support of this goal is Objective 1.1: "Produce an adequate supply of rental and ownership housing in order to meet current and projected needs." The General Plan's Housing Element includes the following relevant policies in support of this Objective:

- 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.”

In conformance with this Goal, Objective, and these Policies, the proposed project offers desirable, market-rate and affordable residential units providing a new, high-quality, for-rent dwelling option that is currently unavailable in the local community.

The granting of the instant request would be consistent with Goal No. 1’s Objective 1.4, which is to, “Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.”

The project site is located within the adopted Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan area. As described in detail below, the proposed project is consistent with the relevant goals, objectives, policies, and programs of the Community Plan.

As stated on page II-2 of the Community Plan, the intended role of Community Plans is the “promotion of 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 plan also guides development to create a healthful and pleasant environment” and that the plans seeks to ensure “that sufficient land is designated to provide for the housing, commercial, employment, education, recreational, cultural, social, and aesthetic needs of the residents of the plan area.”

The proposed project also addresses many of the relevant issues and opportunities identified on page I-3 of the Community Plan as the most significant planning and land use issues and opportunities identified in the Community Plan area. Among the identified residential issues and opportunities are:

- Need to preserve existing single family neighborhoods
- Blighting impact of vacant and obsolete commercial development on adjacent residential neighborhoods
- Preservation of single-family housing stock in older residential neighborhoods
- Lack of open space in apartment projects
- Maintain the diversity of housing opportunities that existing in the Community Plan Area
- Encourage residential and mixed use development along commercial corridors
- Maintain access and proximity to employment

Consistent with the issues and opportunities noted above, the proposed project enhances the stable single-family neighborhood immediately to the west of the project site, and addresses the potential incompatibility between lower and higher density residential projects, by providing a desirable transitional buffer between the single-family neighborhood to the west of the project site and the more intensive activity and uses associated with the Sherman Way and Winnetka Avenue intersection. The project follows good planning principles by locating the more intense development away from the

adjacent single-family homes to the west and south. Additionally, the reutilization of an undeveloped commercial property removes an obsolete medical office building and instead constructs a thoughtful residential project which is pedestrian oriented. Lastly, the project will provide significant quantities of open space through the ground level courtyard and the rear yard landscape buffer.

Additionally the Community Plan stated objectives are to “achieve and maintain a housing supply sufficient to meet the diverse economic needs of current and projected population ...” (Objective 1-1); to “reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services, and facilities” (Objective 1-2); and to “provide a diversity of housing opportunities capable of accommodating all persons regardless of income, age or ethnic background” (Objective 1-4). The project will have varying affordable levels of housing units (extremely low, very low, and market rate), and as such, the project will meet the diverse economic needs of current residents. Additionally, various desirable uses are located in proximity of the site, such as Public schools, churches, and neighborhood serving uses such as restaurants, coffee shops (Starbucks), dentist offices, nail salons, massage parlors, acupuncture offices, and clothing stores (DD’s Discounts). Additionally, the Community Plan includes the following policies in support of the aforementioned objectives:

- 1-1.1 Maintain an adequate supply and distribution of multi-family housing opportunities in the Community Plan Area.
- 1-1.5 Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- 1-2.1 Locate higher residential densities near commercial centers and major bus routes where public service facilities, utilities and topography will accommodate this development.
- 1-2.2 Encourage multiple residential development in commercial zones.
- 1-4.1 Promote greater individual choice in type, quality, price and location of housing.
- 1-4.3 Ensure new housing opportunities minimize displacement of the residents.

The project is consistent with the intent of these policies, in that the multi-family use is an allowed use of commercial zones, and therefore is an appropriate use of the site which was anticipated when the Community Commercial land use designation was applied to the site.

The project site is served by Metro Bus Lines 162/163 and 243/242, with stops for both lines approximately 400 feet to the north of the site, with connections from Sun Valley to West Hills, and from Porter Ranch to Woodland Hills. In addition, the project is located one mile from the Winnetka Orange Line Station, which provides connections from Chatsworth to Warner Center and North Hollywood. Additionally, the site is located approximately two (2) miles northwest of the Warner Center, which is a large commercial shopping area in the Valley. As such, the project will be located near major bus routes and near community commercial uses which can service the future tenants. Additionally, the ‘green’ amenities which will be included in the project (solar panels, EV charging, etc.) will provide a housing typology which is not widely available in this community. Lastly, the

construction of housing on an infill site, which currently has a medical office, does not displace any residents.

In regards to the Urban Design Chapter of the Community Plan, page V-3 states that “all multiple residential projects of five or more units shall be designed around a landscaped focal point or courtyard to serve as an amenity for residents.” And further states that projects should “1. Provide a pedestrian entrance at the front of each project” and “2. Require useable open space for outdoor activities, especially for children.”

The project complies with all three of these goals – a courtyard has been designed on the ground floor which will provide natural ventilation to the dwellings in the interior and provides areas for outdoor activities. Also, dwellings along Gault Street have been designed to appear as townhomes, with individual entrances and front stoop details (overhangs, street addresses, and entrance lights). Additionally, a pedestrian entrance has been provided along Winnetka Avenue to provide access to the lobby.

In light of the consistency of the proposed project with the aforementioned references to the General Plan and Community Plan, the proposed project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community and specific plans.

13. **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.**

The proposed project involves the construction of a 154 unit apartment building. The massing of the building has been sited with the tallest portions of the building to the north (adjacent to commercial uses), and the massing steps down to a two-story height along the southwestern and southern façade (adjacent to single-family dwellings). A 20 foot landscape buffer will also be provided along the western façade to further separate the building from adjacent single-family dwellings. Parking for the structure is located within a subterranean level, in order to allow ground floor pedestrian activation with the building, and to reduce the height of the structure. As seen on the project plans, and per the Condition of Approval No. 15, all exterior lighting on the project will be shielded and will be directed downwards, in order to ensure light does not spill over onto adjacent properties. Lastly, trash collection will be located within the interior of the building, and as such it will not be visible from adjacent properties. These details ensure that design of the building will be compatible with the neighboring properties.

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

As shown in Exhibit A, the proposed project contains both recreational and service amenities. The proposed project's Open Space is designed with an internal courtyard, deck and pool areas on the fourth floor, a recreation room on the fourth floor, a gym on the ground floor, and private balcony spaces, to provide both private and public spaces for the residents to gather and socialize, which thereby improve the habitability of the site for future residents.

Environmental Findings

15. **Environmental Finding.** A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2016-3865-MND), was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis. The records upon which this decision is based are with the Valley Project Planning Division of the Planning Department in Room 430, 6262 Van Nuys Boulevard.

16. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the flood zone.

(Q) QUALIFIED CONDITIONS OF APPROVAL

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

1. **Use.** The use of the subject property shall be limited to those uses permitted in the RAS4 Zone as defined in Section 12.11.5 of the LAMC, and as otherwise permitted by LAMC Section 12.24. Portions of the site zoned P-1VL-RIO shall be limited to those uses permitted in the P Zone as defined in Section 12.12.1 of the LAMC, and as otherwise permitted by LAMC Section 12.24.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled **Exhibit A** and dated **October 9, 2019**, attached to the file, except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Floor Area.** The floor area ratio of all buildings shall be limited to no more than 2.5:1 FAR.
4. **Density.** The project shall be limited to a maximum density of 154 residential units.
5. **Height.** The height of all buildings and structures on the subject property shall not exceed 45 feet, as shown in **Exhibit A**. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties with single-family dwellings.
6. **Automobile Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms.
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 Senior Citizens and/or Disabled Persons), 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. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces.

9. **JJJ Compliance / LAMC Section 11.5.11 – On-Site Provision of Affordable Units.** A minimum of 5% of the total project units shall be reserved at rents affordable to Extremely Low Income households (eight units) and a minimum of 6% of the total units shall be reserved at rents affordable to Very Low Income households (ten units), as defined by the State Density Bonus Law 65915(C)(2). Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD), at a rent determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file.
10. **Labor Requirement.** Pursuant to Measure JJJ, certified by City Council on December 13, 2017 and codified as Section 5.522 of the Administrative Code, the applicant shall confer with Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, and shall provide the following to the Department of City Planning:
- a. A signed Preconstruction Checklist Agreement between the Applicant and the Bureau of Contract Administration (maintained in the case file), prior to clearing any Building Permit, which covers the following:
 - i. Licenses. All building and construction work on the project will be performed at all tiers by contractors that are licensed by the State of California and the City of Los Angeles. The project will employ only construction workers that possess all licenses and certifications required by the State of California and the City of Los Angeles.
 - ii. Local Hire. At least 30 percent of all respective workforces' construction workers' hours of Project Work will be performed by permanent residents of the City of Los Angeles. Of these, at least 10 percent of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project. If such minimums are not met, evidence of a good faith effort to solicit such local workers shall be provided.
 - iii. Wages. The project will pay construction workers performing Project Work hourly wage rates for those classifications in compliance with the applicable prevailing wage rate determination established pursuant to the California Labor Code.
 - iv. Training. At least 60 percent of construction workforces employed on the project will be:
 - a) Workers who graduated from a Joint Labor Management apprenticeship training program approved by the State of California.
 - b) Alternatively, workers employed that have minimum hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program.

- c) Workers who are registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally approved apprenticeship program.
 - b. After the project has completed construction, and prior to any Certificate of Occupancy, a signed report from the Bureau of Contract Administration that indicates compliance with the above licenses, local hire, wages and training requirements shall be added to the case file.
11. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact. If the project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.
12. **Mitigation Monitor.** During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.