

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

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2014-1361-ZC-MCUP-SPR	ENV-2014-1362-EIR SCH 2014071001	4 - Ryu
<b>PROJECT ADDRESS:</b>		
14130 and 14154 West Riverside Drive; 4715 – 4745 North Hazeltine Avenue		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
John Tesoriero, IMT Capital II Sherman Oaks LLC 16103 Sherman Oaks #200 Sherman Oaks CA 91403 <input type="checkbox"/> New/Changed	(818) 784-4700	<a href="mailto:DTedesco@imtcapital.com">DTedesco@imtcapital.com</a>
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Dave Rand, Armbruster Goldsmith & Delvac LLP 12100 Wilshire Boulevard Los Angeles, CA 90025	(310) 209-8800	<a href="mailto:dave@agd-landuse.com">dave@agd-landuse.com</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A	N/A	N/A
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A	N/A	N/A
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
William Lamborn	(213) 847-3637	<a href="mailto:william.lamborn@lacity.org">william.lamborn@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Zone Change (ZC)		

**FINAL ENTITLEMENTS NOT ADVANCING:**

Master Conditional Use Permit (MCUP); 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 type="checkbox"/> North Valley Area Planning Commission |
| <input type="checkbox"/> Cultural Heritage Commission (CHC)        | <input type="checkbox"/> South LA Area Planning Commission     |
| <input type="checkbox"/> Central Area Planning Commission          | <input type="checkbox"/> South Valley Area Planning Commission |
| <input type="checkbox"/> East LA Area Planning Commission          | <input type="checkbox"/> West LA Area Planning Commission      |
| <input type="checkbox"/> Harbor Area Planning Commission           |  |

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
October 24, 2019	5 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
January 13, 2020	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	January 14, 2020



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

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

## LETTER OF DETERMINATION

DATE: DEC 23 2019

**Case No. CPC-2014-1361-ZC-MCUP-SPR**

Council District: 4 – Ryu

CEQA: ENV-2014-1362-EIR; SCH No. 2014071001

Plan Area: Van Nuys – North Sherman Oaks

Related Case: VTT-72802

**Project Site:** 14130 and 14154 West Riverside Drive;  
4715 – 4745 North Hazeltine Avenue

**Applicant:** John Tesoriero, IMT Capital II Sherman Oaks, LLC  
Representative: Dave Rand, Armbruster, Goldsmith and Delvac LLP

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:

Final EIR Reduced Alternative 5 includes the development of 249 multi-family residential units and 27,470 square feet of commercial uses. These new uses would be provided within two new buildings located to the north of the existing Sunkist Building. The Reduced Alternative 5 would provide 1,141 parking spaces within above- and below-grade parking levels within the northern portion of the Project Site, a surface parking lot within the eastern portion of the Project Site, and an above- and below-grade parking structure within the western portion of the Project Site. As part of the Reduced Alternative 5, portions of the interior and exterior of the Sunkist Building would be renovated. In total, the Reduced Alternative 5 would involve the development of up to 287,924 square feet of new floor area (not including the 126,674-square-foot Sunkist Building to remain).

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the previously certified Environmental Impact Report No. ENV-2014-1362-EIR (SCH No. 2014071001), which includes the Draft EIR dated July 2016, and the Final EIR, dated August 2019, certified on September 10, 2019; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;
2. **Approved** and **recommended** that the City Council adopt, pursuant to Section 12.32 of the Los Angeles Municipal Code (LAMC), a Zone Change from P-1L-RIO, PB-1L-RIO and C2-1L-RIO to (T)(Q)C2-1L-RIO for Proposed Lot 1 and P-1L-RIO, PB-1L-RIO and C2-1L-RIO to (T)(Q)RAS3-1L-RIO for Proposed Lot 2;
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Master Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption at up to three establishments, and on-site consumption for up to two establishments;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project resulting in an increase in 50 or more dwelling units;
5. **Adopted** the attached Modified Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

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

**Vote: 5 – 0**



Cecilia Lamas, Commission Executive Assistant  
Los Angeles 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 as it relates to the Zone Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The remainder of the Commission action 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:** JAN 12 2020

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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: Ordinance, Maps, Modified Conditions of Approval, Findings

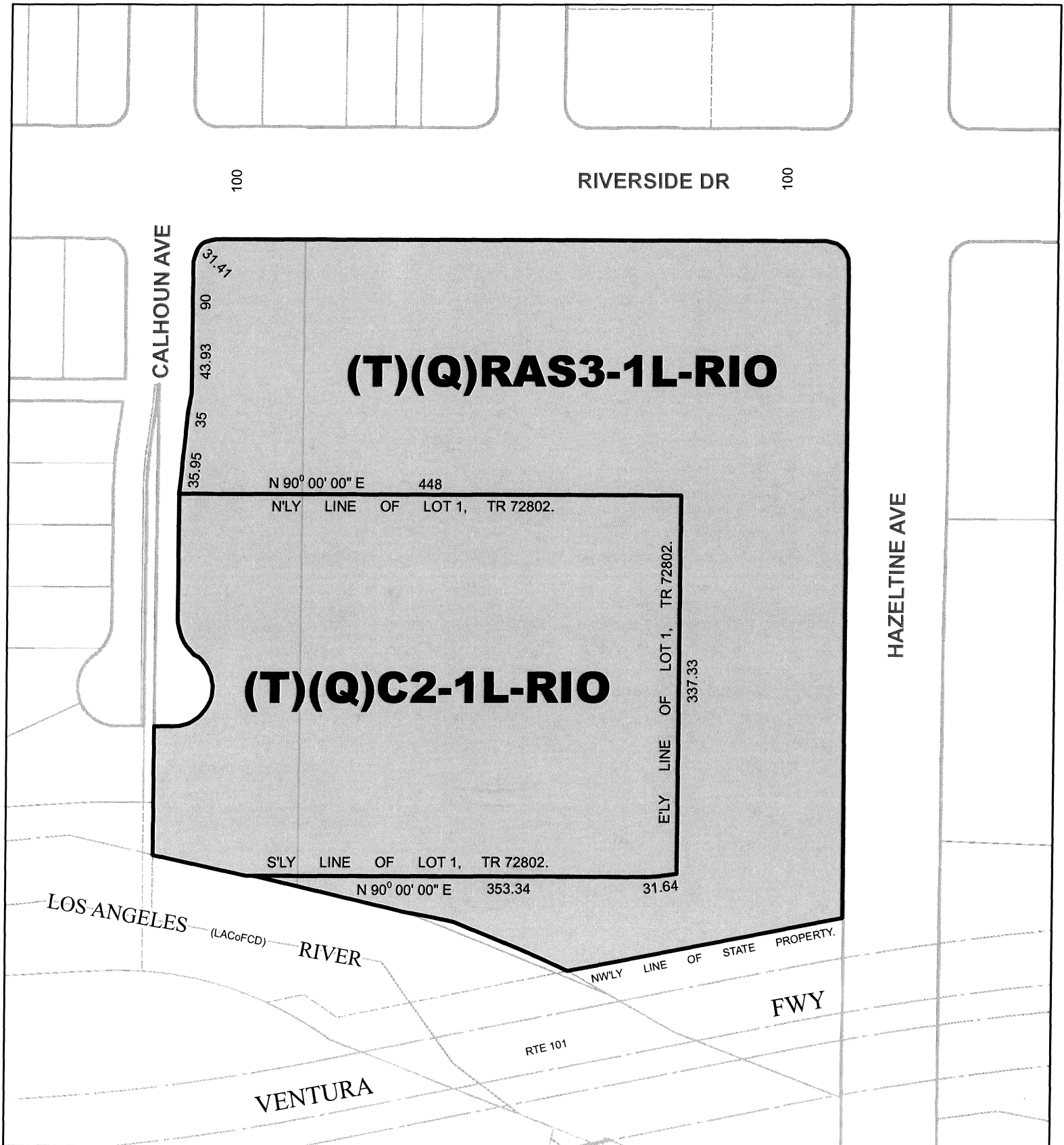
c: Debbie Lawrence, Senior City Planner  
William Lamborn, City Planner

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

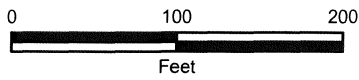
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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:



THE INTENT OF THIS ORDINANCE IS FOR THE BOUNDARIES OF THIS ZONE CHANGE TO COINCIDE WITH THOSE OF RECORDED TR. 72802.

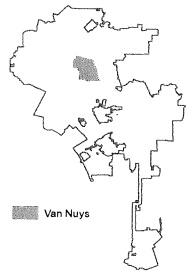


CPC-2014-1361-ZC-MCUP-SPR

AA/af

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City of Los Angeles



**(Q) QUALIFIED CONDITIONS**

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

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit A, dated October 10, 2019. 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. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Use.** The use and area regulations of the development shall be developed for uses as permitted in the RAS3-1L-RIO and C2-1L-RIO Zones as defined in LAMC Sections 12.10.5 and 12.14, respectively, except as modified by the conditions herein or subsequent action.
3. **Residential Density.** The project shall be limited to a maximum density of 249 residential units.
4. **Commercial Floor Area.** The project shall be limited to a maximum commercial floor area of 27,470 square feet. This maximum commercial floor area does not include the existing 126,674 square foot Sunkist Building to remain.



## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

### Dedications/Improvements and Responsibilities/Guarantees.

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. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. **Bureau of Engineering.** Street Dedications and Improvements shall be provided to the satisfaction of the City Engineer.
3. **Sewer.** Construction of necessary sewer facilities, or payment of sewer fees, shall be to the satisfaction of the City Engineer.
4. **Drainage.** Construction of necessary drainage and storm water runoff drainage facilities to the satisfaction of the City Engineer.
5. **Driveway/Parkway Area Plan.** Preparation of a parking plan and driveway plan to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
6. **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 either prior to recordation of a final map or the approval of a building permit.
7. **Cable.** Make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05.N to the satisfaction of the Department of Telecommunications.
8. **Recreation and Park Fees.** Payment of the Quimby fee shall be based on the RAS3 Zone and be paid prior to the recordation of Final Tract map. The application for Vesting Tentative Tract Map No. 72802 was deemed complete on September 1, 2016.
9. **Lighting.** Street lighting facilities shall be provided to the satisfaction of the Bureau of Street Lighting.
10. **Street Trees.** All trees in the public right-of-way shall be provided per the current Urban Forestry Division Standards.

Notice: Certificates of Occupancy for the subject property will not be issued by the City until the Construction of all public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

## CONDITIONS OF APPROVAL

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

Pursuant to LAMC Sections 12.32, 12.24 W.1, and 16.05, the following conditions are hereby imposed upon the use of the subject property.

### Development 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 10, 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. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building plans substantially conform to the conceptual plans stamped as Exhibit "A", as approved by the City Planning Commission.

Note to Development Services Center: The plans presented to, and approved by, the City Planning Commission (CPC) included specific architectural details that were significant to the approval of the project. Plans submitted at plan check for condition clearance shall include a signature and date from Major Projects Section planning staff to ensure plans are consistent with those presented at CPC.

3. **Uses.** The project shall be limited to a maximum of 249 multi-family residential units and 27,470 square feet of commercial uses. This maximum commercial floor area does not include the existing 126,674 square foot Sunkist Building to remain.
4. **Height.** The Project shall be limited to the following maximum heights, as measured in Exhibit A:
  - a. Building A: 75 feet
  - b. Building B: 61 feet
  - c. Calhoun Avenue Parking Structure: 38 feet
5. **Sustainability.**
  - a. 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.
  - b. 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.
  - c. Solar and Electric Generator. Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction, In particular, solar-powered generators shall be used for the construction trailer(s) on-site.
  - d. Solar Power.

- i. A minimum of 4,290 square feet of the upper roof of Building A shall be installed with solar panels. The solar panels shall be installed on the building rooftop as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
- ii. A minimum of 4,345 square feet of the upper roof of Building B shall be installed with solar panels. The solar panels shall be installed on the building rooftop as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
- iii. A minimum of 13,966 square feet of the upper roof of the Calhoun Avenue parking structure shall be installed with solar panels. The solar panels shall be installed on the building rooftop as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

## 6. Parking.

- a. **Vehicle Parking.** The minimum number of residential and commercial automobile parking spaces shall be provided as required by LAMC Section 12.21 A.4(a)(i), and (p). Up to a maximum of 30 percent of the required automobile parking for commercial uses and 15 percent of the of the required automobile parking for residential uses may be replaced by bicycle parking at a ratio of one vehicle parking space for every four bicycle parking spaces provided.
- b. **Electric Vehicle Parking.** The project shall install a one-inch conduit in between every other parking space provided. The one-inch conduit shall be capable of supporting future Electric Vehicle Supply Equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Five (5) percent of the total provided parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
- c. **Bicycle Parking.** Bicycle parking shall be provided consistent with Ordinance No. 185,480, which amended Sections 12.03, 12.21 and 12.26 of the Los Angeles Municipal Code to update the bicycle parking regulations, effective on May 9, 2018.
  - i. One additional short-term bicycle parking rack shall be provided within the publicly accessible open space area on the southern portion of the Project Site that abuts the Los Angeles River ("LA Riverwalk").

- d. Prior to the issuance of a building permit, the driveway and parking plan shall be submitted for review and approval to the Department of Transportation.

**7. Parking Podium.**

- a. The above-grade parking structure fronting Calhoun Avenue shall be designed to be utilized and easily repurposed to other uses, including gallery or event spaces.
- b. The height of the parking level shall have sufficient clearance to be adaptable to non-parking uses. Once converted, the building shall permit a minimum floor to ceiling height of nine feet for commercial uses and eight feet for residential uses.
- c. Parking structures or that portion of a building or structure that is used for parking at grade or above grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts (“spillover”) on adjacent streets and properties.
- d. The design of the Calhoun Avenue parking structure shall substantially conform to the design features and exterior screening characteristics as shown in Exhibit A.
- e. The rooftop parking level of the Calhoun Avenue parking structure shall provide a minimum 3.5-foot high wall along the western edge of the roof, in order to block headlight intrusion from abutting residential areas.

**8. Open Space.** The Project shall provide open space as follows:

- a. A minimum of 160,645 square feet of open space shall be provided, in substantial conformance with the landscape plans stamped Exhibit A, dated October 10, 2019.
- b. A minimum of 76,046 square feet of the open space areas shall be landscaped, such as ground cover, shrubs, and trees, in substantial conformance with the landscape plans stamped Exhibit A, dated October 10, 2019.
- c. A minimum of 129,175 square feet of common open space shall be publicly accessible, in substantial conformance with the landscape plans stamped Exhibit A, dated October 10, 2019.
- d. The minimum 129,175 square feet of publicly accessible common open space set forth in Condition 8(c), above, shall include a minimum 28,000 square-foot publicly accessible open space area on the southern portion of the Project Site abutting the Los Angeles River (“LA Riverwalk”), and shall also include a 22,656 square-foot of publicly accessible open space area along Hazeltine Avenue between Riverside Drive and the southern property line (“Hazeltine Parkway”), in substantial conformance with the landscape plans stamped Exhibit A, dated October 10, 2019.

**9. Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A.

**a. Tree Wells.**

- i. The minimum depth of tree wells shall be as follows:
  1. Minimum depth for trees shall be 42 inches.
  2. Minimum depth for shrubs shall be 30 inches.

3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
    4. Minimum depth for an extensive green roof shall be three inches.
  - ii. The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:
    1. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
    2. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
    3. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
  - b. Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three-foot planter.
10. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
11. **Trash/Storage.**
  - a. All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
  - b. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.
  - c. Trash/recycling containers shall be locked when not in use.
12. **Mechanical Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
13. **Light.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
  - a. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
14. **Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
15. **Reflectivity.** Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.

16. **Noise.** All exterior windows having a line of sight of an Avenue (Major or Secondary Highway) shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Or, the applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
17. **Signage.**
  - a. All future signage shall be limited to what is permissible under the Los Angeles Municipal Code.
  - b. There shall be no off-site commercial signage on construction fencing during construction.
18. Prior to the issuance of the building permit, a copy of the letter of decision for Case No.VTT-72802 shall be submitted to the satisfaction of the Development Services Center.
19. **River Improvement Overlay.** The project shall comply with the River Improvement Overlay (RIO) requirements set forth in LAMC Section 13.17. RIO approval shall be obtained prior to the issuance of Building Permits.
20. **Affordable Housing.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 10 percent of the 249 multi-family residential units, or 25 units, available to Moderate Income Households, pursuant to HCIDLA Rent Schedule #1, as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file.

#### **Master Conditional Use Permit for Alcohol Conditions**

21. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
22. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit A, except as may be revised as a result of this action.
23. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
24. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
25. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose

additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

26. Authorized herein is the sale, dispensing, and consumption of a full line of alcoholic beverages for on-site consumption in conjunction with:
  - a. Total of two (2) restaurants, located on the ground floor of Building A or Building B.
27. Authorized herein is the sale, dispensing, and consumption of a full line of alcoholic beverages for off-site consumption in conjunction with:
  - a. Total of three (3) retail/grocery store uses, located on the ground floor of Building A or Building B.
28. **Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Master Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Master Conditional Use authorization granted. The purpose of the Master Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. The Zoning Administrator may impose more restrictive or less restrictive conditions on each individual tenant at the time of review of each Plan Approval application. A public hearing for any Master Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
29. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days.
30. **STAR/LEAD Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training. Thereafter, STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
31. The Applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not violate applicable laws.
32. Loitering is prohibited on the premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
33. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in



managing the subject premises and any exterior area over which the building owner exercises control to discourage illegal and criminal activities.

34. The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
35. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
36. The restaurant establishments shall be maintained as a bona fide eating places (restaurants) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
37. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.
38. All deliveries shall be made in the designated on-site loading area.
39. Trash pick-up, compacting, loading and unloading and receiving activities shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday.
40. The outside disposal of glass bottles and containers shall only occur between the hours of 7:00 a.m. to 6:00 p.m.
41. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
42. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
43. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
44. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.

- 45. MViP – Monitoring Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.
- 46.** Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the BEST (Beverage and Entertainment Streamlined Program) for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or BEST (Beverage and Entertainment Streamlined Program) for inclusion in the case file.
- 47.** Should there be a change in the ownership and/or the operator of the business, the property owner and/or the business owner or operator shall provide the prospective new property owner and the business owner or operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective property owner and/or business owner/operator shall be submitted to the Department of City Planning in a letter from the new property owner and/or business owner or operator indicating the date that the new property owner and/or business owner or operator/management began and attesting to the receipt of this approval and its conditions. The new property owner and/or business owner or operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
- 48.** Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
- 49.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are

proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

50. The Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes, pursuant to LAMC Section 12.27.1.
51. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC Section 19.01 E.(3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition. Failure to record a covenant acknowledging and agreeing to comply with all the terms and conditions of the approved grant will result in non-effectuation of said grant.

### **Environmental Conditions**

52. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and stamped Exhibit B 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.

53. **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.

**54. 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,<sup>1</sup> all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
- 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 14 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 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 to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

### **Administrative Conditions**

**55. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

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

56. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
57. **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.
58. **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.
59. **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.
60. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
61. **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.
62. **Indemnification and Reimbursement of Litigation Costs.** The Applicant shall do all of the following:
  - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be

- less than \$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).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. 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

### 1. Zone Change, and “T” and “Q” Classification Findings.

- a. **The adoption of the proposed land use ordinance is in conformity with public necessity, convenience, general welfare and good zoning practice. Pursuant to Section 12.32 C of the Los Angeles Municipal Code (LAMC), and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

Public Necessity. The Project Site is currently designated for Community Commercial land uses by the Van Nuys-North Sherman Oaks Community Plan. However, the Project Site's current split zoning (partially PB, P, and C2) is inconsistent with this land use designation, as the PL and PB zones do not correspond to the Community Commercial land use designation. Therefore, the proposed Zone Change to C2-1L-RIO and RAS3-1L-RIO, which do correspond to the community plan land use designation, will bring the Site's zoning into conformity with the Community Plan.

The Project Site is located in an infill location that will be in close proximity to jobs, housing, and a wide range of uses and public services. The proposed new uses and massing of the Reduced Alternative 5 would be compatible with the surrounding area. The area surrounding the project site is urbanized and characterized by a mix of one- to two-story commercial uses, the two-story Westfield Fashion Mall immediately to the east, low- to medium-density multi-family residential uses, and single family residential uses. The Reduced Alternative 5's proposed residential and neighborhood-serving commercial uses would complement and be compatible with this mix of nearby uses. The Reduced Alternative 5's maximum proposed height will be similar to that of the adjacent Westfield Fashion Mall, which is one of the few other parcels in this southern portion of the Community Plan Area that are similarly designated for Community Commercial land uses.

Approval of the requested Zone Change would allow the Reduced Alternative 5 to help alleviate the City's housing shortage through the provision of 249 new multi-family residential units on a site that currently does not provide any housing. The Reduced Alternative 5 would make for a more efficient use of land than the existing surface parking lots surrounding the Sunkist Building by providing housing and retail uses on a Site that is designated for Community Commercial uses. These new benefits will be provided while also maintaining and rehabilitating the iconic Sunkist Building, an important historic resource. As such, the Reduced Alternative 5 would accommodate projected population growth in the area, while being compatible with surrounding uses and consistent with the vision for the project site as reflected in the adopted Community Plan. Accordingly, the proposed Zone Change would be in conformity with public necessity.

Convenience. The Reduced Alternative 5's density and scope are appropriate for the Site and the surrounding properties, as it creates an appropriate residential density that is consistent with the least intensive zone (RAS3) that corresponds to the Project Site's existing Community Commercial land use designation. The Reduced Alternative 5 creates new residential uses on an infill location that afford easy access to nearby employment centers, entertainment, and services, and creates new commercial uses to support the surrounding neighborhood (retail, restaurant, grocery store). Reduced Alternative 5 also provides new publicly accessible open spaces and gathering spaces, such as the proposed linear park on the Project Site along Hazeltine Avenue, available to residents and the surrounding community, facilitating public

access to the Project Site and to the Los Angeles River. Accordingly, the proposed Zone Change would be in conformity with the public convenience.

General Welfare. Approval of the requested Zone Change would allow the development of an infill site with multi-family residential units and neighborhood-serving commercial space that will benefit the future on-site residents as well as the existing neighborhood. Furthermore, the Reduced Alternative 5 would provide for an appropriate transition from the regional-serving commercial uses at the Westfield Fashion Mall immediately to the east, to the lower-scale residential and commercial uses to the west and north of the project site. The Reduced Alternative 5 will provide a strong street wall with ground-floor storefronts along Riverside Drive and Hazeltine Avenue, and the corner with Calhoun Avenue, creating an inviting space for pedestrians and encouraging foot traffic. The Reduced Alternative 5 will also provide for the retention and rehabilitation of the Sunkist Building, a historic resource that is significant architecturally, and will complement the existing building and retain expansive views of the Sunkist Building, particularly from the proposed linear park along Hazeltine Avenue. The Reduced Alternative 5 will add 249 multi-family units to the City's housing stock.

Good Zoning Practice. The project site has a general plan land use designation of Community Commercial, and is currently zoned PB, PL, and C2. The existing PB and PL Zones are not consistent with this land use designation. The proposed RAS3 Zone does correspond to the Project Sites current land use designation. The proposed Zone Change would bring the project site's zoning into conformity with the general plan, thus being good zoning practice. Furthermore, the proposed RAS3 is the least intensive corresponding zone under the Community Commercial land use designation. The proposed zone corresponds to the Site's existing land use designation, and by being the least intensive corresponding zone, is an appropriate zone considering that the project site, while abutting regionally serving commercial uses immediately to the east, is also immediately abutting single-family residential uses to the west, with low-scale commercial and multi-family uses to the north across Riverside Drive and further beyond. Therefore, the Reduced Alternative 5, which proposes a maximum height of 7.5 feet (which is the same as the adjacent regional mall) with a maximum of 5 stories, with the mass appropriately broken up through wide step backs and view corridors, would be compatible with the existing land use designation and with the character of the surrounding area, and with the commercial zones to the east and north, and the single-family and low-scale multi-family zones in the area.

As proposed, the Reduced Alternative 5 would provide 249 multi-family units, 27,470 square-foot of new commercial uses, and would retain and rehabilitate the existing 126,674 square feet of existing office space within the Sunkist Building. The Reduced Alternative 5 will provide new commercial space and employment opportunities to increase the City's housing stock and support existing and future residents, in a manner that is consistent with the designation and vision for the project site in the adopted existing community plan. As such, the proposed Zone Change would be consistent with good zoning practice.

**b. "T" and "Q" Classification Findings.**

Per LAMC Section 12.32 G.1 and 2, the current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the Proposed Project. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" conditions that limits the scale and scope of future development on the Site are also necessary to protect



the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

## 2. Master Conditional Use Findings (Alcohol)

The Reduced Alternative 5 will retain and rehabilitate the existing 126,674 square-foot Sunkist Building, and construct 249 new multi-family residential units and 27,470 square feet of commercial uses. In conjunction with the development of the Reduced Alternative 5, the Applicant is requesting a Master Conditional Use Permit (MCUP) to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption at up to three establishments, and on-site consumption at up to two establishments. The following are the findings for a MCUP as required by LAMC 12.24 W.1.

### a. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The Reduced Alternative 5 will retain and rehabilitate the existing 126,674 square-foot Sunkist Building, and construct 249 new multi-family residential units and 27,470 square feet of commercial uses on the surrounding existing surface parking areas. In total, the Reduced Alternative 5 involves the development of up to 287,924 square feet of new floor area (not including the 126,674 square-foot Sunkist Building to remain). The Applicant is requesting a Master Conditional Use Permit to allow for the sale and dispensing of a full line of alcoholic beverages off-site consumption at up to three establishments (i.e., grocery stores and/or retail establishments) and on-site consumption at up to two establishments (i.e., restaurants).

The Project Site is located within the Van Nuys-North Sherman Oaks Community Plan area, and is designated for Community Commercial land uses. The area surrounding the Project Site is urbanized and improved with a range of low- to medium-density residential uses and commercial uses, including a regional serving shopping mall immediately to the east. The proposed restaurant, retail and grocery store uses will be desirable to the public convenience and welfare as the uses are in a convenient infill location accessible to nearby residents, workers, and visitors. The Project will provide convenient eating and shopping places to serve the residents, employees and visitors in the area, and add to the number of available dining venues.

A variety of commercial uses is an intrinsic part of the service amenities that are necessary for the conservation, development, and success of a vibrant neighborhood. The project site has a Community Commercial land use designation, which allows for the proposed restaurant and retail uses. The ability for the Site to offer a full line of alcoholic beverages will allow the restaurants and retail/grocery uses to remain competitive with other similar uses serving the same area, as alcohol service is a common and expected by patrons as part of these commercial uses. Further, patrons are drawn to the existing adjacent mall due to the shopping, entertainment, and dining experiences available to them, and offering a full line of alcoholic beverages at these uses on the Project Site will enhance the dining and entertainment experience for visitors, employees, and residents in the vicinity. In light of the above, the Reduced Alternative 5 will continue to perform a function that enhances the character of the area, which is appropriate within the context of the Community Commercial land use designation.

The MCUP provides an umbrella entitlement with conditions that apply to the Project Site and in general to all venues, including the retail and restaurant uses. These conditions include,

but are not limited to, security measures, such as a camera surveillance system and appropriate lighting in the evening hours, hours of operation for the entertainment and dancing (the proposed hours of operation are from 9:00 AM to 2:00 AM), except routine clean-up, and of adult entertainment. In addition, all music, sound or noise which is under the control of the Project Applicant shall be in compliance with the Citywide Noise Ordinance. Further, loitering is prohibited on and around the premises, and the Project Applicant will be required to maintain the premises and sidewalk in good condition. These conditions will be supplemented by more specific conditions designed to address the characteristics of each individual establishment a Plan Approval which will be required, prior to the effectuation of the approval for each respective tenancy identified above, where more specific physical and operational restrictions. Under these Plan Approvals, the Zoning Administrator and LAPD have the opportunity to comment and recommend any conditions, including the maximum number of indoor seats, as determined by the Department of Building and Safety.

The proposed Zone Change to RAS3-1L-RIO and C2-1L-RIO would bring the site's existing zoning into conformity with the project site's Community Commercial land use designation. The height of Buildings A and B would be comparable or slightly less than the existing Sunkist Building and the adjacent Westfield Fashion Square mall, with significant breaks in massing and publicly accessible open space, and would therefore be complementary and compatible with these existing commercial uses while also appropriately transitioning to the lower-scale residential and commercial uses around the project site to the north and west. The ground-floor retail and consistent street wall, with a minimum of vehicular driveways (same number as under existing conditions), would encourage pedestrian activity and enliven the project site area. Reduced Alternative 5 would provide an appropriate scale and mix of uses for a commercially-designated parcel that is a corner lot for two major streets (Hazeltine Avenue and Riverside Drive), but that also abuts a local street and areas that are zoned for low-density multi-family and single-family residential.

As such, the service of alcoholic beverages within two restaurants and three retail/grocery uses as part of a mixed-use development will enhance the built environment in the surrounding neighborhood, and will provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole.

**b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The Reduced Alternative 5 will retain and rehabilitate the existing 126,674 square-foot Sunkist Building, and construct 249 new multi-family residential units and 27,470 square feet of commercial uses over the surrounding existing surface parking areas. In total, the Reduced Alternative 5 involves the development of up to 287,924 square feet of new floor area (not including the Sunkist Building to remain). The Applicant is requesting a Master Conditional Use Permit to allow for the sale and dispensing of a full line of alcoholic beverages off-site consumption at up to three establishments (i.e., grocery stores and/or retail establishments) and on-site consumption at up to two establishments (i.e., restaurants).

As previously described, the Project Site is located within the Van Nuys-North Sherman Oaks Community Plan area, and is designated for Community Commercial land uses. The area surrounding the Project Site is urbanized and improved with a range of low- to medium-density residential uses and commercial uses, including a regional serving shopping mall immediately to the east. The proposed restaurant, retail and grocery store uses will be desirable to the public convenience and welfare as the uses are in a convenient infill location accessible to nearby residents, workers, and visitors to eat, drink, and socialize. Thus, the proposed retail

and restaurant uses are located in a convenient infill location that nearby residents, visitors, and employees can patronize from within a short distance.

A variety of commercial uses is an intrinsic part of the service amenities that are necessary for the conservation, development, and success of a vibrant neighborhood. The project site has a Community Commercial land use designation, which allows for the proposed restaurant and retail uses. The ability for the Site to offer a full line of alcoholic beverages will allow the restaurants and retail/grocery uses to remain competitive with other similar uses serving the same area, as alcohol service is a common and expected by patrons as part of these commercial uses. Further, patrons are drawn to the existing adjacent mall due to the shopping, entertainment, and dining experiences available to them, and offering a full line of alcoholic beverages at these uses on the Project Site will enhance the dining and entertainment experience for visitors, employees, and residents in the vicinity.

Redevelopment of the Site will also increase street activity by introducing a new building that replaces existing surface parking areas with a mix of ground-floor commercial uses co-located on-site with 249 multi-family residential units. The Reduced Alternative 5 locates new residential and commercial uses near existing employment centers (including the on-site Sunkist Building), entertainment, and services; promotes pedestrian activity in the general area; and provides a gathering point with new recreational and open space amenities available to residents, employees and visitors. The sale, dispensing, and consumption of alcoholic beverages will provide a new amenity for those who are visiting the area.

As discussed above, the Reduced Alternative 5's conditions will be supplemented by more specific conditions designed to address the characteristics of each individual establishment at Plan Approval which will be required, prior to the effectuation of the approval for each respective tenancy identified above. Under these Plan Approvals, the Zoning Administrator and LAPD will have the opportunity to comment and recommend any additional conditions, as warranted. Further, the sale of alcohol is regulated by the State of California through the issuance of an Alcohol Beverage Control (ABC) license. Thus, as conditioned, combined with the enforcement authority of ABC and LAPD, the approval for the sale of alcohol will not be detrimental to the public health, safety and welfare.

The Reduced Alternative 5 will introduce new residential, retail and restaurant uses to the Site. The addition of these new uses will provide an amenity to the existing businesses and residents in the area as well as support projected growth. The Reduced Alternative 5, as proposed, will be comprised of two new mixed-use buildings (Building A and B), with a maximum of five stories and 61 – 75 feet in height, to be developed in the northern portion of the project site, with a parking structure (three above-grade and two below grade levels) and surface parking on the southern portion of the project site. The existing three-story Sunkist Building would be retained and rehabilitated.

The proposed Zone Change to RAS3-1L-RIO and C2-1L-RIO would bring the site's existing zoning into conformity with the project site's Community Commercial land use designation. The height of Buildings A and B would be comparable or slightly less than the existing Sunkist Building and the adjacent Westfield Fashion Square mall, with significant breaks in massing and publicly accessible open space, and would therefore be complementary and compatible with these existing commercial uses while also appropriately transitioning to the lower-scale residential and commercial uses around the project site to the north and west. The ground-floor retail and consistent street wall with a minimum of vehicular driveways (same number as under existing conditions) would encourage pedestrian activity and enliven the project site area. This would be an appropriate use for a commercially-designated parcel that is a corner

lot for two major streets (Hazeltine Avenue and Riverside Drive), but that also abuts a local street and areas that are zoned for low-density multi-family and single-family residential.

Thus, the Reduced Alternative 5 will be compatible with development on adjacent and neighboring properties and its location, size height, and operations will be compatible with and will not adversely affect or further degrade surrounding properties and/or the public health, welfare, and safety.

**c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The Project Site is located within the Van Nuys-North Sherman Oaks Community Plan area, which designates the Site for Community Commercial land uses corresponding to the CR, C2, C4, RAS3, and RAS4 Zones. The Site is currently zoned P-1L-RIO, PB-1L-RIO, and C2-1L-RIO, which is inconsistent with its current land use designation. The proposed Zone Change for the site to be C2-1L-RIO and RAS3-1L-RIO would bring the project site into conformity with its existing land use designation. The Reduced Alternative 5 includes the retention of the existing Sunkist Building and the construction of two new five-story mixed-use buildings and a parking structure consisting of 249 multi-family residential units and 27,470 square feet of retail / restaurant uses.

The C2 Zone allows for retails and restaurants and the service of alcoholic beverages through a Conditional Use approval, and the RAS3 Zone allows the service of alcohol through a Conditional Use approval (see ZA 2007-5927(ZAI)).

The Community Plan text is silent with regards to alcohol sales. In such cases, the decision-maker must interpret the intent of the Community Plan. The proposed request for the sale and dispensing of a full line of alcoholic beverages for off-site consumption at up to three establishments, and on-site consumption for up to two establishments, are consistent with the following Van Nuys-North Sherman Oaks Community Plan goal:

**Goal 2:** To conserve and strengthen viable commercial development

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

The Project is a mixed-use development that will provide residential and commercial uses on an infill location designated for Community Commercial land uses. The area surrounding the Project Site is urbanized and improved with a range of low- to medium-density residential uses and commercial uses, including a regional serving shopping mall immediately to the east. The proposed restaurant, retail and grocery store uses will be desirable to the public convenience and welfare as the uses are in a convenient infill location accessible to nearby residents, workers, and visitors to eat, drink, and socialize.

The Project Site has a Community Commercial land use designation, which allows for the proposed restaurant and retail uses. The ability for the Site to offer a full line of alcoholic beverages will allow the restaurants and retail/grocery uses to remain competitive with other similar uses serving the same area, as alcohol service is a common and expected by patrons as part of these commercial uses. Further, patrons are drawn to the existing adjacent mall due to the shopping, entertainment, and dining experiences available to them, and offering a full line of alcoholic beverages at these uses on the Project Site will enhance the dining and entertainment experience for visitors, employees, and residents in the vicinity. The sale, dispensing, and consumption of a full-line of alcoholic beverages, in conjunction with the

operations of the proposed retail and restaurant uses, will be an added amenity for residents and patrons of the Project, and will thus help to conserve and strengthen viable economic development on a commercially-designated lot in the Community Plan area.

The Project Site is designated as Community Commercial by the Community Plan, is currently improved with an office building and surface parking, and is immediately adjacent to a regional mall that includes multiple shops and restaurants. The Project Site is thus located in an established commercial area, adjacent to an existing shopping area, which is appropriate for the sale and dispensing of alcohol incidental to the commercial retail and restaurant uses proposed under Reduced Alternative 5. Therefore, the Reduced Alternative 5 substantially conforms with the purposes, intent and provisions of the General Plan and the Community Plan.

The Project's density will be consistent with the neighborhood density and contribute to the area's viable commercial development by introducing new residential, retail restaurant uses in an appropriate location. As mentioned above, the Van Nuys-North Sherman Oaks Community Plan designates the Project Site for Community Commercial land uses. The Project Site's P and PB Zones are inconsistent with the Community Plan under existing conditions. The proposed Zone Change to RAS3-1L-RIO for the portion of the Project Site containing the proposed new mixed use buildings is the least intensive zone that corresponds to the Project Site's land use designation, and allows for the proposed multi-family residential and commercial uses. The maximum proposed FAR for Lot 1 (0.82:1) and Lot 2 (1.4:1) is below the maximum permitted in the C2-1L and RAS3-1L Zones (1.5:1 and 3:1, respectively).

As discussed above, the Reduced Alternative 5 is consistent with the surrounding development within the Community Plan. No specific plans are applicable to the Project Site. Based on the above, the Reduced Alternative 5 and requested Master Conditional Use Permit substantially conform with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

#### **ADDITIONAL FINDINGS FOR ALCOHOL SALES**

**d. The proposed use will not adversely affect the welfare of the pertinent community.**

The approval of the Master Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages on the Site will not adversely affect the welfare of the community. The Reduced Alternative 5 will provide additional amenities that will result in a greater variety of dining options, which will support the growing residential population as well as improve the existing environment and attract new visitors and residents to the area. Thus, the introduction of a new building with a mix of uses with a strong ground-floor retail and residential presence will enliven the area, which is currently occupied by large surface parking areas, with more eyes on the street and help maintain a safe environment.

Diversity amongst uses is common in the immediately surrounding area, particularly along Riverside Drive. The proposed retail and restaurant uses are allowed in the RAS3 Zone, which corresponds to the Project Site's Community Commercial land use designation. The sale of alcohol is a common and expected component of restaurants and grocery stores. Nearby uses that offer alcohol for sale include the Trader Joe's grocery store to the north of the Project Site across Riverside Drive. Immediately to the east of the Project Site is the Westfield Fashion square mall. Additionally, while there are residential uses near the Project Site, as well as residential uses proposed as part of the Project, the proposed establishments open to the public serving alcoholic beverages will be part of a controlled and monitored operation. Numerous conditions have been imposed to ensure that the use is integrated into the

community as well as to protect community members from adverse potential impacts. As part of the required Plan Approvals, additional conditions may be recommended for consideration by the California Department of ABC that regulate the sale of alcoholic beverages to prevent adverse impacts to the neighborhood. Other conditions imposed will maintain the order and ensure cleanliness of the Project and its surroundings. In addition, the grant requires the use and maintenance of an age verification device to deter underage purchases and drinking. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Thus, the proposed restaurant uses, and off-site consumption associated with retail/grocery uses, as it relates to the sale, dispensing, and consumption of alcoholic beverages will not adversely affect the welfare of the pertinent community.

- e. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of ABC licensing criteria, there are five (5) on-site and three (3) off-site licenses allocated to the subject Census Tract Number 1287.02, based on a population of 5,639 people. Within the subject Census Tract, there are currently three (3) total active licenses, including two on-site licenses and one off-site license. As such, the number of existing on-site licenses within the census tract where the Project Site is located does not exceed ABC guidelines.

According to statistics provided by the LAPD's Central Vice Unit within Crime Reporting District No. 964 which has jurisdiction over the Project Site, a total of 487 crimes were reported in 2018 (399 Part I and 88 Part II crimes), compared to the Citywide Average of 185 crimes and the High Crime Reporting District Average of 222 crimes. The vast majority (334) of the Part I crimes are reported as larceny. Alcohol-related Part II Crimes reported include Narcotics (17), Liquor Laws (2), Public Drunkenness (4), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI related (38), and other offenses (26). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to the public welfare and will not interfere with the quiet enjoyment of property by residents in the area. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering, public drinking, driving under the influence, and public drunkenness. As stated above, the number of existing on-site licenses within the census tract where the Project Site is located does not exceed ABC guidelines. Furthermore, as conditioned, allowing the sale, dispensing,

and consumption of a full line of alcoholic beverages in conjunction with the proposed restaurant and retail/grocery uses and is not anticipated to create a law enforcement issue. Consequently this approval will not result in an undue concentration of premises selling, dispensing, and consumption of a full-line of alcoholic beverages.

The Reduced Alternative 5 will not adversely affect community welfare because the proposed restaurant and retail/grocery uses are desirable uses would be located in an area designated for commercial uses. In this case, the Project will provide a convenience and new amenity to visitors and residents in the immediate neighborhood and, as conditioned, will not negatively impact the area. As such, the proposed restaurant and retail/grocery uses room in conjunction with the on- and off-site sale, dispensing, and consumption of a full-line of alcoholic beverages will be compatible with the surrounding development and will not adversely affect the welfare of the surrounding community.

**f. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The Project Site is characterized by a mix of low- to medium-density residential and commercial uses, with the 75-foot Westfield Fashion Square Mall immediately to the east across Hazeltine Avenue, and one-story commercial uses to the north across Riverside Drive. Immediately to the south of the Project Site is the Los Angeles River and US-101 Freeway.

The following sensitive uses are located within 1,000 feet of the Project Site:

- DWP Distributing Station #73 (14061 Riverside Drive)
- Van Nuys Sherman Oaks War Memorial Park (14201 Huston Street)

The proposed restaurant and retail/grocery uses are located within proximity of sensitive uses, including residences. The Site is located within a corridor along Riverside Drive which includes a mix of commercial and residential buildings, and is adjacent to a regionally serving shopping mall. As mentioned previously, while the Project Site is located near residential areas, the proposed restaurant and retail/grocery uses as it relates to the sale, dispensing, and consumption of alcoholic beverages have been properly conditioned as to not adversely affect the welfare of the pertinent community. As discussed above, more specific physical and operational conditions will be included as part of the Approval of Plans determination required for each venue as established by the MCUP provisions and the Project's conditions will be supplemented by more specific conditions designed to address the characteristics of each individual establishment at Plan Approval which will be required, prior to the effectuation of the approval for each respective tenancy identified above, where more specific physical and operational restrictions. Under these Plan Approvals, the Zoning Administrator and LAPD have the opportunity to comment and recommend any conditions, including the maximum number of indoor seats, as determined by the Department of Building and Safety.

With the conditions referenced herein, the impacts of the on-site sale, dispensing, and consumption of a full-line of alcoholic beverages will be reduced and not detrimentally affect nearby residentially zoned or developed communities and other sensitive uses within the area.

## **5. Site Plan Review Findings.**

The following are the findings for Site Plan Review as required by LAMC 16.05.

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

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community-specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 Community Plans that establish parameters for land use decisions within those sub-areas of the City. The Project is consistent with the following Elements of the General Plan: Framework Element, Housing Element, Mobility Element and the Land Use Element (Van Nuys – North Sherman Oaks Community Plan).

As discussed below, the Project will be consistent with the purpose, intent, and provisions, of the City's General Plan and its elements including the Framework Element, Housing Element, and Mobility Element, and the Van Nuys – North Sherman Oaks Community Plan that relate to housing, economic vitality, commercial development, and the Citywide Design Guidelines.

### **Framework Element**

The Los Angeles General Plan Framework Element provides guidance regarding policy issues for the entire City, as well as 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 contains the following goals, objectives, and policies that are relevant to the Reduced Alternative 5:

**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.

In addition, the Framework Element contains the following goals and objectives as they relate to housing:

***Goal 3C:** Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.*

***Objective 3.7:** Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.*

***Objective 4.2:** Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.*



The Reduced Alternative 5 will support the City's goals to provide multi-family neighborhoods that enhance the quality of life for the City's existing and future residents through the development of 249 new multi-family residential units, comprised of 41 studio units, 160 one-bedroom units, and 48 two-bedroom units. The Reduced Alternative 5 will provide for much-needed housing and balances the creation of jobs near residential units and existing commercial areas. The Reduced Alternative 5's location is well-served by infrastructure, as the area is currently developed with a mix of uses, each connected to various existing utilities serving the area.

Furthermore, by locating these uses on a commercially designated parcel along Riverside Drive, characterized by existing multi-family and commercial development, the Reduced Alternative 5 channels growth to an appropriate location that will protect existing single family and low density neighborhoods from incompatible uses. The Reduced Alternative 5 is thoughtfully designed given the adjacency of low-scale residential areas, with large breaks in the massing fronting Riverside Drive, and expansive open spaces areas. The proposed parking structure along the western portion of the project site includes architectural screening to minimize light intrusion, and takes advantage of a shift in grade such that only two stories will be visible from Calhoun Avenue. Therefore, the Reduced Alternative 5 would provide adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

### **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 Reduced Alternative 5 will be in conformance with the objectives and policies of the Housing Element as described below.

#### **Goal 1: Housing Production and Preservation**

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

#### **Goal 2: Safe, Livable, and Sustainable Neighborhoods**

**Objective 2.1:** *Promote safety and health within neighborhoods.*

**Objective 2.2:** *Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.*

**Policy 2.2.2:** *Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework Element, as reflected in Map ES.1.*

**Policy 2.2.3:** *Promote and facilitate a jobs/housing balance at a citywide level.*

**Objective 2.3:** *Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.*

**Policy 2.3.3:** *Promote and facilitate the reduction of energy consumption in new and existing housing.*

***Objective 2.4:*** Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

***Policy 2.4.2:*** Develop and implement design standards that promote quality development.

The Reduced Alternative 5 will support the City's objectives to provide an adequate supply of housing units, and to promote livable neighborhoods with a mix of housing types, through the development of 249 new multi-family residential units, comprised of 41 studio units, 160 one-bedroom units, and 48 two-bedroom units. The Reduced Alternative 5 will provide for much-needed housing and balances the creation of jobs near residential units and existing commercial areas.

In addition, the Reduced Alternative 5 will obtain either a Leadership in Energy and Environmental Design LEED Silver certificate level, or equivalent and will comply with the most current version of the Los Angeles Green Building Code (LAGBC), which is based on the California Green Building Standards Code (CalGreen). As proposed and conditioned, the Project will provide a minimum of five (5) percent total code required EV-installed and a minimum of 20 percent of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). In addition, all exterior windows and glass used on building surface will be non-reflective or treated with an anti-reflective coating to minimize glare (e.g., minimize the use of glass with mirror coatings), consistent with applicable Energy and Building Code requirements, including Section 14.03 of the California Energy Code which will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions. The Reduced Alternative 5 therefore would promote sustainable neighborhoods and facilitate the reduction of energy consumption, as called for in the Housing Element.

The Reduced Alternative 5 will provide 249 new multi-family residential units, commercial uses, and open space amenities on a Project Site that is designated Community Commercial by the Van Nuys-North Sherman Oaks Community Plan, and in an area accessible to existing and future residents in proximity to existing commercial centers such as the adjacent Westfield Fashion Square Mall. The Reduced Alternative 5's retail and restaurant uses will complement the employment base of the Community Plan area, meet the needs of local residents, and continue building on the strengths of the existing labor force and businesses in the area. Furthermore, the Reduced Alternative 5 will provide a variety of open space areas within the Project Site, including recreational amenities for residents as well as publicly accessible open space along Hazeltine Avenue and the Los Angeles River. Therefore, the Project will be consistent with the applicable objectives and policies that support the goals set forth in the Housing Element.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities and sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The Reduced Alternative 5 will be in conformance with following objectives and policies of the Mobility Element as described below.

Chapter 3: Access for All Angelenos

**Policy 3.3:** *Promote Equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

**Policy 3.8:** *Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

As previously described, the Reduced Alternative 5 will provide 181 bicycle parking spaces, with short-term bicycle parking provided along sidewalks and pedestrian walkways, and long-term bicycle parking located on Level B1. The Reduced Alternative 5 will provide 249 new multi-family residential units, commercial uses, and open space amenities on a Project Site that is designated Community Commercial by the Van Nuys-North Sherman Oaks Community Plan, and in an area accessible to existing and future residents in proximity to existing commercial centers such as the adjacent Westfield Fashion Square Mall, thereby providing a complementary mix of uses in greater proximity to jobs, destinations, and other neighborhood services.

**Land Use Element: Van Nuys – North Sherman Oaks Community Plan**

The Project Site is located within the Van Nuys-North Sherman Oaks Community Plan area, which is one of 35 Community Plans of which the Land Use Element of the General Plan is comprised. The Community Plan establishes goals, objectives, and policies for future developments at a neighborhood level and is further implemented through the LAMC. The goals, objectives, and policies of the Community Plan and the applicable regulations contained within the LAMC would permit the development of the site in a manner that is consistent with the above referenced goals and objectives of the Framework Element.

The Van Nuys – North Sherman Oaks Community Plan contains the following relevant objectives, and policies:

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

**Policy 1-1.1:** *Designate specific lands to provide for adequate multi-family residential development.*

**Program:** *The Plan Map identifies specific areas where multi-family residential development is permitted.*

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

**Objective 1-5:** *To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.*

The Reduced Alternative 5 will develop the Site with 249 multi-family residential units, including 41 studio units, 160 one-bedroom units, and 48 two-bedroom units. The Project Site is an infill site that is designated for Community Commercial land uses, which permits multi-family development. The Reduced Alternative 5's range of studio, one- and two-bedroom multi-family units will contribute to providing for adequate multi-family residential development,

promote greater individual choice in the type, quality, price, and location of housing, and will help to promote the provision of adequate housing for all persons, meeting the diverse economic and physical needs of existing and projected future residents within the Community Plan area. In addition to the residential units, the Reduced Alternative 5 will provide 27,470 square feet of retail and restaurant uses, and will retain and rehabilitate the 126,674 square foot Sunkist Building, which will continue to be occupied by office uses. The commercial space will serve to provide services and amenities to the new and existing residents, as well as employees in the area.

Furthermore, by locating these uses on a commercial parcel along Riverside Drive, a designated Avenue I in the Community Plan characterized by existing multi-family and commercial development, the Reduced Alternative 5 channels growth to an appropriate location that will protect existing single family and low density neighborhoods from incompatible uses. The Reduced Alternative 5 locates multi-family residential uses in a commercial zone, and will be constructed on existing surface parking areas, thereby avoiding the displacement of any existing residents. The Project Site is an area accessible to existing and future residents in proximity to existing commercial centers such as the adjacent Westfield Fashion Square Mall, thereby providing a complementary mix of uses in greater proximity to jobs, destinations, and other neighborhood services.

The Reduced Alternative 5 will provide ample open space, will achieve LEED Silver equivalency, and provide electric vehicle parking, and will provide on-site security features, all of which will ensure a safe, secure high quality residential environment. The Reduced Alternative 5 is thoughtfully designed given the adjacency of low-scale residential areas, with large breaks in the massing fronting Riverside Drive, and expansive open spaces areas. The proposed parking structure along the western portion of the project site includes architectural screening to minimize light intrusion, and takes advantage of a shift in grade such that only two stories will be visible from Calhoun Avenue. As such, the Reduced Alternative 5 would be consistent with policies relative to protecting the character of existing neighborhoods and promoting infill development with a high degree of architectural compatibility and landscaping features.

Therefore, based on the above, the Reduced Alternative 5 would also support the following Van Nuys – North Sherman Oaks Community Plan objectives, and policies:

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

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

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

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

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

***Policy 1-2.3:*** Encourage multiple residential development in commercial zones.

***Policy 1-3.1:*** *Require a high degree of architectural compatibility with articulated landscaping for new in-fill development to protect the character and scale of existing residential neighborhoods.*

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

The neighborhood-serving commercial uses are well-suited to the Project Site's commercially-designated infill location. As stated in the Community Plan, "The Plan Area lacks a readily identifiable, intensely developed commercial center. However, commercial areas have concentrated in sporadic clusters throughout the plan area and many of these commercial segments... There are several distinct commercial areas in the community such as the Fashion Square along Riverside Drive." The Reduced Alternative 5 will be located adjacent to the Fashion Square, cited as a "distinct commercial area". Furthermore, the Community Plan text states that "While the Plan does not mandate mixed used projects, it encourages them in certain commercially designated areas, located along transit and commercial corridors... The intent is to provide housing in close proximity to jobs, to reduce vehicular trips, congestion, and air pollution, to assure adequate sites for housing, and to stimulate pedestrian oriented areas to enhance the quality of life in the Plan area." The Reduced Alternative 5's mixed-use nature, pedestrian-oriented design with ground floor retail, and location within a designated commercial area supports these goals. Similarly, the Reduced Alternative 5's mix of commercial and residential uses, and rehabilitation of the Sunkist office building, along a commercially-oriented stretch of Riverside Drive, an Avenue I, supports the following Community Plan goals:

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

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

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

***Policy 2-1.2:*** *Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.*

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

***Policy 2-2.5:*** *Promote mixed use projects in proximity to transit stations, along transit corridors, and in appropriate commercial areas.*

Lastly, the Reduced Alternative 5 supports the Community Plan goal for a strong commercial sector while preserving the historic character of the community by preserving and rehabilitating the historic Sunkist Building, while constructing new residential and commercial uses on surrounding surface parking areas.

Thus, the Reduced Alternative 5 will further the objectives and policies of the Van Nuys-North Sherman Oaks Community Plan.

- b. 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 in neighboring properties.**

The Project Site is located within the Van Nuys-North Sherman Oaks Community Plan area. The area surrounding the Project Site is generally characterized by the two-story, 75-foot Westfield Fashion Square Mall to the east across Hazeltine Avenue, one-story commercial development and low-rise two- to four-story multi-family development to the north across Riverside Drive, single-family residential uses to the west across Calhoun Avenue, and the Los Angeles River and US-101 freeway immediately to the south. Reduced Alternative 5 will develop the site with 249 multi-family residential units and 27,470 square feet of neighborhood-serving commercial area. These new uses will be provided in two new five-story buildings to be located on the northern portion of the project site. The existing Sunkist Building would be retained and rehabilitated, and would continue to be used for office space. In total, Reduced Alternative 5 would involve the development of up to 287,924 square feet of new floor area (not including the 126,674-square-foot Sunkist Building to remain) on an 8.3-acre lot. Parking will be provided in two subterranean levels underneath new Buildings A and B, within a new parking structure (three above grade levels and two subterranean levels), and a surface parking area. Short-term bicycle parking would be provided along sidewalks and pedestrians walkways, and long-term bicycle parking would be provided on the B1 parking level beneath Buildings A and B.

#### Height

Buildings A and B will be five (5) stories tall, with maximum heights of 75 and 61 feet, respectively. Commercial uses will be provided on the ground floor, and residential uses provided on levels two through five.

The maximum height in Building A and B (75 feet and 61 feet) is consistent with the height of the existing Fashion Square Mall immediately to the east. These two parcels are among the few parcels in this southern portion of the Community Plan with a Community Commercial land use designation. While the height of the proposed Buildings A and B will be taller than the predominantly two- to four-story multi-family uses fronting Riverside Drive directly to the west of the Site (as well as across Riverside Drive to the north), the height of Buildings A and B is appropriate for the site's Community Commercial designation. The proposed Zone Change would result in the least intensive zone (RAS3) that corresponds to the Project Site's existing land use designation, and thus would bring the Project Site's zoning into conformity with its existing Community Commercial designation. The RAS3-1L Zone sets forth a maximum height of the 75 feet, with which the Reduced Alternative 5 complies. The massing of Buildings A and B has been reduced with wide cut-outs above the first-level podium of 89- and 79 feet, respectively, fronting Riverside Drive. The Project has thus been designed to be sensitive to existing surrounding development, and thus would be compatible with the range of other residential and commercial development in the surrounding area.

The above-grade parking structure in the southwestern portion of the site would reach a maximum height of 37.5 feet, which is taller than the single family homes across Calhoun Avenue. However, the parking structure includes design elements and materials including a mounted green screen with vine and landscaping, composite wood paneling, and a 3.5-foot rooftop wall, that will screen the automobiles and lights from the adjacent residential area. In addition, due to the shift in grade, the parking structures maximum height will be perceived as a two-story structure. Furthermore, the Project has been designed to be sensitive to existing surrounding development such that the eight-story podium and four-story cutout is of similar massing and height at street level to the surrounding buildings.

As such, approval of the Reduced Alternative 5 will enable the development and use of the Site for residential and commercial purposes consistent with the Community Plan, and in a manner that would be compatible with existing and future proposed developments within the surrounding neighborhood.

#### Bulk & Mass

The area surrounding the Project Site is generally characterized by the two-story, 75-foot Westfield Fashion Square Mall to the east across Hazeltine Avenue, one-story commercial development and low-rise two- to four-story multi-family development to the north across Riverside Drive, single-family residential uses to the west across Calhoun Avenue, and the Los Angeles River and US-101 freeway immediately to the south.

Buildings A and B will maintain a consistent frontage with ground-floor retail along Riverside Drive, with 79- and 89-foot cut-outs from floors two through five that provide significant breaks in massing along Riverside Drive, and creating open-air outdoor areas for residents on the podium level. The design of Reduced Alternative 5 would therefore break up the building planes and soften the visual mass of the building in relation to the surrounding buildings.

The above grade parking structure in the southwestern portion of the site would reach a maximum height of 37.5 feet, which is taller than the adjacent single family homes. However, as described above, the parking structure includes design elements and materials including a mounted green screen with vine and landscaping, composite wood paneling, and a 3.5-foot rooftop wall, that will screen the automobiles and lights from the adjacent residential area. In addition, due to the shift in grade, the parking structures maximum height will be perceived as a two-story structure.

The surface parking area proposed on the eastern portion of the site opens up expansive views of the existing Sunkist Building, and breaks down the overall massing of new and existing structures throughout the 8.3-acre site.

In sum, the proposed bulk and mass will be consistent with the scale of existing and future proposed developments within the surrounding neighborhood.

#### Off-Street Parking and Loading Area

Vehicular access to the Project Site is currently provided via one driveway on Riverside Drive and two driveways on Hazeltine Avenue. Operation of the Reduced Alternative 5 would maintain the same number and location of driveways as under existing conditions. Project driveways and access would be designed according to LADOT standards.

As discussed above, the Reduced Alternative 5 will be required to provide 802 vehicle parking spaces. Reduced Alternative 5 proposes to provide 1,141 vehicle parking spaces, in excess of code requirements. Parking will be provided in two subterranean levels underneath new Buildings A and B, within a new parking structure (three above grade levels with rooftop parking and two subterranean levels), and a surface parking area. Bicycle parking will be provided on levels ABC. The proposed parking structure has been conditioned to include design features that screen the appearance of automobiles and headlights from nearby residential areas. The Reduced Alternative 5 also includes immediate installation of Electric Vehicle (EV) charging stations for five percent of the total code-required parking spaces and wiring for future installation of EV charging stations for 20 percent of the total code-required parking spaces.

### Landscaping

Publicly accessible open space would include a 28,000 square foot plaza area within the southern portion of the Project Site, referred to as the "LA Riverwalk". The LA Riverwalk would provide a publicly accessible riverfront park space with landscaping, paths, and seating areas. Reduced Alternative 5 would also provide publicly accessible linear park along Hazeltine Avenue. The linear park would include a 45-foot wide open space area plus a variable-width 13-foot sidewalk. The linear park would include various plaza and seating areas, landscaping, and a pedestrian walkway traversing the eastern perimeter of the Project Site and connecting Riverside Drive to the proposed LA Riverwalk open space area. Additional landscaping and common open space available to residents would be provided throughout the Project Site, including on the first-floor podium-level courtyards in Buildings A and B.

### Trash Collection

As conditioned, all trash and recycling areas shall be enclosed and not visible from the public right-of-way.

### Lighting & Building Signage

The Reduced Alternative 5 will add new residential and commercial uses that will include similar lighting effects as provided from the existing adjacent residential and commercial land uses, in compliance with LAMC requirements. Additionally, because the Reduced Alternative 5 is located adjacent to residential uses, the Reduced Alternative 5 has been designed and conditioned to further protect adjacent uses from lighting related impacts, including requirements for outdoor lighting to shine downward, be installed with shielding, and be directed onto the project site, so that the light source does not directly illuminate any adjacent properties or the above night skies. Above-grade parking levels are designed with exterior screening to minimize potential glare of headlights and light spillover. As conditioned, night lighting for the Project will be provided to illuminate building vehicular and pedestrian entrances. The glass bottom pool lights will also be lit and will be visible from the street level. Lighting will be low-level and ground- and/or building-mounted fixtures.

Signage for mixed-use developments typically includes building address identification, commercial retail, wayfinding, and security markings. While no signage has been proposed as part of the Project work scope at this time, all future signage will be required to comply with the LAMC. In addition, the Project has been conditioned so that there shall be no off-site commercial signage on construction fencing during construction.

### Citywide Design Guidelines

The Citywide Design Guidelines, adopted by the City Planning Commission, establish a baseline for urban design expectations and present overarching design themes and best practices for residential, commercial, and industrial projects. Commission policy states that approved projects should either substantially comply with the Guidelines or achieve the same objectives through alternative methods, and that the Guidelines may be used as a basis to condition an approved project. These design guidelines focus on several areas of opportunity for attaining high quality design in mixed-use projects, including: enhancing the quality of the pedestrian experience along commercial corridors; nurturing an overall active street presence; establishing appropriate height and massing within the context of the neighborhood; maintaining visual and spatial relationships with adjacent buildings; and optimizing high quality infill development that strengthens the visual and functional quality of the commercial environment.



The Reduced Alternative 5 would construct two new five-story mixed-use buildings (Buildings A and B) to the north of the Sunkist Building, which would be retained and rehabilitated. A five-level (three above-grade and two below-grade) parking structure would be located on the western portion of the Project Site, and a surface parking area would be providing on the eastern portion of the Project Site. Buildings A and B would provide continuous ground-floor retail built to the property line to create a strong street wall and pedestrian environment, while wide cutouts above the first floor podium would reduce the massing from the building edges in order to adjust the scale of the building experienced at the ground level. The Reduced Alternative 5 would provide a 45-foot wide linear park along Hazeltine Avenue, which connects to further proposed publicly accessible open space along the Los Angeles River on the southern portion of the project site while providing for expansive views of the historic Sunkist Building from the east. This proposed public space configuration and massing creates a sense of opening of the Project Site towards the outside, resulting in an open, pedestrian-oriented environment that provides for appropriate visual and spatial relationships with adjacent buildings, and strengthen the visual and functional quality of Reduced Alternative 5's residential and commercial components.

Parking would be provided within two levels of subterranean parking, as well as the aforementioned surface parking area and above-grade parking structure. The above-grade parking structure will provide buffering and screening from adjacent residential areas through the use of wire mesh screen walls with vines and landscaping, as well as composite wood paneling. The rooftop parking level would include a 3.5-foot wall on the western edge, in order to block car headlights from intruding onto adjacent residential areas to the west. Locating the parking structure on the western portion of the Site also allows for the site plan to take advantage of its sunken grade to further reduce the parking structure's mass and visibility as experienced from Calhoun Avenue.

The Reduced Alternative 5 will be designed with window treatments, contemporary architectural design features, and building articulations and will include a variety of building materials, such as different types of glass, concrete, metal, cement plaster, and composite paneling that will provide horizontal and vertical articulation that break up the building planes and reduce the visual mass of the building. The Project will include a transparent ground floor that will promote an active pedestrian street presence. At the higher residential levels, the building will intersperse varied surface materials will provide horizontal and vertical articulation that break up the building planes and reduce the visual mass of the building. Glass used in building facades will be non-reflective or treated with a non-reflective coating to minimize glare; glazing used would have the minimum reflectivity needed to achieve energy efficiency standards.

The scale of the five-story Building A and Building B are compatible with the surrounding urban environment, including the 75-foot Westfield Fashion Square Mall, which is immediately to the east of the Project Site and is the only other parcel in the surrounding area that is designated for Community Commercial land uses other than the Project Site. The Reduced Alternative 5's breaks in massing, and overall height, provide an appropriate transition relative to the one-story commercial buildings and two- to three-story multi-family residential buildings along Riverside Drive. As discussed above, the height, grade shift and screening of the parking structure create a compatible structure with the single-family residential uses found farther to the south along Calhoun Avenue, to the west of the Project Site. Additionally, the Reduced Alternative 5's horizontal elements will align with the heights and lines of the adjacent mall and with the existing Sunkist Building. The Project combines design, density, and a complementary mix of uses that will activate the street and contribute to a livable, walkable community.

Based on its design and proposed amenities, the Project meets several goals listed throughout the Design Guide, including the following: street wall massing and articulation that help define the pedestrian environment at street level; building massing that is broken into a series of appropriately scaled buildings with passageways between buildings and residential unit spacing that provides distance between windows for appropriate line-of-sight ; providing publicly accessible open space lined with commercial uses, providing pedestrian linkages between streets; providing visual articulation and variation to enrich the pedestrian experience and contribute to the quality and definition of the street wall; building on and connecting to existing elements of the Sunkist Building to contribute to the amenities and cultural life of the surrounding neighborhood. In sum, based on the above, the Reduced Alternative 5 would be consistent with the Citywide Design Guidelines.

As described above, the Reduced Alternative 5 is an infill mixed-use project that will be compatible with existing and future development on adjacent and neighboring properties with regards to height, bulk, and setbacks, off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements. Therefore, the arrangement of the development is consistent and compatible with existing and future development in neighboring properties.

**c. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

As discussed above in Finding 4(b), the Project will improve habitability for its residents by placing residents in proximity to on-site recreational amenities. Pursuant to LAMC 12.21 G.2, based on the number of units and the mix of unit types, 26,100 square feet of residential open space is required. The Reduced Alternative 5 would provide 160,645 square feet of open space, exceeding LAMC requirements. The provided open space would include 28,000 square feet of publicly accessible open space adjacent to the LA River, as well as a 45-foot wide publicly accessible linear park along Hazeltine Avenue that will connect Riverside Drive to the open space adjacent to the River, while providing expansive views through the Project Site to the existing historic Sunkist Building.

The residential and commercial amenities are wholly within the Project Site, and are not expected to impact neighboring properties. Conversely, the Project will ultimately benefit the surrounding neighborhood because it will provide new publicly accessible open space along Hazeltine Avenue, as well as to the south of the Sunkist Building providing access to the Los Angeles River.

By combining design, density, and indoor and outdoor open spaces, the Project Site will greatly add to the livability of the residents and to residents and visitors to the surrounding area. As proposed, the Reduced Alternative 5 will be providing open space in excess of what is required by the LAMC and has programmed the open space to take into consideration the varying recreational needs of the future residents. Therefore, the Project will provide recreational and service amenities to improve the habitability for its residents and minimize impacts on neighboring properties.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FINDINGS

The City of Los Angeles, as lead agency, acting through the Department of City Planning, prepared an environmental impact report (EIR), consisting of a Draft EIR and Final EIR, under case number ENV-2014-1362-EIR. Pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000-21189.57)(CEQA), the EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of Icon Sherman Oaks Project, consisting of a mixed-use project (Reduced Alternative 5) comprised of 249 multi-family residential units and 27,470 square feet of neighborhood-serving commercial uses (not including the 126,674-square-foot Sunkist Building to remain) located at 14130 and 14154 West Riverside Drive, and 4715 – 4745 North Hazeltine Avenue in the Van Nuys-North Sherman Oaks area of Los Angeles (Site or Project Site).

In a determination letter dated September 10, 2019, the City’s Deputy Advisory Agency (DAA) certified the EIR; adopted the environmental findings prepared for the Project as well as a statement of overriding considerations and a mitigation monitoring program (MMP); and approved the Project’s vesting tentative tract map (VTTM). No appeal was filed with respect to the DAA’s approval of the VTTM. The appeal period closed on September 20, 2019. A Notice of Determination was filed on September 24, 2018 with the Los Angeles County Clerk.

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Likewise, Public Resources Code Section 21166 states that unless one or more of the following events occur, no Subsequent or Supplemental EIR shall be required by the lead agency or by any responsible agency:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

## SECTION 2. CEQA FINDINGS

FIND, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the ICON Sherman Oaks Project EIR No. ENV-2014-1362-EIR, SCH No. 2014071001) certified on September 10, 2019; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project.

## SECTION 3. MITIGATION MONITORING PROGRAM

All mitigation measures in the previously adopted Mitigation Monitoring Program attached as Exhibit "B", are imposed on the project through Conditions of Approval, Environmental Conditions Nos. 51 and 52, to mitigate or avoid significant effects of the proposed Project on the environment and to ensure compliance during Project implementation.