


TRANSMITTAL TO CITY COUNCIL

Case No.(s)	Planning Staff Name(s) and Contact No.	C.D. No.		
VTT-69061-M1-1A	THEODORE IRVING 213-978-1366	3		
Items Appealable to Council:	Last Day to Appeal:	Appealed:		
VESTING TENTATIVE TRACT	JAN. 21, 2013	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Location of Project (Include project titles, if any.)				
6205-6219 DESOTO AVENUE				
Name(s), Applicant / Representative, Address, and Phone Number.				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> WARNER 2D/E/P, LLC JOSH VASBINDER 3411 RICHMOND AVE. 200 HOUSTON, TX 77046 858-847-9311 </td> <td style="width: 50%; vertical-align: top;"> REPRESENTATIVE: FRED GAINES, GAINES & STACEY, LLP 16633 VENTURA BLVD. 1220 ENCINO, CA 91436 818-933-0200 </td> </tr> </table>			WARNER 2D/E/P, LLC JOSH VASBINDER 3411 RICHMOND AVE. 200 HOUSTON, TX 77046 858-847-9311	REPRESENTATIVE: FRED GAINES, GAINES & STACEY, LLP 16633 VENTURA BLVD. 1220 ENCINO, CA 91436 818-933-0200
WARNER 2D/E/P, LLC JOSH VASBINDER 3411 RICHMOND AVE. 200 HOUSTON, TX 77046 858-847-9311	REPRESENTATIVE: FRED GAINES, GAINES & STACEY, LLP 16633 VENTURA BLVD. 1220 ENCINO, CA 91436 818-933-0200			
Name(s), Appellant / Representative, Address, and Phone Number.				
<p>SAME</p> <p>APPEAL #1</p>				
Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)				
<p>Pursuant to the provisions of Section 17.06-A3 of the Los Angeles Municipal Code, appeals may be heard by the Appeal Board (City Planning Commission), <u>within 30 days after the expiration of the 10-day appeal period</u>, unless the Applicant consents to an extension of time. <i>This appeal was never scheduled for a public hearing within the required 30 days and as a result the City Planning Commission lost jurisdiction on January 7, 2013.</i></p>				
Fiscal Impact Statement <small>*Determination states administrative costs are recovered through fees.</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Commission Vote: FAIL TO ACT		
Environmental No. ENV-2003-9377-MND				
JAMES K. WILLIAMS, Commission Executive Assistant II <div style="text-align: center; font-size: 2em; margin-top: 10px;">  </div>		Date: JAN 25 2013		

TRANSMITTAL TO CITY COUNCIL

Case No.(s) VTT-69061-M1-1A	Planning Staff Name(s) and Contact No. THEODORE IRVING 213-978-1366	C.D. No. 3
Items Appealable to Council: VESTING TENTATIVE TRACT	Last Day to Appeal: JAN. 21, 2013	Appealed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Location of Project (Include project titles, if any.) 6205-6219 DESOTO AVENUE		
Name(s), Applicant / Representative, Address, and Phone Number.		
WARNER 2D/E/P, LLC JOSH VASBINDER 3411 RICHMOND AVE. 200 HOUSTON, TX 77046 858-847-9311	REPRESENTATIVE: FRED GAINES, GAINES & STACEY, LLP 16633 VENTURA BLVD. 1220 ENCINO, CA 91436 818-933-0200	
Name(s), Appellant / Representative, Address, and Phone Number.		
REW DESOTO PARTNERS, LLC 26880 PACIFIC COAST HWY MALIBU, CA 90265 310-457-8970 APPEAL #2	REPRESENTATIVE: FRED GAINES, GAINES & STACEY, LLP 16633 VENTURA BLVD. 1220 ENCINO, CA 91436 818-933-0200	
Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)		
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Fiscal Impact Statement <small>*Determination states administrative costs are recovered through fees.</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Environmental No. ENV-2003-9377-MND
		Commission Vote: FAIL TO ACT
JAMES K. WILLIAMS, Commissioner Executive Assistant II		Date: <u>JAN 25 2013</u>



CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

CORRECT TO FILE **

Determination Mailing Date: JAN 25 2013

CASE NO. VTT-69061-M1
CEQA: ENV-2003-9377-MND-REC

Location: 6205-6219 DeSoto Avenue **
Council District: 3 – Zine
Plan Area: Warner Center Specific Plan

APPLICANT: Warner 2D/E/P, LLC
Representative: Carol Burel, PSOMAS

APPELLANT #1: Josh Vasbinder, Warner 2D/E/P, LLC
Representative: Carol Burel, PSOMAS

APPELLANT #2: REW Desoto Partners, LLC
Representative: Fred Gaines, Gaines & Stacey, LLP

Pursuant to the provisions of Section 17.06-A3 of the Los Angeles Municipal Code, appeals may be heard by the Appeal Board (City Planning Commission), within 30 days after the expiration of the 10-day appeal period, unless the Applicant consents to an extension of time. ***This appeal was never scheduled for a public hearing within the required 30 days and as a result the City Planning Commission lost jurisdiction on January 7, 2013.***

As prescribed in the aforementioned Code Section, if at the end of the time limit specified in this subsection or at the end of any extension of time pursuant to Subdivision 5 of this subsection, the Appeal Board fails to act, **the appeal shall be deemed denied** and the decision from which the appeal was taken shall be deemed affirmed, an appeal may be filed and taken to the City Council pursuant to Subdivision 4.

The City Planning Commission **failed to act** on Case No. VTT-69061-M1 by January 7, 2013, therefore, the initial decision of the Advisory Agency of November 27, 2012 stands.



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

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.

Attachment: Deputy Advisory Agency Letter dated November 27, 2012

City Planner: Theodore Irving

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

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INFORMATION
www.planning.lacity.org

Decision Date: November 27, 2012

Appeal Period Ends: December 7, 2012

Warner 2D/E/P, LLC (A)(O)
3411 Richmond Avenue, Suite 200
Houston, TX 77046

Carol Burel (R)
Psomas
555 South Flower Street, Suite 4400
Los Angeles, CA 90071

Re: Vesting Tentative Tract Map 69061-M1
Address: 6206 DeSoto Avenue
Council District: 3
Existing Zone: WC
Community Plan: Warner Center Specific
Plan
CEQA No.: ENV-2003-9377-MND(REC)

In accordance with provisions of Section 17.03 and 17.11 of the Los Angeles Municipal Code (LAMC), the Advisory Agency approved the **MODIFICATION** of Vesting Tentative Tract Map No. 69061-M1, composed of 2-lots, located at 6206 DeSoto Avenue in the Warner Center Specific Plan for a maximum of **707 residential apartment units, including 312 senior apartment units and 395 market rate apartment units** as shown on revised map stamp-dated August 22, 2012. Lot 1 shall be restricted to senior housing only and shall be permitted a Density Bonus of up to 35 percent pursuant to Condition No. S-6 of the Director's Determination Case No. DIR 2003-9376(SPP)(M1). Lot 2 shall include market rate apartments consistent with the density allowances prescribed in Director's Determination noted supra. The Advisory Agency's approval is subject to the following modified condition(s):

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS**EXISTING CONDITIONS**

No. 19.a: "Limit the proposed development to a maximum of 312 senior condominium units and 395 market rate condominium units."

No. 19.b: "Provide a total of 1,179 covered off-street parking spaces, including 798 spaces for the market rate units, 282 spaces for the senior units, and 99 spaces guest parking."

MODIFIED CONDITIONS

No. 19.a shall read: "Limit the proposed development to a maximum of 312 senior apartment units on Lot 1 and 395 market rate apartment units on Lot 2."

No. 19.b shall read: Provide parking as required by LAMC Section 12.21-A.4 and in accordance with City Planning Case No. DIR 2003-9376(SPP)(M-1). In conformance with the case noted supra, an additional 58 guest parking spaces shall be provided on Lot 1 and 73 guest parking spaces shall be provided on Lot 2.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

Due to the project no longer proposed as condominium units, the term "condominium" shall be deleted and replaced with the word "TRACT" in the Heading. The Heading shall read:

"DEPARTMENT OF CITY PLANNING-STANDARD TRACT CONDITIONS"

EXISTING CONDITIONS

Condition No. C-2 shall be deleted. The "15% Ordinance" has been repealed and is no longer applicable.

Condition No. C-3: "Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund."

The Applicant has requested that Condition C-3 be modified so that park and recreation fees are based on the latest fee rate schedule applicable on a per lot basis and not a per unit basis. The basis for the request from the Applicant is that since the project is no longer a residential condominium project, the associated Park and Recreation fees per LAMC Section 17.12 are no longer applicable on a per unit basis for a rental apartment project. However, in a letter dated October 10, 2012 from the General Manager of the Department of Recreation and Parks, the Department opposes the modification to the condition language. Municipal Code Section 17.12 requires the

Advisory Agency in all subdivision cases for the subdivider to "dedicate land" as part of the map or require the payment of "in lieu" fee for each dwelling unit permitted to be constructed as part of the subdivision. The term dwelling unit is not further defined to apply only to "condominium" units. The "in lieu" fee described in LAMC Section 17.12 is applied to all dwelling units in a proposed subdivision, not to the number of lots in the subdivision. Therefore, the Advisory Agency **denies** the request to modify Condition C-3, provided Tentative Tract Map is still being pursued, the payment of the "in lieu" fee on a per unit basis is required.

FINDINGS OF FACT (CEQA)

The modification of this tract map will not cause new substantial impacts and does not involve substantial changes from what was originally considered in the Mitigated Negative Declaration ("MND") Adopted by the Advisory Agency on April 15, 2009. Therefore, the original "MND" and CEQA Finding considered by the Advisory Agency are adequate and suitable for this instant request ("Reconsideration"). The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

MODIFIED FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 69061, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The project is located within the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan and the Warner Center Specific Plan. The property is designated for Light Industrial land use with WC (Warner Center) Zone. The property contains approximately 10.18 net acres after the required dedication. The proposed development of 312-unit senior condominium apartment units and 395-unit market-rate condominium apartment units is allowable under the current adopted zone and the land use designation. The project will provide much needed new home ownership opportunities for the Community Plan area.

A Development Agreement, Ordinance No. 178635, approved by the City Council on April 18, 2007, currently exists on the property. The Agreement permits the construction of a 312-unit senior apartment complex and a 395-unit market-rate apartment complex. However, the subject tract map ~~proposes~~ originally proposed the construction of a 312-unit senior condominium and a 395-unit market-rate condominium. The instant request now proposes apartment units for the entire development, which is still consistent with applicable plans and policies and pursuant to the applicable zoning. In general, apartments are intended for rental purposes, whereas, condominiums are intended for sale. The tract map complies with the Project Permit Compliance Approval and the Warner Center

Development Agreement. The references to apartments in the project permit approval and the development agreement were not intended to limit the development to apartments only (see the Director of Planning's Letter of Correction dated January 9, 2009). Consequently, the construction of the condominiums apartments under the proposed tract map is permitted by the existing Development Agreement.

The site is not subject to any Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The project is located on De Soto Avenue, a designated Major Highway. The Bureau of Engineering requires that a 17-foot wide strip of land be dedicated along De Soto Avenue adjoining the subdivision to complete a 67-foot half wide right-of-way dedication in accordance with Major Highway-Class I dual left turn lane Standards and as specified in Warner Center Specific Plan and under Planning Case DIR-2003-9376(SPP)(M1), including a 20-foot radius property line return at the intersection with Erwin Street all satisfactory to the City Engineer.

This project is subject to the requirements of the Warner Center Specific Plan. The proposed project will provide a total of 1,179 parking spaces in conformance with the LAMC and the Deputy Advisory Agency's parking policy for condominium projects in non-parking congested areas.

As conditioned, the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The site is currently developed with 175,300 square feet office/industrial building, which would be demolished for the proposed construction of 707 residential units (312-unit senior condominium apartments and 395-unit market-rate condominium apartments) totaling 962,712 square feet of floor area with parking for 1,179 spaces consistent with Section 12.21-A.4 and in conformance with City Planning Case No. DIR-2003-9376(SPP)(M1).

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

The Department of Building and Safety, Grading Division, has reviewed the soils and geology reports for the proposed subdivision and has conditionally approved the tract map in a memo dated June 27, 2007, Log No. 58643, which is attached to the case file for Tract No. 69061.

The tract is being approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division, prior to the recordation of the map and issuance of any permits.

- (d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

Adjacent land uses within a 500-foot radius consist of light industrial uses and construction site on the north; office, apartments, Pierce College, and construction site on the east; light industrial uses on the south; office buildings, condominiums under construction, light industrial uses, and Home Depot on the west. All uses are zoned WC in accordance with the Warner Center Specific Plan.

The site currently contains a 175,300 square feet office/industrial building, which would be demolished for the proposed construction of 707 residential units (312-unit senior ~~condominium~~ apartment units and 395-unit market-rate ~~condominium~~ apartment units) with 4,179 parking spaces consistent with Section 12.21-A.4 and in conformance with City Planning Case No. DIR-2003-9376(SPP)(M1). The proposed project will comply with all LAMC requirements for parking, yards, and open space.

As conditioned, the proposed tract map is physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY

THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

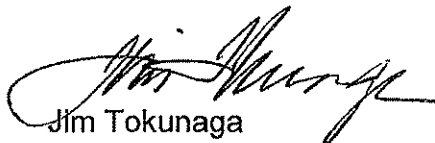
The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

All other conditions and findings of Tentative Tract No. 69061-M1 shall remain as originally written.

MICHAEL J. LOGRANDE
Advisory Agency


Jim Tokunaga
Deputy Advisory Agency

JT:NH:jq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the South Valley Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-

day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
(213)482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Bl., Room 251
Van Nuys, CA 91401
(818)374-5050

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