

## FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Objective 2: Employ Distinguishable and Attractive Building Design

Objective 3: Provide Pedestrian Connections Within and Around the Project

Objective 4: Minimize the Appearance of Driveways and Parking Areas

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

Objective 6: Improve the Streetscape Experience by Reducing Visual Clutter

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

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

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

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

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

**Policy 1-5.2** Promote housing in mixed use projects in transit corridors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Program:* Design Guidelines address this policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Entitlement Findings**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. Such limitations are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the required actions.

The “T” Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The “Q” conditions that limit the scale and scope of future development on the site are also necessary to protect the best interests of, and to assure a development more compatible with, surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

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

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

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

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

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

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

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

**Code Criteria**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Height**

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

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

#### Bulk/Massing

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

#### Building Materials

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

#### Entrances/Access

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

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

#### Setbacks

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

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

### Parking

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

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

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

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

### Lighting

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

### Landscaping

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

### Trash Collection

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

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

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

### CDO Findings

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

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

#### Ground Floor

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

#### Massing

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

#### Transparency and Articulation

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

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

### Lighting

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

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

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

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

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

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

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

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

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

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

**CEQA Findings**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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