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October 28, 2021

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEAL OF CASE NO. CPC-2019-6375-CU-DB-ZV-PHP-1A, FOR PROPERTY LOCATED AT 13921 WEST VANOWEN STREET; CF 21-0968

The five appellants that filed appeals for the case will be identified as the following:

Appellant No. 1: Margaret Field
Appellant No. 2: John & Julie Brunnick
Appellant No. 3: Rouzanna Ovsepian
Appellant No. 4: Karen Andranikyan
Appellant No. 5: Yvonne Raymond

Appeal point No. 1 – Environmental Analysis

Appellant No. 1 "*CEQA CE analysis: The fact that no environmental impact report was performed for this project is particularly disturbing. This project has been defined as "in-fill" – although there still are buildings on the premises. The CEQA Guideline does exempt 'in-fill' projects; however, it excludes any project that "would result in any significant traffic, noise, air quality, or water quality effects." Strictly speaking, this project is not in-fill, and parking, traffic, and noise will be impacted which means that the exemption does not apply.***"**

Staff Response:

In this matter, the categorical exemption for the proposed project was prepared in accordance with State CEQA Statute and Guidelines. On July 22, 2021, the Department of City Planning determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2019-6376-CE is provided as Exhibit D to the Staff Report. The proposed project qualifies for the Class 32 categorical exemption given it is developed on an infill site and meets the following criteria: (a) consistency with the General Plan designation, policies, and zoning regulations; (b) occurrence within city limits on a project site of no more than 5 acres substantially surrounded by urban uses; (c) no value as a habitat for endangered,

rare, or threatened species; (d) no significant effects related to traffic, noise, air quality, or water quality; and (e) service by all required utilities and public services. In addition, the project does not meet any of the exceptions to the use of Categorical Exemptions with regards to (i) cumulative impacts, (ii) significant effect due to unusual circumstances, (iii) scenic highways, (iv) hazardous waste sites, and (v) historical resources.

An "in-fill" lot is one that is vacant and/or has been previously disturbed and will often be located in a built-out neighborhood and can be adequately served by all required utilities and public services. Thus, the subject property does meet the qualifications as an in-fill site, as it is currently developed with two structures and will include the demolition of the structures as a part of the scope of work. Therefore, Appellant No. 1's claim that the project is not indeed in-fill is inaccurate. The matters of how the project will impact parking, traffic, and noise will be addressed later in this report.

Appeal point No. 2 - Traffic

Appellant No. 1: *"…creates myriad problems involving TRAFFIC – already considerable all along Vanowen – and PARKING. Our neighborhood already suffers from the residents of two-story buildings parking on our streets (especially Hartland). The issue of parking…a four-story building with 15 two-bedroom units yet only sixteen (16) parking spaces there 15 cars to the neighborhood because the building currently offers insufficient parking spaces (one parking space per apartment?)*"

Appellant No. 2: "*The TRAFFIC that we already incur from the overflowing Vanowen has increased considerably over the years and Hartland and Costello are already clogged with cars belonging to residents of Vanowen*."

Appellant No. 4: "…*extreme cars traffic on the corner of ranchito ave and vanowen st, ranchito will be jam of cars that will be parking. No parking sign!*"

Appellant No. 5: "*In terms of traffic congestion and parking, a four-story building with 15 two-bedroom units (and only sixteen parking spaces) seems like a bad traffic situation, which is already a problem along Vanowen – not to mention the parking. Our neighborhood is already lined with cars from the residents of two-story buildings on Vanowen parking on our streets. Hartland is crowded every day with non-resident cars. The new residents of this development will bring at least another 15*…"

There is no basis to deny the requested parking option, as there is no substantial evidence that the provided parking is not sufficient for the proposed project and there is no evidence provided by the appellants in the record that demonstrates the provided parking will have a specific adverse impact on traffic. Though an increase in cars will occur due to the nature of new tenants relocating to the development, the increase is less than significant as determined in ENV-2019-6376-CE.

In accordance with California State Law Assembly Bill 744 (AB 744, 2015), the applicant is proposing to utilize LAMC Section 12.22 A.25 (Affordable Housing Incentives – Density Bonus) to set aside 3 dwelling units for Very Low and Low Income household occupancy for a period of 55 years. Because the applicant is providing 22 percent of base dwelling units to be affordable for Very Low and Low Income household occupancy, the project is eligible to provide parking at a ratio of 0.5 spaces per bedroom, utilizing parking option 3-B of AB 744.

Further, with Assembly Bill 744 (2015), "…*the law prevents local jurisdictions from imposing vehicular parking requirements higher than those established by the legislation, upon the request of a developer, provided that the project includes enumerated percentages of affordable housing and is located near designated public transit*."[1] The proposed project will provide 16 parking spaces, and two short-term and 15 long-term bicycle parking spaces on-site. The site is located within 171 feet to Metro Local 165 on

[1] *AB744 CDP memo*, (Los Angeles, 2015) 2, https://planning.lacity.org/odocument/21976c68-cb9a-4d44-ae31-be107f7ea013/AB744memo.pdf and https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB744

Vanowen Street, 1.3 miles from Woodman/Valley Glen Metro G Line (Orange) 901 at the intersection of Oxnard Street Avenue and Buffalo Avenue, which will support the reduction of single-occupancy vehicular trips. This satisfies the requirement for a proposed mixed-income project to be located near a Major Transit Stop[2].

Appellants 1,2,4, and 5 argue that the project will result in significant traffic. Per the Los Angeles Department of Transportation "Traffic Study Policies and Procedures", upon submission of an application for discretionary action, the Los Angeles Department of Transportation (LADOT) will prepare an initial assessment of the project to determine if a technical memorandum or a traffic study is required. The thresholds for determining the appropriate transportation review process are as follows:

> *• A Technical Memorandum is required when the project is likely to add 25 to 42 a.m. or p.m. peak hour trips, and the adjacent intersection(s) are presently estimated to be operating at LOS E or F. The scope for preparing a technical memorandum, which is a significantly scaled-down version of a traffic study, must be reviewed and approved by LADOT. At a minimum, the potential impacts to intersections adjacent to the project should be evaluated. The technical memorandum shall be prepared under the direction of, and signed by, a Professional Engineer, registered in the State of California to practice either Traffic or Civil Engineering*.
>
> *• A Traffic Study is required when the project is likely to add 500 or more daily trips, or likely to add 43 or more a.m. or p.m. peak hour trips. Review of a traffic study is a nine-step process as shown in Attachment B. The traffic study must follow the study guidelines, as described herein, and shall be prepared under the direction of, and signed by, a Professional Engineer, registered in the State of California to practice either Traffic or Civil Engineering. Further, the Traffic Consultant must have a valid Los Angeles City Business Tax Registration Certificate*.

Per the Department of Transportation, the proposed project did not meet the requirement for a Traffic Study, thus determining that significant traffic increase would not be likely to occur due to the scale of the project.

Appeal point No. 3 - Noise

Appellant No. 1: *"…noise pollution is more than a mere annoyance. Currently, if a neighbor is loud, we know who it is and can deal with it. When the building's residents – and their visiting friends and family members – make noise on the rooftop – or at the pools and hot tub (see below) - at any hour of the day or night, we have no recourse. That is unacceptable. Returning to the pools and hot tub that the developer proposes to put on the R3 lot: these will unleash noise at all hours."*

Appellant No. 2: "*The proposed pools abut 2 front yards on Colbath and Hartland bringing with them all the NOISE that is associated with pool play time. In addition, the 2,000 sq ft roof-top "common area" would be an unobstructed source of NOISE when in use. Being on top of a four story building, in effect a fifth floor, the NOISE would carry much further than from a backyard gathering.*"

Appellant No. 3: "…*the pool will create too much noise.*"

Appellant No. 4: *"Is already too much noise from the apartment building next door, corner building, now with this new project will be double noise the side and the back. now I understand they building a pool, which is a very big problem of noise, especial in weekends when family are at home."*

Appellant No. 5*: "…rooftop parties equal noise, which will certainly spread to many of the homes that are relatively close."*

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[2] "Major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan.", 1, https://planning.lacity.org/odocument/21976c68-cb9a-4d44-ae31-be107f7ea013/AB744memo.pdf

Staff Response:

As mentioned in appeal point No. 1, the proposed project qualifies for the Class 32 categorical exemption given it is developed on an infill site and meets the criteria: (d) no significant effects related to noise. Additionally, the setbacks to the westerly and easterly portion of the proposed building provide a buffer for the residents abutting the property.

The applicant shall also adhere to any applicable Regulatory Compliance Measures required by law. Listed below is an often-required Regulatory Compliance Measure. Please note that requirements are determined on a case-by-case basis. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance. These RCMs will ensure the project will not have significant impacts on noise.

> *Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities): The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.*

Appellants No. 2, 3, 4, and 5 express concerns about potential noise coming from the rooftop deck, and open space on the rear ground floor, and infer that significant noise will occur due to activity at the pool. The appellants did not demonstrate or provide evidence to support this claim. It is important to note that the setbacks to the westerly and easterly portion of the proposed building provides a buffer for the residents abutting the property and should decrease the onset of potential ambient noise. Additionally, the project is subject to the regulations as set forth in Chapter XI Noise Regulation of the Los Angeles Municipal Code.

Pursuant to said chapter, LAMC Section 112.02 states, "*It shall be unlawful for any person, within any zone of the city to operate any air conditioning, refrigeration or heating equipment for any residence or other structure or to operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit-to exceed the ambient noise level by more than five (5) decibels*."

Ambient Noise is further defined in LAMC Section 116.01 and states:

> *Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:*
>
> *(a) The level of noise;*
>
> *(b) Whether the nature of the noise is usual or unusual;*
>
> *(c) Whether the origin of the noise is natural or unnatural;*
>
> *(d) The level and intensity of the background noise, if any;*
>
> *(e) The proximity of the noise to residential sleeping facilities;*
>
> *(f) The nature and zoning of the area within which the noise emanates;*
>
> *(g) The density of the inhabitation of the area within which the noise emanates;*

(h) The time of the day and night the noise occurs;

(i) The duration of the noise;

(j) Whether the noise is recurrent, intermittent, or constant; and

(k) Whether the noise is produced by a commercial or noncommercial activity."

Therefore, as complaints of noise disruption are enforced by the Los Angeles Department of Building and Safety, and the Los Angeles Police Department, there is no substantial evidence that the pool, proposed setbacks at the rear, and westerly side yard will contribute to a substantial negative impact on the noise level in the neighborhood.

Appeal point No. 4 - Air Quality

Appellant No.2: "*We are very concerned about the amount of dirt being excavated from the property and the AIR QUALITY that will be polluted during this time. Persons compromised with respiratory vulnerabilities will be at the mercy of the considerations of the construction crews*."

The project will be subject to Regulatory Compliance Measures (RCMs) and shall comply with all applicable standards of the Southern California Air Quality Management District (SCAQMD). These RCMs will ensure the project will not have significant impacts on air quality. Specifically, the grading on site will comply with Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities), including the following provisions of District Rule 403:

- *"All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.*
- *The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.*
- *All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.*
- *All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.*
- *All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.*
- *General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.*
- *Trucks having no current hauling activity shall not idle but be turned off. cured by trimming, watering or other appropriate means to prevent spillage and dust."*

The Regulatory Compliance Measures (RCM's) as noted above regulate impacts related to air quality and geology to a less than significant level. The applicant's claim that the amount of earth proposed to be removed will pollute the air is not substantiated, as no evidence of the claim was provided. The project proposes a total of approximately 3,908 cubic yards of earth to be graded and exported from the site, which is a relatively small amount of grading in scale to other approved project types of the same scope and primarily accounts for the one level of subterranean parking. Per LAMC Section 91.7006.2., "Soil and geological reports are required for all grading in excess of 5,000 cubic yard of cut or fill, or a combination thereof." Though less than 5,000 cubic yards are proposed to be removed, the applicant submitted a Soils Report Approval Letter. According to the Soils Engineering Investigation conducted on August 13, 2019, by SubSurface Designs, Inc, the proposed project was approved from a geologic and geotechnical engineering standpoint. Further "…*a representative from this firm must be on site for continuous review while all deep foundation, shoring, underpinning, and/or slot cutting work is being performed. Moreover, the City of Los Angeles requires that a deputy grading inspector be on site full time while all deep foundation, shoring, underpinning, and/or slot cutting work is being performed*." Therefore, the project will result in less than significant cumulative impacts, specifically to persons compromised with respiratory vulnerabilities in the

surrounding community. Thus, there is no substantial evidence demonstrating that an exception to the categorical exemption applies.

Appeal point No. 5 - Water

***Appellant No. 2**: "It isn't right to propose considerable WATER usage solely for entertainment when our very survival is being threatened by this drought which has no end in sight."*

There are currently no Los Angeles Municipal Code regulations that prohibit appurtenant uses for pool and jacuzzi usage associated with residential uses or in conjunction with residential projects, like the subject project. The proposed pool will be subject to the Los Angeles Building Code (LABC), Section 3109, 6109, and 8118. Additionally, in order to prevent pollution and protect storm drains, channels, creeks, and bays, per LAMC Section 64.70, the City of Los Angeles prohibits non-stormwater into the storm drainage system without a permit issued under the National Pollutant Discharge Elimination System (NPDES) Program, all residential pools are subject to Best Management Practices (BMP) to regulations to discharge into storm drains[3].

Furthermore, the proposed pool and jacuzzi are considered as amenities that are reasonably standard appurtenant uses in projects of similar size and scope amongst surrounding development in the area and within the City of Los Angeles. There is no evidence provided by Appellant No. 2 to support the claim that approving the above amenities would contribute to a significant impact on the environment or a contribution to the statewide drought.

Appeal point No. 6 - Privacy

Appellant No. 1: *"The increased height of the building to four (4) stories and the addition of a rooftop area for residents to enjoy will loom over our single family neighborhood. The invasion of our privacy is more than unfortunate; it's also a threat to our security. The building's residents have no obligation to respect our privacy and can observe us at their leisure. That goes double for visiting friends and family*"

Appellant No. 2: ***"****The additional lack of PRIVACY having the roof-top visitors looking down into our neighborhood is very disturbing to say the least."*

Appellant No. 4: "…*my family and me are concern about losing our privacy*"

Appellant No. 5: "*The increased height of the building to four stories and the addition of a rooftop party area for residents that will overlook our single-family neighborhood is a real threat to our neighborhood security*"

Staff Response:

There is no substantial evidence that the increased height totaling four stories will be an "invasion of privacy", as the project will be located wholly within the boundaries of the subject lot, and will not encroach onto any neighboring lots. In response to the points of Appellants 2, 4, and 5, the Project will also provide illumination at street level for security. All lighting on the upper levels will be shielded and focused on the project site and directed away from the neighboring land uses. The project proposes to provide landscaping along the street level, as well as in the side yards and roof deck, which will serve as additional screening.

As permitted by LAMC Section 12.22 A.25, the Applicant was approved for three On-Menu incentives, and one Waiver of Development Standards that will facilitate the provision of affordable housing at the site,

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3 https://www.lacitysan.org/cs/groups/sg_cw/documents/document/y250/mdmx/~edisp/cnt031146.pdf

including a height increase of approximately 10 feet. The requested incentive, a 10-foot increase in height, is expressed in the Menu of Incentives per LAMC Section 12.22 A.25(f)(5), and as such, 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 units can be constructed, and the overall space dedicated to residential uses is increased. These incentives support the Applicant's decision to provide two affordable units for Very Low Income Households, and the additional replacement unit for Low-Income Households for 55 years.

The setbacks to the westerly and easterly portion of the proposed building provide a buffer for the residents abutting the property. Therefore, granting of the variance will not be materially detrimental to the public welfare, safety, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Further, the stairwell shafts on the north and south facing portions of the building, air conditioning equipment, and landscaping facing the east and west will serve as buffers on the rooftop area in such a way that, there can be a reasonable assumption that direct view into adjacent single-family homes will be infeasible from the rooftop view.

Appeal point No. 7 - Affordability

Appellant No. 1: "*Countless residents have lived in this neighborhood, built in the 1950s, for decades. It was developed to accommodate middle-class, middle-income families. This development, irrespective of one lower income unit and two very low income units, is intended as a luxury building. That's not what this entire neighborhood is about. It's not what this neighborhood should become. If this project is allowed to move forward as is, it will open the door to more developments of this type, and that will, in time, destroy the neighborhood. You can take one small step toward stopping the move to throw out 'old' Los Angeles, a city for all people, and keep it affordable*."

Appellant No. 3: *"…concerned that similar developments will be approved in the future that will lead to the destruction of neighborhood character"*

Appellant No. 4: *"…degrading to value of properties around. Middle income neighborhood to low income neighborhood."*

Appellant No. 5: "*This neighborhood, built in the 1950's, was developed to accommodate middle-class, middle income families. The new development, not counting one lower income unit and two very low income units, is intended as a luxury building. Los Angeles is in dire need of affordable housing, but this building does not seem to be that. If this project goes ahead, it seems to me that it will result in more "grandfather" developments of this type, and that will eventually destroy the neighborhood. Affordable housing, yes. Luxury housing in a middle-class neighborhood? Not helping the housing problem at all.***"**

Staff Response:

In reference to Appellant No. 5's remarks, "*Los Angeles is in dire need of affordable housing, but this building does not seem to be that*". According to the AB2556 Determination letter from the Housing and Community Investment (HCID), the property is subject to provide three Affordable Replacement Units. Per The United States Department of Housing and Urban Development Comprehensive Housing Affordability Strategy (CHAS), the CHAS database shows 50% Very Low (Below 51 % Area Median Income [AMI]) and 18% Low ([51% to 80% AMI]) renter households for Los Angeles. The balance of these unit(s) (i.e., 32%) are presumed to have been occupied by persons and families above-lower income. The applicant is required to set aside at least 20 percent of units for Very Low-Income occupancy. The applicant proposes a project totaling 15 dwelling units of which two, or 22% of the base density of nine units, will be restricted to Very Low-Income Households which is in excess of the required 20%. In addition, the project will include one unit for Low Income Households for a period of 55 years as well as one unit subject to the RSO Ordinance, as a replacement unit requirement from HCID. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low-Income Households.

Appellants 1, 4, and 5 claim that the neighborhood was developed to accommodate middle-class income families. Further, Appellants No. 3's claim that the proposed project will "destroy" the neighborhood, failed to provide substantial evidence for the claim. The approved project substantially conforms with the following purposes and objectives of the General Plan Land Use Element (Van Nuys – North Sherman Oaks Community Plan), which includes:

> *"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 1-1.1: Designate specific lands to provide for adequate multi-family residential development.*
>
> *Program: The Plan Map identifies specific areas where multi-family residential development is permitted."*

The approved project will meet the above goals and objectives by providing affordable units within a building that has an architectural style and scale in which is in character with the existing neighborhood.

The use of the term "grandfather" is generally used in the Planning and Land Use Field in instances related to land use. The Zoning Code defines the term "grandfather" as: *"A nonconforming use... as a land use or structure that was legal when established but does not conform to the standards of the current zoning ordinance*. As defined by Section 12.03 of the LAMC a nonconforming building is " a building, structure or portion thereof, which does not conform to the regulations of this chapter and which lawfully existed at the time the regulations, with which it does not conform, became effective[4]." The term "grandfather" was used by Appellant No. 5 out of context, in this matter and therefore the claim that the proposed project will set a precedent for more "grandfathered" developments of this type is incorrect as the project conforms to the allowed uses by zone and land use.

As stated on the Department of City Planning's "Planning Process" webpage, "*A by-right or ministerial project is one that does not require discretionary review by Los Angeles City Planning. These types of projects can proceed directly to the Department of Building and Safety to request a building permit(s) because they meet the existing standards and zoning regulations outlined in the Los Angeles Municipal Code and their scope does not trigger discretionary entitlement review[5].*" On the contrary, if a proposed project requires a discretionary entitlement, as did the subject project, the City Planning Process states, "*A discretionary entitlement is a planning approval granted to an applicant to allow for a specific type of land use and/or to allow for the construction, modification, or use of a building. The approval of an entitlement involves a formal discretionary application process, and may require a public hearing prior to issuing a recommendation or a determination letter to approve or deny. Examples of some commonly requested land use entitlements in the City of Los Angeles include Conditional Use Permits, Zoning Administrator Determinations, Zone Changes, Subdivisions, Site Plan Review, and Project Permit Compliance*." The approved project's entitlement requests were: Conditional Use (CU), and Zone Variance (ZV). Therefore, the proposed project has been adequately reviewed and does not approve, expand, or create a precedent for nonconforming uses.

Appellant No. 4 claims that the proposed project will degrade the surrounding property value. However, they have failed to provide substantial evidence to support this claim, and, further, peer-reviewed academic studies have found "*that large, dense, multi-family rental developments…do not negatively impact the sales*

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[4] https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-886

[5] https://planning.lacity.org/development-services/land-use-process/planning-processes

price of nearby single-family homes[6]." Furthermore, the appellant is vague and unclear as to how a negative impact on surrounding property value would occur.

Appellants No. 1 and No. 3 claim that the proposed project is intended as a "luxury" development, but neither provide evidence to support that claim. The project, to date, and as proposed has not obtained the required "Luxury Exemption Certificate" issued by the Housing and Community Investment Department[7]. The project will provide more than the required 20 percent affordable housing, which is consistent with the existing Rent Stabilized Ordinance unit and affordable units on site.

Appeal point No. 8 - Noticing

Appellant No. 2: "*Why weren't we notified of the July 22 meeting in advance? It should not be so difficult for the affected neighbors to learn about the progress of this project.* **"**

Appellant No. 5: "*This project has moved so quickly that my neighbors and I have not had a legitimate amount of time to object. We are all filing this last-minute appeal to stop some of the more worrisome and problematic issues of this project. I truly feel that the immediate neighbors have been left out of the process. We were not notified of this project development as it was going forward. There were many steps which we were completely unaware of, especially the initial notification that there was a project of this scope brewing in our immediate neighborhood. A few weeks ago, the developer mentioned to one of our residents that he was quite confident his project would get approved – I just wonder if that confidence was partly due to our being left out*.**"**

The case was scheduled for a City Planning Commission hearing on July 22,2021, and was properly agenized more than 72 hours in advance per the Brown Act. The agenda was posted on the Department of City Planning website to be made publicly available.

All of the noticing requirements were met as required in the LAMC and all appellants were included within the noticing radius**.** The public hearing held by City Planning staff was scheduled for April 29, 2021, at 1:00 p.m. virtually via Zoom. All interested parties were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. The purpose of the hearing was to obtain testimony from affected and/or interested parties regarding this application. Interested parties were also invited to submit written comments regarding the request prior to the hearing. The environmental determination was among the matters considered at the hearing. The hearing notice was mailed on March 30, 2021, published in the newspaper on March 26, 2021, and posted on-site on March 27, 2021, in accordance with LAMC noticing requirements.

Appellants 1-5 were all included on the occupant list. Appellant No. 2 and No 5 both live within the 500 foot radius of the proposed project. It is important to note that Appellant No. 5 was also included in the Interested Parties list. Written correspondences were included as a part of Exhibit "E". In a written correspondence submitted by Appellant No. 5 on May 6, 2021, the applicant stated:

"*My husband and I were away when the letter from City Planning arrived, which was less than 3 weeks' notice of the Zoom meeting scheduled for last Thursday. We received no other notice about this proposed building project, although according to my husband, who attended the Zoom meeting, the Van Nuys Neighborhood Council held an earlier meeting regarding this property that no one voiced any objections to (how could there be, if we weren't aware of it?). Additionally, there was no representative from the Van Nuys Neighborhood Council at said Zoom meeting last Thursday. Neither we, nor the several neighbors*

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[6] *Henry O. Pollakowski, David Ritchay, and Zoe Weinrobe, "Effects of Mixed-Income, Multi-family Housing Developments on Single-family Housing Values," Cambridge, MA: MIT Center For Real Estate, April 2005, p. xiii*

[7] HCID Luxury Certificate memo https://housing.lacity.org/wp-content/uploads/2020/05/RAC%20830%20-%20Luxury%20Exemption%20Certificate.pdf

we contacted, were ever informed about an earlier meeting, which leads me to believe that somehow this project is being pushed through quickly without proper feedback from the neighborhood residents."

The applicant states clearly that they received a public Hearing Notice from the City Planning Department for the public hearing held on April 29, 2021. They could not have reasonably confirmed when the notice was received, as they were away from their residence. It is also important to note that the applicant referenced the Van Nuys Neighborhood Council (VNNC) meeting that agendized the proposed project at one of their meetings. The City Planning Department holds no responsibility to notify the public of when Neighborhood Council meetings occur, and the Neighborhood Council is not directly affiliated with the Department of City Planning.

However, the department interacts with members of various Neighborhood Councils as it relates to land use, development, and community planning.

The Neighborhood Councils operate under the purview of the Los Angeles City Department of Neighborhood Empowerment: "*Neighborhood Councils are the closest form of government to the people. They are advisory bodies, who advocate for their communities with City Hall on important issues like development, homelessness, and emergency preparedness. Neighborhood Councils are part of the Los Angeles City government, and have annual budgets funded by taxpayer dollars. Neighborhood Council board members are City officials who are elected by the members of their local communities, but they donate their time as volunteers. The Neighborhood Council system was established in 1999 as a way of ensuring that the City government remains responsive to the different needs and lifestyles of Los Angeles' rich variety of communities*."

Additionally, all Neighborhood Councils are subject to The Brown Act, which requires agendas to be posted within 72 hours prior to any regular meeting. Furthermore, Appellant No. 5's claims cannot be substantiated, as they have confirmed receiving the City Planning staff Hearing Notice for the proposed project.

Conditions Appealed:

Condition No. 2: Residential Density. The project shall be limited to a maximum density of 15 residential units, including Density Bonus Units:

Appealed by Appellants: No. 1, No. 2, No. 3, and No. 5.

Please see Appeal point: Affordability for Staff Response.

Condition No. 3: Affordable Units. A minimum of three units shall be reserved as affordable units for a period of 55 years as follows: two units shall be reserved as affordable units for Very Low-Income household occupancy, and one unit shall be reserved for Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development ("HCD").

Appealed by Appellants: No. 1, No. 2, No. 3, and No. 5.

Please see Appeal point: Affordability for Staff Response.

Condition No. 4: Changes in Restricted Units. The project shall be limited to a maximum density of 15 residential units, including Density Bonus Units.

Appealed by Appellants: No. 1, No. 2, No. 3, and No. 5.

Please see Appeal point: Affordability for Staff Response.

Condition No. 8: Height (Incentive) The project shall be limited to four stories and 46 feet, six inches in height per Exhibit "A".

Appealed by Appellants: No. 1, and No. 4.

Please see Appeal point: Privacy for Staff Response.

Condition No. 9: Side Yard Setbacks (Incentive) The project shall observe a minimum 5-foot, 8-inch side yard setback in lieu of the seven feet otherwise required in the R3 Zone.

Appealed by Appellant: No. 4.

Please see Appeal point: Privacy for Staff Response.

Condition No. 10: The project shall observe a zero-foot rear yard setback in lieu of the 15 otherwise required in the R3 Zone.

Appealed by Appellants: No. 3, and No. 4.

Condition No. 10 is not appealable per LAMC Section 12.22 A.25(g)(3) as it states that the decision of the City Planning Commission shall be final for Requests for Waiver or Modification of any Development Standard(s) Not on the Menu ("Off-Menu Incentives" or "Waivers of Development Standards").

Condition No. 11: The project shall provide a minimum of 2,626 square feet of open space per Exhibit "A".

Appealed by Appellants: No. 4 and No. 5.

The appellants failed to provide substantial evidence that justifies the appeal for Condition No. 11 nor addressed any specific points of concern as it relates to the proposed open space. The proposed project is not located in a Specific Plan that would have stricter regulations for required open space. LAMC Section 12.21(g)(2) requires: "*per dwelling unit: 100 square feet for each unit having less than three habitable rooms; 125 square feet for each unit having three habitable rooms; and 175 square feet for each unit having more than three habitable rooms*". The Project includes a rooftop common open space deck area of approximately 2,026 square feet, and 600 square feet of open area within the rear yard ground floor including a swimming pool, kids pool, jacuzzi, in the R1 zoned portion of the site, which meets the required square footage regulations.

It is important to note the open space is located between the proposed development and adjacent single-family dwellings. As a result, the massing of the proposed multi-family building is kept closer to the Vanowen Street frontage, and away from the lower scale buildings.

The applicant proposes to improve the southernly R1-1 portion of the lot with 600 square feet of open space, landscaping, a swimming pool, kids pool, and jacuzzi. Improving the R1-1 portion of the lot would serve as a benefit to the residents and improve the site in a way that would be more suitable for the surrounding R1-1 zoned abutting properties.

Furthermore, the use of the R1-1 portion of the lot as open space is facilitated by the variance request to allow subterranean parking below it; where this portion of the lot developed with a single-family home, the nearby properties would have a reduced separation distance from the proposed apartment building. The proposed courtyard above grade located on the R1-1 portion of the lot will be paved, screened from view from the residentially zoned lots, and landscaped, as conditioned. This right and use of open space generally possessed by the other properties will provide benefits not just for the residents occupying the proposed project but nearby residents as well. Therefore, granting of the variance will not be materially

detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Condition No. 14: 16 parking spaces shall be provided consistent with Exhibit "A".

Appealed by Appellants: No. 4 and No. 5.

Please see Appeal point: Traffic for Staff Response.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

ERIN NASH
Planning Assistant

VPB:BL:CR:AJ