



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission

Date: September 22, 2016
Time: After 8:30 a.m.
Place: Van Nuys City Hall
Council Chambers, 2nd Floor
14410 Sylvan Street
Van Nuys, CA 91401

Public Hearing: August 22, 2016
Appeal Status: Site Plan Review and Project Permit Compliance are appealable to City Council by any party. Off-Menu Density Bonus is not further appealable.

Expiration Date: September 28, 2016

Case No.: CPC-2015-3338-DB-SPR-SPP
CEQA No.: ENV-2015-3339-MND
Council No.: 2 – Paul Krekorian
Plan Area: North Hollywood - Valley Village
Certified NC: Valley Village
GPLU: Neighborhood Office Commercial
Zone: [Q]C2-1VL
Applicant: Yaron Levy, Chandler Village LLC
Representative: Ellia Thompson, Erivn Cohen & Jessup, LLP

PROJECT LOCATION: 12438-12462 West Chandler Boulevard; 5353 North Wilkinson Avenue; and, 5350-5354 North Whittsett Avenue (12444 Chandler Boulevard –primary address)

PROPOSED PROJECT: The construction, use, and maintenance of a new, 62,481 square-foot, five-story, 56 feet tall, mixed-use building consisting of 69 multifamily residential units (55 one-bedroom units and 14 two-bedroom units) over 5,000 square feet of ground-floor commercial retail and restaurant space and 470 square feet of community center space on 27,822 square foot-site in the [Q]C2-1VL Zone. In addition to the parking for the retail uses on the ground floor, parking for the residents will be provided in two underground levels. The proposed building will provide a total of 140 automobile parking spaces and 82 bicycle parking spaces. The project will include nine (9) density bonus units reserved for Very Low Income Households.

A haul route is necessary as the project will involve the grading and export of approximately 18,000 cubic yards of dirt to accommodate the subterranean parking garage. Vehicle access will be provided via the existing alley along the site's southern boundary. Approximately 6,900 square feet of open space will be provided.

REQUESTED ACTIONS: In accordance with Section 12.36 of the Los Angeles Municipal Code (Multiple Approval Ordinance), the following actions are requested:

1. Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.25, a **Density Bonus** for the construction of a mixed-use development with 69 residential units (with a set aside of 13 percent, nine (9) units for Very Low Income Households for a period of 55 years,); a Density Bonus Parking Incentive (Parking Option 1) and requesting two (2) Off-Menu Waivers as follows:
 - a. Pursuant to LAMC Section 12.21.1 A.1, an Off-Menu Waiver to permit a 50 percent increase in Floor Area Ratio of 2.25:1 (62,481 square feet), in lieu of the otherwise permitted 1.5:1 (41,733 square feet); and

- b. Pursuant to LAMC Section 12.21.1 A.1, an Off-Menu Waiver to permit an 11-foot increase in height for a building five (5)-stories, 56-foot high as measured from plumb height (45 feet plus 11 feet) in lieu of the otherwise maximum permitted three (3)-stories and 45 feet;
2. Pursuant to LAMC Section 16.05, a **Site Plan Review** for a development project which creates or results in an increase of 50 or more dwelling units;
3. Pursuant to LAMC Section 11.5.7 C, a **Project Permit Compliance** for the Valley Village Specific Plan for a new mixed-use development, including 5,000 square feet of ground floor commercial;
4. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code (CRPC), adopt the **Mitigated Negative Declaration** (ENV-2015-3339-MND) for the above referenced project; and
5. Pursuant to Section 21081.6 of the CRPC and Section 15097 of the CEQA Guidelines, a Mitigation **Monitoring Program** for ENV-2015-3339-MND.

RECOMMENDED ACTIONS:

1. **Adopt** the **Mitigated Negative Declaration** (ENV-2015-3339-MND) and the Mitigation Monitoring Program for (MMP), as specified in the environmental conditions of approval, as environmental clearance pursuant to California Environmental Quality Act;
2. **Approve** a **Density Bonus** (with a set aside of 13 percent, nine (9) units, for Very Low Income Households); a Density Bonus Parking Incentive (Parking Option 1) and two (2) Off-Menu Waivers as follows:
 - a. Pursuant to Section 12.22 A.25(f)(4), an Off-Menu Waiver to permit a 50 percent increase in Floor Area Ratio of 2.25:1 (62,481 square feet);
 - b. Pursuant to LAMC Section 12.22 A.25(f)(5), an Off-Menu Waiver to permit an 11-foot increase in building height for a building five (5)-story, 56-foot high as measured from plumb height (45 feet plus 11 feet);
3. **Approve** a **Site Plan Review** for a development project with 69-units and 5,000 square feet of commercial;
4. **Approve** the **Project Permit Compliance** for the Valley Village Specific Plan;
5. **Adopt** the attached **Findings**;
6. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring; and

7. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

VINCENT P. BERTONI, AICP
Director of Planning



Shana Bonstin
Principal City Planner



Kevin Jones
Senior City Planner



Sarah Hounsell, City Planner
Hearing Officer
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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, 200 North Spring Street, Room 532 Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

Project Summary

The construction, use, and maintenance of a new 62,481 square-foot mixed-use building containing 69 residential units, 5,000 square feet of commercial space, 140 on-site vehicle parking spaces, and 82 bicycle parking spaces. The building will be five stories with a maximum height of 56 feet. The project will include ground floor commercial and four residential levels, all above two subterranean parking levels. The applicant is requesting a Density Bonus with two off-menu incentives for an increase in building height and additional Floor Area Ratio (FAR). In addition, the applicant is requesting Site Plan Review for a project that results in 50 or more dwelling units and a Project Permit Compliance with the Valley Village Specific Plan.

Of the 69 residential units, nine units will be Very Low Income Households (determined by the Housing Department), 55 one-bedroom apartments and 14 two-bedroom apartments. The units will range in size from 533 square feet to 1,046 square feet. The units are stepped back along the street frontages slightly, to break up the vertical massing of the building envelope. On the second floor there are two open courtyards, one centrally located and just to the east of center opening to the alleyway, which are to include vegetation, tables and chairs. Proposed on the third floor, at the southwest portion of the property, is larger patio open space which could include a fire pit, spa, tables and chairs.

The project will be made up of the following:

	Required/Permitted (base zoning)	Provided (including Density Bonus and incentives)
Land Area (Gross + ½ Alley)	31,147 sf	
Land Area (Gross)	28,597 sf	
Land Area (Net)	27,822 sf	
Buildable Area	27,822 sf	
Total Units	75 dwelling units	69 dwelling units
- 1-bedroom		55
- 2-bedroom		14
Floor Area Ratio	1.5:1	2.25:1
Allowable Building Area	41,733 sf	56,399 sf
Gross Project Area	N/A	62,599 sf
Parking	103	140
Bicycle Parking	82	82
Front Yard Setback	5% of lot area	1,391
Side Yard Setbacks	8 ft.	8 ft.
Open Space	6,900 sf	6,900 sf
Building Height	45 ft.	56 ft.
Allowable Stories	Unlimited (3-stories per Footnote 2)	5

Housing Replacement

With Assembly Bill 2222 (AB 2222), applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low

Income Households. Pursuant to the Determination made by the Housing and Community Investment Department (HCIDLA) dated October 19, 2015, there were no residential units on the property within the last five years and the property has been used as a car wash. AB 2222 does not apply to commercial structures, so no AB 222 replacement affordable units are required. The project still must satisfy the minimum nine (9) unit set aside requirement for Very Low Income Households proposed through the Density Bonus request, as reflected in the Conditions of Approval.

Background

The subject site consists of ten tied parcels, totaling approximately 27,822 square feet in lot area, that create a mostly rectangular shaped site situated at the southeastern corner of the intersection of Chandler Boulevard and Whitsett Avenue. All parcels front Chandler Boulevard to the north for an approximately 255-foot frontage as well as the public alley to the south, with an average depth of the site being 110 feet. The site spans from Whitsett Avenue on the west and Wilkinson Avenue on the east.

General Plan

The Property is designated for Neighborhood Office Commercial uses by the North Hollywood-Valley Village Community Plan, and is zoned [Q]C2-1VL. The land zone permits a building height of 45 feet with unlimited stories and a Floor Area Ratio (FAR) of 1.5:1 or 41,733 square feet of floor area. The associated "Q" Condition limits commercial uses to those in the C1.5-1VL Zone. The subject property is currently vacant as the demolition permit was issued for the carwash in 2015. Also, Footnote No. 2 of the Community Plan limits these Neighborhood Office Commercial land uses to Height District 1VL and three-stories.

Surrounding Properties

Property in the surrounding area is characterized by commercial, single- and multi-family residential and public facility uses. Directly to the north of the site is the Orange Line Busway in the PF-1VL Zone which has a station located five blocks to the east (approximately 2,400 feet) and contains pedestrian walkways and a bicycle path for ease of access. There is also a bus stop directly adjacent to the project along the Chandler Boulevard frontage, two to the north on the northeast corner of Chandler Boulevard and Whitsett Avenue and a fourth across Whitsett Avenue to the west. To the north is a mini-shopping center which includes a banquet hall, cleaners, laundry market, delivery service, offices, studio and two Temples in the [Q]C2-1VL Zone ranging from one- and two-stories. To the northwest is an office building and a private school, both two-stories, in the [Q]C2-1VL Zone. On the east across Wilkinson Avenue is a Temple and 7-unit condominium in the RD1.5-1 Zone and beyond the terminus of the public alley is a 25-unit apartment building. Properties to the south separated from the subject site by the public alleyway include a 10-unit three-story apartment building over at-grade parking and a two-story 5-unit building both in the RD1.5-1 Zone. The property to the west across Whitsett Avenue contains a 63-unit three-story apartment building over at-grade parking in the R3-1 Zone.

Circulation

Chandler Boulevard, adjoining the subject site to the north, is designated as a Divided Boulevard II dedicated to a 50-foot width on both sides of the 60-foot width of the Orange Line Busway and is improved with curb, gutter, sidewalk, street trees, two fire hydrants, and bus benches.

Whitsett Avenue, providing site access and adjoining the property to the west, is designated as an Avenue II dedicated to an 85-foot width at the project's street frontage and improved with curb, gutter, sidewalk and street lights.

Wilkinson Avenue, providing site access and adjoining the property to the east, is a Local Street and is fully dedicated to the required 60-foot right-of-way.

An alley abuts the subject property along the southern property line is dedicated to a 20-foot right-of-way.

Ingress and egress access for the prior car wash was taken from two driveway cuts along Whitsett Avenue. The car wash was issued a demolition permit on September 2, 2015. The site is currently vacant of any structure aside from the surrounding block wall along the alleyway and wrought iron fence along the three street frontages. The proposed project will take all access from two garage entrances along the eastern half of the alley and will be closing existing curb cuts on Whitsett Avenue which will add additional street parking. Similarly there is a separate loading area on-site with access off the alley as to not unload in the alleyway and maintain circulation.

Relevant Cases

Subject Site

Case No. CPC-2014-67-SPA - Ordinance No. 183,735 amended the Valley Village Specific Plan boundaries to remove three parcels at the intersection of Burbank Boulevard and Laurel Canyon Boulevard.

Ordinance No. 168,613 – The Valley Village Specific Plan became effective on April 4, 1993 which provides standards for residential and commercial development within the boundaries.

Case No. CPC-1986-0448-GPA – On September 24, 1989, Ordinance No. 165,108 became effective which changed the zone of the subject site from C2-1 to [Q]C2-1VL. The Qualifying Condition (Q) states “the use of the property shall be limited to the uses upon the effective date of this ordinance and thereafter to those of the C1.5-1VL Zone”.

Surrounding Properties

Case No. DIR-2016-2237-SPPA-SPP – An application was filed on June 23, 2016, with an accompanying tract map (VTT-74059-SL) for a 6 dwelling small lot subdivision to exceed the 30-foot height limit of single family dwellings in Valley Village by no more than 10 percent, located at 5133 Whitsett Avenue in the RD1.5-1 Zone. The case is currently in review.

Case No. DIR-2016-2156-SPP – On July 13, 2016 a Project Permit Compliance was approved for an addition to a single-family home located at 5139 and 5141 Beeman Avenue in the R1-1 Zone.

Case No. DIR-2015-2697-SPP – On May 13, 2016 a Director's Determination was granted for the construction of 26 new, three-story, 30 feet in height single-family homes in accordance with the Small Lot Ordinance and associated tract map case (VTT-73704-SL approved on June 6, 2016). Both cases were appealed to the South Valley Area Planning Commission which denied the appeals on August 24, 2016 and upheld the decision. The tract was further appealed to City Council on September 2, 2016 and has not been

scheduled for hearing to date. The project is located at 12300-12302 Weddington Street and 5303-5305 Hermitage Avenue in the [Q]C2-1VL Zone.

Case No. DIR-2013-2879-SPP – On December 24, 2013 a Project Permit Compliance was approved for the construction of five new multiple-family residential dwelling units located at 5432 Hermitage Avenue in the [Q]R3-1 Zone.

Case No. DIR-2012-1295-DB-SPP – On November 9, 2012 a Density Bonus and Project Permit Compliance were approved for the construction of a new three-story, 23-unit apartment building on approximately 14,200 square foot site located at 12341-12345 Chandler Boulevard in the R3-1 Zone. Though Density Bonus incentives, the height was approved at 45 feet (a nine foot increase), and a 12-foot front yard reduced setback was granted.

Case No. DIR-2009-1853-SPP – On August 19, 2009 a Specific Plan Project Permit Compliance Review to allow the demolition of two, single-family residences and the construction of a new two-story, 7,970 square foot, seven-unit apartment building located at 5302-5308 Wilkinson Avenue in the RD1.5-1 Zone.

Case No. DIR-2009-427-SPP – On March 19, 2009 a Specific Plan Project Permit Compliance Review to allow the construction of a three-story, 12,368 square-foot, eight-unit apartment building at 12354 Burbank Boulevard in the [Q]R3-1 Zone.

Case No. DIR-2007-2481-SPP – On July 10, 2007 a Specific Plan Project Permit Compliance Review to allow the demolition of 2 existing single family residences, and the construction of a new three-story, 12-unit condominium, on a 15,590 square foot lot, located at 5305 Bellingham Avenue in the [Q]R3-1 Zone.

Case No. DIR-2006-1767-SPP – On February 1, 2007 a Specific Plan Project Permit Compliance Review to allow the construction of a 10-unit condominium building, on an approximate 11,597 square foot lot, located at 5256-5258 Corteen Place in the R3-1 Zone.

Case No. DIR-2005-6708-SPP – On December 13, 2005 a Specific Plan Project Permit Compliance Review to allow the construction of a 17 unit apartment over a subterranean parking garage on an approximate 15,629 square foot lot, located at 5312 Hermitage Avenue and 5315 Bellingham Avenue in the [Q]R3-1 Zone.

Case No. DIR-2005-1100-SPP – On April 5, 2005 a Specific Plan Project Permit Compliance Review to allow the construction of a three-story 6-unit apartment complex on an approximate 7,815 square foot lot, located at 5255 Hermitage Avenue in the [Q]R3-1 Zone.

Case No. APCSV-2003-3781-CU-SPE-SPP – On March 1, 2004 the South Valley Area Planning Commission granted a conditional use to allow a wireless facility within an R zone, approved an exception from Section 6.E.1(e) of the Valley Village Specific Plan to permit a 55-foot height in lieu of the 36-foot limitation, and approved a project permit compliance located at 12512 Chandler Boulevard in the R3-1 Zone. A plan approval was granted on April 27, 2006 for co-location.

Issues

During the public hearings on February 22, 2016 and August 22, 2016, the following issues arose:

Traffic and Parking

Issues related to the project's potential impacts on the area's traffic and parking impacts were brought up by several individuals concerned with both the additional vehicle trips and the loss of street parking. It was clear that the lack of street parking was an existing issue (from other built apartment buildings) that may be exacerbated by the construction and operation of the project. The required parking was initially consistent with Parking Option 1 of the Density Bonus Ordinance, which requires one space for each one-bedroom unit and two spaces for each two-bedroom unit, resulting in 83 required parking spaces. The commercial parking is four space per 1000 square feet of commercial space. The subtotal required would be 103 parking spaces but the applicant was using a 10 percent bike parking reduction pursuant to LAMC 12.22 A.4 for a total of 93 parking spaces.

However, the community requested a higher parking ratio more in line with the guest parking requirements of condominium development under the Specific Plan, which would be a half space per unit or 34 additional spaces. The applicant modified the project to provide another level of subterranean parking and a total of 140 parking spaces anticipating for the highest parked uses of the proposed commercial space. The project will provide 72 long-term bicycle parking spaces and 10 short-term parking spaces.

The current proposal for parking is Density Bonus Parking Option 1 to provide 55 parking spaces of the 55 one-bedroom units and 28 parking spaces for the 14 two-bedroom units for a total of 83 residential spaces. The commercial parking is four space per 1000 square feet of commercial space or 20 spaces for the two retail area proposed. However, if two retail spaces were to change to restaurant space, according to LAMC Section 12.21 A.4 the parking would be one space per 100 square-foot of floor area or 50 parking spaces. If the 3,200 square foot area was utilized for restaurant and the 1,800 square foot space for retail then 39 total commercial parking spaces would be required and the applicant is providing 40. The applicant can adjust the parking allocation based on future tenants and will be parking according to the LAMC. Staff has additionally recommended conditioning the project to provide the residential guest parking spaces per the Valley Village Specific Plan (1/4 guest space per unit) for a total of 17 parking spaces. The parking summary would be 83 space for the residential units, 17 guest spaces, and 44 spaces remaining for the two retail spaces for a total of 140 parking spaces.

Ground Floor Commercial

At the initial hearing held on February 22, 2016 the Council Office and a constituent stated that the Valley Village Specific Plan stipulates that ground floor residential shall be prohibited. A couple other individuals stated that there should be more commercial space wrapped about the street frontages of the building.

In response, the applicant modified the project and expanded the commercial square-footage to 5,000 including three retail spaces and a 470 square-foot community room. However the addition of this commercial area increased the Floor Area Ratio (FAR) greater than permitted by the on-menu incentive. Thus, the applicant modified the case to an off-menu waiver to increase the FAR to 2.25:1 for a total of 62,481 square feet in lieu of the otherwise permitted 1.5:1 (41,733 square feet).

Proposed Height

The third concern of the community was the proposed height. This new mixed-use development would be the tallest building in the vicinity as the majority of the multiple-family buildings are two- and three-stories some over semi-subterranean parking. Likewise, commercial buildings in the neighborhood range from one- to three-stories in height. The applicant is proposing

pursuant to the Density Bonus Ordinance, an Off-Menu Waiver to permit an 11-foot increase in building height for a building a five-story, 56-foot high (45 feet plus 11 feet) in lieu of the otherwise maximum permitted three-stories and 45 feet for Footnote No. 2 of the Community Plan. The additional 11 feet in height would be permitted as an on-menu incentive. However, the additional story (5th floor) creates an off-menu waiver for the height.

The only major concern from the first hearing that the applicant did not consider changing was lowering the height. This would lower the density and size of the units which would not be financially feasible, according to the Applicant.

Professional Volunteer Program

The Proposed Project was reviewed by the Department of City Planning's Urban Design Studio - Professional Volunteer Program (PVP) on February 16, 2016. The PVP is organized by the Urban Design Studio to review the design elements of each case that is heard by City Planning Commission. It consists of between three and five architects which volunteer their time to give comments. The following comments were made relating to the project's design:

- There isn't a lot of usable space for open space. It's been taken up by a lot of planters, especially closest to Wilkinson. However, we understand that you need planters since it's on a platform and they're using it for stormwater. The walkways seem narrow next to the planters.
- Consider making the middle courtyard wider to create a greater separation between the units and to enhance the courtyard space.
- Confirm whether the light well is open to the sky. Will it rain in there? (Note: Confirmed it is open to the sky)
- In terms of site planning, PVP likes that access is being taken off of the alley. The main street level facade is treated well, but the applicant needs to make sure that it's executed well (i.e., don't use cheap materials)
- There are a lot of material changes. It seems like way too much. Why are they changing the texture and material vertically? This feels like "spotted cow syndrome"? Why are they differentiating? It seems arbitrary.
- For the retail component, the step down is kind of problematic, but one might say that it makes it better to be tucked down from the traffic. However, they're not showing a ramp down to the retail for ADA access. The applicant could consider a shared ramp for the residential lobby and retail.
- This is a good spot for housing, but questions the viability of having commercial here.
- The residential entrance could be a little bolder. You could articulate the entrance so it feels like one building type to the left, and one building type to the right.

Council District 2 Comments

- We understand the need for affordable housing in the City and feel that with minor modifications the project could be made more compliant with the Specific Plan.
- It is understood that the parking is to the zoning code and SB1818 and we are limited in our ability to ask for more parking.
- The Valley Village Specific Plan limits height, so it is unclear why height deviation was being requested.
- The project is not compliant with the Specific Plan as there are ground floor residential units.
- Can you unbundle parking so that commercial is separate from residential spaces?

In response to the public testimony, PVP discussion, and CD 2 recommendations and the issues raised at the first public hearing, the applicant has revised the project by incorporating the following improvements, as reflected in the current plan set, dated May 5 and May 16, 2016:

- Added an additional level of subterranean parking to accommodate approximately 140 vehicles including 18 specifically provided for the retail space.
- Increased the commercial square-footage from 1,750 to 5,000 including a community room. There are no proposed ground floor residential uses, except for the lobby, and all residential parking will be located in the two levels below grade. Being on a major transit corridor mixed-use is ideal as commuters can walk to and from the adjacent neighborhood/public transit; stop at a coffee shop/bakery to make a quick purchase.
- Reduced the number of proposed units by one market rate, keeping the nine proposed density bonus units.
- Modified the residential entrance with a bold colored vertical element. Changed the color pallet. As the building is a block long, the material changes are being used to break up the mass vertically, to create something similar to a series of row houses, in lieu of a non-articulated single building.
- Planters are to be used for storm water as well as a buffer the adjacent residential properties and the busy street from the ground floor commercial uses. Some of the walkways are actual ramps and meet the ADA code requirements for the building type.
- An ADA code compliant ramp for the retail is provided. Because of the topography of the site, and public sidewalks, the retail space at the corner of Whitsett and Chandler is at the high point of the site. To bring it up to grade would increase the height of the building. The site/sidewalks slope down to the Wilkinson/Chandler corner and separating the two ramps was the most efficient design providing more usable space, plus it separates the commercial use from the residential.

Conclusion

Based on the information submitted, the surrounding uses, input from the public hearings, the Department of City Planning recommends that the City Planning Commission approve the requested entitlements. The project is appropriate based on the location, the many design features and operational conditions that would lend the project to be compatible and respectful to the surrounding neighborhood. The applicant has worked to modify many of the community concerns by providing a level of compliance with the Specific Plan for more ground floor commercial and additional parking.

With the recommended conditions of approval, the proposed project will be compatible with the surrounding commercial, residential, and institutional uses. The compliance review condition as part of the conditions of approval, will assure appropriate operation during construction and operation. As conditioned, the project will meet the goals of the Community Plan and will activate an underutilized site with a new mixed-use development.

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22 A.25, 16.05, and 11.5.7 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code (LAMC) or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 69 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of nine (9) units shall be reserved as affordable units for Very Low Income Households, as defined by the State Density Bonus Law 65915(C)(2).
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make nine (9) units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file and to the Council Office and Neighborhood Council. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Automobile Parking.** Based upon the number and type of dwelling units proposed, a minimum 83 residential parking spaces shall be provided for the project. Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one (1) on-site parking space for each residential unit with one (1) or fewer bedrooms; two (2) on-site parking spaces for each residential unit with two (2) to three (2) bedrooms; and two-and-one-half (2.5) parking spaces for each residential unit with four (4) or more bedrooms.
7. **Guest Parking.** The project shall offer guest parking at a ratio of ¼ spaces per dwelling as governed by the Valley Village Specific Plan. Based upon the number and type of dwelling units proposed, a minimum 17 guest parking spaces shall be provided for the project. Guest parking shall be clearly identified, easily accessible to guests, and shall not be in tandem.
8. **Commercial Parking.** The commercial parking shall be in conformance with LAMC Section 12.21 A.4.
9. **Electric Vehicle Parking.** The project shall include at least twenty (20)% of the total code required parking spaces provided for all types of parking facilities, but in no case less than

one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the 20% EV Ready, five (5)% of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

10. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22 A.25.
11. **Bicycle Parking.** Bicycle parking shall be provided consistent with L.A.M.C. Section 12.21 A.16.
12. **Height.** The building height shall not exceed 56 feet, as measured from plumb height (45 feet plus 11 feet), as requested under the Density Bonus Off-Menu Waiver Pursuant to Section 12.22 A.25 and relief from the North Hollywood-Valley Village Community Plan Footnote No. 2 (three-stories).
13. **Floor Area Ratio.** The total floor area shall not exceed 2.25:1 times the buildable area, as requested under the Density Bonus Off-Menu Waiver Pursuant to Section 12.22 A.25.
14. **ADA-Compliant Sidewalks.** Upgrade all driveways to comply with ADA requirements. Reconstruct the access ramps at the corners of Whitsett Avenue and Wilkinson Avenue to comply with ADA requirements. Repair or replace other existing public improvements that may get damaged during construction of the proposed project. These improvements should suitably transition to join the existing improvements.
15. **Solar-ready Buildings.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
 - a. **Prewiring for Future Electrical Solar System.** Install conduit from the building roof, eave, or other locations approved by the Department to the electrical service equipment. The conduit shall be labeled as per the Los Angeles Fire Department requirements. Exception: Buildings designed and constructed with a solar photovoltaic system or an alternate system with renewable means of generating electricity at time of final inspection. OR
 - b. **Off-Grid Prewiring for Future Solar.** If battery storage is anticipated, conduit shall run to a location within the building that is weather-proof and separated from occupied spaces.

16. **Mechanical Equipment.** All exterior mechanical equipment, including HVAC equipment, satellite dishes, cellular antennas and air conditioners, shall not be visible from public rights-of-way or adjacent residences or placed in window or door openings.
17. **Trash/Recycling.** Trash and recycling bins shall be located within the building or a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and screened with landscaping, so as not to be viewed from public right-of way or adjacent residences.
18. **Noise (Residential Fronting on Boulevard II or Avenue II).** All exterior windows having a line of sight of a Chandler Boulevard or Whitsett Avenue shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
19. **Green House Gas Emissions.** Low- and non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.

Valley Village Specific Plan Project Permit Compliance Conditions

20. **Lighting (Specific Plan Section 6.A.2).** All lighting for the project shall be low-illumination safety lighting of a color similar to incandescent light, which is shielded and directed onto the property on which the project is located.
21. **Open Space (Specific Plan Section 6.C).** The project shall provide a minimum of 100 square feet of Open Space per dwelling unit, as required by Section 6.C of the Specific Plan. A minimum of 50 percent of all Open Space shall be landscaped. Paved areas, excluding parking areas, shall consist of the following materials: stamped concrete, colored concrete, tile and/or other brick pavers, or similar materials. Fifty percent of the required Open Space may consist of the front and/or rear yard, provided such yard is landscaped.
22. **Signs (Specific Plan Section 7).** No commercial off-site sign, sign support structure, or roof sign shall be erected within the Specific Plan Area.
23. **Landscape Plan (Specific Plan Sections 9.A and 9.E).** A landscape plan prepared by a licensed person under state law shall be submitted for review and approval to the Director of Planning, or his or her designee. Artificial plants are prohibited. All landscaped areas shall be equipped with an automatic sprinkler or drip irrigations system designed to conserve water. All plants and trees shall be drought-resistant.
24. **On-Site Trees (Specific Plan Section 9.C).** For every tree removed due to subterranean parking facilities, a replacement tree shall be planted on a 1:1 basis. Consistent with Exhibit A, a minimum five (5) 24-inch box size trees shall be planted on the site to replace the five (5) trees removed during demolition. Prior to issuance of a building permit, the applicant shall additionally provide information to the Planning Department verifying that the proposed five (5) replacement trees will be not less than eight feet in height, with a trunk diameter of not less than two inches, and a minimum branch spread of five feet at maturity.

25. **Street Trees (Specific Plan Section 9.D).** Shade-producing street trees shall be planted at a ratio of at least one (1) tree for each 30 lineal feet of street frontage when no obstructions are present. The minimum size for street trees shall be 10 feet in height and two (2) inches in caliper at the time of planting. Installation of street trees shall be to the satisfaction of the Bureau of Street Services, Urban Forestry Division.
26. **Public Right-of-Way, Dedications and Roadway Improvements (Specific Plan Section 10).** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed as required by the Bureau of Engineering, Department of Transportation, Fire Department, Metropolitan Transit Authority (and other responsible City, regional and federal government agencies, as may be necessary).

Environmental Conditions:

Mitigation Measures

27. Prior to the issuance of the grading permit, the Project design consultant shall demonstrate the incorporation of the recommendations set forth in the Soils Engineering Investigation prepared by the geotechnical consultant for the Project, subject to the review and approval of the City of Los Angeles Department of Building and Safety.
28. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
29. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
30. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
31. Noise and groundborne vibration construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.
32. Barriers such as, but not limited to, plywood structures or flexible sound control curtains shall be erected around the perimeter of the construction site to minimize the amount of noise during construction on the nearby noise-sensitive uses.
33. A construction work site traffic control plan shall be submitted to DOT's Central District Office for review and approval prior to the start of any construction work. The plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic shall be restricted to off-peak hours.

The review and approval of the site plan for driveway dimension, access and circulation scheme, shall be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, 213-482-7024) to avoid delays in the building permit approval process.

All driveways shall be Case 2 driveways and 30 feet for two-way operations and 16 feet wide for one-way operations.

All pick-up and drop-off activities shall take place on-site.

34. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic, and overhead protection, due to sidewalk closure.

Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.

Covered walkways should be provided where pedestrians are exposed to potential injury from falling objects.

35. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Administrative Conditions of Approval

36. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
37. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
38. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
39. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
40. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

41. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
42. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
43. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the

applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

1. **General Plan/Charter Findings**

a. **General Plan Land Use Designation.** The project site is located within the North Hollywood-Valley Village Community Plan, updated and adopted by the City Council on May 14, 1996. The Plan designates the subject property as Neighborhood Office Commercial corresponding to the CR, C1, C1.5, RAS3, RAS4 and P Zones and Footnote No. 2 which limits the base height to 45 feet or three-stories. The existing [Q]C2-1VL Zone is consistent with the land use designation of the General Plan as reflected in the adopted community plan. The "Q" Condition on the project sites refers to Ordinance No. 165,108 which limits the commercial uses to those of the C1.5-1VL Zone. Prohibited uses include most auto repair/sales-related uses and drive-through windows. The proposed project is providing new residential and commercial opportunities to an underutilized site without displacing any existing tenants on land zoned for such uses. As such, the project is consistent with General Plan land use designation of the site.

b. **General Plan Text.** The North Hollywood-Valley Village Community Plan text includes the following relevant land use opportunities:

- Ensure appropriate transitions between commercial (mixed use) and adjoining uses, especially residential.
- Create user friendly shopping areas by incorporating street trees, benches, convenient parking access and maintaining commercial frontage at ground level.
- Complement existing developments/uses.

The proposed project will provide new residential units and approximately 5,000 square feet of commercial space. Of the 69 proposed apartment units nine-units are set aside for Very Low Income Households. The building has been designed to complement the existing commercial and multiple-family uses along Chandler Boulevard and includes design elements to make the project more compatible with adjacent residential uses.

The project is located within proximity to major bus lines and is within walking distance to existing amenities. The project will provide new housing options, including affordable units, and business opportunities on a site that is currently underutilized without displacing any existing tenants.

c. **General Plan Framework** The proposed project supports the following goals under the adopted General Plan Framework as adopted by City Council on August 8, 2001.

Policy 3.8.1 – Accommodate the development of neighborhood-serving uses in areas designated as "Neighborhood District" in accordance with Tables 3-1 and 3-4. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.

Policy 4.2.1 – Offer incentives to include housing for very low- and low-income households in mixed-use developments.

According to the General Plan Framework Long-Range Land Use Diagram, the project site is just west of Laurel Canyon Boulevard and Burbank Boulevard a Community Center. Mixed-use development in proximity of these Community

Centers will shorten and lessen the need for vehicle trips and vehicle miles traveled. Furthermore, the project requests an 11 percent Density Bonus and includes nine Very Low Income affordable housing units. As such, the development of new residential units and retail space that are providing affordable units is consistent with Policy 3.1.4 and 4.2.1 of the General Plan Framework.

- d. The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Chandler Boulevard adjoining the subject site to the north, is designated as a Divided Boulevard II dedicated to a 50-foot width on both sides of the 60-foot width of the Orange Line Busway and is improved. Whitsett Avenue, providing site access and adjoining the property to the west, is designated as an Avenue II dedicated to an 85-foot width at the project's street frontage and improved. Wilkinson Avenue, providing site access and adjoining the property to the east is a Local Street and is fully dedicated to the required 60-foot right-of-way. An alley abuts the subject property along the southern frontage and is dedicated to a 20-foot right-of-way. The project as designed and conditioned will meet the following goals and objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 2.5: Improve the performance and reliability of existing and future bus service.

Policy 2.10: Facilitate the provision of adequate on and off-street loading areas.

Sidewalks will be enhanced and the pedestrian experience along these street frontages will be improved by the provision of street facing commercial and residential uses that are pulled away from the street, as well as through the construction of a ground floor retail uses, thereby creating a high-quality, safe and comfortable walking environment.

- e. **Housing Element**

The Housing Element of the General Plan provides land use policies and programs that encourage development of affordable housing across the City. The project is consistent with the following policies of the Housing Element of the General Plan:

Policy 1.1.2 – Promote affordable rental housing for all income groups that need assistance.

Policy 1.1.3 – Facilitate new construction of a variety of housing types that address current and projected needs of the city's households.

An objective of the Housing Element is to promote an equitable distribution of affordable housing opportunities throughout the City by providing incentives to include affordable housing in residential development. The subject site is located on Chandler Boulevard, Whitsett Avenue and Wilkinson Avenue adjacent to Orange Line Busway, a transit corridor, which connects to Warner Center, North Hollywood and the Redline subway opening up further transit to Downtown Los Angeles and beyond. The project would further the goals and objectives of the Housing Element by providing additional housing stock in a variety of types, along with much needed

affordable housing units, for Very Low Income households on a site that is within proximity to amenities and public transportation.

2. **Density Bonus/Affordable Housing Incentives Compliance Findings**

Pursuant to Section 12.22-A,25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

- a. **The incentives are not required 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 Director 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 zoning would permit 75 base units, calculating one unit per 400 square feet of lot area including half the adjacent alley (27,822 square feet x 2,549.9 square feet /400 =75 units). A 35 percent Density Bonus would permit up to 102-units. However, the applicant is not utilizing the Density Bonus for additional units, but for the added incentives. These units would be permitted in a 3-stories building a maximum 45 feet in height (per Section 12.21.1 A.1 and Footnote No. 2 of the North Hollywood-Valley Village Community Plan) with a maximum 1.5:1 FAR per the current [Q]C2-1VL zone. Commercial uses are limited to those of the C1.5 Zone per the Q Condition. The grant is for a total of 69-units with nine set aside for Very Low Income Households (13% of the total proposed). The density bonus is being utilized to increase floor area, increase building height, and utilize parking Option 1 for the mixed-use development.

The list of on-menu incentives in 12.22 A.25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Department will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Requested Off-Menu Waivers

Floor area and height increases are on the menu of incentives per LAMC Section 12.22 A.25 (f); however, due to the degree of the request the project is subject to the "Off-Menu" entitlement process.

The applicant submitted a pro forma, attached as Exhibit D, along with an independent third-party Feasibility Analysis of the pro forma. The pro forma evaluated four scenarios:

Scenario 1 evaluated the project without incentives for 29 market rate units, 1,750 square feet of retail and the allowable Floor Area Ratio (FAR) of 1.5;

Scenario 2 evaluated the project with 48 market rate units, 9 affordable units, 1,750 square feet of retail, an on-menu height incentive, a 35 percent density bonus and the allowable Floor Area Ratio (FAR) of 1.9;

Scenario 3 evaluated the project as originally proposed for 61 market rate units, 9 affordable units, 1,750 square feet of retail, on-menu density bonus for FAR and off-menu incentive for an additional story;

Scenario 4 is the current proposal which includes additional retail space and 66 parking spaces with 60 market rate units, 9 affordable units, and two off-menu incentives for additional floors in height and a proposed 2.25 FAR.

The submitted pro forma has been reviewed by a California Certified General Appraiser who submitted a Feasibility Analysis and found that of the three scenarios, only the third scenario was feasible.

The requested Off-Menu Waivers allow the developer to expand the building envelope to allow for the construction of the density bonus units and increase the overall space dedicated to residential and commercial uses. These waivers support the applicant's decision to set aside nine (9) units for Very Low Income Households for a period of 55 years, as described below:

Increased Height and Floor Area Ratio (FAR)

Pursuant to the California Government Code Section 65915 and LAMC, the State Density Bonus law requires cities to grant a density bonus and incentives to housing projects that meet certain affordability levels. Hence the proposed nine (9) Very Low Income units, or 11.84% of the base density that would otherwise be allowed by-right on the site. Based on this number of proposed affordable units, the Project is entitled to a density bonus and incentives and because the project is setting aside between 10% and 15% of the proposed units as affordable for Very Low Income households, the determination can entitled to two incentives, which it is requesting as follows:

- a) an "off-menu" incentive to increase the number of stories from three (3) to five (5) stories and the building height by 11 feet beyond the limit of the 1VL Height District from 45 feet to 56 feet; and,
- b) an "off-menu" incentive to increase the Floor Area Ratio ("FAR") from the 1.5:1 FAR designation to 2.25:1.

A relief from building height and floor area allowable as an off-menu incentive to help alleviate the costs of providing affordable housing. Due to the applicant's desire to keep in-line with density of the neighborhood and to create a seamless and harmonious balance between the project and surrounding areas, the applicant is not requesting a dwelling unit bonus, although it is entitled to such bonus. However, the project is proposed to build considerably fewer units than would have been allowed by right and is still providing nine (9) affordable housing units.

Height District 1VL equates to 45 feet and the Density Bonus Ordinance provide for 11 additional feet for a total of 56 feet which the buildings proposed to be. However, the height is requested as an off-menu waiver because the Density Bonus Ordinance provides for one additional story and the applicant is proposing 5-stories in lieu of 3-

story. Footnote No. 2 of the North Hollywood-Valley Village Community Plan further states that 3-stories and 45 feet.

The requested FAR is comparable to, and in many ways less than, the typical FAR of many housing developments throughout greater Los Angeles. The increase FAR is necessary to provide a project that offers a variety of units that appeal to single users and families alike. In addition, the increased floor area allows for the project to provide ample open space and residential amenities.

Additionally, the higher FAR will facilitate the provision of housing more comparable in size to the existing housing in the surrounding area, which will help the project to remain economically feasible while providing the units with restricted rents to Very Low Income Households. The mix of housing proposed by this project with ground floor commercial that range from one- and two-bedroom apartments will offer a variety of options that suit the differing needs of future residents. In addition, while the requested increase in FAR will allow an increase in the variety and size of available units (five floor plans between 593 square feet and 1,046 square feet) without increasing the project's density.

The requested Off-Menu Waivers to allow increased height and additional floor area will allow for increased unit sizes. In addition, the waiver of improvements will allow the project to be implemented and given that the dedications will be included, the project will not hinder the City from improving the surrounding streets at a later date. These incentives are necessary to facilitate the development of the density bonus units, thereby facilitating the set-aside of nine (9) dwelling units for Very Low Income Households.

- b. **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 are 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 that the requested incentives 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)). The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project involved the preparation of a Mitigated Negative Declaration (ENV-2015-3889-MND), and it was determined that the proposed project may have an impact on the following environmental factors: geology and soils and noise. However, mitigation measures and regulatory compliance measures will reduce impacts to less than significant levels, and are imposed as Conditions of Approval herein (Conditions No. 26 through 34). Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, and on property listed in the California Register of Historic Resources.

3. **Site Plan Review Findings**

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

There are twelve elements of the Los Angeles General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of the Los Angeles Municipal Code. The project was found in substantial conformance with the General Plan as found in the first finding of this grant (F-1 through F-3).

The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the North Hollywood-Valley Village Community Plan, which designates the site for General Commercial land uses, corresponding to the CR, C1, C1.5, RAS3, RAS4 and P Zones. The "Q" Conditions, Footnote and existing zonings limits the development to commercial uses in the C1.5 Zone and a height of 1VL (45 feet or 3-stories). The site is located within the boundaries of the Valley Village Specific Plan effective April 4, 1993 (Ordinance No. 168,613).

The project will enhance existing and future residential development in the neighborhood by providing an attractive, modern and sustainable building for residents across various income levels. The project will increase the supply of housing and maintain affordability in the community by adding 69 residential units to the current housing stock, including six-unit for Very Low Income Households within one- and two-bedroom dwellings.

The project is an infill development of an underutilized site that is within proximity to existing amenities and public transportation. The project would redevelop with the site with a modern multi-use development that contains residential units and ground floor commercial uses without displacing any existing tenants. The projects architectural elements include textured siding or contrasting color that provide articulation and architecturally significant elements that work to provide massing relief and architectural interest. The ground floor commercial space, community room, and new landscaping will help to activate all three street frontages, while the vehicle and delivery access off the alley will take queuing off the streets.

The building massing has been slightly stepped along the Chandler Boulevard and Wilkinson Avenue frontages facing the Orange Bus Line to the north and a Temple the east respectively. Further there are open spaces on the second and third levels open to the sky to allow relief along the Whitsett Avenue and alley elevations. It further allows more light and air into the proposed units and distancing from the existing multiple-family development across the alley.

In light of the consistency of the proposed project with the aforementioned references to the General Plan and Community Plan, the proposed project is in substantial conformance with the purposes, intent, and provisions of the General Plan, North Hollywood-Valley Village Community Plan, and the Valley Village Specific Plan.

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

The project has been designed with attention to building orientation, lot coverage, massing, parking, and other improvements that create a compatible development. The building is designed to front all three streets. However, the building is articulated on all sides to provide architectural interest and to provide massing visual breaks which help reduce the massing of the building, thereby making it more compatible with the existing development. The building height of 56 feet will fit in with future properties if they are developed as a density bonus. The currently building heights range from two- to four-stories in the vicinity. The project is not adjacent to any single-family uses or zones and therefore is not subject building step-backs of Section 6.B.2 of the Valley Village Specific Plan.

All parking, trash, loading, and other back-of-house uses have been conditioned to be located out of sight from residents of the community, or from neighboring properties. All rooftop equipment will be carefully screened to ensure development compatible with existing properties.

The commercial spaces and community room on the ground floor have been designed to enhance the pedestrian experience along Whitsett Avenue, Chandler Boulevard, and Wilkinson Avenue by providing pedestrian entrances fronting those streets and by designing the units with transparent glass. Given that the project is located in the C2 Zone, no setback is required which allows variation of the ground floor as well, thereby activating the site while providing patrons with easy access to these spaces as well as the apartment lobby. The majority of the commercial parking is located at grade with access off the alley and will have direct access to the parking garage, as was recommended during hearing. This was designed in order to provide better access to the commercial uses and the community room should indevotional patron them by car. In addition, the project will provide adequate landscaping to further enhance the pedestrian and ground floor experience along all four property lines. The building is setback a minimum eight feet along the alley and Chandler Boulevard. Further, Wilkinson Avenue and Whitsett Avenue each provide a 1,300 square-foot yard. These setbacks help to enhance the public realm by creating gathering spaces adjacent to the public right-of-way. The entrance to the residential portions of the building is along Chandler Boulevard between two retail spaces.

Off-Street Parking Facilities

The project will contain 140 parking spaces for the 69 residential units and 5,000 square feet of commercial spaces. Parking would be located in an enclosed structure within one level at grade and within two subterranean parking levels. Vehicular access would be provided via the alley. As part of the project, the applicant has agreed to rebuild the curb, gutter, and to improve the sidewalk along Whitsett Avenue, Chandler Boulevard, Wilkinson Avenue, and along the public alley to be ADA-compliant.

Density Bonus Parking Option 1 would provide 55 parking spaces of the one-bedroom units and 28 parking spaces for the two-bedroom units for a total of 83 residential spaces. Valley Village Specific Plan stipulates that a quarter guest space per unit shall be provided for new apartments for a total of 17 parking spaces. However, the density bonus does not require guest parking. The commercial parking is conditioned pursuant

to LAMC Section 12.21 A.4. The parking summary will be 100 spaces for the residential including guest spaces, and 40 spaces remaining for the two retail spaces for a total of 140 parking spaces.

Lighting

The project will 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 will include architectural features and facades with a low level of reflectivity. As such, the project will not result in a substantial amount of light that would adversely affect the day- or night-time views in the project vicinity.

Landscaping

The project proposes to provide substantial landscaping along the street level, as well as in the three courtyard within the residential area on the second and third floors open to the sky. The project will incorporate new street trees in the public right-of-way consistent with the City's landscape ordinance.

Trash collection

The project will provide trash collection within the building and will be located within the enclosed parking structure in order to minimize the effect on traffic on adjacent streets.

Therefore, as proposed and conditioned, 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 will be compatible with existing and future development on adjacent properties and neighboring properties.

- c. **That any residential project provides recreational and services amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed project will provide approximately 6,900 square feet of open space that has been designed to be distributed throughout the building. Three courtyards are located on the second and third floor that provide a combined total of 3,100 square feet of open space, open to the sky, which will include furniture and other amenities to provide a space for residents to gather. Some units have private balconies. There is to be a 470 square foot indoor community room on the ground floor in the southwest corner providing access to the street. This room could be used by future residences, the community, or even for polling locations.

As an infill redevelopment site, the project is within proximity to existing community resources, institutions, parks, and public transportation. The Metro bus routes running along Chandler Boulevard and Whitsett Avenue will provide residents with easy access to Downtown Los Angeles, Burbank, and Glendale. Further the Orange Line Bus stop is approximately five blocks to the east. In addition, the project provides new housing and business opportunities to the area, on a site that is currently underutilized, without displacing any existing tenants.

4. **Project Permit Compliance Findings**

- a. **The project substantially complies with the applicable regulations, standards, and provisions of the specific plan.**

The proposed project complies with all applicable development requirements (regulations, standards, and provisions) of the Valley Village Specific Plan, as follows:

- (1) **Zoning and Land Use.** Section 5 of the Specific Plan requires all land uses to be consistent with the North Hollywood – Valley Village Community Plan. The project site is zoned [Q]C2-1VL and has General Plan land use designation of Neighborhood Office Commercial with corresponding zones of CR, C1, C1.5, RAS3, RAS4 and P. Footnote No. 2 Neighborhood Commercial to three stories or 45 feet in height.

As conditioned, the proposed mixed-use development of 69 residential units and 5,000 square feet of commercial space is a permitted residential use within the Community Plan. However, the additional floor area and proposed story are Off-Menu Waivers that are granted herewith by the City Planning Commission to allow for 13 percent of the project to be utilized by Low Income Households.

- (2) **Exterior Lighting.** Exhibit A does not indicate that any new exterior lighting will be incorporated into the project. In the event that exterior light is incorporated into the project, conditions have been added to ensure lighting complies with Section 6.A.2 of the Specific Plan: All lighting for the project shall be low-illumination safety lighting of a color similar to incandescent light, which is shielded and directed onto the property on which the project is located.
- (3) **Building Height.** The project has a maximum height of 56 feet which was issued for an Off-Menu Waiver. As found the project meets the requirements of Section 6.B.1.a of the Valley Village Specific Plan and LAMC Section 12.25, which allows for a maximum height of 45 feet and three-stories per Footnote No. 2 of the North Hollywood-Valley Village Community Plan in that the grant permitted 11 additional feet within a 5-story building.
- (4) **Open Space.** The project has been conditioned to meet Specific Plan requirements (Section 6.C) for a minimum 100 square feet of open space per residential unit, totaling 6,900 square feet of required open space for the 69 proposed units. Fifty percent of the required open space for the project may consist of the front yards along Whitsett Avenue and Wilkinson Avenue, provided such yard is landscaped (proposed for 2,600 square feet). The project is providing 470 square feet recreational room on the ground floor in the southwest corner of the site, a 1,000 square foot deck on the second floor above the recreational room, and 2,100 combined square feet of deck areas including a spa, lounge area, BBQ, etc. on the third floor. As conditioned and proposed, the project complies with the Specific Plan requirements for open space.
- (5) **Parking.** Section 8.A.2 of the Specific Plan requires guest parking for multiple-family Projects at a minimum of one-quarter space per dwelling unit. The project is conditioned to provide a total of 24 guest parking spaces, a

minimum 83 residential spaces, and 40 commercial parking spaces. Density Bonus Parking Option 1 states that required parking, including guest parking, shall be reduced to one (1) on-site parking spaces for each residential unit containing zero (0) to one (1) bedroom, two (2) spaces for each unit containing two (2) to three (3) bedrooms, and two and one-half (2.5) spaces for each unit containing four (4) or more bedrooms. The reduction is permitted pursuant to State Law to provide for affordable housing costs, and therefore, the project is in compliance with the Specific Plan. However, the project is proposing to exceed the required minimum and has been conditioned to provide guest parking spaces.

- (6) **Landscape Standards.** The project has been conditioned to provide the Department of City Planning with a landscape plan which will meet the requirements of the Specific Plan, including, but not limited to, incorporating a variety of plant materials, having a consistent landscape theme, landscaping for over 50% of the total area of the front yards setbacks.
 - (7) **Public Right-of-Way, Dedications and Roadway Improvements.** In the event the project requires public right-of-way dedication or roadway improvements, the project has been conditioned to require that improvements such as street trees, sidewalk, driveway cuts, and roadway improvements be to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department, Metropolitan Transit Authority (and other responsible City, regional and federal government agencies, as may be necessary).
- b. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Mitigated Negative Declaration, ENV-2015-3339-MND, and corresponding Mitigation Monitoring Program were prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will have a significant effect on the environment.

5. CEQA Findings

A Mitigated Negative Declaration (ENV-2015-3339-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. Included is the response to comments that adequately addresses the concerns raised during the environmental comment period. The records upon which this decision is based are with the Valley Project Planning Unit of the Planning Department in Room 430, 6262 Van Nuys Boulevard. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval. The Mitigation Monitoring program with Case No. ENV-2015-3339-MND is adopted in compliance to Section 21081.6 of the Public Resources Code and includes the necessary mitigation measures identified herein.

PUBLIC HEARING AND COMMUNICATIONS

Public hearings were held on and August 22, 2016 in Van Nuys at Marvin Braude Constituent Service Center Conference Room 1B. There were several people in attendance at both public hearings.

Thirty-four people attended the first hearing and 21 individuals spoke. The applicant's representative introduced the development team and presented the proposed project as initially filed:

- A mixed-use development for 70 residential units including 9 affordable (13% restricted to Very Low Income Households) and 1,750 square feet of commercial.
- The site was formally the Galaxy car wash and is currently vacant.
- Floor Area Ratio (FAR) proposed for an on-menu incentive to increase from 1.5:1 to 2.0:1. FAR makes for larger sized units. Community wanted one- and two-bedroom units for younger and older couples.
- Required 92 parking spaces with a 10% reduction for a total of 82 automobile parking and 81 bicycle parking spaces.
- Height increase of 11 feet from 45 feet to 56 feet overall would be by right; however, because it is mixed-use the Code takes the most restrictive viewpoint possible and state three-stories as the base height. The off-menu density bonus waiver is for the additional story.
- The Valley Village Specific Plan stated that commercially zoned can provide commercial or mixed-use development as long as you have a retail component. However, residential units are prohibited on the ground floor.
- Parking ingress and egress is from the alley similar to development on the south, closing the two cut cuts on Whitsett Avenue.
- Modern design, lots of wood and landscaped open space. Patio/spa on 2nd floor rather than roof deck. Adding street trees. Meeting all setback requirements.
- Close to Metro.
- Previous ownership did a combo Phase I and Phase II for investigation of the soil on-site. Phase I looks at all recons of the property to show uses on-site. Phase II does borings and comes up with plan for remediation. Phase II did numerous borings and nothing detectable. LAFD letter completely cleared the site for demo as we did the due diligence.

Ten individuals spoke against the project stating the following concerns:

- Concerns about underground storage tanks and low level of contamination in the soil.
- Height should remain 45 feet per the Specific Plan as it is the biggest issue and there was no SB1818 when plan was written. That height does not fit in with the character of area as most buildings are between two- and three-stories. This would be the tallest building built since the adoption of the Specific Plan, essentially a 50% increase in height. This site should be completely commercial and not have a residential proposal. Or lower the height by one story to meet the spirit and intent of the Specific Plan.
- 75 parking spaces for residents is too little, guest parking should be conditioned per the Valley Village Specific Plan (VVSP). People who own bicycles do not get rid of their cars. I question the exchange. Some of the old apartment don't have enough parking the proposed should be tripled. We need to get parking permits in this neighborhood. Alley circulation has not be flushed out –do not want overflow onto Wilkinson Avenue.
- Condos would be a better proposal as we need people to stay here and love the idea of young couples, but where will people park when they have parties.
- We need affordable housing, but you are only giving 9 units and the others would rent for \$2,500. This is not a solution to the housing crisis. Would like to see condos of families that invest in our neighborhood.

- Appreciate the design and landscape, but VVSP should guard against this type of development.
- The Valley Village Neighborhood Council (VVNC) had four meetings, 11 hours, and 75 people spoke some support and some concerns regarding height, massing and parking spilling over into an already congested area.

Five individuals spoke in favor of the project as summaries herewith:

- We can help the young people with a Jewish education programs for college students, counseling sessions, and social programs. Help young people become a part of this community. Synagogues and schools all in support of the project.
- Like the architecture and investment in the community.
- The building will improve the community visually, address crime, we need housing, and we do not have any low income apartments in Valley Village.
- This project will not displace rental units, rents are rising too quickly for the poor, and we need more affordable housing. If you don't build more housing it pushes people out of our neighborhood.
- The younger generation is not traveling as much by cars. They are using urban and public transit.
- This is a walking neighborhood and a new coffee shop would be nice on this site since it has four corners to be developed.

A representative from Councilmember Paul Kerkorian spoke and stated the following:

- We understand the need for affordable housing in the City and feel that with minor modifications the project could be made more compliant with the Specific Plan.
- It is understood that the parking is to the zoning code and SB1818 and we are limited in our ability to ask for more parking.
- The Valley Village Specific Plan limits height, so it is unclear why height deviation was being requested.
- The project is not compliant with the Specific Plan as there are ground floor residential units.
- Can you unbundle parking so that commercial is separate from residential spaces?

Approximately 30 people were in attendance at the second hearing on August 22, 2106. Ten individuals spoke; including the applicant's representative, neighborhood stakeholders, and neighbors. Of these speakers, three had concerns with impacts of the development and were in opposition.

The applicant's representative presented the revised project:

- Added an additional level of subterranean parking increasing the parking to 140 spaces overall. Decreased the unit count by one to 69-units and maintained the 9 affordable units. Increased the commercial space to 5,000 square feet and added a 470 square foot indoor ground floor community room.
- Developer is taking a risk developing this way, but is doing so to make the project more desirable to the community.
- This will not make them more money and happy someone has a vision to build here.

The community comments were as follows, much of which echoes the first hearing:

- There should be one-foot additional setback for every story in height –step-back another 11 feet. Happy for more parking and awaiting the removal of the tanks with a monitor. The storm drain project is scheduled for 2018 and will have construction about the same time in our neighborhood.
- Extra parking makes us happy, yet still concerned about ingress and egress along the alley. Beautiful building, but now worried about traffic from extra commercial space.

- Appreciate the compromises, but don't know if this is the correct project for this neighborhood. Can we reduce the low income to reduce the number of stories? A tower project like this could start a trend to change the neighborhood.
- I speak on behalf of my 80 member congregation; we would like more families in this neighborhood.
- I own apartments in Valley Village and have 100% occupancy. Housing stock is needed in the area and would improve this site.
- Low income housing would help bring young families to the neighborhood; this is a gift to our community. With only an average 2.5% vacancy rate we need more housing.

The Hearing Officer announced the record that the City Planning Commission decision meeting will be held on Thursday, September 22, 2016 after 8:30 a.m. at Van Nuys City Hall adjacent to the Marvin Braude Constituent Service Center on the east. The recommendation report will have the precise location of the meeting and will be distribute prior to that date. She requested that if anyone wishes to receive this information, to provide their name and mailing address on the sign-in sheet.

Communications:

A total of 81 comment letters were received after the initial public hearing in February and two additional letters were issued after the second hearing in August. All the comments were similar to those voiced at the public hearings. Themes of concern were as follows: lack of parking proposed for the development initially (2nd level of subterranean parking is necessary), building height and compatibility, alleyway access, circulation onto Wilkinson Avenue, residential uses (i.e. parking) on ground floor, traffic/safety, setbacks, Phase II Environmental Assessment, Affordable Housing Incentives (on-menu vs. off-menu) regarding height and number of stories, questioning community support, vacancies rates in the neighborhood, underground storage tank clean-up, greenhouse gas emissions, and demographics.