



**APPLICATIONS:**

**APPEAL APPLICATION**

Instructions and Checklist

**Related Code Section:** Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

**Purpose:** This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

**A. APPELLATE BODY/CASE INFORMATION**

**1. APPELLATE BODY**

- Area Planning Commission     City Planning Commission     City Council     Director of Planning
- Zoning Administrator

Regarding Case Number: CPC-2019-6375-CU-DB-ZV-PHP

Project Address: 13921-13923 Vanowen Street, Van Nuys, California 91405

Final Date to Appeal: August 25, 2021

**2. APPELLANT**

**Appellant Identity:**  
(check all that apply)

- Representative     Property Owner
- Applicant     Operator of the Use/Site
- Person, other than the Applicant, Owner or Operator claiming to be aggrieved

- Person affected by the determination made by the **Department of Building and Safety**
- Representative     Owner     Aggrieved Party
- Applicant     Operator

**3. APPELLANT INFORMATION**

Appellant's Name: John & Julie Brunnick

Company/Organization: N/A

Mailing Address: 6846 Colbath Ave.

City: Van Nuys    State: CA    Zip: 91405

Telephone: 8187808256    E-mail: jbrunnick@mac.com

**a.** Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self     Other: \_\_\_\_\_

**b.** Is the appeal being filed to support the original applicant's position?     Yes     No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): N/A

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed?  Entire  Part

b. Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: 2, 3, 4,

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: [Signature] Date: August 23, 2021

**GENERAL APPEAL FILING REQUIREMENTS**

**B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES**

**1. Appeal Documents**

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

**b. Electronic Copy**

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

**c. Appeal Fee**

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

**d. Notice Requirement**

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.



**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING**

**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- 1. Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2. Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

**G. NUISANCE ABATEMENT**

**1. Nuisance Abatement** - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

**a. Appeal Fee**

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

**2. Plan Approval/Compliance Review**

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

**a. Appeal Fee**

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

**NOTES**

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

**Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

August 23, 2021

TO: The Los Angeles City Council

FROM: John and Julie Brunnick

RE: Appeal of the Determination of Case #CPC-2019-6375-CU-DB-ZV-PHP

Ladies and Gentlemen of the L.A. City Council:

We are an aggrieved party to the decision referenced above and are troubled by the speed with which this project has progressed while we have been excluded from the process and are having to chase for any information. We have been monitoring the Planning Department website to follow the progress and learn of any meetings relevant to this project. The website declared that the July 22 meeting was cancelled and only when we received the Letter of Determination did we learn that the meeting had been held without our participation and input.

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.

We object to the project being exempted from an Environmental Impact Report on the basis of CEQA 15332. This is not a vacant lot, it has housing on it. This project will result in SIGNIFICANT TRAFFIC, NOISE, AIR QUALITY and WATER QUALITY effects.

**PARKING and TRAFFIC:** 16 parking spaces is completely inadequate for 15 two bedroom apartments. Our neighborhood is already impacted by overflow parking from the apartments on Vanowen. 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.

**NOISE and PRIVACY:** The proposed pools about 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. The additional lack of PRIVACY having the roof-top visitors looking down into our neighborhood is very disturbing to say the least.

**WATER QUALITY:** With regards to the pools, in addition to the NOISE it must be considered that California is currently experiencing it's worst drought in history. 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.

AIR QUALITY: 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.

Please help us to maintain the peaceful tranquility that we currently enjoy in our neighborhood by eliminating the pools and roof-top common area and either reducing the number of units or increasing the parking.

Thank you for your attention and consideration,

John and Julie Brunnick  
6846 Colbath Ave.  
Van Nuys, CA 91405





# LOS ANGELES CITY PLANNING COMMISSION

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

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

## LETTER OF DETERMINATION

MAILING DATE: AUG 10 2021

Case No. CPC-2019-6375-CU-DB-ZV-PHP  
CEQA: ENV-2019-6376-CE  
Plan Area: Van Nuys – North Sherman Oaks

Council District: 2 – Krekorian

**Project Site:** 13921 – 13923 West Vanowen Street

**Applicant:** Dave Terrace, Vanowen Terrace, LLC  
Representative: Luke Tarr, Apel Design INC.

At its meeting of **July 22, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of a one-story, 1,569 square foot single family dwelling (built in 1954) on the R1-1 portion of the lot and a one story, 1,512 square foot triplex (built in 1948) on the [Q]R3-1 portion of the site, and the construction of a four story, 45-foot, six-inch tall residential building with 15 units (two units or 20 percent for Very-Low Income households, and one unit for Low Income households) in the [Q]R3-1 and R1-1 zones. The site is approximately 16,059 square feet and is split zoned, with the [Q]R3 zone on the front half and the R1 zone on the rear half of the site. The Project will be 16,883 square feet in floor area with a Floor Area Ratio (FAR) of 4.05:1. The Project will provide 16 vehicle parking spaces below-grade and will provide two short-term and 15 long-term bicycle parking spaces. 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. Approximately 3,908 cubic yards of earth will be graded and exported from the site.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25(g)(3) of the Los Angeles Municipal Code (LAMC), a ministerial review of a Density Bonus Compliance Review for a project totaling 15 dwelling units, including two dwelling units or 20 percent for Restricted Affordable Housing Units affordable for Very-Low Income household, and one for Low-Income households for a period of 55 years and, with the following three On-Menu Incentives, and one Waiver of Development Standards:
  - a. An On-Menu Incentive, to allow a height increase of approximately 10 feet, six inches to 46 feet, six inches in lieu of 35 feet;
  - b. An On-Menu Incentive, to allow for a westerly side yard setback of five feet, eight inches in lieu of seven feet;
  - c. An On-Menu Incentive to allow for a FAR of 4.05:1 in lieu of 3:1 on the R3 portion of the lot; and
  - d. A Waiver of Development Standards to allow a rear yard of zero feet for the R3 portion of the lot in lieu of 15 feet;

3. **Approved**, pursuant to LAMC Section 12.24 U.26, a Conditional Use to permit a 57.6 percent increase in density over the project site, for 15 dwelling units in lieu of the otherwise permitted base density of nine units;
4. **Approved**, pursuant to LAMC Section 12.27, a Zone Variance to allow for subterranean parking to extend below the R1 portion of the lot;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: López-Ledesma  
 Second: Mack  
 Ayes: Choe, Hornstock, Millman, Perlman  
 Absent: Leung, Dake Wilson

**Vote: 6 - 0**

\_\_\_\_\_  
 Cecilia Lamas, Commission Executive Assistant  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Waiver of Development Standards are not appealable. The action related to the Density Bonus On-Menu Incentive is appealable to City Council by the Applicant or abutting owner/occupants per LAMC Section 12.22 A.25(g)(2)(i)(f) within 15 days after the mailing date of this determination letter. All remaining actions are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** AUG 25 2021

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

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Blake Lamb, Principal City Planner  
 Claudia Rodriguez, Senior City Planner  
 Andrew Jorgensen, City Planner  
 Erin Nash, Planning Assistant



## CONDITIONS OF APPROVAL

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. No change to the plans will be made without prior review by the Department of City Planning, Valley Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 15 residential units, including Density Bonus Units.
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").
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 (a-d).
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 2 units available to Very Low Income and 1 unit to Low Income as determined by HCD, 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. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Rent Stabilization Ordinance (RSO).** One (1) Unit shall be reserved as an RSO Restricted Market Rate Unit, as required the Los Angeles Housing and Community Investment Department (HCIDLA) in its AB 2556 Determination letter dated June 26, 2019.
7. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from the Los Angeles Housing and Community Investment Department (HCIDLA) regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20% of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by HCIDLA shall be provided.
8. **Height (Incentive).** The project shall be limited to four stories and 46 feet, six inches in height per Exhibit "A".

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.
10. **Rear Yard (Waiver).** The project shall observe a zero-foot rear yard setback in lieu of the 15 otherwise required in the R3 Zone.
11. **Open Space.** The project shall provide a minimum of 2,626 square feet of open space per Exhibit "A".
12. **Trees.** The project shall be required to provide one 24-inch box tree for every four units, or a total of four trees. The project proposes to provide a total of five 24-inch box trees, comprised of one Golden Wattle and four Desert Willows.
13. **Floor Area Ratio (FAR) (Incentive).** The project shall be limited to a maximum floor area ratio of 4.05:1 per Exhibit "A".
14. **Automobile Parking.** 16 parking spaces shall be provided consistent with Exhibit "A".
15. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
16. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
17. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. All landscaping is intended to be native, drought-tolerant planting which is compatible with the climate of the surrounding area.
18. **Heat Island Effect** – To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
19. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
20. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible. Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
21. **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.
22. **Signs.** There shall be no off-site commercial signage on construction fencing during construction.

### **Administrative Conditions**

23. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
24. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
25. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
26. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
27. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
28. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

### **29. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The



initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### **CONDITIONAL USE FINDINGS**

The following is a delineation of the findings related to the request for a Conditional Use to allow a 57.6 percent Density Bonus to allow 15 residential units in lieu of nine dwelling units as otherwise permitted by-right of the subject site, located in the Van Nuys-North Sherman Oaks community plan with dual zones of R1-1 & [Q]R3-1 and corresponding dual land uses of Low Residential and Medium Residential.

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

With the introduction of 15 new units, for both restricted-affordable and market rate units, the project provides an opportunity for households with different incomes to rent. The proposed building will have an attractive architectural style, materials, and articulation to that will protect the character and scale of existing residential neighborhoods. The project will offer affordable units, thus providing for adequate multi-family residential housing and will serve as a benefit to the community, city, and region.

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

The proposed project is flanked by two residential buildings of similar height and scale creating more continuity throughout the block as well as adding to the variety of architecture in the area. 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. Project proposes to provide landscaping along the street level, as well as in the side yards and roof deck. The project will incorporate new trees across the site. All landscaping is intended to be native, drought-tolerant planting which is compatible with the climate of the surrounding area. As such, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. As such, there are no objective zoning or design review standards relevant to this finding other than those objective standards, as defined by Government Code Section 65913.4(a), that the project has already been determined to be consistent with.

The project substantially conforms with the following purposes and objectives of the General Plan Land Use Element (Van Nuys – North Sherman Oaks Community Plan).

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

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

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

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

*Policy 1-1.2 Protect existing single family residential neighborhood from new, out of scale development.*

The proposed 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.

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

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

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 Vanowen, 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.

#### **4. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.**

##### **Framework Element**

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The primary objectives of the policies in the Framework Element's Land Use Chapter are to support the viability of the City's residential neighborhoods and commercial districts, and when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial



and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations. The project is consistent with and advances the following objectives and policies of the General Plan Framework:

*Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

The Project will provide 15 units as market rate housing and 2 units will be restricted to Low Income Households, thus supplementing diversity within the existing housing stock in the Van Nuys – North Sherman Oaks area. These units will be located approximately 1.7 miles away from the North Hollywood Redline and Orange line Station. This provides regional connectivity to Downtown Los Angeles and the larger Los Angeles Region. The property is also served by MTA 165 local bus line.

Just east of the property is a variety of neighborhood serving commercial that hosts full-service and quick-service restaurants, entertainment venues, as well as a variety of other retail options. The area also contains several educational institutions, and to the west, a city park and library. Therefore, the project is consistent with the Framework Element.

### **Housing Element**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. Specifically, the Housing Element encourages affordable units to accommodate all income groups that need assistance. The Housing Element includes the following goals, policies, objectives:

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

*Objective: 1.4 Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

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

*Goal 3: A City where there are housing opportunities for all without discrimination.*

*Goal 4: A City committed to ending and preventing homelessness.*

The proposed project will increase the existing amount of housing on-site, creating homes for 15 households, including two Very Low-Income Households and one Low Income Households. The Project is directly consistent with the goals, objectives, and policies of the Housing Element of the General Plan.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling.

This project increases density in proximity to current and future regional transportation centers. The project site is located on Vanowen Street. The property is located less than 1.7 miles from the North Hollywood Metro Rail Station. This provides regional connectivity to Downtown Los Angeles and the larger Los Angeles Region. The property is also served by Metro Bus line 168. Therefore, the project increases the overall quality and supply of housing in Los Angeles, while decreasing future vehicular trips. As such, the project conforms to the purpose of the Mobility Element of the General Plan.

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

The Van Nuys-North Sherman Oaks Community Plan was adopted by City Council on September 9, 1998. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code ("LAMC") including applicable ordinances that are codified in the LAMC.

The Van Nuys-North Sherman Oaks Community Plan designates the site for Low and Medium Residential land uses. The project site is zoned [Q]R3-1 and R1-1, which is consistent with the corresponding Land Use Designations. The density for the R3 portion of the lot permits 800 square feet of lot area per dwelling. The R3 zoned portion of the project site contains 6,985 square feet and is permitted a base density of nine dwelling units. The project utilizes the State Density Bonus Law (California Government Code Section 65915) and the City's Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25, and Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26 (Conditional Use Section of LAMC) to increase the maximum density from nine to 15 dwelling units, two of which will be set aside for Very Low-Income Households, and one for Low Income Households. The project is also in an area that is close to various bus routes, connecting the project site to other regional and local destinations. The project will contribute to the North Hollywood-Valley Village area as a High Medium Residential development that provides affordable housing.

5. **The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:**
  - a. **11% Very Low-Income Units for a 35% density increase; or**
  - b. **20% Low Income Units for a 35% density increase; or**
  - c. **40% Moderate Income Units for a 35% density increase in for-sale projects.**

**The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:**

- a. **For every additional 1% set aside of Very Low-Income Units, the project is granted an additional 2.5% density increase; or**
- b. **For every additional 1% set aside of Low-Income Units, the project is granted an additional 1.5% density increase; or**
- c. **For every additional 1% set aside of Moderate-Income Units in for-sale projects, the project is granted an additional 1% density increase; or**
- d. **In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.**

The City's Density Bonus Ordinance permits a maximum density increase of up to 35 percent in exchange for setting aside 11 percent of the base density units for Very Low-Income Households in accordance with the State Density Bonus Law. The State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by local ordinance. The City adopted Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent. The Ordinance requires the project to set aside one (1) additional percent of base density units above the 11 percent for Very Low-Income Households for every additional 2.5 percent density increase above the 35 percent.

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 57.6 percent increase in density for a total of 15 dwelling units in lieu of nine dwelling units as otherwise permitted by-right in the [Q]R3-1 Zone. 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.

**6. The project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3).**

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222 as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). Major changes to the law are applicable to new density bonus developments resulting in a loss in existing affordable units or rent-stabilized units. The law aims to replace units and ensure rental affordability periods for 55 years. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated June 26, 2019, three units have been identified on the site, therefore AB 2556 replacement affordable units are required (Exhibit E); in this case the two Very Low Income units initially proposed, one Low Income unit, and, further, one unit subject to the Rent Stabilization Ordinance. As such, the dwelling unit replacement requirements of Government Code Section 65915(c)(3) is conditioned.

**7. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code.**



Per the Conditions of Approval, the owner is required to execute a covenant to the satisfaction of HCIDLA to make 3 units for affordable units for a period of 55 years, as follows: two units for Very Low Income household occupancy, and one for Low Income Households 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”). Further, an additional market-rate, rent-stabilized, unit is required to be provided. The applicant is required to present a copy of the recorded covenant to the Department of City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA.

**8. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.**

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. These were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. The City of Los Angeles Housing and Community Investment Department (HCIDLA) utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 57.6 percent density increase above the nine base density units to permit a total of 15 dwelling units. The project will set aside units for affordable units for a period of 55 years, as follows: two units for Very Low-Income household occupancy, and one 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”) with the remaining being market rate units. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Furthermore, the project is required to record a Covenant and Agreement with the HCIDLA to make three units affordable for a period of 55 years per the Conditions of Approval. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

**DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS**

**Housing Replacement**

With Assembly Bill 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 Low 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 a letter dated July 26, 2019 issued by the Los Angeles Housing and Community Investment Department (HCIDLA), the site is developed with four dwelling units. The replacement required includes three affordable units (two Very Low-Income and one Low-Income), and one Rent Stabilization Ordinance unit, thus the project is in compliance with the housing replacement provisions.

Pursuant to LAMC Section 12.22 A.25(e)(2), to be eligible for any On-Menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

### **LAMC Criteria**

As permitted by LAMC Section 12.22 A.25 the Applicant is requesting three On-Menu incentives, and one Waiver of Development Standards that will facilitate the provision of affordable housing at the site: a height increase of approximately 10 feet, a westerly side yard setback of five feet, a Floor Area Ratio (FAR) of 4.05:1 in lieu of 3:1 for the R3 portion, and a rear yard of zero feet for the R3 portion of the lot respectively.

Pursuant to LAMC Section 12.22 A.25(e)(2), to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

- a. *The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.*

The proposed project consists of a five-story residential building facing Vanowen Street (south elevation). As Exhibit "A" demonstrates, the south elevation is articulated in multiple ways: recessed windows; variations in window size, orientation (horizontal vs. vertical) and frame width, including corner windows with minimal fanning on the third and fourth floors; variations in building façade depth; and the use of gray and white plaster exterior of the first through fourth floors to provide contrast with the rosewood façade on the second floor to roof deck.

- b. *All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street facing elevation.*

The project is located on the north side of Vanowen Street. The building is oriented towards the street by providing pedestrian access to the residential units as well as automobile access from Vanowen Street. The pedestrian entrance is located at the southernly portion of the property; large street numbers affixed to the exterior wall of the building adjacent to the entry gate help to draw attention to it. A 12 foot 3 inch wide pedestrian pathway leads from the sidewalk to the entry door which emphasizes that this is the point of access to the building. Units facing Vanowen Street, with the exception of the units on the ground floor, have multiple large windows with light gray trim of varying sizes, as well as the stairwell, creating interaction with the public realm.

Overall, the building design has a modern, clean, and balanced appearance with an emphasis on large but varied window shapes contrasted with rosewood colored façade and siding, white plaster, creating visual interest as viewed from the street and connecting the building to its surroundings.

- c. *The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HMC).*

The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

- d. *The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.*

The project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

Pursuant to Section 12.22 A.25 of the LAMC and Government Code Section 65915, the Commission shall approve a Density Bonus and requested incentive(s) unless the Commission finds that:

- e. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions 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.

LAMC Section 12.22 A.25 establishes that a Housing Development Project may qualify for one, two, or three incentives based on the percentage of units set aside for Very Low Income, Low Income, or Moderate-Income Households. The project has a base density of 9 units, is proposing 15 units, and is providing two units for Very Low Income households, (22 percent of the base density, exceeding the 11 percent required), one unit for Low-Income Households (a replacement unit required above the necessary affordable unit set-aside), and a replacement Rent Stabilization Ordinance Unit, which qualifies the project to utilize up to three on-menu incentives. The project includes on-menu incentives for increased height, a reduction of the westerly side yard setback, and increased FAR. It also includes a request for waiver of development standards to allow for a rear yard reduction for the R3 portion of the lot. As indicated in the staff report conclusion, staff recommends treating the request for FAR relief as an on-menu incentive and the rear yard relief as a waiver of development standards.

#### On-Menu Incentives

The list of on-menu incentives in 12.22 A.25 was 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 Director will always arrive at the conclusion that the density bonus on-menu incentives provide actual and identifiable cost reductions that provide for

affordable housing costs because the incentives by their nature increase the scale of the project.

*Height.* The requested incentive, a 10-foot increase in height, is expressed in the Menu of Incentives per LAMC 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.

*Side Yard (Westerly).* The requested incentive, a westerly side yard setback of five feet, eight inches in lieu of seven feet; per LAMC 12.22 A.25(f)(1), 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 and larger units. 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.

*Floor Area Ratio (FAR).* The requested incentive, a 35 percent increase in the floor area ratio, is expressed in the Menu of Incentives per LAMC 12.22 A.25(f)(4), 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 and larger units (14 of the 15 units are two-bedroom units and one three-bedroom) can be constructed, and the overall space (dedicated to residential uses) is increased. This incentive is not suitable as a total waiver, as the applicant could opt to create smaller units; however, the request is justified as an on-menu waiver that helps to financially support the restricted-income units. 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.

#### Waiver of Development Standards

*Rear Yard.* The requested waiver, a rear yard of zero feet for the R3 portion of the lot in lieu of 15 feet. per LAMC 12.22 A.25(f)(1), and as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested waiver allows the developer to expand the building envelope so 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.

- f. *The Incentive(s) 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 (Gov. Code 65915(d)(1)(B) and 65589.5(d)).*

There is no substantial evidence in the record that the proposed on-menu incentives and the waiver of one development standard 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)). Based on the above there is no basis in the record to deny the requested incentives. As required by Section 12.22 A.25 (e)(2), the project meets the additional eligibility criterion that is required for density bonus projects.

The facade of the proposed building which faces Vanowen Street will be articulated in multiple ways, creating a visually interesting elevation that invites interaction with the street. The structure will also be oriented toward the street with entrances, windows, and architectural features on street-facing elevations as required. The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Finally, according to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. 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.

*g. The incentive(s) are contrary to state or federal law.*

There is no substantial evidence in the record that the incentives are contrary to state or federal law.

Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:

*h. The waiver(s) or reductions of development standards are contrary to state or federal laws.*

A project that provides 20 percent of the base units for Very Low Income Households may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as Waivers of Development Standards. Without the waiver described below, the existing development standards would preclude development of the proposed density bonus units:

*Rear Yard.* The requested waiver, a rear yard of zero feet for the R3 portion of the lot in lieu of 15 feet. per LAMC 12.22 A.25(f)(1), and as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested waiver allows the developer to expand the building envelope so 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.

Without this waiver, the Applicant would be required to reducing the size building, thus reducing the number of units. This reduction in density would therefore preclude development of the proposed density bonus units.

There is no evidence in the record that the proposed waiver is contrary to state or federal laws.



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

There is no substantial evidence in the record that the proposed waiver will have a specific adverse impact on public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. 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 project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Finally, according to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project, and thus the requested Waiver, will have a specific adverse impact on the physical environment, or on public health and safety. Based on the above, there is no basis to deny the requested Waiver.

### **Variance Findings**

The applicant has requested Variance to allow for subterranean parking to extend below the R1 portion of the lot.

- 1. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The current property consists of one lot that is currently divided in half by a zone boundary. The southern portion of the lot that fronts Vanowen Street is 6,985 square feet and is zoned [Q]R3-1, and the northern portion of the lot is 9,075 square feet and is zoned R1-1. As a result of this split in zoning designation, this lot is narrow, and the R1 portion does not have direct access from the Vanowen Street frontage, development of the site in accordance with each of its separate zoning designations is so infeasible as to be impossible. Improving the southern [Q]R3-1 portion of the lot in a way that is in conformance with LAMC Section 12.08, which requires the R1 zoned portion of the subject site to be improved with a one-family dwelling, would be infeasible as access to the R1-1 lot would be precluded. The lot is further limited as it cannot be subdivided along the zone boundary line in order to create two independent lots as it would result in the R1-portion to be land-locked with no street access, and no frontage.

The proposed project includes a 15-unit apartment building with a subterranean parking garage. A total of 16 vehicle parking spaces including one disabled parking space will be included. The proposed parking garage will extend 57 feet, 11 inches in length below the northernly R1-1 portion of the lot. The project has been designed to provide a better transition from the R1-zoned properties abutting the R1-zoned portion of the subject lot, by designing a subterranean parking garage versus an above ground parking structure

while locating open space 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. It also provides for the outdoor amenities to be located at the rear portion of the lot. This is similar in design to the existing multi-family building to the west which provides at-grade parking for its tenants on its R1-zoned portion of its lot.

The general purpose and intent of the regulation is to limit uses to specific zones in order to correspond to the General Plan and to have compatibility between respective properties. Such regulations, however, written on a citywide basis cannot take into account individual unique characteristics of a specific property.

Therefore, strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

**2. There are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings that do not apply generally to other property in the same zone and vicinity.**

The lot is an approximately 16,059.5 square foot, 175 feet in length, 55 feet in width rectangular shaped interior lot. Surrounding lots abutt the southerly portion of the subject property from the west, south and east. The subject property's only street frontage is located on the northerly portion facing Vanowen Street. The site is currently improved in such a way that ingress and egress is taken from the frontage along Vanowen Street only.

Additionally, special circumstances applicable to the subject property are that the lot is split zoned or is divided by a zone boundary. The southern portion of the lot that fronts Vanowen Street is zoned [Q]R3-1, and the northern portion of the lot is R1-1.

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.

The proposed project will include a subterranean parking garage that will extend approximately 57 feet, 11 inches below the R1-1 portion of the lot. Ingress and egress will be taken from the Vanowen Street frontage. The driveway will be near the easterly property line.

Due to the unique location and characteristics of the subject property, the R1-1 southernly portion of the lot has limitations that are not generally consistent with surrounding properties. Denying the variance request would result in a reconfiguring of the building design that would be incongruent with the residential character of the surrounding area.

The proposed subterranean garage will be designed with reasonable protection of the visual environment so not to overwhelm the residential character of the surrounding area and the driveway and point of entry will not interfere with traffic safety or otherwise endanger public safety.

Therefore, there are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings that do not apply generally to other property in the same zone and vicinity.

- 3. The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The request to allow a portion of the subterranean garage to extend below the R1-1 portion of the lot is a necessary amenity for the community, as the surrounding neighborhood has limited off-street parking. Providing as much parking as possible for the proposed project would be ideal and is a general amenity that is otherwise possessed by surrounding properties.

Further, the development pattern of nearby single-family homes portrays a typical development with large, open rear yards providing separation, space, privacy, and additional light penetration from nearby properties. 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. This right and use to open space generally possessed by the other properties will provide benefits not just for the residents of the project but nearby residents as well.

The property having a split zone serves as a special circumstance in which the R1-1 portion of the lot has substantial limitations for how it can be improved. Due to this unnecessary hardship, it would be practical to allow for the subterranean garage to extend below the R1-1 portion of the lot, as the extension would total approximately 57'-11" in length. Denying the variance request would result in preventing the subject property from having the ability to offer protected, sheltered parking, swimming pools and jacuzzi which is a highly desired amenity, thus not allowing residents the opportunity to enjoy similar amenities that are possessed by nearby properties.

Therefore, as described above, the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

- 4. The 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; and**

Granting the variance will not be materially detrimental because special consideration is given to the impact on residences adjacent to the property. 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. The parking garage will be subterranean and will not provoke any obstructing noise or impose upon the public welfare. Additionally, the setbacks to the westerly and easterly portion of the proposed building provides a buffer for the residents abutting the property. In addition, the lighting will be shielded, downward facing and away from adjacent properties.

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.

- 5. The granting of the variance will not adversely affect any element of the General Plan.**

The granting of the variance will not adversely affect any element of the General Plan

### **Framework Element**

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The primary objectives of the policies in the Framework Element's Land Use Chapter are to support the viability of the City's residential neighborhoods and commercial districts, and when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations. The project is consistent with and advances the following objectives and policies of the General Plan Framework:

*Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

The proposed 15-unit apartment building will meet the above objectives and policies by being sited where similar uses already exist. The project does not propose a more intensive use of the site in comparison to the existing surrounding uses.

### **Housing Element**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. Specifically, the Housing Element encourages affordable units to accommodate all income groups that need assistance. The Housing Element includes the following goals, policies, objectives:

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

*Objective: 1.4 Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

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

*Goal 3: A City where there are housing opportunities for all without discrimination.*

*Goal 4: A City committed to ending and preventing homelessness.*

The proposed project will increase the existing amount of housing on-site, creating homes for 15 households, including two Very Low-Income Households and one Low Income Households. The Project is directly consistent with the goals, objectives, and policies of the Housing Element of the General Plan.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling.

This project increases density in proximity to current and future regional transportation centers. The project site is located on Vanowen Street. The property is located less than 1.7 miles from the North Hollywood Metro Rail Station. This provides regional connectivity to Downtown Los Angeles and the larger Los Angeles Region. The property is also served by Metro Bus line 168. Therefore, the project increases the overall quality and supply of housing in Los Angeles, while decreasing future vehicular trips. As such, the project conforms to the purpose of the Mobility Element of the General Plan.

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

The Van Nuys-North Sherman Oaks Community Plan was adopted by City Council on September 9, 1998. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code ("LAMC") including applicable ordinances that are codified in the LAMC.

The Van Nuys-North Sherman Oaks Community Plan designates the site for Low and Medium Residential land uses. The project site is zoned [Q]R3-1 and R1-1, which is consistent with the corresponding Land Use Designations. The density for the R3 portion of the lot permits 800 square feet of lot area per dwelling. The R3 zoned portion of the project site contains 6,985 square feet and is permitted a base density of nine dwelling units. The project utilizes the State Density Bonus Law (California Government Code Section 65915) and the City's Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25, and Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26 (Conditional Use Section of LAMC) to increase the maximum density from nine to 15 dwelling units, two of which will be set aside for Very Low-Income Households, and one for Low Income Households. The project is also in an area that is close to various bus routes, connecting the project site to other regional and local destinations. The project will contribute to the North Hollywood-Valley Village area as a High Medium Residential development that provides affordable housing.

### **CEQA EXEMPTION**

DETERMINE that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, 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.

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

**Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

**Applicant Copy**  
 Office: Downtown  
 Application Invoice No: 74566

City of Los Angeles  
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



\*6800174566\*



### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

**Receipt Number:230821ABF-E90BDA67-F0EF-4604-A92B-2C4396082D06, Amount:\$109.47, Paid Date:08/23/2021**

Applicant: N/A - & JULIE BRUNNICK, JOHN ( 818-7808256 )
Representative:
Project Address: 13921 1/2 W VANOWEN ST, 91405

**NOTES:**

CPC-2019-6375-CU-DB-ZV-PHP-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$2.67</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$6.23</b>
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

Council District: 2  
 Plan Area: Van Nuys - North Sherman Oaks  
 Processed by VIDAL, ANNA on 08/23/2021

Signature: \_\_\_\_\_

**Building & Safety Copy**  
 Office: Downtown  
 Application Invoice No: 74566

City of Los Angeles  
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



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