



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: NOVEMBER 29, 2023

Case No. DIR-2022-7247-TOC-SPR-HCA-1A

Council District: 6 – Padilla

CEQA: ENV-2022-7248-CE

Plan Area: Van Nuys – North Sherman Oaks

Project Site: 7115 – 7131 North Van Nuys Boulevard; 14525 – 14537 West Sherman Circle

Applicant: Benjamin Golshani, VNB, LLC
Representative: Shapour Shajirat, DCC

Appellant: Supporters Alliance for Environmental Responsibility (SAFER)
Representative: Brian Flynn, Lozeau Drury LLP

At its meeting of **October 26, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction, use, and maintenance of a new six-story approximately 73 feet high mixed-use building with 214 residential units above approximately 15,804 square feet of commercial space on the ground floor. The project proposes to provide 238 vehicle parking spaces in two subterranean levels and a portion of the ground floor.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Planning Director's Determination dated May 18, 2023;
3. **Approved with Conditions**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a 80 percent increase in density, consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following two incentives for a qualifying Tier 4 Project totaling 214 dwelling units, reserving a minimum of 24 units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:
 - a. Yards/Setbacks. Utilization of the side yard setback requirements of the RAS3 Zone for a project in a commercial zone; and
 - b. Transitional Height. A maximum building height that is stepped-back at a 45-degree angle as measured from a horizontal plane originating 25 feet above grade;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development creating 50 or more residential dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Mack
Second: Zamora
Ayes: Choe, Lawshe, Leung

Recuse: Gold
Absent: Cabildo, Millman, Noonan

Vote: 5 – 0 – 1



Cecilia Lamas, Commission Executive Assistant II
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 is final and effective upon the mailing of this determination letter and not further appealable.

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. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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, Appeal Filing Procedure (CEQA)

c: Heather Bleemers, Senior City Planner
Sophia Kim, City Planner

CONDITIONS OF APPROVAL

Pursuant to LAMC Sections 12.22-A,31, and 16.05 the following conditions are hereby imposed upon the use of the subject property:

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, Expedited Processing Section, 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. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 214 residential units, including On-site Restricted Affordable Units.
 - b. **Floor Area Ratio (FAR).** The project is permitted a maximum FAR of 4.25 to 1.
 - c. **Parking.**
 - i. **Automobile Parking.** No parking is required for residential units and up to a 40% reduction in the nonresidential parking requirement.
 - ii. **Bicycle Parking.** Bicycle parking shall be provided in compliance with LAMC Section 12.21-A.16 and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.
 - iii. **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), 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.
 - iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by the Los Angeles Housing Department (LAHD).
3. **Additional Incentives.**
 - a. **Setbacks.** The project shall be permitted any or all of the yard requirements for the RAS3 zone per LAMC 12.10.5.
 - b. **Transitional Height.** The project shall be permitted within the first 25 feet of the property line abutting or across the street or alley from the RW1 or more restrictive zone a maximum

building height that is stepped-back at a 45-degree angle as measured from a horizontal plane originating 25 feet above grade.

4. **On-site Restricted Affordable Units.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 11 percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing Department (LAHD) and California Government Code Section 65915(c)(2) for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22-A,31, to the satisfaction of LAHD, and in consideration of the project's SB 8 Determination. 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 the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination.

Housing replacement units required pursuant to SB 8 may be used to satisfy the On-site Restricted Affordable Units provided such units meet the income levels, to the satisfaction of LAHD.

5. **Changes in On-site Restricted Units.** Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.
6. **Housing Replacement Requirements.** The Los Angeles Housing Department (LAHD) has determined that the proposed project is not required to provide replacement units.

Site Plan Review

7. Landscaping.

- a. 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.
 - b. All planters containing trees shall have a minimum depth of 48 inches (48"), including those located on the rooftop area or above a parking garage.
8. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping to the satisfaction of LADWP. All rooftop mechanical equipment screening shall be permitted to exceed the maximum building height as necessary to screen the mechanical equipment, and consistent with the provisions of LAMC Section 12.21.1 B.3.
 9. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

10. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
11. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in LAMC Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
12. **Trash Containers.** Trash storage 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.
13. **Solar.** The project shall comply with LAMC Sections 99.04.211 and 99.05.211, to the satisfaction of the Department of Building and Safety.

Administrative Conditions

14. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & 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 & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
15. **Covenant.** Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
16. **Notations on Plans.** Plans submitted to the Department of Building & 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.
17. **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.
18. **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.
19. **Department of Building & 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 & 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 & 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.

20. Department of Water and Power. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, 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.

21. Enforcement. Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

22. Expiration. In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

23. Expedited Processing Section Fee. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

24. 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, in whole or in part, of 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 \$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 (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 in paragraph (b).
- e. 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

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM /AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to LAMC Section 12.22-A,31(e), the Director of Planning shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22-A,25(g).

1. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(3) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the director finds that.

- a. 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 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 a percent gross income based on area median income thresholds dependent on affordability levels. There was no substantial evidence in the record 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 list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include various types of relief that minimize restrictions on the size of the project. The base incentives are required to provide for affordable housing costs because the incentives by their nature may result in increasing the scale of the project. The additional incentives requested to utilize any or all of the yard requirements for the RAS3 zone, transitional height for a Tier 4 project pursuant to the TOC Guidelines to allow within the first 25 feet of the property line across the street from the RW1 or more restrictive zone, the building height limit to be stepped-back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in the more restrictive zone or Specific Plan subarea would result in building design or construction efficiencies that provide for affordable housing costs. As a result of the prescribed incentives, it is likely that the Director will always conclude that the incentives are required for such projects to provide for affordable housing units as identified by the TOC Guidelines.

Setbacks/Yards. The requested use of the yards/setbacks consistent with the RAS3 zone is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments located in a commercial zone may utilize any or all of the yard requirements for the RAS3 zone per LAMC 12.10.5. The Menu of Incentives allows for the use of any or all of the yard requirements for the RAS3 zone to count as one (1) incentive for a project located in a Tier 4 TOC area. In this case, the

project would be required to provide side yards conforming to the requirements of the C2 Zone. The project as proposed, will provide yards consistent with the RAS3 zone.

Transitional Height. The requested transitional height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. This incentive will result in a building design that provides for affordable housing costs and supports the applicant's decision to set aside 13 dwelling units for Extremely 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 has been no evidence provided that indicated that the proposed incentives 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. 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. The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the project was determined to be exempt from CEQA pursuant to Article 19, Class 32 of the CEQA Guidelines.

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, or on property listed in the California Register of Historic Resources.

- c. *The incentives/waivers are contrary to state or federal law.*

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

SITE PLAN REVIEW FINDINGS

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

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. 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 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. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located in the Van Nuys - North Sherman Oaks Community Plan area and is not subjected to any applicable specific plans.

Van Nuys - North Sherman Oaks Community Plan

The subject property is located within the Van Nuys - North Sherman Oaks Community Plan which was updated by the City Council on September 9, 1998. The Van Nuys - North Sherman Oaks Community Plan designates the subject property for Community Commercial land use, corresponding to the CR, C2, C4, RAS3, and RAS4, Zones. The subject property is zoned C2-1L. The proposed project advances the following goals, objectives, and policies of the 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.

Policy 1-1.3: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses.

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.

Policy 1-2.3: Encourage multiple residential development in commercial zones.

Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing single and multi-family neighborhoods.

Policy 1-3.1: Require a high degree of architectural compatibility with articulated landscaping for new in-fill development to protect the character and scale of existing residential neighborhoods.

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

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

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

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

The proposed 214-unit project promotes fair and equal housing opportunities through its diversity of unit types, including 179 studio units, and 35 one-bedroom units, and the allocation of 24 units set aside for Extremely Low Income Households. The mixed-use development, which is located on property designated as Community Commercial land uses, will encourage pedestrian activity and the use of public transportation due to its proximity (approximately 225 feet) from the Van Nuys Boulevard/Sherman Way intersection and thereby reducing vehicular trips to and from the project site and congestion around the site.

The project promotes the health, safety, welfare, and a pleasant environment and will enhance the adjacent neighborhood by developing commercial lots enabling the property to be developed as a mixed-use, multi-family development which supports the community plan's housing needs while preserving and enhancing the varied and distinct residential character and integrity of existing residential neighborhoods by encouraging higher density residential uses near major public transportation centers and contributes to the preservation and enhancement of the positive characteristics of the neighborhood while providing a variety of compatible new housing opportunities by allowing for the development of a mixed-use building with 214 dwelling units, including 24 units reserved for Extremely Low Income Households, and 867 square feet of ground floor commercial space. Surrounding uses are within commercial and residential zones and are generally developed with commercial and residential multi-family structures.

Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while reserving the historic commercial and cultural character of the community.

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

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

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

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

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

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

Policy 2-2.5: Promote mixed use projects in proximity to transit stations, along transit corridors, and in appropriate commercial areas.

Policy 2-2.6: Encourage large mixed use projects and other large new development projects adjacent to transit stations to incorporate child care and/or other appropriate human service facilities as part of the project.

The subject property is zoned C2-1L. The property is comprised of undeveloped vacant lots. The proposed 214-unit mixed-use project includes 15,804 square feet of ground commercial floor area, establishing a pedestrian-friendly environment along Van Nuys Boulevard. The 15,804 square feet of commercial floor area is proposed as neighborhood-serving commercial retail uses that will serve the needs of the community and help stimulate and revitalize development within the area.

Therefore, the project is consistent with the Goals, Objectives and Policies of the Van Nuys - North Sherman Oaks Community Plan.

The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

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.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The proposed project will result in the development of a mixed-use building that will provide 214 dwelling units, including 24 units reserved for Extremely Low Income Households, and 867 square feet of commercial space thereby contributing toward and facilitating the City's long-term economic viability and vision for a more liveable city.

The project is proper in relation to the project's location within the Community Commercial land use designation, and its proximity to bus transit stations and corridors (within ½ mile of the Van Nuys Boulevard and Sherman Way intersection). The approval of the requested TOC allows for more intense use of the subject property, while reducing vehicular trips to and from the project, vehicle miles traveled, and air pollution.

The project site is currently comprised of commercial/restaurant uses. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and encourage the majority of new commercial and mixed-use development along a commercial corridor.

Therefore, the proposed 214-unit mixed use building with 15,804 square feet of ground floor commercial space is consistent with the Distribution of Land Use goals, objectives, and policies of the General Plan Framework Element.

The **Housing Element** is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, establishes goals, objectives, and policies to guide future housing decisions, and provides an array of programs to meet Citywide Housing Priorities, including addressing the housing shortage, advancing racial equity and access to opportunity, preventing displacement and promoting sustainability and resilience. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.1: Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.1: Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Policy 1.3.2: Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

The proposed project implements the Housing Element by increasing the housing supply consistent with the Community Commercial land use designation. The site is currently developed with commercial/restaurant uses. The approval of the request would permit 214 dwelling units through the TOC process with 24 units set aside for Extremely Low Income Households. The project would achieve the production of new housing opportunities, meeting the needs of the city, while facilitating the construction of a range of different housing types (studios, one-bedroom units) that address the needs of the city's diverse households. Therefore, the project is consistent with the Housing Element goals, objectives and policies of the General Plan.

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Van Nuys Boulevard, abutting the property to the east, is designated as a Boulevard II and is dedicated to a Right-of-Way Width of 110 feet, improved with asphalt roadway, curb, gutter, and concrete sidewalks. Sherman Circle, abutting the property to the west, is a Local Street – Standard dedicated to a Right-of-Way Width of 60 feet, improved with asphalt roadway, street trees, curb, gutter, and concrete sidewalks. Gault Street, abutting the property to the south, is a Local Street – Standard dedicated to a Right-of-Way Width of 60 feet, improved with asphalt roadway, curb, gutter, and concrete sidewalks.

The project as designed will support the development of these Networks and meets 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.

Vehicular access to the site is provided via two-way driveways accessible from Sherman Circle and an ingress only driveway from Van Nuys Boulevard. All private residential parking spaces and the commercial parking spaces would be accessed via these driveways. Pedestrian access is located on Van Nuys Boulevard and Sherman Circle.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

Policy 3.8: Provide bicyclists with convenient, secure, and well-maintained bicycle parking facilities.

The project's proximity to existing regional transit services (within ½ mile of the Van Nuys Boulevard and Sherman Way intersection) will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. The adjacency of the regional transit services along with the creation of 214 dwelling units, ties the proposed project into a regional network of transit and housing.

In addition, the project will provide a total of 124 bicycle parking spaces in storage rooms located within the parking garages to provide bicyclists with convenient, secure, and well-maintained bicycle parking facilities.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, automobile parking spaces provided shall be capable of supporting future electric vehicle supply equipment (EVSE) in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

Therefore, the project is consistent with Mobility Plan 2035 goals, objectives, and policies of the General Plan.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project shall comply with Sections 99.04.211.1 and 99.05.211.1 of the LAMC. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and does not conflict with any applicable regulations or standards.

3. 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 subject property is comprised of two (2) lots measuring approximately 30,517 square feet with frontages along Van Nuys Boulevard and Sherman Circle. The subject property also has an approved street vacation of 16,688 square feet. The subject property is currently developed with commercial uses. The subject property is zoned C2-1L within the Van Nuys - North Sherman Oaks Community Plan Area with a Community Commercial land use designation. The project site is located with Transit Oriented Communities (TOC), Tier 4. The land use and zoning within close proximity of the subject site are within commercial, and residential zones and are generally developed with multi-family residential structures and commercial buildings. The abutting properties to the north are zoned C2-1L and are improved with a commercial and auto related uses. The properties to east, across Van Nuys Boulevard are zoned C2-1L and are developed with commercial structures. The abutting property to the south, is zoned C2-1L and is currently developed with a fast-food restaurant. The property to the west, across the OS-1XL zone and Sherman Circle, is zoned (T)(Q)RAS3-1L and is developed with five-story residential structure.

The proposed project is the construction, use, and maintenance of a new, six-story, 195,273 square-foot mixed-use building with 214 dwelling units, including 24 dwelling units set aside for affordable housing (or 11% of the proposed density) the 24 units will be reserved is for Extremely Low Income (ELI) Households and 15,804 square-feet of commercial space.

The building will be constructed with five (5) residential levels above one (1) ground floor level of commercial space, lobby area, parking, and two (2) levels of subterranean parking. The project includes 179 studio units, 35 one-bedroom units, and a total of 22,383 square feet of open space for residents. Therefore, pursuant to LAMC Section 12.21-G, the project as proposed is required to provide 21,400 square feet of open space. The project provides approximately 22,383 square feet total of open space, which includes 4,788 square feet of recreation room and gym on the second floor, 1,053 square feet of courtyard open space on the third floor, 7,479 square feet of roof top common space, a 2,013 square foot roof deck and 7,050 square feet of private balconies.

The project will provide 238 residential automobile parking spaces located within the ground floor level and two (2) levels of subterranean parking. Vehicular access to the site is provided via two-way driveways accessible from Sherman Circle. All private residential parking spaces and the commercial parking spaces would be accessed via these driveways. Pedestrian access is located on Van Nuys Boulevard and Sherman Circle.

Height, Bulk, and Setbacks

The project is zoned C2-1L and proposes a maximum height of 73 feet. The C2-1L zone has a 75-foot maximum height limit and a six stories maximum limit for developments. The project proposes a six-story building with a maximum height of 73 feet.

The project has a maximum FAR of 4.25:1. The C2 zone has a maximum permitted FAR of 1.5:1; the TOC base incentive allows for a 4.25:1 FAR. The proposed FAR is permitted as a TOC base incentive.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying C2-1L Zone. Therefore, in conjunction with the TOC base incentives, and consideration of other development in the area, the project is consistent with the surrounding.

Parking

The project will provide a total of 238 parking spaces and 124 long-term bicycle parking spaces. Short-term bicycle parking stalls will be located within the building and will be accessible from Sherman Circle and Van Nuys Boulevard.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Pedestrian access is located on Van Nuys Boulevard and Sherman Circle. Vehicular ingress and egress for the parking will be located on Van Nuys Boulevard which is a Boulevard II and Sherman Circle which is a Local Street – Standard. Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate building, entrances, walkways, and parking areas. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. There, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide approximately 22,383 square feet total of open space, which includes 4,788 square feet of recreation room and gym on the second floor, 1,053 square feet of courtyard open space on the third floor, 7,479 square feet of roof top common space, a 2,013 square foot roof deck and 7,050 square feet of private balconies. The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Area

The development is required to provide a loading area pursuant to LAMC Section 12.21-C.6. Waiting areas and drop areas will be on the ground level. Tenants moving in or out of the building will be able to park moving trucks on the street level adjacent to the parking entrance and the lobby.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. The service area for trash and recycling collection will be conditioned to be located at grade level and accessible from the parking area along Sherman Circle. Additionally, service area for trash collection is to be located on all upper floors. Therefore, as proposed, and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project consists of a six-story, mixed-use building, with parking on-site for residents and commercial parking spaces, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

4. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The project proposes provide a variety of unit types which includes: 179 studio units, and 35 one-bedroom units. Pursuant to LAMC section 12.21-G, the project would be required to provide 21,400 square feet of open space. As approved, the project will provide 22,383 square feet of open space. The project will provide approximately 22,383 square feet total of open space, which includes 4,788 square feet of recreation room and gym on the second floor, 1,053 square feet of courtyard open space on the third floor, 7,479 square feet of roof top common space, a 2,013 square foot roof deck and 7,050 square feet of private balconies.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.
6. It has been determined based on the whole of the administrative record that 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.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document prepared by Department of City Planning and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

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

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing