

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☐ City Planning Commission (CPC) ☒ City Council
☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: CPC-2021-10345-DB-SPP-SPR-WDI-HCA; ENV-2021-10346-CE

Project Address: 4260 North Arch Drive; 11201 West Ventura Boulevard

Final Date to Appeal: September 20, 2023

APPELLANT

For main entitlement cases, except for Building and Safety Appeals:

Check all that apply.

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

For Building and Safety Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

¹ Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 12.26 K, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2.

APPELLANT INFORMATION

Appellant Name: Supporters Alliance for Environmental Responsibility

Company/Organization: Lozeau Drury LLP (representing appellant)

Mailing Address: 1123 Park View Drive, Suite 300

City: Covina **State:** CA **Zip Code:** 91724

Telephone: (510) 836-4200 **E-mail:** richard@lozeaudrury.com

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

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Marjan Kris Abubo

Company: Lozeau Drury LLP (representing appellant)

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland **State:** CA **Zip Code:** 94612

Telephone: 5108364200 **E-mail:** marjan@lozeaudrury.com

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☒ Entire ☐ Part

Are specific Conditions of Approval being appealed? ☒ YES ☐ NO

If Yes, list the Condition Number(s) here: Site Plan Review

On a separate sheet provide the following:

- ☒ Reason(s) for the appeal
- ☒ Specific points at issue
- ☒ How you are aggrieved by the decision
- ☒ How the decision-maker erred or abused their decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature:  **Date:** 9/14/2023

GENERAL 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.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles 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: \$166.00

Reviewed & Accepted by (DSC Planner): Ruben Vasquez

Receipt No.: 140923C1B-9B43FBEE-F3E1-4FC3-9DB1-6FA389 Date: 9/19/23
3CCD65

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

Justification/Reason for Appeal

4260 N. Arch Drive Mixed-Use Building

(CPC-2021-10345-DB-SPP-SPR-WDI-HCA ; ENV-2021-10346-CE)

I. REASON FOR THE APPEAL

The Categorical Exemption prepared for 4260 N. Arch Drive Mixed-Use Building (CPC-2021-10345-DB-SPP-SPR-WDI-HCA ; ENV-2021-10346-CE) ("Project") fails to comply with the California Environmental Quality Act ("CEQA"). Furthermore, the approval of the Site Plan Review entitlements (DIR-2020-7846-DB-SPR-HCA) was in error because (1) the City of Los Angeles ("City") must fully comply with CEQA prior to any approvals in furtherance of the Project and (2) the findings are not supported by substantial evidence. Therefore, the City of Los Angeles ("City") must set aside the Site Plan Review entitlements and prepare and circulate an environmental impact report ("EIR") prior to considering approvals for the Project.

II. SPECIFICALLY THE POINTS AT ISSUE

For the specific reasons set forth in the attached comment letter dated August 25, 2023, the Project does not qualify for a categorical exemption pursuant to Section 15332 of the CEQA Guidelines ("Infill Exemption"). Furthermore, proper CEQA review must be complete *before* the City approves the Project's entitlements. (*Orinda Ass'n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 ["No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved."].) As such, the approval of the Project's Site Plan Review entitlements was in error. Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant Supporters Alliance for Environmental Responsibility ("SAFER") live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The City Planning Commission sustained the Planning Director's April 24, 2023 decision, approved the Site Plan Review and approved a Categorical Exemption for the project pursuant to Section 15332 of the CEQA Guidelines, despite a lack of substantial evidence in the record that the Project met the requirements for the Infill Exemption. Rather than exempt the Project from CEQA, the City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project's entitlements until proper CEQA review has been completed.



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August 25, 2023

Via Email

Los Angeles City Planning Commission
Samantha Millman, President
Caroline Choe, Vice President
Maria Cabildo, Commissioner
Ilissa Gold, Commissioner
Monique Lawshe, Commissioner
Helen Leung, Commissioner
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Renata Ooms, City Planner
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**Re: Comment on Proposed CEQA Infill Exemption for the 4260 Arch Drive
Multi-family Project (CPC-2021-10345-DB-SPP-SPR-HCA), September XX,
2023 City Planning Commission Meeting**

Dear Honorable Members of the Los Angeles City Planning Commission:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the proposed Class 32 Infill Development Categorical Exemption (“Categorical Exemption” or “Class 32 Exemption”) for a five-story residential project proposed at 4260 North Arch Drive in the City of Los Angeles (CPC-2021-10345-DB-SPP-SPR-HCA) (“Project”). On July 27, 2023, the Planning Commission recommended the Project to proceed with the Class 32 Exemption. SAFER submitted written comments prior to the July 27, 2023 hearing and respectfully incorporates those concerns herein.

After further review, SAFER appeals to the City of Los Angeles’ (“City”) determination which will exempt the Project from review under the California Environmental Quality Act

(“CEQA”) As discussed below, the City cannot demonstrate how their decision to exempt the Project (ENV-2021-10346-CE) fully complies with the terms of a Class 32 Exemption. Since the Project is not exempt from CEQA, an Initial Study must be prepared and circulated to determine the appropriate level of CEQA review required.

PROJECT DESCRIPTION

The Project is located at 4260 North Arch Drive and 11201 West Ventura Boulevard. The Project includes the construction, use, and maintenance of a five-story residential building with 129 dwelling units, including seventeen units set aside for Very Low-Income Households, and approximately 117,000 square feet of floor area. The proposed building will reach a maximum height of 75 feet with stepbacks at the upper floors toward the rear of the building. The Project will provide 145 parking spaces, 43 of which will be compact spaces. Parking is provided within a partially subterranean garage. The Project will provide a publicly accessible path between Arch Drive and the Los Angeles River path.

LEGAL STANDARD

As the California Supreme Court has held, “[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.” (*Communities for a Better Env’t v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-20 [citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88]; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505). “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” (Pub. Res. Code (“PRC”) § 21068; see also, 14 CCR § 15382). An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” (*No Oil, Inc.*, 13 Cal.3d at 83). “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109).

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. 14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86 (“*Hollywoodland*”). First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. *Id.* Second, if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study. *Id.*; 14 CCR § 15063(a). If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment the agency may issue a negative declaration. *Id.*; 14 CCR §§ 15063(b)(2), 15070. Finally, if the project will have a significant effect on the environment, an environmental

impact report (“EIR”) is required. *Id.* Here, since the City exempted the Project from CEQA entirely, we are at the first step of the CEQA process.

CEQA identifies certain classes of projects which are exempt from the provisions of CEQA, called Categorical Exemptions. 14 CCR §§ 15300, 15354. “Exemptions to CEQA are narrowly construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125). The determination as to the appropriate scope of a categorical exemption is a question of law subject to independent, or de novo, review. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.*, (2006) 139 Cal. App. 4th 1356, 1375 (“[Q]uestions of interpretation or application of the requirements of CEQA are matters of law. (Citations.) Thus, for example, interpreting the scope of a CEQA exemption presents ‘a question of law, subject to de novo review by this court.’ (Citations).”).

DISCUSSION

A. The City Incorrectly Applied CEQA’s Class 32 Infill Development Categorical Exemption to the Project and Thus a Full CEQA Analysis Is Required.

On its face, the proposed Project does not qualify for a Class 32 Exemption because of the Project’s potentially significant environmental impacts on air quality and noise. The City must prepare an Initial Study to determine the appropriate level of CEQA review, be it a mitigated negative declaration or an environmental impact report (EIR).

The Class 32 exemption provides:

Class 32 consists of projects characterized as infill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.***
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.***
- (c) The project site has no value as habitat for endangered, rare, or threatened species.***
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.***
- (e) The site can be adequately served by all required utilities and public services.***

(14 CCR § 15332 [emph. added])

a. The Project will have Significant Indoor Air Quality Impacts, Precluding Reliance on the CEQA Infill Exemption.

A project cannot qualify for CEQA’s Class 32 Exemption if the project results in significant air quality impacts. 14 CCR § 15332(d). Certified Industrial Hygienist, Francis “Bud”

Offermann, PE, CIH and environmental engineers Patrick Sutton, PE and Yilin Tian, PhD of the environmental consulting firm Baseline Environmental Consulting (“Baseline”) have conducted a review of the proposed Project and relevant documents regarding the Project’s indoor air emissions. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic and Baseline is a premier consulting firm focusing on environmental impacts related to hazardous waste and human exposures to toxic air contaminants (“TAC”).

In accordance with their previous analysis of the Project along with additional review, Mr. Offermann and Baseline both conclude that it is likely that the Project will expose residents and commercial employees of the Project to significant impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde. Mr. Offermann’s expert comments and CV are attached as Exhibit A. Baseline’s expert comments, along with input parameters and base assumptions for their Health Risk Assessment (“HRA”), and CVs are attached as Exhibit B.

The Project fails to analyze the indoor and outdoor air quality impacts. As expressed in SAFER’s July 24 written comment, the City failed to perform an adequate analysis concerning the cancer risks associated with long-term exposure to TACs. Baseline prepared an HRA to estimate the increased cancer risk at nearby sensitive receptors exposed to diesel particulate matter (“DPM”). As summarized in Table 1 below, “[t]he estimated cancer risk at the MEIR location from exposure to DPM emissions during project construction emissions is 65.2 in a million, which is above the SCAQMD’s threshold of 10 in a million. Therefore, project construction would expose sensitive receptors to substantial pollutant concentrations and the impact would be potentially significant.”

Table 1. Health Risks at MEIR During Project Construction

Construction Scenario	Diesel Particulate Matter	
	Cancer Risk (per million)	Chronic Hazard Index
Unmitigated Emissions	65.2	0.047
Thresholds of Significance	10	1
Thresholds Exceedance?	Yes	No

Source: See Attachment A

Id., p. 4.

Even after raising these initial concerns, the City did not seek additional analysis regarding the Project’s failure to analyze the increased cancer risk arising from the Project. The Applicant contests that a HRA is not required but provides no substantial evidence to support the conclusion that the Project’s air quality impacts will be less than significant. To the contrary, Baseline’s HRA analysis provides substantial evidence that the Project will have potentially significant air quality impacts that remain unmitigated. Because the Project failed to adequately consider air quality, the City cannot support a conclusion that the Project will not have any significant air quality impacts. Therefore, it is improper to allow the Project to continue under the Class 32 Exemption.

Furthermore, given the Project site's location, the Project fails to adequately review and analyze the additional impacts of motor vehicle traffic and the subsequent increase in exposure to particulate matter ("PM2.5"). As Mr. Offermann highlights, the Project site is within the South Coast Air Basin, a state and federal non-attainment area for PM2.5, and in an area with moderate to high traffic. "Additionally, the SCAQMD's MATES V study cites an existing cancer risk of 422 per million at the Project site due to the site's high concentration of ambient air contaminants resulting from the area's high levels of motor vehicle traffic." (Ex. A, p. 11)

Mr. Offermann predicts that the projected traffic noise levels, the annual average PM2.5 concentrations will exceed both state and federal standards, thereby necessitating installation of technology in order to reduce the impacts to a less-than-significant level. (*Id.*) However, the City again fails to analyze these issues, as well as the cumulative impacts associated with the Project's emissions.

Mr. Offermann's and Baseline's expert reviews constitute substantial evidence of a fair argument of a significant environmental impact to future users of the Project, and an EIR must be prepared to disclose and mitigate those impacts.

b. The Project will have Significant Biological Impacts, Precluding Reliance on the CEQA Infill Exemption.

A project cannot qualify for CEQA's Class 32 Exemption if the project has habitat value for rare, endangered, or unique species. 14 CCR § 15332(c). Expert wildlife biologist Dr. Shawn Smallwood, Ph.D., reviewed the July 2023 Staff Report as well as the 2017 City of Los Angeles Tree Report prepared by Carlberg Associates, to inform his comments. Dr. Smallwood's comments and CV are attached as Exhibit C.

Dr. Smallwood's associate, Ms. Noriko Smallwood, a wildlife biologist, surveyed the Project site and took photos of existing wildlife and habitat there on July 29, 2023. (Ex. C., p. 1) During her site visit, Ms. Smallwood detected 21 species of vertebrate wildlife at or near the site, including 4 species with special status of vertebrate wildlife and another of an arthropod (Table 1)." (*Id.*, p. 3) Among the species Ms. Smallwood identified at or near the Project site are monarch butterfly (*Danaus plexippus*), Allen's hummingbird (*Selasphorus sasin*), Cooper's hawk (*Accipiter cooperii*), and the California gull (*Larus californicus*). (*Id.*)

For instance, Allen's hummingbird is listed by the U.S. Fish and Wildlife Service ("USFWS") as a Bird of Conservation Concern ("BCC"). The USFWS explains that its BCC list "identifies the migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent [the agency's] highest conservation priorities (emph. added)." Based on these observations, Dr. Smallwood concluded that the Project would likely result in significant impacts to existing biological resources at the Project site.

The Staff Report is silent on any biological and wildlife studies performed onsite to determine whether there would not be significant environmental impacts associated with the Project. The Applicant concedes that the Project will require the cutting down of 25 on-site trees,

but neither consider the species that may rely on the site. Over the three-hour period that Ms. Smallwood surveyed the area, there are a multitude of species, including special-status species, that exist on or near the Project site. Specifically, Ms. Smallwood observed a couple Cooper's hawks perched on trees on the Project site, and Dr. Smallwood further explains that such observation "typifies behaviors [he has] seen at the end of the breeding season, when parents must force fledglings to live on their own," though additional research and surveys is required to confirm that such breeding takes place on site. (*Id.*, Table 1.)

This finding provides substantial evidence that at least a few special-status species are relying on the site as valuable habitat, which provides new information on the Project's biological impacts and which neither the City nor the Applicant discuss in their findings. The Applicant contends that the Project site has no value as habitat for endangered, rare, or threatened species, and relies merely on the fact that the Project site is not within or near a designated Significant Ecological Area. However, even the Applicant's supplemental analysis fails to consider the biological significance associated with the Project site's location along the Los Angeles River habitat. As Dr. Smallwood observes, the survey "proves that the site is valuable to wildlife, including to multiple species of endangered, rare and threatened species of wildlife. The animals she saw at and around the site would not be there if the site was of no value." (*Id.*, p. 7)

As such, the City cannot rely on the Class 32 Exemption because of the habitat value the Project sites brings for endangered, rare, or threatened species. An EIR is required to properly assess and more extensively mitigate these impacts.

c. The City Fails to Provide Substantial Evidence that the Project is Consistent with the City's Green New Deal Policy.

A project cannot qualify for CEQA's Class 32 Exemption if the project is inconsistent with all applicable general plan policies. 14 CCR § 15332(a). Here, the City explains that the applicable plan relating to the City's efforts to reduce GHG emissions is the LA Green New Deal Sustainable city pLAn of 2019, which updates the City's Sustainable City pLAn of 2015 ("City Plan"). In its Focused Air Quality, Greenhouse Gas, and Energy Impact Evaluation ("Focused Evaluation"), the City explains how the Project is consistent with its targets to recycle wastewater, capture more stormwater, and increase energy efficiency through storage and demand response programs. (Focused Evaluation, p. 6). To justify their consistency analysis, the City relies on the mandatory standards provided under the 2019 edition of the California Green Building Standards Code ("Code"). However, the City incorrectly concludes that the standards are consistent with the City Plan because the Project is not subject to the Code's voluntary standards, which is independent of the mandatory standards of a separate chapter of the Code. Even if the Project is subject to mandatory standards, such standards are not consistent with the City's more stringent targets with regard to water, energy, and materials conservation.

Therefore, it is improper for the City to conclude without substantial evidence that the Project will be consistent with the City Plan. The City may not proceed with the Class 32 Exemption until it comprehensively analyzes the Project's consistency with the City Plan.

CONCLUSION

The City cannot invoke a Class 32 Exemption because the Project does not meet the terms of the Exemption. Accordingly, the City must prepare an Initial Study to determine the appropriate level of environmental review to undertake pursuant to CEQA. Thank you for considering these comments.

Sincerely,

Marjan R. Abubo

Lozeau | Drury LLP



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: SEPTEMBER 5, 2023

Case No. CPC-2021-10345-DB-SPP-SPR-WDI-HCA

Council District: 4 – Raman

CEQA: ENV-2021-10346-CE

Plan Area: Sherman Oaks – Studio City

Project Site: 4260 North Arch Drive; 11201 West Ventura Boulevard

Applicant: Universal City Guest Home, L.P.
Representative: Jonathan Riker, Venable, LLP

At its meeting of **July 27, 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 multi-family residential building with 129 dwelling units, including 17 units set aside for Very Low Income Households. The proposed building will have approximately 117,000 square feet of floor area and will reach a maximum height of 75 feet with stepbacks at the upper floors at the rear of the building. The proposed project will provide 145 parking spaces, 43 of which will be compact spaces. Parking is provided within a partially subterranean garage. The proposed project will provide a publicly accessible path between Arch Drive and the Los Angeles River path.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32 (Urban Infill), 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) of the Los Angeles Municipal Code (LAMC), a Density Bonus for a residential-commercial development project consisting of 129 dwelling units, of which 17 units will be set aside for Very Low Income Households, with the following On-Off Menu Incentives and Waivers of Development Standards:
 - a. An On-Menu Incentive to permit a Floor Area Ratio (FAR) of 3:1 for a project located on a Major Highway within 1,500 feet of a Transit Stop in lieu of the 1:1 FAR limitation pursuant to the Ventura/Cahuenga Boulevard Corridor Specific Plan Section 6.B.3;
 - b. An On-Menu Incentive to permit up to a 20 percent increase in lot coverage to allow a maximum of 72 percent lot coverage in lieu of 60 percent lot coverage limitation pursuant to the Ventura/Cahuenga Boulevard Corridor Specific Plan Section 7.B;
 - c. An Off-Menu Incentive to permit 30-foot increase in building height to allow a maximum height of 75 feet in-lieu of the 45-foot building height limitation of the C2-1VL-RO Zone; and to allow building height to exceed of the transitional height limitations pursuant to LAMC Section 12.21.1 A.10;
 - d. A Waiver of Development Standards to allow up to 43 of the 132 required parking spaces to be provided as compact spaces in-lieu of the compact parking limitations pursuant to LAMC 12.21 A.5(c); and
 - e. A Waiver of Development Standards to permit a multi-family development with deviations from Commercial Corner Development Standards pursuant to LAMC 12.22 A.23(a) including deviations for height (LAMC 12.22 A.23(a)(1)) and landscape setbacks (LAMC 12.22 A.23(a)(10)(i));

3. **Approved**, pursuant to LAMC Section 11.5.7 C, a Project Permit Compliance Review for a project within the Ventura/Cahuenga Boulevard Corridor Specific Plan;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project with 50 or more dwelling units;
5. **Approved**, pursuant to LAMC Section 12.37 I.3, a Waiver of Dedication and Improvements to the Public Right of Way along Arch Drive and Ventura Boulevard;
6. **Adopted** the attached Modified Conditions of Approval; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Lawshe
Second: Cabildo
Ayes: Choe, Noonan, Zamora
Recuse: Gold
Absent: Leung, Mack, Millman

Vote: 5 – 0

Cecilia Lamas

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 related to the Off-Menu Density Bonus Incentive is not appealable. The Waivers of Development Standards is appealable by the Applicant only. The On-Menu Density Bonus Incentives and remaining approvals is 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, CA 90012; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

FINAL APPEAL DATE: SEPTEMBER 20, 2023

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: Modified Conditions of Approval, Findings, Appeal Filing Procedures

c: Heather Bleemers, Senior City Planner
Renata Ooms, City Planner

CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on July 27, 2023)

Pursuant to Sections 12.22 A.25, 16.05, 11.5.7 and 12.37 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans dated March 13, 2023, submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 129 dwelling units including Density Bonus Units.
3. **Affordable and Income Restricted Units.**
 - a. A minimum of 17 dwelling units, that is at least 15 percent of the base dwelling units permitted in the C2-1VL-RIO Zone, shall be reserved as Very Income units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
 - b. **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.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make at least 15 percent of the base number of dwelling units available to Very Low Income Households, 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.25, to the satisfaction of LAHD, and in consideration of the project's Housing Crisis Act of 2019 (SB 8) Replacement Unit Determination, dated August 22, 2022. Enforcement of the terms of said covenant shall be the responsibility of LAHD. 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. The project shall also comply with any other requirements stated in project's SB 8 Determination, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.
5. **Incentives (On-Menu)**
 - a. **Floor Area Ratio.** The project shall be permitted a maximum floor area ratio of 3:1 for a project located on a Major Highway within 1,500 feet of a Transit Stop in lieu of the otherwise permitted 1:1 FAR limitation pursuant to the Ventura/Cahuenga Boulevard Corridor Specific Plan Section 6.B.3.
 - b. **Lot Area.** The project shall be permitted up to a 20% increase in lot coverage to allow a maximum of 72% lot coverage in lieu of 60% lot coverage limitation pursuant to the Ventura/Cahuenga Boulevard Corridor Specific Plan Section 7.B.

6. **Incentives (Off-Menu)**

- a. **Height.** A 30-foot increase in building height to allow a maximum height of 75 feet in-lieu of the 45-foot building height limitation of the C2-1VL-RO Zone; and to allow building height to exceed of the transitional height limitations pursuant to LAMC Section 12.21.1-A,10.

7. **Waivers of Development Standards**

- a. **Compact Parking Spaces.** The project shall be permitted to provide up to 43 of the 132 required parking spaces as compact spaces in-lieu of the compact parking limitations pursuant to LAMC 12.21-A,5(c); and
- b. **Side Yard.** The subject multi-family development shall be not be required to comply with the Commercial Corner Development Standards pursuant to LAMC 12.22-A,23(a) including limitations for height (LAMC 12.22-A,23(a)(1)) and landscape setbacks (LAMC 12.22-A,23(a)(10)(i)).

8. **Parking.**

- a. **Automobile Parking for Residential Uses.** Minimum residential automobile parking requirements shall be provided consistent with AB2345 and California Government Code Section 65915(p) to provide one on-site parking space for each zero and one-bedroom unit, 1.5 on-site parking spaces for each two- to three-bedroom units, 2.5 on-site parking spaces for each four and more bedroom units.
- b. **Unbundled Parking.** Required parking may be sold or rented separately from the units.
- c. **Adjustment of Parking.** In the event that the composition of residential units changes (i.e. the number of bedrooms), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to California Government Code Section 65915(p).
- d. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
- e. **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 Article9, Chapter IX of the LAMC.

9. **Circulation.** The applicant shall be allowed no more than one driveway and shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.

Site Plan Review Conditions

10. **Massing.** Building massing shall include variations as shown in Exhibit A.

11. **Materials.** A variety of high-quality exterior building materials, consistent with Exhibit A, shall be used. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
12. **Pool Deck connection to LA River.** A stairwell or other direct access route from the pool deck to the lower rear yard area and gate to the Los Angeles River shall be provided as shown in Exhibit A. Alternative direct access shall be reviewed by Planning.
13. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
14. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer(s), if located at-grade and facing the public right-of-way, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
15. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
16. **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. Landscaping shall conform to LAMC Section 13.17 F,1 ("RIO" River Improvement Overlay District) and 75 percent of the newly landscaped area shall be planted with any combination of the following as shown in Exhibit A: native trees, plants and shrubs, or species defined as WatershedWise, or species listed in the Los Angeles County River Master Plan Landscaping Guidelines and Plant Palettes.
 - c. **Tree Wells and other Planters.**
 - i. The minimum depth of tree wells on the rooftop or any other location where planters are used shall be as follows:
 - (1) Minimum depth for trees shall be 42 inches.
 - (2) Minimum depth for shrubs shall be 30 inches.
 - (3) Minimum depth for ground cover shall be 18 inches.
 - ii. The minimum amount of soil volume for tree wells on the rooftop or any other location where planters are used shall be based on the size of the tree at maturity:
 - (1) 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 - (2) 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 - (3) 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
17. **Street Trees.** Plant Street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The contractor shall notify Urban Forestry Division at 213-847-3077 upon completion of construction for tree planting direction and instructions.

18. **Tree preservation.** The applicant shall provide Urban Forestry with a tree protection plan to ensure the trees being maintained on- and nearby off-site per the Tree Report (Exhibit C.2) are sufficiently protected during construction from root zone compaction, and physical damage.
19. **Exterior Lighting.** Outdoor lighting shall additionally comply with the following provisions of LAMC section 13.17 F,3:
 - a. All site and building mounted lighting shall be designed such that it produces a maximum initial luminance value no greater than 0.20 horizontal and vertical foot candles at the site boundary, and no greater than 0.01 horizontal foot candles 15 feet beyond the site. No more than 5.0 percent of the total initial designed lumens shall be emitted at an angle of 90 degrees or higher from nadir (straight down).
 - b. All low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz, incandescent greater than 60 watts, mercury vapor, and halogen fixtures shall be fully shielded in such a manner as to not exceed the limitations in (a.), above.
20. **Rear Fencing and Gating.** Fencing and gating within 10 feet of the Los Angeles River corridor shall comply with the following provisions of LAMC Section 13.17 F,4:
 - a. All fences located within 10 feet of the river corridor shall be consistent with the fence designs identified in the Los Angeles County River Master Plan Landscape Guidelines.
 - b. All fences located less than 10 feet from the river shall be no higher than 6 feet in height. All fences located at the 10 foot landscape buffer setback line shall not exceed 10 feet in height.
 - c. All gates or fences located within 10 feet of the river or a river frontage road shall be consistent with the gate designs identified in the Los Angeles County River Master Plan Landscape Guidelines. The gate height shall be consistent with the adjacent fence height and the gate shall be designed so as not to encroach into the river or public right-of-way when opened.
21. **River Access and River Front Door.** A pedestrian path connecting Arch Drive to the Los Angeles River shall be maintained along the eastern side of the property as shown in Exhibit A. The project shall maintain a door or gate which provides access from private property to the Los Angeles River.
22. **Parking.** With the exception of vehicle and pedestrian entrances, fresh air intake grilles, and metal security grilles, all vehicle parking shall be enclosed along all sides of the building.
23. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way. Trash and recycle receptacles shall be stored within a fully enclosed portion of the building at all times.
24. **Solar.** The project shall dedicate a minimum of 15 percent of the total roof area will be reserved for the future installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A", and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

25. A minimum 20-foot reservoir space is required between any security gate or parking space and the property line, or to the satisfaction of LADOT.
26. A two-way driveway width of W=28 feet is required for all driveways, or to the satisfaction of LADOT.
27. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Los Angeles Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.
28. Prior to the issuance of the Certificate of Occupancy, street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
29. Construct new street light: one (1) on Arch Dr. If street widening per BOE improvement conditions, relocate and upgrade street light: one (1) on Arch Dr.

Specific Plan Project Permit Compliance Conditions

30. **Landscaping.** The project shall comply with the following landscaping requirements as required per Specific Plan Sections 7.A.3 and 7.D.3.
 - a. As shown in Exhibit A, the project shall provide a minimum 18-inch landscaped front yard setback as required per the Ventura/Cahuenga Boulevard Corridor Specific Plan Section 7.A.3
 - b. At least 60 percent of any building setback in excess of the required 18-inch landscaped setback, shall be landscaped and the remainder shall be finished to City standards for sidewalks, or finished with other paving materials, including concrete pavers, brick masonry pavers.
31. **Certification of Landscape Installation.** Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.
32. **Signs.** No signs are being requested as part of this grant. Any future onsite signage shall be reviewed for compliance with the Ventura/Cahuenga Boulevard Corridor Specific Plan by the Valley Project Planning Bureau staff before an administrative clearance can be provided.
33. **Streetscape Improvement.** Prior to the issuance of a certificate of occupancy, and in addition to all other requirements of the Department of Building and Safety, the property owner shall submit public right-of-way plans to the Department of Public Works (per Section 9.A. of the Specific Plan) that all required landscape and relevant streetscape elements of the Studio City Streetscape Plan (Media Sub-District) have been implemented as follows:
 - a. **Funding for Traffic Calming.** The developer shall reimburse the City for the costs of traffic calming measures to be implemented at the intersection of Ventura Boulevard and Arch Drive by making a deposit to cover the material and construction costs, plus

additional funding for worker overtime pay, for a total of \$55,000. This deposit would be made to LADOT's Fund 523 prior to issuance of the Certificate of Occupancy.

Lighting Fixtures and Street Lighting

- b. All modern 40-foot roadway street lighting poles and fixtures shall be painted "Spring Street Green" per Section 5.2.2. Street lighting features shall be arranged to avoid future conflicts with street trees.
- c. Any pedestrian lighting provided shall be in compliance with the Studio City Streetscape Plan Section 5.2.1 to the satisfaction of the Bureau of Street Lighting.

Public Art

- d. All projects subject to the 1% Cultural Arts fee are required to submit an application to the Cultural Affairs Department to place some public work of art, acceptable to the Cultural Affairs Department, onsite within public view, or within the public right-of-way when permitted by the Department of Public Works.
- e. All public art within the Studio City (Sub-Media) Streetscape Plan shall be compatible with the General Theme centering on the imagery associated with movie and television studios.
- f. Any public art shall be highly integrated with other 3-Dimensional elements of the streetscape, in particular, street trees, but also, paving patterns, building facades, and on-site landscaping.

Sidewalk Paving Patterns

- g. Refer to Section 5.4.3 to 5.4.6 of the Studio City Streetscape Plan for sidewalk paving details to the satisfaction of the Bureau of Engineering.

Curbs and Gutters

- h. The curbs should be constructed integral with the gutter using natural color concrete, not colored concrete. Gutters are to be standard, unless an alternative design is approved by the Department of Public Works.

Street Furniture

- i. Any proposed street furniture such as benches, bicycle racks, bus shelters, fountains, kiosks, newspaper stands, pot and planters, trash receptacles shall comply with the Studio City Streetscape Plan Section 5.3.
34. **Project Impact Assessment Fee.** Prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of this new mixed use project. A "Project Impact Assessment" (PIA) fee may be required and paid to the satisfaction of DOT for the purpose of funding the Specific Plan improvements and services, as well as pedestrian improvements which are intended to mitigate the cumulative impacts of new developments within the Specific Plan area. (Note: PIA fees to be paid are subject to change due to increases to the Annual Indexing as determined by the DOT.)

Waiver of Dedication and Improvement Conditions

35. **Arch Drive.** The project shall be permitted to provide a minimum 2-foot dedication in order to widen the sidewalk to 12 feet in lieu of the otherwise required 5-foot dedication. No road widening shall be required. All corner radius dedications are still required. All improvements are still required.

36. **Ventura Boulevard.** The project shall be permitted to provide a minimum 2-foot dedication in lieu of the otherwise required 5-foot dedication. No road widening shall be required. All corner radius dedications are still required. All improvements are still required.

Administrative Conditions

37. **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 "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
38. **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.
39. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
40. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
41. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
42. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
43. **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.
44. **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.

45. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
46. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
47. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
48. **Expedited Processing Section.** 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.
49. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$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).

- 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 (ii).
- 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 include 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

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. Pursuant to Section 12.22 A.25 of the LAMC and Section 65915 of the California Government Code, the Commission shall approve a density bonus and requested incentive(s) and/or waiver(s) unless the Commission finds that:

- a. The incentive(s) 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 Director 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.

Based on the set-aside of 15 percent of the base density for Very Low Income households, the applicant is entitled to three incentives under both Government Code Section 65915 and the LAMC. The three requests for, increased FAR, lot coverage, and height qualify as the proposed development incentives.

Floor Area Ratio (On-Menu). The Ventura/Cahuenga Boulevard Corridor Specific Plan designates the subject site with the “Neighborhood and General Commercial” Plan Designation. Pursuant to the Section 6.B.3 of the Specific Plan, the maximum FAR for “Neighborhood and General Commercial” is 1:1. The net lot area of the subject property is 44,886.8 square feet and the maximum floor area of the underlying 1:1 FAR is 43,936 square feet. Qualifying density bonus projects can qualify for an on-menu Incentive of 3:1 FAR if the project site is within 1,500 feet of a rapid bus stop¹. In this case, the site is located less than 100 feet from Metro Bus Route 240 (NextGen Rapid) at the corner of Arch Drive and Ventura Boulevard. The On-Menu Density Bonus Incentive to increase the maximum FAR to 3 to 1 would allow for 131,808 square feet of floor area. The proposed project has a floor area of 116,312 square feet for an FAR of 2.7:1. The additional floor area will allow the developer to expand the building envelope so the additional units can be constructed, and the overall space dedicated to residential units is increased. The additional floor area will increase the market rate rent revenue that will support the operational costs of the affordable units, allows for design efficiencies, and allows certain fixed costs of construction to be shared among more floor area thereby reducing the per-square-foot cost of the development. The additional market rate units which can be constructed within the additional floor area will offset the cost of the affordable units.

¹ Qualifying density bonus projects can qualify for an on-menu Incentive of 3:1 FAR if the project site is within 1,500 feet of a rapid bus stop. This is based on the definition for Transit Stop in the Density Bonus Ordinance 12.22.25 (b) that reads: "A Metro Rapid Bus stop located along a Metro Rapid Bus route; or, for a HousingDevelopment Project consisting entirely of Restricted Affordable Units, any bus stop located along a Metro Rapid Bus route."

Lot Coverage (On-Menu). The Ventura/Cahuenga Boulevard Corridor Specific Plan Section 7.B limits lot coverage in Neighborhood and General Commercial Plan Designation Areas. Buildings and structures in these areas shall cover no more than 60 percent of the lot area. Qualifying density bonus projects may request an on-menu incentive to permit up to a 20% increase in lot coverage. The applicant requests, and Planning recommends approval of, an incentive to allow a maximum of 72% lot coverage in lieu of 60% lot coverage limitation pursuant to the Specific Plan. The larger building footprint will allow the developer to expand the building envelope so the additional units can be constructed within fewer floors, and the overall space dedicated to residential units is increased on each floor. The additional market rate units which can be constructed within the larger floors will offset the cost of the affordable units.

Height (Off-Menu). The subject C2 zoned property is within a 1VL height district which limits building height to 45 feet. Additionally, commercially zoned lots which abut R1 or less restrictive zones are subject to transitional height limitations pursuant to LAMC Section 12.21.1.A.10. Within 200 feet of an R1 zoned lot the following height restrictions apply: maximum of 25 feet within 49 feet of the R1 lot, maximum of 33 feet within 50-99 feet of the R1 lot, and maximum of 61 feet within 100-199 feet of an R1 lot. The subject property abuts the Los Angeles River which is zoned OS-1XL-RIO and thus is subject to transitional height.

The on-menu Density Bonus Incentive for height allows for an increase in 11 feet. Staff recommends granting an off-menu incentive to allow an increase in the maximum height by 30 feet for a maximum height of 75 feet (five stories) and to deviate from the transitional height requirement to instead require that the building height limit shall 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 OS Zone.

The proposed increase in 30 feet and relaxed transitional height requirement allow for two additional residential levels and the construction of floor area on the upper levels; and thus the construction of that additional floor area and the rents from that additional floor area will support the units reserved for Very Low Income Households. The additional height allows for the additional market rate floor area to be constructed which will help subsidize the operational costs of the affordable units. Therefore, the incentive is supported.

- b. The incentive(s) and/or waiver(s) would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income 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 (Government Code Section 65915(d)(B) and 65589.5(d)).**

There is no evidence that the proposed Incentives or waivers 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)).

There is no substantial evidence in the record that any of the Incentives or waivers 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. 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. The project will be required to comply with all applicable regulations for development in liquefaction areas and thus will not present any specific adverse impacts upon public health or safety. Therefore, there is no substantial evidence that the proposed project, and thus the requested Incentives or waivers, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource. Based on the above, there is no basis to deny the requested Incentives or waivers.

- c. The waiver[s] or reduction[s] of development standards will not 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))**

A project that provides 15 percent of the base density for Very Low Income households is entitled to three Incentives under both Government Code Section 65915 and the LAMC and 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” as outlined by State Density Bonus law. The applicant proposes to set aside 17 units for Very Low Income households, equal to more than 15 percent of the base density of the site. As such, the requests for a deviation from compact parking limitations and commercial corner development regulations are recommended as waivers of development standards. Without the requested waivers, the existing development standards would preclude the development of the proposed density bonus units and project amenities for the reasons stated as follows.

Compact Parking Spaces. The project requires a minimum of 132 vehicle parking spaces (after replacing 15 spaces with bicycle parking) and is provided 145. Pursuant to LAMC Section 12.21 A.5. (c), only parking stalls in excess of one parking stall per dwelling unit may be designed as compact parking stalls to accommodate compact cars. For the subject 129 unit project, only 16 of the 145 provided parking spaces may be provided as compact stalls. The applicant is requesting a waiver to allow a larger portion of the spaces to be provided as compact. The applicant requests, and Planning recommends, that up to 43 of the parking spaces may be provided as compact parking spaces in lieu 16 spaces.

The waiver will allow the project to accommodate parking within a smaller garage area, allowing the project to build out the base and bonus unit count, and FAR incentive within the lot coverage limitations as granted in the Density Bonus Incentives. Adherence to parking space requirements would physically preclude the full build-out of the base and bonus density, and requested incentives, within the limited allowable building footprint.

Commercial Corner Development Standards. Although the subject project does not include commercial uses, it is subject to Commercial Corner standards based on its C2 zoning and the adjacent OS zone. Commercial Corner regulations include numerous development standards, many of which are not applicable to this project as there are no commercial uses on site. However, standards that do apply include a 45-

foot height limitation and a requirement for a five-foot landscape buffer at the property line. The applicant has already requested a deviation from height as a Density Bonus incentive. The applicant proposes yards and setback areas that comply with the Specific Plan, including an 18-inch front yard setback which precludes providing a five foot landscape buffer. The applicant also proposes a 15-foot easterly side yard to accommodate a required pedestrian path which is proposed with a combination of hardscaping and landscaping. The applicant has requested, and Planning recommends approval of a waiver of development standards to permit the multi-family development deviations from Commercial Corner Development Standards including deviations for height and landscape setbacks.

The height limit and the five foot landscape buffer (which would require the building be further setback from property lines) have the effect of limiting the building envelope, would prevent the floor area that encroaches in these areas, and thus would prevent full construction of the proposed floor area and unit count of the project. The Commercial Corner Development Standards would have the effect of physically precluding construction of a development providing 129 dwelling units, of which a minimum of 17 units will be set aside for Very Low Income households, with the incentives requested.

The waivers for compact parking and commercial corner standards enable the project to increase the overall space dedicated to residential use, thereby allowing the project to be built to its requested FAR and requested height while also observing alternative transitional height at the rear of the project. These waivers support the applicant's project at the density and with the incentives proposed.

d. The Incentives and/or waiver(s) are contrary to State/federal law.

There is no substantial evidence in the record indicating that the requested Incentives or waivers are contrary to any State or federal laws.

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 elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are twelve elements of the General Plan. The majority of the policies derived from these elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements requested herein, the project does not propose to deviate from any of the requirements of any of the requirements of the Los Angeles Municipal Code. The General Plan is divided into 35 Community Plans.

The project site is located within the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the subject property for General Commercial with corresponding zones of C1.5, C2, C4, CR, RAS3, RAS4, and P Zone, and per Footnote 2, Height District 1VL. The site is zoned C2-1VL-RIO and is therefore consistent with the General Plan Land Use Designation. The site is also within the Ventura/Cahuenga Boulevard Corridor Specific Plan, the Studio City/Cahuenga Pass Streetscape Plan, and the River Improvement Overlay District (RIO).

The proposed project is consistent with 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 1-2 To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.
- Policy 1-2.2 Encourage multiple residential development in commercial zones.
- Objective 1-4 To promote and ensure the provision of adequate housing for all persons regardless of income, age or ethnic background.
- Policy 2-1.2 Protect commercially planned/zoned areas outside pedestrian oriented areas from encroachment by residential only development.

The project is a new residential building with 129 residential units in a commercial zone will increase housing opportunities and will provide 17 units reserved for Very Low Income Households. The project site is located adjacent to a commercial shopping center and within close proximity to the commercial area of Vineland Avenue and Ventura Boulevard. The project is also across the street from a bus stop and is within close proximity additional bus transit lines on Ventura Boulevard and as well as less than one mile from the Universal City/Studio City Metro Red Line Station. Additionally, the project site is adjacent to the Los Angeles River, which is planned for a multimodal bike and pedestrian path and open space and recreational use via the Los Angeles County River Master Plan. As such, the project presents opportunities for a reduction in vehicular trips and is providing housing in close proximity to jobs, as wells as increasing the availability of housing for different groups and income levels. As such, the project substantially complies with the housing goals and objectives of the General and Community Plan.

The proposed project is consistent with the Goals, Objectives, and Policies of the **General Plan's Housing Element 2021 – 2029** adopted in November 2021 as described below.

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.

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.

The proposed project would result in the construction of a new five-story residential development with 129 dwelling units. The project would provide 112 market-rate units and set aside 17 units for Very Low Income households. In addition, the project would accommodate a variety of household sizes with a unit mix ranging from studio to two-bedroom units. The project's location in a walkable and bikeable area of Studio City would allow individuals to

connect to essential services and centers, including major employment centers, schools, and grocery markets. Surrounding the project site are a mix of residential and commercial uses. As such, the proposed project would complement the surrounding community while expanding housing opportunities in a multimodal, high opportunity area.

The proposed project is also consistent with the Goals, Objectives, and Policies, of the **General Plan's Mobility Element**, also known as Mobility Plan 2035, which provides policies with the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

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 5.2: Support ways to reduce vehicle miles traveled (VMT) per capita.

The project's proximity to the future Los Angeles River bicycle and pedestrian path, and public transit lines on Ventura Boulevard provides residents access to various modes of transportation. The proposed project is located in a commercial area with many nearby conveniences, necessities, and retail within walking distance. The combination of nearby commercial businesses and access to various modes of transportation provide residents and workers access to work centers, destinations, and other neighborhood services locally and across Los Angeles. Therefore, the project supports the reduction of VMT per capita, connecting individuals to public transportation infrastructure.

As detailed above, the proposed project is in substantial conformance with the purposes, intent and provisions of the Community Plan and General Plan. The project is consistent with the applicable general plan designation and policies as well as with applicable zoning designation and regulations.

- 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 arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan at the corner of Ventura Boulevard and Arch Drive. Ventura Boulevard is commercially zoned and developed with commercial uses while Arch Drive is zoned for multifamily uses and is developed with two to five story multifamily buildings. The proposed project includes the construction of a residential building with 129 residential units, inclusive of 17 units set aside for Very Low Income Households.

Height, Bulk, Setbacks

The subject property within the 1VL height district allows for a maximum height of 45 feet (within three stories for buildings with commercial uses). However, the proposed project's off-menu density bonus incentive to increase its maximum height by 30 feet, as such, the project proposes a maximum height of 75 feet within five stories. Additionally, the project abuts an OS zone and thus is subject to transitional height requirements. However, the proposed

project's off-menu density bonus incentive includes an alternative transitional height metric similar to what is offered for Tier 2 TOC projects.

The Specific Plan allows for a maximum FAR of 1:1; however, as permitted through the Density Bonus program and LAMC Section 12.22-A,25, Housing Developments may qualify for an FAR of up to 3:1 in exchange for setting aside a portion of the proposed residential units toward affordable housing. The project's total floor area ratio approximately 2.7:1, equating to approximately 131,808 square feet of floor area.

The proposed building is providing the required setbacks pursuant to the Specific Plan which requires an 18 inch front yard setback for landscaping and the required rear and side yards. The project will maintain more than the required 8 foot side yard and will provide an 18 foot rear yard.

The site has been designed to locate a 15-foot wide publicly accessible path along the eastern property edge which allows for both a wider setback area between the proposed building at the neighboring multifamily bundling and for the retention of many mature perimeter trees which buffer and provide privacy between the two residential buildings. As viewed from the street frontage and river's side, there is varied articulation due to the design, thus the relatively flat facades and massing occurs along the east and west sides of the project adjacent to an existing commercial shopping center and apartment building. The preservation of mature trees along the east and north property line as conditioned, will help to provide a natural screening for the adjacent apartment building as well as help to reduce the visual mass and bulk of the project. The rear of the building also includes building step backs and articulation due to open courtyard areas in between the building segments, which also helps to break up building mass and height. As noted, the building has a varied front yard setback.

Off-Street Parking Facilities

The project is required to provide a minimum of 132 parking spaces consistent with Density Bonus provisions. The project includes a total of 145 parking spaces (43 of which will be compact spaces as part of a Density Bonus Waiver). The project provides 90 bicycle parking spaces consistent with the requirements of the LAMC. All parking is located underground, within a partially subterranean garage, and will not be visible from the street or from adjacent properties. One ingress and egress driveway along Arch Drive is provided. Therefore, for the reasons stated above, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project includes landscaping and hardscaping at both the front and rear of the property, within a central pool deck courtyard and within the side yards and along the provided pathway connecting Arch Drive to the Los Angeles River. The applicant has elected to maintain 16 of the total 41 on-site trees and all 10 of the nearby off-site trees located along the Los Angeles River path. Landscaping will provide a buffer between the proposed budding and the existing lower scale multi family residential use to the east. Landscaping and hardscaping will provide scenic community amenities for residents to enjoy. The project as proposed in Exhibit A and

conditioned meets the landscape requirements of the LAMC, the Specific Plan, and the River Improvement Overlay zone (RIO). The Specific Plan requires an 18-inch landscaped front yard with additional landscaping required for any front yard of greater depth and the project has been proposed and conditioned to comply with this requirement. The RIO requires a 10-foot landscape buffer abutting the Los Angeles River area and requires that 75% of provided landscaped area be compatible with plant palettes identified in the Los Angeles River Master Plan. The project as proposed and conditioned meets the RIO landscaping requirements. Therefore, as designed and conditioned, the on-site landscaping of the proposed project will be compatible with the existing and future developments in the neighborhood.

Trash Collection

The project will include centralized 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. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within trash rooms on the ground floor and basement level. The trash rooms are not visible from the public right-of-way. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

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

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

The project includes a generous amount of common open space, on-site amenities, as well as private open space for many of the dwelling units. The project is providing a total of 13,800 square feet of open space equivalent to the minimum required for the project. A central interior courtyard (open to the sky) with a pool deck faces the Los Angeles River and is buffered from abutting uses as it is located between the two building wings. Private balconies and indoor community amenity areas (recreation room, fitness room, co-working spaces) are also provided at the rear of the building at the front southwest corner of the building nearest the abutting commercial uses. Trees provide a buffer between private patios and the abutting residential uses. The onsite amenities would provide residents a space for gathering, socialization, recreation, and relaxation without impacting neighboring properties. Lastly, the project includes public and private access to the Los Angeles River, which will further enhance accessibility to future outdoor recreation, such as walking along the river side, thus reducing the need to have to drive somewhere for outdoor recreation and exercise.

The project would also accommodate off-street parking within a partially subterranean parking area. Long-term and short-term bicycle parking would also be accommodated within the project's enclosed bike storage rooms and on the sidewalk fronting. Residents would have access to a bike workstation.

The project is located in a commercial area (Ventura Boulevard in Studio City) with many businesses and multimodal amenities including local bus and rail lines and future planned bike infrastructure. In order to improve pedestrian safety in front of the site, the applicant has elected to provide funding for a traffic calming measure for the Arch Drive crosswalk at Ventura Boulevard. Funding for traffic calming will support pedestrian safety for residents and neighbors alike.

Therefore, as proposed, and conditioned, the project provides a variety of recreational and service amenities to improve habitability for the residents while minimizing impacts on neighboring properties.

PROJECT PERMIT COMPLIANCE REVIEW FINDINGS FOR THE VENTURA/CAHUENGA BOULEVARD CORRIDOR SPECIFIC PLAN FINDINGS

- 5. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Mitigation measures are not necessary for the subject project, and there are no potentially significant negative environmental effects associated with the project. It has been determined the project is Categorically Exempt from the environmental review pursuant to State CEQA Guidelines Section 15332 Class 32. There is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

- 6. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan, as follows:**

Section 5.C: Uses. The proposed use of residential, is not restricted in this area of the Specific Plan, and thus are allowed.

Section 6.B.: Floor Area Ratio (FAR). The project is located in a Neighborhood and General Commercial Land Use Designation of the Specific Plan which restricts the FAR to 1:1. The Specific Plan specifies in Section 4 that the FAR is based on the buildable area of the lot (area after required setbacks). The project is being granted a FAR increase from 1:1 to 3:1 pursuant Density Bonus LAMC Section 12.22 A.25 for setting aside 15 units for Very Low Income Households, which would allow a total cumulative square footage of 105,863.

Section 7.A.: Yards. Specific Plan Section 7.A.1.a. designates Ventura Boulevard (and Arch Drive) as the front yard. The project is providing a minimum 18-inch landscaped setback as required. The the front building segments are staggered due to the building design and curved frontage, resulting in a varied setback for each building segment providing additional space for landscaping and an open space area at the southwestern corner of the site. Per Section 7.A.1.d., owners of all lots adjacent to the Los Angeles River are required to make provisions for public access to the river when the bike path and any open space along the river is built. Additionally, a 10-foot landscape buffer is required for all rear yards adjacent to the river's edge. In this case, the project includes a dedicated 15-foot wide public access walkway along the east property line from Arch Drive to the river and a 10-foot rear landscape buffer as required.

Section 7.B.: Lot Coverage. The Specific Plan Section 7.B.2 limits lot coverage onsite to 60 percent. The project is proposing a lot coverage of approximately 72 percent as an On-Menu Density Bonus incentive.

Section 7C: Driveways. The project will include one two-way driveway, located approximately in the center of the Arch Drive frontage. Any existing driveway access will be removed. As such, the project does not propose multiple driveways where the linear frontage of the lot is less than 250 feet.

Section 7A and 7D: Landscaping. As per the Conditions of Approval, the project is providing a minimum 18-inch landscaped setback as required per Section 7.A.3 as well as additional

60 percent of landscaping in excess of the front yard minimum per Section 7.D.3. As conditioned, the project complies with the landscaping requirements.

Section 7E: Height. Specific Plan Section 7.E.1.a.3. limits the height to 45 feet which includes any rooftop projections that would otherwise be permitted per LAMC 12.21.1. The C2-1VL zone permits a building height up to 45 feet, not including rooftop projections. The project is proposing a 75-foot height to the parapet of the roof, as an Off-Menu incentive.

Section 7F: Parking. The Specific Plan does not regulate residential parking requirements.

Section 8: Signs. No signs are being requested as part of this grant. Any future sign request must comply with the requirements of the Ventura/Cahuenga Specific Plan as conditioned.

Section 14: Studio City Streetscape Plan. The project is conditioned to comply with the Studio City (Media Sub-District) Streetscape Plan (and Section 9.A. of the Specific Plan), such as with regard to street maintenance, sidewalk paving patterns, and any proposed street furniture. Additionally, in order to improve pedestrian safety in front of the site, the applicant has elected to provide funding for a traffic calming measure for the Arch Drive crosswalk at Ventura Boulevard. Funding for traffic calming will support pedestrian safety for residents and neighbors alike and implements the intent of the Streetscape Plan.

WAIVER OF DEDICATION AND IMPROVEMENT FINDINGS

7. The dedication is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established; or the dedication or improvement requirement is physically impractical.

A five-foot dedication is required for Arch Drive in order to complete a 30-foot half right-of-way (in accordance with Local Street standards) to widen the existing 15-foot half roadway by 3-feet to provide an 18-foot wide half roadway and widen the existing 10-foot wide sidewalk by 2-feet to provide a 12-foot sidewalk. The applicant has requested to waive the 3-foot portion of the dedication related to the widening of the roadway and proposes instead to dedicate 2-feet of private property to widen only the sidewalk from 10 to 12 feet.

Arch Drive is an approximately 0.3 mile street segment which serves only to provide local access to approximately 30 multifamily residential buildings on the block north of Ventura. Arch drive does not connect to other streets or right of way. As such, a roadway widening is not needed to meet vehicle mobility needs of the future. The current 15-foot half roadway width provides for a travel lane, street parking. However, the dedication of two (2) additional feet in order to construct a wider sidewalk is necessary to meet pedestrian mobility goals.

The dedication requirement for Ventura Boulevard (Boulevard II) is five feet to complete a 55-foot half right-of-way and a 20-foot radius property line return at the intersection with Arch Drive. The applicant requests a waiver of dedication to provide a 2-foot dedication in lieu of the full 5-foot dedication to align with the requested dedication along Arch Drive. The majority of the project fronts Arch Drive and the curved corner of the site fronts Ventura Boulevard. The nature of the lot and corner configuration that make the dedication on Ventura Boulevard impractical. The request to waive 3-feet of the 5-foot dedication in order to allow conformity to the Arch Drive street segment is warranted and does not prohibit the achievement of the city's mobility goals.

Of additional note, the applicant added the above request to waive portions of the required dedications in response to the Studio City Neighborhood Council's suggestion to maintain the curb alignment as it is today. The intent of the request is to waive the portion of the dedication

related to widening the roadway along Arch Drive and provide only the portion of the dedication needed to bring the sidewalk up to standard dimensions. The applicant proposes to implement all required improvements to the sidewalk and roadway such as bringing roadway and sidewalk surfacing into good repair, constructing a landscaped parkway on Arch Drive to match the adjacent sidewalk and parkway to the east, and constructing an access ramp at the intersection with Ventura Boulevard to comply with ADA requirements. As such the waiver of a portion of the dedication required on Arch Drive and Ventura Boulevard is appropriate.

ENVIRONMENTAL FINDINGS

- 8. Flood Hazard Findings.** 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 in Zone C, areas determined to be outside of a flood zone.
- 9. CEQA Findings.** 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 dated November 30, 2021 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