

## PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL CASE:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2018-3286-VZC-HD-SPE-ELD-SPPA-SPP-SPR	ENV-2018-3287-MND	4 – Raman
<b>RELATED CASE NOS.:</b>	<b>COUNCIL FILE NO:</b>	<b>PROCEDURAL REGULATIONS:</b>
<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.) <input type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.)
<b>PROJECT ADDRESS / LOCATION:</b>		
17017 – 17031 West Ventura Boulevard, 4929 North Genesta Avenue, and 5018 North Amestoy Avenue		
<b>APPLICANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Daniel Kashani 17017 Ventura Boulevard LLC	818-748-4800	<a href="mailto:danny@tristargroup.com">danny@tristargroup.com</a>
<b>APPLICANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Dave Rand, Armbruster Goldsmith & Delvac	310-209-8800	<a href="mailto:Dave@rpnllp.com">Dave@rpnllp.com</a>
<b>APPELLANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>APPELLANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>PLANNER CONTACT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Adrineh Melkonian	213-978-1301	<a href="mailto:adrineh.melkonian@lacity.org">adrineh.melkonian@lacity.org</a>
<b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>		
<input type="checkbox"/> <i>The preparation of a draft ordinance by the City Attorney will be required.</i>  Vesting Zone Change (VZC); Height District Change (HD)		
<b>FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>		
Specific Plan Exceptions (SPE); Eldercare Facility Unified Permit (ELD); Specific Plan Adjustment (SPPA); Specific Plan Project Permit Compliance (SPP); Site Plan Review (SPR)		
<b>ITEMS APPEALED:</b>		
<input checked="" type="checkbox"/> N/A		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration (ND)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mitigated Negative Declaration (MND)	<input type="checkbox"/>
<input checked="" type="checkbox"/> T Conditions	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report (EIR)	<input type="checkbox"/>
<input type="checkbox"/> Proposed Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mitigation Monitoring Program (MMP)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Zone Change Map and Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Project Exemption (SCPE)	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA)	<input type="checkbox"/>
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Exhibit A – Plans	<input type="checkbox"/>	<input type="checkbox"/> Appendices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Mailing List (both Word and PDF)	<input type="checkbox"/>	<input checked="" type="checkbox"/> Other: Scoping Plan Consistency & Vesting Tentative Tract Map	<input type="checkbox"/>
<input checked="" type="checkbox"/> Interested Parties List	<input type="checkbox"/>		
<input type="checkbox"/> Appeal	<input type="checkbox"/>		
<input type="checkbox"/> Development Agreement	<input type="checkbox"/>		
<input type="checkbox"/> Site Photographs	<input type="checkbox"/>		
<input type="checkbox"/> Other:	<input type="checkbox"/>		

**NOTES / INSTRUCTIONS:**

N/A

CITY COUNCIL NOTICE TIMING:	NOTICE LIST (SELECT ALL):	NOTICE PUBLICATION:
<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input type="checkbox"/> 24 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input type="checkbox"/> Owner <input type="checkbox"/> Applicant <input type="checkbox"/> Adjacent/Abutting <input type="checkbox"/> 100' radius <input type="checkbox"/> 300' radius <input type="checkbox"/> 500' radius <input type="checkbox"/> Neighborhood Council <input type="checkbox"/> Interested Parties <input type="checkbox"/> Other: [enter here if applicable]	<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input type="checkbox"/> 24 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]

**FISCAL IMPACT STATEMENT:**

Yes

No

\*If determination states administrative costs are recovered through fees, indicate "Yes."

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
May 23, 2024	6 – 0
<b>LAST DAY TO APPEAL:</b>	<b>DATE APPEALED:</b>
August 5, 2024	N/A
<b>COUNCIL TIME TO ACT:</b>	<b>TIME TO ACT START:</b>
<input type="checkbox"/> 30 days <input type="checkbox"/> 45 days <input type="checkbox"/> 60 days <input type="checkbox"/> 75 days <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input type="checkbox"/> Appeal Filing Date <input type="checkbox"/> Received by Clerk <input type="checkbox"/> Last Day to Appeal <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant II	September 5, 2024



# LOS ANGELES CITY PLANNING COMMISSION

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

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

## LETTER OF DETERMINATION

**MAILING DATE: JULY 16, 2024**

**Case No.: CPC-2018-3286-VZC-HD-SPE-ELD-SPPA-SPP-SPR** Council District: 4 – Raman  
CEQA: ENV-2018-3287-MND  
Plan Area: Encino – Tarzana

**Project Site:** 17017 – 17031 West Ventura Boulevard; 4929 North Genesta Avenue;  
5018 North Amestoy Avenue

**Applicant:** Daniel Kashani, 17017 Ventura LLC

At its meeting of **May 23, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Construction, use, and maintenance of two buildings located over one standard lot and one master ground lot containing three air space lots, separated by an alley. The first lot fronting Ventura Boulevard will be developed with a three-story, approximately 48 feet, two-inch-high medical office building containing 55,416 square feet of floor area. The second set of lots, which is to the north of the proposed medical office building across the alley, will contain 90 Eldercare guest rooms comprised of 66 senior assisted living guest rooms and 24 Alzheimer's/Dementia guest rooms in a five-story, 65-foot, in height building containing 80,225 square feet of floor area. The Project will provide a total of 364 parking spaces for both the Medical Office and Eldercare guest rooms located at grade and within three below-grade levels. Combined, the Project would contain approximately 135,641 square feet of floor area.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2018-3287-MND, adopted on July 21, 2023, along with the associated Mitigation Monitoring Program; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Approved**, pursuant to Section 12.32 Q of the Los Angeles Municipal Code (LAMC), a Vesting Zone Change and Height District Change from C4-1VL to (T)C4-2 for the commercial portion of the proposed project and P-1VL to (T)C2-2 on the eldercare portion of the proposed project;
3. **Approved**, pursuant to LAMC Section 14.3.1, an Eldercare Facility Unified Permit for the development of an eldercare facility on a newly created 35,663 square foot lot (after the merger under VTT-74892) with 66 assisted living guest rooms and 24 Alzheimer's/Dementia guest rooms for a total of 90 guest rooms and the following deviations to permit:
  - a. 80,225 square feet of floor area in lieu of 35,663 square feet for a 2.25:1 FAR in lieu of a 1.0:1 FAR permitted in the Ventura / Cahuenga Boulevard Corridor Specific Plan Section 6.B.3;
  - b. A height of 65 feet in lieu of 30 feet permitted by Specific Plan Section 7.E.1.C.2; and
  - c. Relief from the transitional height limits in LAMC Section 12.21.1.A.10;
4. **Approved**, pursuant to LAMC Section 11.5.7 F, two Specific Plan Exceptions from the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 166,560) for the proposed medical office building:
  - a. 55,416 square feet of floor area in lieu of 22,521 square feet permitted for a 2.46:1 Floor Area Ratio (FAR) in lieu of a 1.0:1 FAR permitted in Section 6.B.3; and

- b. 87 percent lot coverage in lieu of 60 percent required in Specific Plan Section 7.B.2;
5. **Approved**, pursuant to LAMC Section 11.5.7 E, a Specific Plan Adjustment for the medical office building to permit a height of 48 feet, two inches in lieu of 45 feet otherwise permitted in Section 7.E.1.f of the Ventura-Cahuenga Boulevard Corridor Specific Plan;
6. **Approved**, pursuant to LAMC Section 11.5.7 C, a Specific Plan Project Permit Compliance Review;
7. **Approved**, pursuant to LAMC Section 16.50 C, a Site Plan Review for the development of 90 Eldercare guest rooms and 55,416 square feet of non-residential uses;
8. **Adopted** the attached Conditions of Approval; and,
9. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe  
 Second: Noonan  
 Ayes: Diaz, Gold, Lawshe, Newhouse  
 Absent: Cabildo, Mack, Zamora

**Vote: 6 – 0**

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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 as it relates to the Vesting Zone Change and Height District Change is appealable by the Applicant only if disapproved in whole or in part by the Commission. The decision of the Los Angeles City Planning Commission, regarding the remaining approvals, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-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: AUGUST 5, 2024**

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: Zone Change Ordinance, Map, Conditions of Approval, Findings, Appeal Filing Procedure

cc: Blake Lamb, Principal City Planner

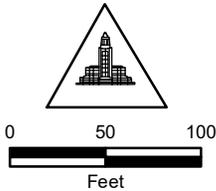
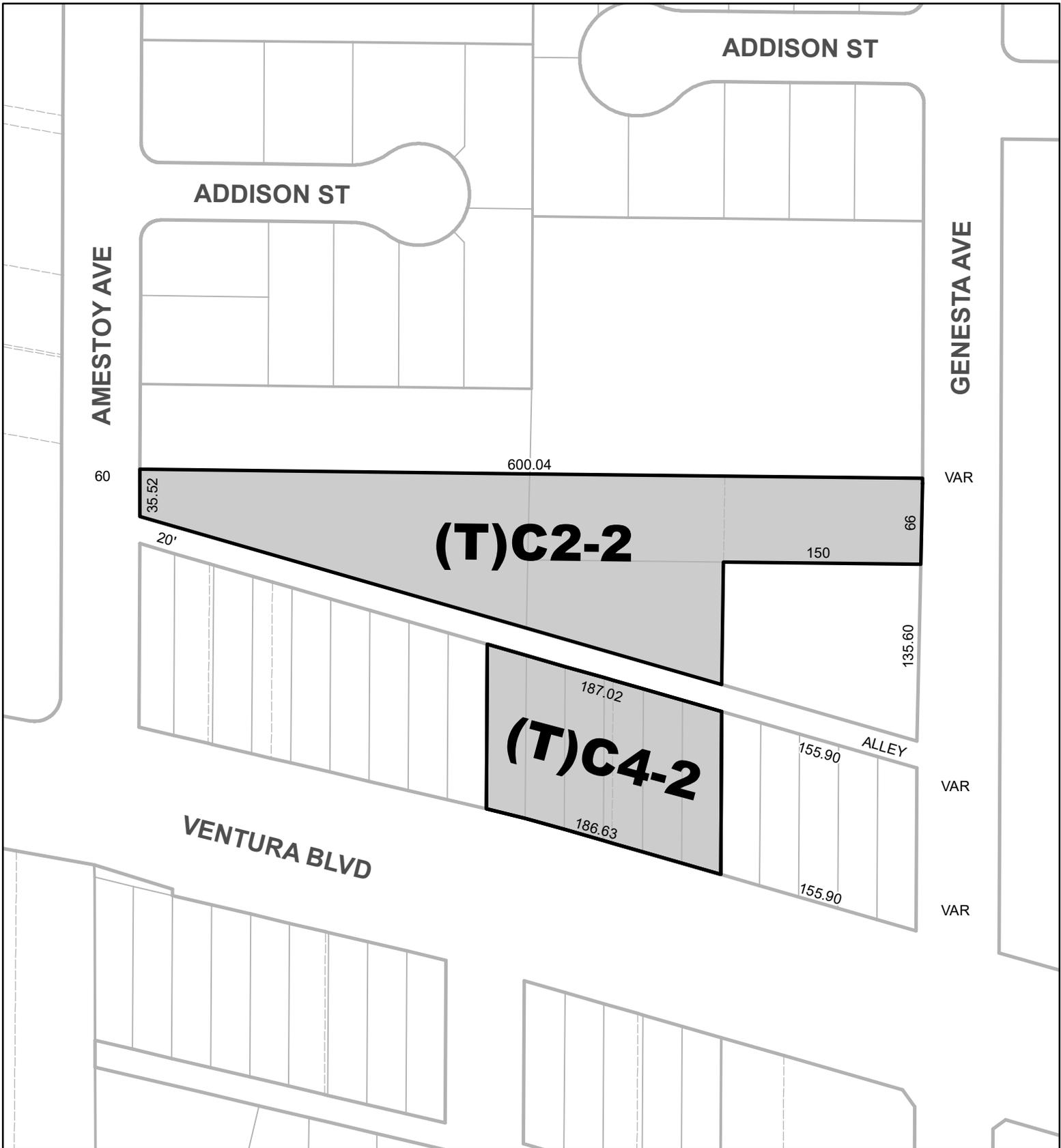
Jojo Pewsawang, Senior City Planner  
Adrineh Melkonian, City Planner

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

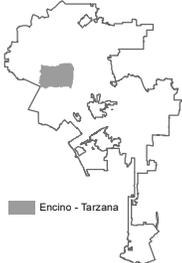


CPC-2018-3286-VZC-HD-SPE-ELD-SPPA-SPP-SPR

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City of Los Angeles



## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary):

### **1. Responsibilities/Guarantees**

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. Bureau of Engineering. Prior to issuance of sign offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

### Easements/Dedications Required.

- a. That, additional public sidewalk easement be provided along Ventura Boulevard to provide for 15-foot-wide minimum sidewalk in accordance with Boulevard II Standards of Mobility Plan 2035.
- b. That a 3-foot-wide strip of land be dedicated along Amestoy Avenue to complete a 33-foot half public right-of-way in accordance with Collector Street Standards of Mobility Plan 2035.
- c. That additional public sidewalk easement be provided along Genesta Avenue to provide for 12-foot-wide minimum sidewalk in accordance with Local Street Standards of the Mobility Plan 2035.

### Improvements Required.

- a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, construction of a new public off-site and/or on-site drainage facilities will be required satisfactory to the Valley District Engineering Office.
- b. Improve Ventura Boulevard adjoining the subdivision by the construction of a new full-width concrete sidewalk with tree wells including any necessary removal and construction of existing improvements.

- c. Improve Amestoy Avenue being dedicated and adjoining the subdivision by the construction of a new full-width concrete sidewalk with tree wells with any necessary removal and construction of existing improvements.
- d. Improve Genesta Avenue adjoining the subdivision by the construction of a new minimum 12-foot full-width concrete sidewalk with tree wells with any necessary removal and reconstruction of the existing improvements.
- e. Improve the 20-foot wide alley between Genesta Avenue and Amestoy Avenue with the removal and replacement of bad order alley pavement longitudinal gutter and alley intersections including any additional necessary removal and reconstruction of the existing improvements.

## 2. Department of Transportation (DOT) Requirements

- a. A minimum 20-foot reservoir space is required between any security gate or parking space and the property line, or to the satisfaction of DOT.
- b. A two-way driveway width of  $W=30$  feet is required for all driveways, or to the satisfaction of DOT.
- c. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the 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.
- d. The subdivision report fee and condition clearance fee be paid to the Department of Transportation as required per Ordinance No. 183270 and LAMC Section 19.15 prior to recordation of the final map. Note: The applicant may be required to comply with any other applicable fees per this new ordinance.

## 3. Street Lighting

- a. Construct new street light: one (1) on Genesta Ave.
- b. If street widening per BOE improvement conditions, relocate and upgrade street light; one (1) on Ventura Boulevard; remove and reinstall existing conduit behind new curb and gutter on Amestoy Avenue.

### Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instruments excluding the Bureau of Engineering condition S-3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

4. **Fire.** Submit plot plans for Fire Department approval and review prior to issuance of a building permit and Certificate of Occupancy.

## 5. Urban Forestry

- a. The applicant shall submit a Protected Tree Report with a tree replacement plan prepared by a Tree Expert, as required by LAMC Ordinance No. 177,404, for approval by the Advisory Agency and the Bureau of Street Services, Urban Forestry Division. The Protected Tree Report shall contain the Tree Expert's recommendations for the preservation of as many protected trees as possible and shall provide species, health, and condition of all trees with tree locations plotted on a site survey. An on-site 4:1 tree replacement shall be required for the unavoidable loss of any protected onsite trees.

Note: Removal of Native Protected trees requires the approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 84 7-3 077 for tree removal permit information. CEQA document must address protected tree removals.

- b. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction to expedite tree planting.

Note: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 847-3077 for permit information. CEQA document must address parkway tree removals.

## CONDITIONS OF APPROVAL

### Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A", dated May 9, 2023, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Use.** The uses shall be limited to medical office (Lot 1) and eldercare facility with Alzheimer's/Dementia guest rooms (Lot 2).
3. **Floor Area.** The floor shall be limited to a 55,416 square feet of floor area for medical office building and 80,225 square feet of floor area for Eldercare Facility.
4. **Height.** The height of the Medical building on Lot 1 shall be limited to 48 feet, 2-inches in height, and the Eldercare building on Lot 2 shall be limited to 59 feet, six inches in height (65 feet to top of stairs) as shown on the project plans, Exhibit "A", attached to the subject case file.
5. **Landscape.**
  - a. A minimum of 15 percent (909 square feet) of the total area of a surface parking lot shall be landscaped.
  - b. The project shall provide six (6) 30-inch box trees on the surface parking lot. The trees shall be shade-producing trees, no less than 10 feet in height at maturity with a minimum tree canopy of 50 percent of the height of the tree. These trees shall be evenly distributed throughout the parking lot.
  - c. A 10 feet landscaped buffer shall be provided around the surface parking lots adjacent to any street, alley, residentially zoned lot, and existing residential use.
  - d. The project shall provide a minimum buffer zone of 30 inches for portions of parking lots not facing a street, alley, residentially zoned lot, and existing residential use.
  - e. At least 60 percent (700 square feet) of all Front Yards or front setbacks in excess of 18 inches, shall be landscaped. The remainder shall be finished to City standards for sidewalks or finished with other paving materials, including concrete pavers, brick masonry pavers.
  - f. The applicant shall install an automatic irrigation system to maintain all required landscaping.
6. **Parking.**
  - a. **Automobile Parking.** As shown on the submitted plans, the Project will provide a total of 364 parking spaces for both the Medical Office and Eldercare guest rooms located at grade and within three below-grade levels. At a minimum, automobile parking and bicycle parking shall be provided in accordance with the Ventura-

Cahuenga Boulevard Corridor Specific Plan, and LAMC Sections 12.22 A.25 (d), 12.21 A.4, and 12.21 A.16, respectively, and any amendments thereto.

- b. **Location of Parking Area.** The required automobile parking spaces shall be provided either on the same lot as the use for which they are intended to serve or on another lot not more than 750 feet distant therefrom; said distance to be measured horizontally along the streets between the two lots, except that where the parking area is located adjacent to an alley, public walk or private easement which is easily usable for pedestrian travel between the parking area and the use it is to serve, the 750-foot distance may be measured along said alley, walk or easement.
- c. Automobile parking spaces which are required for a building and are provided on a lot other than the one on which the building is located, the certificate of occupancy for said building shall be valid only while such parking spaces are being so maintained and shall bear a notation to that effect. Said certificate shall be kept posted in a conspicuous place in the building. The Superintendent of Building shall keep a record of each lot on which required automobile parking spaces are provided for a building located on another lot, and whenever he finds that such automobile parking spaces are no longer so maintained, he shall notify the persons having custody of the building of that fact. If at any time such automobile parking spaces are not being maintained, the certificate of occupancy shall automatically be cancelled and said building shall not thereafter be occupied or used until the required automobile parking spaces are again provided and a new certificate is issued.
- d. **Bicycle Parking.** Bicycle parking shall be provided in compliance 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 Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety. The project shall include at least 20 percent of the total automobile parking spaces developed on the project site capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity.

In addition, five (5) percent of the total automobile parking spaces developed on the project site, and all parking spaces in excess of code required for the use, shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

When the application of either the required 20 percent or five (5) percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

- 7. **Project Impact Assessment Fee.** Prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of this 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.

8. **Solar-Ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety. The Project shall provide 2,360 square feet of future solar area.
9. **Solar Power.** The project shall provide Photovoltaic Collectors for a Solar Hot Water System or photovoltaic provisions as required to comply with the 2019 California Energy Code for Solar Ready Buildings (Section 110.10) to be maintained for the life of the project.
10. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
11. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
12. **Utility Connections.** New utility connections shall be undergrounded to the maximum extent feasible.

#### Site Plan Review Conditions

13. **Materials.** A variety of high-quality exterior building materials, consistent with the approved Exhibit "A" shall be used. Substitutes of an equal quality may be permitted to the satisfaction of the Department of City Planning.
14. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center.
15. **Trees.** The applicant shall plant a minimum of (25) 30-inch box trees, or larger on-site, and six (6) trees in the public right-of-way along Ventura Boulevard, pursuant to LAMC Section 12.21 G.2. Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units). Per Exhibit A and 12.21.G.3, Six (6) Street trees shall be provided. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works. Crape Myrtle shall not be considered appropriate in meeting this condition.
16. **Trash Storage.** Trash storages and collections shall be enclosed and no visible from the public right-of-way. Trash collection shall occur within the enclosed area, and shall not interfere with traffic on any public street.

17. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. All surface or ground mounted mechanical equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.
18. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties and the night sky unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes.
19. **Maintenance.** The project site (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
20. **Signage.** Any signage shall comply with the Municipal Code or other applicable laws. No sign rights are granted with this case. There shall be no off-site signage on construction fencing during construction.
21. **Streetscape Improvement.**
  - a. **Street Trees.** Street trees, to the extent feasible, will establish or maintain a planting pattern along this section of Ventura Boulevard of three deciduous trees, one Mexican Fan Palm (*Washingtonia robusta*), three deciduous trees, one Mexican Fan Palm (*Washingtonia robusta*), etc.
    - i. Deciduous trees shall be chosen among Chinese Flame (*Koelreuteria bipinnata*), Chinese Pistache (*Pistacia chinensis*), and London Plane (*Platanaceae orientalis*)
    - ii. The minimum tree planting standard for the palms is 15 feet from the deciduous trees.
    - iii. The deciduous trees shall be planted between 25- 35 feet apart.
    - iv. The minimum size is a 24 inch box.
    - v. The trees are to be planted staked, and are to be self-supporting for deciduous trees.
    - vi. The trees are to be untopped.
    - vii. The Mexican Fan Palm is to have 12 feet of brown trunk with a minimum 8 foot brown trunk at planting.
    - viii. The trees are to be planted according to the Los Angeles Department Public Works Standard for Street Tree Planting; actual tree species and spacing shall be determined by the Bureau of Street Services and its Urban Forestry Division.
  - b. **Street Fixtures, Furniture and Equipment.** Section 3.3 of the Encino Streetscape Plan identifies distinctive materials, finishes, and street furniture. Any improvements in the public right-of-way are to use these or similar materials, finishes, and street furniture as determined by the Bureau of Street Lighting and Bureau of Street Services.

- c. **Sidewalk Improvements.** Interlocking pavers or “unit pavers” shall be incorporated into the curb and sidewalk system to the extent feasible as determined by the Bureau of Street Services.
22. **Specific Plan Covenant and Agreement.** A Covenant and Agreement shall be recorded with the Los Angeles County Recorder acknowledging the contents and limitations of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as well as the conditions of approval established herein. The Covenant and Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns and shall be submitted to the Department of City Planning for approval prior to being recorded. After recording, a copy bearing the County Recorder's number and date shall be provided to the Department of City Planning for attachment to the administrative file.
23. **Modifications.** Any modifications, change of use, or increase in floor area of the property shall be cause for separate discretionary review pursuant to the definition of a Project per the Specific Plan, and Section 11.5.7 of the LAMC and other applicable statutory requirements.
24. No other authorizations or deviations from the requirements of the Zoning Code are granted. The grant does not eliminate the need for compliance with the Building Code or other LAMC permit requirements.

### **Environmental Conditions**

25. **Mitigation Monitoring Program.** The project shall be in substantial conformance with the mitigation measures in the attached MMP and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact. If the project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.
26. **Mitigation Monitor.** During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the noncompliance within a reasonable time of notification to the applicant by the

monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

27. **NOI-MM-1.** The Project shall erect temporary noise barriers along the Project's west-, east-, and north-facing boundaries, and/or pre-build proposed permanent masonry walls in these locations prior to the commencement of major noise generating construction activities. These barriers shall have a transmission loss (TL) value of 25 dBA or greater, which would be capable of achieving a noise reduction of 15 dBA.
28. **NOI-MM-2.** The Project shall erect temporary noise barrier "penalty boxes" for truck-mounted cranes, concrete pumping trucks, concrete mixing trucks, and other construction vehicles that may be permitted to temporarily operate from adjacent on-street parking spaces or public right-of-way, outside the confines of the barriers proposed by NOI-MM-1. These barriers shall have a TL of 20 dBA or greater, which would be capable of achieving a noise reduction of 10 dBA.
29. **NOI-MM-3.** Any warming-up or equipment staging activities shall occur as far from the nearest sensitive receptor locations as practicable.
30. **NOI-MM-4.** Generators, compressors, and other noisy equipment shall be placed within acoustic enclosures or behind baffles or screens.
31. **NOI-MM-5.** Excavators and other large track-mounted equipment shall maintain a positional setback of at least 8 feet from 4949 Genesta Avenue, 17000-17015 Ventura Boulevard, and 17035-17039 Ventura Boulevard when engaging in demolition and grading activities.
32. **NOI-MM-6.** The warming-up and staging of large track-mounted equipment shall take place at least 8 feet from 4949 Genesta Avenue, 17000-17015 Ventura Boulevard, and 17035-17039 Ventura Boulevard. As feasible, these activities shall not take place on paved surfaces.
33. **NOI-MM-7.** Construction activities that generate groundborne vibration shall be sequenced so that track-mounted equipment and auger drilling sources within 8 feet of 4949 Genesta Avenue, 17000-17015 Ventura Boulevard, and 17035-17039 Ventura Boulevard do not operate simultaneously.
34. **NOI-MM-8.** Pre-construction surveys shall be performed to document the existing conditions at the boundaries of the Project site that are adjacent to the 4949 Genesta Avenue, 17000-17015 Ventura Boulevard, and 17035-17039 Ventura Boulevard properties. A groundborne vibration and structure monitoring program shall be implemented and recorded during the Project's demolition, site preparation, grading, shoring, and/or any other phases requiring the use of large track-mounted equipment and/or auger drilling to ensure that groundborne vibration levels at the boundary of the Project site adjacent to these receptors do not exceed the respective FTA recommended vibration damage criteria for these structures. The performance standards of the groundborne vibration and structure monitoring plan shall include the following:
  - a. Documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exteriors of 4949 Genesta Avenue, 17000-17015 Ventura Boulevard, and 17035-17039 Ventura Boulevard.
  - b. A registered civil engineer, certified engineering geologist, or vibration control engineer shall review the appropriate vibration criteria for the identified vibration receptors, taking into consideration their age, construction, condition, and other

factors related to vibration sensitivity in order to develop additional recommendations for the groundborne vibration and structure monitoring program.

- c. Vibration sensors shall be installed on and/or around the identified vibration receptors to monitor for horizontal and vertical movement. These sensors shall remain in place for the duration of the Project's demolition, site preparation, grading, shoring, or any other phases requiring the use of large track-mounted equipment and/or auger drilling.
  - d. The vibration sensors shall be equipped with real-time warning system capabilities that can immediately alert construction supervisors when monitored vibration levels approach or exceed the threshold limit.
  - e. Should an exceedance of vibration thresholds occur, work in the vicinity of the affected area shall be halted and the respective vibration receptor shall be inspected for any damage. Results of the inspection shall be logged. In the event that damage occurs, the damage shall be repaired in consultation with a qualified preservation consultant. In the event of an exceedance, feasible steps to reduce groundborne vibration levels shall be undertaken, such as halting/staggering concurrent activities and utilizing less impactful techniques.
35. **MM-POLICE-1.** Prior to issuance of a Certificate of Occupancy, the Project Applicant shall provide the Central Area Commanding Area Officer with diagrams of each portion of the Project Site. The diagrams shall include access routes and additional information that might facilitate police response.
36. **TCR-1.** Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the Project Site. Any qualified tribal monitor(s) shall be approved by the Fernandeno Tataviam Band of Mission Indians. Any qualified archeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (OHR).

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the Project Site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the Project Site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers shall be shown examples of the types of resources that would require notification of the archeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation

establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below.

- a. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project, and (2) OHR.
- b. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.
- d. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
- e. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may: (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
- f. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been

reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.

- g. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in Items 2 through 5 above.
- h. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
- i. Notwithstanding Item h above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

### **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. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
- 40. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
- 41. **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.

42. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
43. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
44. **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 (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### Zone Change and Height District Change Findings

1. **General Plan Consistency - City Charter Finding 556.** When approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. If the Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.

The Site is located within the Encino Neighborhood of the Encino - Tarzana Community Plan area in the City of Los Angeles and is currently designated for Neighborhood Office Commercial land uses, with corresponding C4-1VL zoning on Lot 1, and P-1VL zoning on Lot 2. The applicant is requesting a Vesting Zone Change and Height District Change from C4-1VL to (T)C4-2 for Lot 1 and P-1VL to (T)C2-2 for Lot 2 which would establish consistent zoning across the Site, and would allow the Project to be developed with a medical office use and an eldercare facility.

Facilitating the development of a project consisting of 90 eldercare guest rooms and approximately 55,416 square feet of medical office floor area along a major commercial thoroughfare in close proximity to other neighborhood-serving commercial uses, existing transit infrastructure, and public open space will be in conformance with good planning and land use practices, and will be consistent with the following elements of the General Plan, including the Community Plan.

#### ***General Plan Framework Element***

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

#### Land Use Chapter

The Framework Element's Land Use Chapter identifies Community Commercial land use as including a diversity of retail sales and services, office, and auto-oriented uses comparable to those currently allowed in the C2 zone. The Site's location along Ventura Boulevard is consistent with the Framework Element's description of the Community Commercial land use designation. Moreover, medical office projects are permitted within the C2 zone, and would therefore be consistent with the Framework Element's contemplated uses within the Community Commercial land use designation. Furthermore, the Project will comply with the following relevant goals, objectives, and policies set forth in the Framework Element's Land Use chapter:

*Goal 3A: A physically balanced distribution of land use that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental*

*justice and a healthful living environment, and achievement of the vision for a more livable city.*

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

*Policy 3.1.1: identify areas on the Long-Range Land Use Diagram and in the community plans sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, educational, health, services, recreation, and similar uses), provide job opportunities, and support visitors and tourism.*

*Policy 3.1.7: Allow for development in accordance with the policies, standards, and programs of specific plans in areas in which they have been adopted.*

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

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

*Policy 3.2.3: Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.*

*Policy 3.2.4: Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.*

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

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

The Site is currently developed with older commercial buildings and a large surface parking lot, which do not fully advance the Framework Element's land use goals and policies outlined above. Specifically, the Site is an optimal location for a new residential and commercial development containing much need eldercare guest rooms and complimentary medical office uses. It is located along Ventura Boulevard, which is a significant commercial thoroughfare that offers numerous regional and neighborhood-serving retail, office, and restaurant uses for nearby residents. Pursuant to the Ventura-Cahuenga Boulevard Corridor Specific Plan and the Encino Streetscape Plan, Ventura Boulevard is attractively

landscaped, and offers a wide sidewalk, street furniture, and other amenities intended to create an active pedestrian environment. The Project's proposed medical office uses will be internally consistent with the eldercare uses as well as existing development patterns along Ventura Boulevard, as well as the land use goals of the Framework Element.

Moreover, the Project's proposed eldercare units will offer new opportunities to seniors who need assisted living care in a desirable mixed-use neighborhood. As noted above, Ventura Boulevard offers a wide range of neighborhood-serving commercial uses for nearby residents, which will allow Project residents to travel by foot or transit to dine, shop, or obtain personal services, thereby reducing vehicle miles travel. In addition, the proposed eldercare building will be consistent and compatible with existing development patterns in the immediate vicinity. A five-story multifamily residential project is immediately north of Lot 2, along Genesta Avenue, which will buffer the Project from single-family residences to the northeast. To the northwest, a surface parking lot will buffer the Project from other single-family residences. And to the east, Encino Park offers immediately proximate open space and recreational opportunities for Project residents. Thus, the development of the Project will activate the Site and place development in an appropriate, convenient, and desirable location, while promoting the protection and conservation of nearby lower-density neighborhoods. For the above reasons, the Project is consistent with and advances the land use goals, objectives, and policies of the Framework Chapter.

#### Urban Form and Neighborhood Design

*Goal 5A: A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.*

*Objective 5.2: Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.*

*Policy 5.2.2: Encourage the development of centers, districts, and selected corridor/boulevard nodes such that the land uses, scale, and built form allowed and/or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime. Additionally, develop these areas so that they are compatible with surrounding neighborhoods.*

The Project will support the Framework Element's Urban Form and Neighborhood Design chapter by providing a new eldercare facility and medical office project with 90 senior units along a major commercial corridor that is well-served by transit infrastructure. The placement of the Project's uses on Ventura Boulevard in a new approximately 55,416 square foot medical office building is consistent with existing use and development patterns along the Boulevard, while the development of the Project's residential uses immediately north of the medical uses is consistent with adjacent and nearby multifamily, multistory residential projects (including the five-story residential building immediately north of Lot 2, and the five-story residential building to the east of Encino Park). Moreover, the Project's residents will be living in immediate proximity to dining and shopping opportunities along Ventura Boulevard, as well as recreational opportunities provided by Encino Park to the east. The infill development of the Site with the Project's proposed uses will therefore be compatible with the active transit- and pedestrian-friendly Ventura Boulevard corridor, and will be appropriately buffered from nearby lower-density neighborhood development patterns. Therefore, for the above reasons, the Project conforms to the Framework Element's goals and policies regarding urban form and neighborhood design.

### **Land Use Element**

The Project is located in the Encino-Tarzana Community Plan, one of 35 Community Plans which comprise the Land Use Element. The purposes are stated as follows:

- *Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing opportunities.*
- *Improving the function, design and economic vitality of the commercial corridors.*
- *Preserving and enhancing the positive characteristics of existing uses, which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.*
- *Maximizing the development opportunities of the future rail transit system while minimizing any adverse impacts.*
- *Planning the remaining commercial and industrial development opportunity sites for needed job producing uses that improves the economic and physical condition of the Encino-Tarzana area.*

By providing 90 senior units as well as approximately 55,000 square feet of new medical office uses on an underutilized infill site currently zoned for commercial and parking uses, the Project will provide a variety of compatible new housing opportunities within the Community Plan area; improve the function, design, and economic vitality of Ventura Boulevard by replacing three (3) aging commercial structures with a new building; and preserve and protect existing lower density residential neighborhoods by developing housing on a former parking lot, and being appropriately buffered from nearby single-family homes. The Project will also advance a number of other objectives, goals and policies of the Community Plan, as evidenced by the following:

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

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

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

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

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

*Objective 1-4: To promote and ensure the provision of adequate housing for all persons regardless of income, age or ethnic background.*

*Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.*

*Policy 1-4.3: Ensure that new housing opportunities minimize displacement of the residents.*

The Project's 90 eldercare guest rooms provide new housing opportunities to seniors in need of care and amenities and helps to meet the diverse housing needs within the Community Plan area. Furthermore, the redevelopment of the Site's parking lot will not result in any loss of existing housing, and will constitute an appropriate location of new housing, given the Site's proximity to Ventura Boulevard's diversity of neighborhood-serving commercial uses; existing transit infrastructure; existing adjacent and proximate multi-story, multi-family housing projects; and existing adjacent open space and recreational opportunities at Encino Park. The Project is therefore consistent with the above Land Use policies of the Community Plan.

*Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the unique character of the community.*

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

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

*Policy 2-1.2: Protect commercially planned/zoned areas outside pedestrian orientated areas from encroachment by residential only development.*

*Policy 2-1.3: Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.*

*Objective 2-3: To enhance the identity of distinctive commercial districts and to identify pedestrian oriented areas.*

*Policy 2-3.1: Existing pedestrian-oriented areas are to be preserved.*

*Policy 2-3.2: New development needs to add to and enhance the existing pedestrian street activity.*

*Policy 2-3.3: Ensure that commercial infill projects achieve harmony with the best of existing development.*

*Policy 2-3.6: Require that the first-floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented areas, incorporate commercial uses.*

*Objective 2-4: To enhance the appearance of commercial districts*

*Policy 2-4.2: Preserve community character, scale and architectural diversity.*

The Project will replace three (3) outdated strip commercial buildings with a new attractively designed three-story commercial building that will contain new medical office uses. These new uses will be easily accessible to nearby residents, including the Project's residents, who may travel to the retail building by foot, transit, or bicycle. This new development will therefore enhance the existing commercial environment along Ventura Boulevard by encouraging additional pedestrian traffic to the Site. The Project is therefore consistent with the above Land Use policies of the Community Plan.

*Objective 13-2: To ensure that the location, intensity and timing of development is consistent with the provision of adequate transportation infrastructure utilizing the city's streets and highways standards.*

*Policy 13-2.1: No increase in density and intensity shall be effectuated by zone change, variance, conditional use, parcel map, or subdivision unless it is determined that the transportation system can accommodate the increased traffic generated by the project.*

The Project's uses are proposed to be located along the Ventura Boulevard commercial corridor, where extensive transportation and transit infrastructure currently exist. Moreover, the Project's proximity to existing residential and commercial uses, proximity to existing Metro Rapid and local bus lines, provision of bicycle parking spaces, and compliance with the Specific Plan's streetscape and landscaping standards, will encourage residents and commercial patrons to choose alternatives to automobile travel to the Site, including traveling by bicycle, transit, and foot. In addition, as part of the Project's required environmental review, its potential impacts relating to transportation and traffic have been analyzed, and any required mitigation measures have been identified. Therefore, the Project complies with the above Community Plan policies regarding transportation.

### ***Housing Element***

#### **State Housing Element Law Findings**

Required Regional Housing Needs Allocation (RHNA) Finding: Project building fewer units by income category than those identified in the Housing Element:

The Proposed Project is located partially on lots identified in the Inventory of Sites prepared for the 2021-2029 Housing Element, which was anticipated to 2.3 Above Moderate and 0.05 and 1.78 Lower Income units. The Proposed Project includes zero units. Therefore, the proposed project would result in fewer units by income category than those identified in the Housing Element. Since the project will result in less units than the Housing Element anticipates, the City must make written findings supported by substantial evidence of both of the following:

#### **(A) The reduction is consistent with the adopted general plan, including the housing element.**

The Property site is located within the Encino-Tarzana Community Plan, which designates the property for Neighborhood Office Commercial land use with corresponding zones of C1, C1.5, C2, C4, and RAS3. The property is zoned C4-1VL and P-1VL. The Property is located within the Ventura/Cahuenga Boulevard Corridor specific plan. The project site is located within the Local Emergency Temporary Regulations – Time Limits and Parking Relief LAMC 16.02.1 and Housing Element Inventory of Sites.

The Housing Element is a state mandated element wherein the City must plan for future growth as outlined in the RHNA calculated by the Southern California Association of Governments (SCAG). The Housing Element contains Goals and Policies to manage population growth by ensuring there is adequate sites for housing at all income levels.

The Project is consistent with the following Goals, Objectives, and Policies of the Housing Element 2021-2029:

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

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

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

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

*Objective 3.1: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.*

*Policy 3.1.4: Site buildings and orient building features to maximize benefit of nearby amenities and minimize exposure to features that may result in negative health or environmental impacts.*

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

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

*Goal 4: A City that fosters racially and socially inclusive neighborhoods and corrects the harms of historic racial, ethnic, and social discrimination of the past and present.*

*Objective 4.1: Ensure that housing opportunities are accessible to all residents without discrimination on the basis of race, color, ancestry, sex, national origin, color, religion, sexual orientation, gender identity, marital status, immigration status, family status, age, intellectual, developmental, and physical disability, source of income and student status or other arbitrary reason.*

*Policy 4.1.1: Promote and facilitate equal opportunity practices in the construction, provision, sale and rental of housing.*

*Objective 4.3: Affirmatively further fair housing in all housing and land use programs by taking proactive measures to promote diverse, inclusive communities that grant all Angelenos access to housing, particularly in Higher Opportunity Areas, increase place-based strategies to encourage community revitalization and protect existing residents from displacement.*

*Policy 4.3.2: Ensure that all neighborhoods have a range of housing typologies to provide housing options for residents to remain in the same community, when and if their needs change.*

The subject site is an appropriate location because it proposes the construction of the Eldercare Facility and commercial/medical office building on the project site that is unimproved and/or underimproved. The Project will replace vacant lot used for parking with

an Eldercare facility and three (3) outdated strip commercial buildings with a new attractively designed three-story commercial building that will contain new medical office uses. The proposed uses will complement the land use and designation of the City's General Plan. The Eldercare and commercial uses will continue to operate in compliance with the use and operational requirements. Therefore, the Project substantially conforms to the purpose, intent and provisions of the General Plan and the applicable community plan.

**(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.**

To ensure that sufficient sites are available in the Housing Element to accommodate the RHNA throughout the planning period, the City has followed Department of Housing and Community Development (HCD) guidance and set a target capacity that is 10 percent higher than the RHNA for lower-income units, and 15 percent higher than the RHNA for moderate-income units. The buffers are based on anticipated need for additional capacity, based on anticipated production levels of lower-income and moderate-income housing units during the planning period. In addition, the sites included on the Adequate Sites Inventory have an anticipated development potential that is lower than the maximum zoned capacity on each site, which creates an additional buffer at the site-level. This results in a target capacity for the Adequate Sites Inventory and Rezoning Program of 486,379 units.

Table 4.2 from the Housing Element below shows the Target Capacity for Inventory Sites and Rezoning Programs for the City. The parcels in question for the site account for 2.3 Above Moderate and 0.05 and 1.78 Lower Income units Housing which is minor percent of the capacity described in the Housing Element.

Pursuant to Government Code (GC) Section 65863(b)(2), the City finds that while the proposed project would result in fewer units by income category than those identified in the Inventory of Sites prepared for the 2021-2029 Housing Element, the remaining sites identified in the Housing Element of the General Plan are adequate to meet the requirements of GC Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to GC Section 65584. Based on the sites inventory and inventory of candidate sites included in the 2021-2029 Housing Element of the General Plan, as well as the most recent Annual Progress Report on the Housing Element submitted to the California Department of Housing and Community Development (HCD) as of May 1, 2024, the City's remaining RHNA Allocation for the 2021-2029 Planning period is as follows: 111,247 Very Low Income Units, 65,133 Low Income Units, 74,766 Moderate Income Units, and 153,459 Above-Moderate Income Units. As of April 1, 2023, the City has a remaining capacity of 330,056 Very Low Income Units, 332,096 Low Income Units, 63,107 Moderate Income Units, and 907,466 Above-Moderate Income Units. The excess Above-Moderate Income Unit capacity may accommodate both Moderate and Above-Moderate Unit RHNA Allocations. Therefore, the City finds that there are adequate remaining sites in the Housing Element to accommodate the remaining RHNA Allocation for the planning period, and in compliance with the requirements of GC 65583.2.

#### Background: Senate Bill 166 - No Net Loss Requirements

Senate Bill 166 (2017) amended existing No Net Loss Law in Government Code Section 65863 to require sufficient adequate sites to be available at all times throughout the Housing

Element planning period to meet a jurisdiction's remaining unmet RHNA goals for each income category. To comply with the No Net Loss Law, as jurisdictions make decisions regarding zoning and land use, or development occurs, jurisdictions must assess their ability to accommodate new housing in each income category on the remaining sites in their housing element site inventories. A jurisdiction must add additional sites to its inventory if land use decisions or development results in a shortfall of sufficient sites to accommodate its remaining housing need for each income category. In particular, a jurisdiction may be required to identify additional sites according to the No Net Loss Law if a jurisdiction rezones a site or if the jurisdiction approves a project at a different income level or lower density than shown in the sites inventory. Lower density means fewer units than the capacity assumed in the site inventory.

#### From HCD Memo: Approval of Development at a Lower Density

A jurisdiction must make written findings or identify additional site capacity if a development is allowed with a lower density than what was assumed in the sites inventory of the Housing Element. A lower residential density sometimes results from a jurisdiction either approving a development with residential units less than what was assumed for the site or affordable to a different income category than the site was assumed to accommodate. Lower residential density could also result from another use, such as commercial being approved on a site identified in the inventory for housing regardless of what the zoning allows.

At the time of approval, the following written findings must be made, and supported by substantial evidence in the record:

- Remaining sites identified in the Housing Element are adequate to meet the jurisdiction's remaining RHNA for the planning period by income category.
- The findings should include a quantification of the remaining unmet need for the jurisdiction's RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level.

If the approval of a development at a lower residential density results in the remaining sites capacity becoming inadequate to accommodate the RHNA by income category, a jurisdiction has up to 180 days from the approval to identify, or rezone, "sufficient additional, adequate, and available sites" to accommodate the remaining RHNA for each income category. Sites identified or rezoned must meet the following criteria: • Must be considered an adequate site pursuant to the requirements of Government Code section 65583.2. • If the capacity to be replaced was on a site that was zoned by-right pursuant to Government Code section 65863.2 (h) and (i), then the replacement site must also satisfy those requirements.

The body that "takes action or approves" the jurisdiction action to reduce a parcel's density or approve a development at a lower density would make the findings. For example, if a zoning administrator approves a development at a lower density, as part of the approval, the administrator would include the appropriate findings. For instance, if the development approval is ministerial under the Streamlined Ministerial Approval Process (SB 35, 2017), the findings should be included as part of the plan review and approval. If the City Council is approving a zone change, it must include the findings in the resolution adopting the zone change.

#### Statute References:

65863. (b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

65863. (g) (1) If the local jurisdiction has adopted a housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3, for purposes of this section, "lower residential density" means the following: (A) For sites on which the zoning designation permits residential use and that are identified in the local jurisdiction's housing element inventory described in paragraph (3) of subdivision (a) of Section 65583, fewer units on the site than were projected by the jurisdiction to be accommodated on the site pursuant to subdivision (c) of Section 65583.2. (B) For sites that have been or will be rezoned pursuant to the local jurisdiction's housing element program described in paragraph (1) of subdivision (c) of Section 65583, fewer units for the site than were projected to be developed on the site in the housing element program.

The Project will provide 90 new high-quality eldercare guest rooms. The Project will further contribute to an active pedestrian environment through its landscaping, street tree planting, and other streetscape improvements. The Project will provide new housing opportunities for seniors in direct proximity to Ventura Boulevard's diverse commercial environment, while also enabling residents to utilize existing transit infrastructure provided by Metro's Rapid and local bus lines in the vicinity of the Site. Accordingly, the Project will conform with the goals, objectives, and policies of the City's Housing Element.

### ***Mobility Element***

The Project is consistent with the following Policies of the Mobility Element, Mobility Plan 2035:

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

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

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

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

The redevelopment of the Site with medical office and eldercare uses would be consistent with the various existing uses in the surrounding neighborhood that would facilitate and encourage pedestrian travel between the uses and a broad array of nearby residential, retail, restaurants and personal services along Ventura Boulevard.

The Project would replace older commercial and surface parking uses with eldercare and medical office uses located near streetscape amenities and transit infrastructure, thereby facilitating pedestrian and transit travel between commercial and residential uses. In addition, the Project will place new residential units and a large number of bicycle parking spaces in close proximity to this commercial thoroughfare, allowing and encouraging pedestrian, transit, and bicycle travel between the Project's eldercare units and these commercial uses.

**Charter Finding – City Charter Finding 556.** When approving any matter listed in Section 556, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. If the Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.

The project site is located within the Encino-Tarzana Community Plan, which is one of 35 community plans comprising the Land Use Element of the General Plan. The Community Plan designates the lots for Neighborhood Office Commercial land uses, corresponding to the C1, C1.5, C2, C4, and RAS3 Zones. Both the existing C4-1VL and P-1VL, and the recommended (T)C4-2 and (T)C2-2 zones, are consistent with this land use designation.

The development of the project represents an opportunity to achieve the overarching goals of the Community Plan, as discussed in the Findings above. Moreover, as also noted above, the subject properties are zoned C4-1VL and P-1VL in a neighborhood that contains medium-density residential and commercial zones and uses all within a 500-foot radius. The proposed project and recommended (T)C4-2 and (T)C2-2 zones are consistent with the Neighborhood Office Commercial Land Use Designation and meet several of the policies, goals, and objectives of the Community Plan.

The project will provide design treatments and a buffer where the commercially zoned and land use designation meet residential uses to the north. The proposed development will demolish and remove the existing commercial buildings and parking lot, and provides a varied building façade with visual treatments and colors that are designed to be compatible with the surrounding development and enhance the aesthetics of the area.

Therefore, the requested project with Zone Change and Height District Change request is in harmony with the objectives and policies of the General Plan and Community Plan.

**2. Public Necessity, Convenience, General Welfare, and Good Zoning Practice - Pursuant to City Charter Section 558 and LAMC Section 12.32, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

As demonstrated above, the proposed Vesting Zone Change and Height District Change are consistent with the General Plan and Encino-Tarzana Community Plan. Further, it is in conformance with the public necessity, convenience, general welfare, and good zoning practice.

Public Necessity

The requested Vesting Zone Change and Height District Change from C4-1VL to (T)C4-2 for Lot 1 and P-1VL to (T)C2-2 for Lot 2 would facilitate the development of much need eldercare units that will provide new housing opportunities for senior residents, in conformance with the goals of the Framework Element, Housing Element, and Community Plan. Moreover, these new eldercare units will replace an existing surface parking lot and will be appropriately buffered from adjacent lower-density residential uses, thereby avoiding loss of existing housing or undesirable impacts to such housing, in conformance with the Community Plan's goals and the broader community needs for senior housing. Accordingly, the requested Vesting Zone Change and Height District Change are consistent with the public necessity.

Public Convenience

The requested Vesting Zone Change and Height District Change will permit the development of eldercare residential units on the northern portion of the Site, which is currently improved with a surface parking lot. This will result in new housing opportunities and care being made available to seniors in the Community Plan area, which will be within walking distance to a public park and numerous community-serving commercial uses. Furthermore, the Project will bring new medical office opportunities to the Site, which will be compatible with the numerous existing office, retail, restaurant, and personal services uses along Ventura Boulevard. The Site is also served by multiple Metro bus lines, which provide transit access to and from the Site. For the above reasons, the requested Vesting Zone Change and Height District Change will be consistent with public convenience.

General Welfare

The requested Vesting Zone Change and Height District Change will facilitate the transformation of the currently underutilized Site into a new mixed-use residential and office development that will be compatible with existing development patterns and land uses and will provide desired senior housing opportunities. Accordingly, the Project will promote the general welfare of the community by helping to meet the City's housing needs, enhancing the vibrant commercial environment along Ventura Boulevard by enlivening the pedestrian environment, and reducing dependency on automobiles by locating new housing and commercial uses within an existing mixed-use neighborhood near public transit that already contains multifamily housing developments and retail uses.

Good Zoning Practice

The proposed Vesting Zone Change and Height District Change will facilitate the desirable redevelopment of the Site's surface parking lot with eldercare residential uses, which will create new housing opportunities in close proximity to existing transit infrastructure and a diversity of neighborhood-serving commercial retail, office, restaurant, and personal

services uses. In addition, the Project's residents will be immediately adjacent to Encino Park, which provides recreational and open space opportunities. Moreover, the proposed height and bulk of the Project is consistent with both the existing commercial development patterns along Ventura Boulevard, as well as the existing multifamily development patterns immediately to the north of the Site and in the general vicinity of the Site. In terms of zoning, it would result in a zoning pattern from north to south of C4, C2, R3, and R1, or a graduated decrease in intensity. Therefore, since the Project proposes to redevelop an underutilized infill site with a new mixed-use residential and commercial project in close proximity to other similar uses and existing transit infrastructure, the Vesting Zone Change and Height District Change that would allow the development of the Project represent good zoning practice.

Tentative "T" and Qualified "Q" Classifications: The current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. As recommended, the Zone Change and Height District Change have been placed in temporary "T" and "Q" Classifications in order to ensure consistency with the General Plan. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" Conditions limit the scale and scope of future development on the site and require that the applicant adhere to various development, design, and operational considerations; these are all necessary to protect the best interests of the community and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action. Therefore, the imposition of the included "T" and "Q" Conditions herein are in conformance with the public necessity, convenience, general welfare, and good zoning practice.

For the reasons stated above, the Zone Change and Height District Change request is beneficial in terms of public necessity, convenience, general welfare, and good zoning practice, and is consistent with the General Plan.

### **Specific Plan Exception Findings**

- 3. That the strict application of the policies, standards, and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such specific plan.**

The strict application of the Ventura / Cahuenga Boulevard Corridor Specific would result in practical difficulties and unnecessary hardships that are inconsistent with the general purpose and intent of the Specific Plan. The proposed Project is substantially consistent with the purposes and intents of the Specific Plan and underlying Zoning regulations with regards to the use and type of development and would not be feasible without the granting of the instant exception request.

The Community Plan designates the Site for Neighborhood Office Commercial land uses with corresponding zones of C1, C1.5, C2, C4, and RAS3. Lot 1 is zoned C4-1VL (Commercial, Height District 1VL) and Lot 2 is zoned P-1VL (Parking, Height District 1VL). The C4 zone permits a wide array of land uses including retail, office, medical office, and multifamily residential uses. The "1VL" Height District 1VL designation allows a maximum height of 45 feet and 3 stories, and a maximum floor area ratio ("FAR") of 1.5:1. The P zone only allows parking and parking-related uses. Therefore, to permit the Project's proposed

uses, the Project has requested a Vesting Zone Change and Height District Change from C4-1VL to (T)C4-2 for Lot 1 and P-1VL to (T)C2-2 for Lot 2. The subject property is located within the Ventura / Cahuenga Boulevard Corridor Specific Plan which contains limitations on development regulations that are more restrictive than the underlying zoning. As defined with the Specific Plan, a "Project", would be subject to the provisions of the Specific Plan if located on a lot in "whole or in part within the Specific Plan."

The Applicant proposes to demolish and remove the Site's existing commercial buildings and surface parking lot improvements and develop the Project. The Project will contain 90 Eldercare Care guest rooms comprised of 66 senior assisted living guest rooms and 24 Alzheimer's/Dementia guest rooms, a 56,416 square foot medical office building and a total of 364 parking spaces.

The Medical Office Building will contain three (3) stories in a 48-foot, 2-inch-high building, which will be compatible with the existing retail, restaurant, and other commercial uses located along Ventura Boulevard, as well as the existing development patterns in the vicinity. The Medical Office Building will be set back a minimum of 18 inches from the existing sidewalk along Ventura and will provide a pedestrian entrance from this sidewalk, both in conformance with the Specific Plan's requirements. Under related case VTT-74892 the existing lots would be merged and re-subdivided into one ground/air space lot (Lot 1 on the VTTM). Parking will be provided within 364 dedicated spaces located within a portion of three subterranean parking levels on Lot 2. An additional pedestrian entrance will be provided at the rear of the building for those patrons arriving by car.

The proposed Medical Office Building Project, compliant with the use regulations of the Specific Plan and underlying zone, is also compliant with the site planning and design regulations of the Specific Plan aside from the requested Exceptions for FAR and lot coverage, and Adjustment for height. The purpose and intent of the Specific Plan is to provide a compatible and harmonious relationship between residential and commercial development where commercial areas are contiguous to residential neighborhoods. The project is consistent with the Specific Plan's Neighborhood and Commercial Plan designation as a focal point for surrounding residential neighborhoods containing a diversity of land uses. The proposed development also furthers a number of objectives of the Specific Plan, including providing building and site design guidelines to promote attractive and harmonious with the surrounding multi-family and commercial developments, assuring a balance of commercial land uses that will address the needs of the surrounding communities and greater regional area, providing a compatible and harmonious relationship between residential and commercial development where commercial areas are contiguous to residential neighborhoods, and preserving and enhancing community aesthetics by establishing coordinated and comprehensive standards for signs, buffering, setbacks, and landscaping. The proposed Project seeks to further enhance the medical office land use character of the immediate vicinity. Further, the replacement of older commercial development with a medical office use located near streetscape amenities and transit infrastructure, facilitates pedestrian and transit travel between commercial and residential uses. Therefore, the strict application of the policies, standards, and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such specific plan.

While the proposed project complies with the purpose and intent of the Specific Plan, the subject property is unique in its shape and size. The subject property is an irregularly shaped approximately 0.52-acre lot with approximately 187 feet of frontage along Ventura Boulevard as well as direct adjacency to the alley. The subject property has an average depth of approximately 125 feet, making it a long, narrow parcel.

Lot 1 has been developed with a single-story supermarket and Lot 2 has been used as a parking lot. The underdeveloped lots do not address community needs. Therefore, the strict application of the policies, standards, and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such a specific plan as it would not further the above goals and permit redevelopment of the site.

### **Floor Area Ratio (FAR)**

The Specific Plan designates the site as "Neighborhood and General Commercial." As such the Site is governed by a FAR of 1.0:1. The applicant seeks an exception authorizing an increase above the Specific Plan limit to an FAR of 2.46:1 which results in 55,416 square feet of floor area.

Medical office building is a unique commercial land use. To ensure that the Project would have enough parking spaces for its intended purposes, a Transportation Assessment Report (TAR) was prepared by Overland Traffic Consultations in August 2020. The results indicate that no unmitigated significant CEQA impacts or significant circulation, access, and safety deficiencies (non-CEQA) were identified for the Project. The Project's VMT reduction measures include TDM measures that reduce vehicle trips and VMT through TDM strategies selected in the VMT calculator. Furthermore, potential conflicts with other proposed land development projects have been reviewed to assess cumulative impacts that may result from the proposed Project in combination with other development projects in the study area. No cumulative development project impacts have been identified that would preclude the City's ability to provide transportation mobility in the area. Nearby projects have been developed with similar massing to the proposed medical office project. To the south of the project site, a mixed-use building was developed that has similar massing with the proposed project; however, that project was developed pre-specific plan adoption. The general purpose and intent of the specific plan is to ensure an equilibrium is maintained between the transportation infrastructure and land use development. Limitations on the floor area are placed to ensure that the transportation infrastructure can support the proposed uses. However, because the TAR for the proposed use shows the proposed TDM strategies will alleviate the impacts and the transportation network can support the project. Thus, the 1.0:1 floor area limitation would result in an unnecessary hardship that is inconsistent with the intent of the Specific Plan as it would not allow redevelopment of the site with a building of appropriate floor area that will further the goals of the Plan.

Due to site constraints, there are practical difficulties that necessitate an FAR increase for the proposed Project. While the site is a prime location for a medical office given its proximity to Providence Cedars-Sinai Tarzana Regional Medical Center and Encino Hospital, a Specific Plan-compliant Project cannot be developed given the nature of the use as a newly-developed medical office building and the need to achieve a certain size and scale to serve the Medical Building's end-users. A smaller facility developed within the constraints of the Specific Plan and underlying zoning cannot provide the range of on-site services and accommodate the medical equipment necessary to provide those services in the proposed Project. Medical Office buildings require greater floor area than traditional office buildings primarily to accommodate medical equipment such as an MRI machine or CT Scanner which require a separate enclosure within the building itself. Therefore, to offset the impacts of the FAR increase, the medical office building will include substantial building articulation and use high-quality building materials, in addition to other project design features. The

mass of the building will be softened by an attractive and varied building facade that would incorporate extensive transparency.

Due to site constraints mentioned above, there are practical difficulties that necessitate a FAR increase for the proposed Project. Between Genesta Avenue and Amestoy Avenue, many of the properties on the north side of Ventura Boulevard face similar geographic difficulties, as they front Ventura Boulevard with the alley abutting in the rear. Many of the parcels, the subject parcel included, are wider than they are deep, causing atypically shallow lot configurations that push for wider and taller buildings. While the site is a prime location for a medical office building given its proximity to single and multi-family residential uses, a Specific Plan-compliant Project cannot be developed given the nature of the use as a newly-developed medical office building and the need to achieve a certain size and scale to serve users. Therefore, to offset the impacts of the FAR increase, the building will include substantial building articulation and use high-quality building materials. The mass of the building will be softened by an attractive and varied building facade that would incorporate transparency.

### **Lot Coverage**

The Specific Plan requires that buildings and structures developed in the Neighborhood Commercial Plan designated areas not cover more than 60 percent of the lot area. The proposed Project would cover 87 percent of the lot area. Due to the limited size of the lot and special requirements for medical office uses, in order to remain feasible, the Project requires an increase from the Specific Plan's maximum lot coverage standard. A smaller facility developed within the constraints of the Specific Plan and underlying zoning cannot provide the range of on-site services and accommodate the medical equipment necessary to provide those services in the proposed Project. Medical Office buildings require greater lot coverage than traditional office buildings primarily to accommodate medical equipment such as an MRI machine or CT Scanner which require a separate enclosure within the building itself. Further, approval of this request is necessary to limit the development of surface parking and thus effectuate the sharing of parking resources. This further directly supports Citywide mobility and transportation goals related to the development of parking.

It is the purpose of the Specific Plan to "provide a compatible and harmonious relationship between residential and commercial development where commercial areas are contiguous to residential neighborhoods." A medical office use is highly desirable at the site given its proximity to Providence Cedars-Sinai Tarzana Medical Center and Encino Hospital. The applicant states that the site is one of the few commercial locations within the vicinity that could accommodate this much needed complementary medical office use. Additionally, there are certain unique structural accommodations for medical office buildings that necessitate increased height, including: (i) greater floor to ceiling ratios than general office, (ii) higher clearance on the first floor to accommodate specialized equipment, and (iii) more intense HVAC demands that require larger ducting. These mandatory design features preclude the development of a viable medical office use at the Site without relief from the Specific Plan limit.

- 4. That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.**

The size and configuration of the Subject Property, in combination with the practical physical requirements for the operations and functions of the proposed use, and the desire for complementary placement of similar medical office uses are exceptional circumstances and conditions applicable to the Subject Property and the proposed use that do not apply to

other properties within the Specific Plan area. The subject property is unique in its shape and size as it is an irregularly shaped approximately 0.52-acre lot with approximately 187 feet of frontage along Ventura Boulevard. The subject property has a depth of approximately 125 feet, making it a long, narrow parcel. If the site was deeper the floor area could be spread out over a greater space, so an exception would not be needed. Additionally, the site is developed with three (3) outdated and underutilized commercial buildings that already exceed the permitted floor area and lot coverage for the site. The proposed new building would represent an increase in floor area above what already exists and the proposed lot coverage is consummate with the existing lot coverage. As a result, there are exceptional circumstances or conditions applicable to the subject property and with regard to the proposed use that do not apply generally to other property in the Specific Plan Area.

The applicant is cognizant of requesting the exception for the lot coverage. The project includes an 87 percent lot coverage to further minimize the project's intrusion of height and not propose a project that is out of scale in comparison to the surrounding developments. The intent of the lot coverage provision of the Specific Plan is to protect adjacent sensitive uses from development that is too out of scale with the surrounding area. However, the subject property is adjacent to commercial buildings, most of which have lot coverage more than what is permitted in the specific plan. The proposed project will be substantially similar in bulk to the existing surrounding improvements; thus, the requested lot coverage exception is appropriate because the existing adjacent developments are all already enjoying a greater development right than what would otherwise be afforded to the proposed project.

While the site is a prime location for medical office given its proximity to Providence Cedars-Sinai Tarzana Regional Medical Center and Encino Hospital, a Specific Plan-compliant Project cannot be developed given the nature of the use as a newly-developed medical office building and the need to achieve a certain size and scale to serve the Medical Building's end-users.

In order to address the impacts of the height increase, the medical office building will include substantial building articulation and use the highest quality building materials. The incorporated design features will address the additional building mass allowed by approval of the requested Exceptions.

The Specific Plan encourages compatible and harmonious relationships between residential and commercial development where commercial areas are contiguous to residential neighborhoods. The proposed Project adjacent to a residential neighborhood is providing a compatible and harmonious medical office development which complies with all relevant Zone and Specific Plan requirement aside from the two (2) Exceptions and one (1) Adjustment recommended for approval. The physical configuration of the site, with dual zones and related medical office adjacencies are unique circumstances particular to the Subject Property and necessitate the instant request for a Specific Plan Exception.

5. **That the exception from the geographically specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The Applicant proposes to demolish the site's existing commercial buildings and surface parking lot in order to develop the Project. The Project will contain 90 Eldercare Care guest rooms comprised of 66 senior assisted living guest rooms and 24 Alzheimer's/Dementia guest rooms, a 56,416 square foot medical office building and a total of 364 parking spaces.

The Project will contain three-stories of community-serving medical uses in a 48-foot, 2-inch-high building, which will be similar in use to the existing medical offices, commercial offices, retail, multi-family and other commercial uses located along Ventura Boulevard, as well as the existing development patterns/standards in the vicinity. The Project will be set back a minimum of 18 inches from the existing sidewalk along Ventura Boulevard. The Project design reduces massing and observes the required step-back from Ventura Boulevard. Additional landscaping would be provided in front of the building along Ventura Boulevard.

Development of this type of use, while useful to the community and consistent with the goals of the Specific Plan overall, is not possible within the building envelope created by the limitations on FAR, lot coverage, and height. A smaller facility developed within the constraints of the Specific Plan and underlying zoning cannot provide the range of on-site services and accommodate the medical equipment necessary to provide those services in the proposed Project. Medical Office buildings require greater floor area, floor-to-floor heights, and lot coverage than traditional office buildings primarily to accommodate medical equipment such as an MRI machine or CT Scanner which require a separate enclosure within the building itself. It should be noted that in order to address the impacts of the area and height increase, the medical office building will include substantial building articulation and use the highest quality building materials. The incorporated design features will address the additional building mass allowed by approval of the requested Exceptions. The substantial property right to develop a commercially designated property with a permitted use would be denied to the Subject Property without the granting of the Specific Plan Exceptions.

### **Floor Area Ratio (FAR)**

The increase in FAR proposed as part of the Project results in a 2.46:1 FAR in lieu of the required 1.0:1. Less than 400 feet to the east, at the southwest corner of Ventura Boulevard and Genesta Avenue is a three-story office development with approximately 2.3:1 FAR based on ZIMAS and Assessor records. Further east, approximately 1,000 feet, are a three-story building on the northeast corner of Ventura Boulevard and Balboa Boulevard (approximately 1.99:1 FAR) and a six-story building on the southeast corner (approximately 2.33:1 FAR). Because of the configuration of the site, the unique demands of the medical office use, and sensitive site plan and building design, special circumstances and practical difficulties or unnecessary hardships weigh in favor of granting the requested FAR increase.

### **Lot Coverage**

The increase in site coverage as part of the Project exceeds the Specific Plan limit by 26 percent. Neighboring properties, such as those described above approximate the height and FAR of the proposed Project. In order to successfully reduce the amount of additional height requested for the medical office building, the Applicant needed to slightly expand the building footprint beyond the maximum 60 percent allowed by the Specific Plan.

Thus, development of the Site Plan was a carefully balanced effort to ensure the viability of a medical office building at this desired location, while at the same time mitigating height and massing impacts. Given that other projects are developed in excess of Specific Plan limits for certain uses, the requested lot coverage exception is deemed necessary to ensure the Applicant may similarly develop the medical office use at the site. Approval of the lot coverage exception will therefore enable the Applicant similar rights as other property owners in the same zone or vicinity.

**6. That the granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the same vicinity of the subject property.**

The granting of the exception will not be detrimental to the public welfare or injurious to the properties adjacent to or in the same vicinity of the Subject Property because the proposed use of a medical office is consistent with the intent of the Specific Plan, is in harmony with the underlying zoning on the property and has been designed to be compatible with the surrounding properties while replacing an older, auto-oriented, and single-story commercial center. As detailed above in the previous Finding, the Exceptions required to effectuate the Project are in keeping with height, lot coverage, and area of several nearby projects.

Development of this type of use, while useful to the community and consistent with the goals of the Specific Plan overall, is not possible within the building envelope created by the limitations on FAR and lot coverage. It should be noted that in order to address the impacts of the slight area and lot coverage increase, the medical office building will include substantial building articulation and use high quality building materials combined with an articulated façade that is intended to reduce the overall appearance of mass to ensure that the project will not be detrimental to surrounding properties and the required stepback at 25 feet. The incorporated design features will address the additional building mass allowed by approval of the requested Exceptions.

The instant request will enhance the public welfare with a new medical office that provides an economically viable commercial use; and a building that is compatible with and in harmony with improvements in the vicinity because the proposed Project has been designed to mitigate any potential negative impacts with the proposed site layout, building orientation and landscaping. The proposed Project will be compatible with adjacent uses and will overall improve the material aesthetics of the Subject Property.

**7. That the granting of the exception will be consistent with the principles, intent, and goals of the geographically specific plan and any applicable element of the General Plan.**

Granting the requested Specific Plan Exceptions will not adversely affect any element of the General Plan inasmuch as the proposed use of the property is consistent and compatible with the uses in the adjacent and surrounding area. Lot 1 is zoned C4-1VL (Commercial, Height District 1VL) and Lot 2 (subject to the Eldercare Ordinance) is zoned P-1VL (Parking, Height District 1VL). The C4 zone permits a wide array of land uses including retail, office, medical office, and multifamily residential uses. The "1VL" Height District 1VL designation allows a maximum height of 45 feet and 3 stories, and a maximum floor area ratio ("FAR") of 1.5:1. The P zone only allows parking and parking-related uses. The subject property is located within the Ventura / Cahuenga Boulevard Corridor Specific Plan which contains limitations on development regulations that are more restrictive than the underlying zoning. As defined with the Specific Plan, a "Project", would be subject to the provisions of the Specific Plan if located on a lot in "whole or in part within the Specific Plan."

The Applicant proposes to demolish the Site's existing commercial buildings and surface parking lot improvements and develop the Project. The Project will contain 90 Eldercare Care guest rooms comprised of 66 senior assisted living guest rooms and 24 Alzheimer's/Dementia guest rooms, a 56,416 square foot medical office building and a total of 364 parking spaces.

As detailed in Finding Number 1 above, the development of a new medical office project comprising approximately 55,416 square feet of floor area along a commercial and

residential thoroughfare in close proximity to other neighborhood-serving commercial uses and existing transit infrastructure will be in conformance with good planning and land use practices and will be consistent with the following elements of the General Plan, including the Community Plan.

The applicable purposes of the Specific Plan, and the requested exception's consistency with each, is indicated below:

*A. To assure that an equilibrium is maintained between the transportation infrastructure and land use development in the Corridor and within each separate community of the Ventura-Cahuenga Boulevard Corridor Specific Plan area.*

It is not anticipated that the proposed Project would include any traffic impacts to the surrounding intersections and the Project will serve nearby medical centers and will be accessible by foot and bicycle, and the Project will be located near the major thoroughfare of Ventura Boulevard accessible by several Metro lines. The requested exception maintains the equilibrium between transportation infrastructure and land use development along the Corridor.

*B. To provide for an effective local circulation system of streets and alleys which is minimally impacted by the regional circulation system and reduces conflicts among motorists, pedestrians, and transit riders.*

The requested Exceptions are anticipated to result in no adverse impacts to surrounding intersections and the Project will serve nearby medical centers and will be accessible by foot and bicycle, and the Project will be located near the major thoroughfare of Ventura Boulevard accessible by several Metro lines. The requested exception will reduce conflicts among motorists and pedestrians and encourage alternative forms of transportation such as public transit and bicycle use.

*C. To provide building and site design guidelines to promote attractive and harmonious multi-family and commercial development.*

The requested Exceptions will promote attractive and harmonious commercial development by allowing for a site plan that is responsive to the community with generous landscaping, adequate streetscape with interactive pedestrian facade, and parking and car interaction in the rear of the property. The requested exemption will provide and promote attractive and harmonious commercial development.

*D. To assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area.*

The requested exceptions will facilitate the development of a much-needed medical office building in the San Fernando Valley, which will serve a key commercial use in the area and that will provide high-skilled medical field jobs. The Site is an ideal location for medical office use given its proximity Providence Cedars-Sinai Tarzana Hospital and Encino Hospital. The requested Exceptions will allow for the development of balanced commercial Project that will support a hospital of both local and regional significance.

*E. To provide a compatible and harmonious relationship between residential and commercial development where commercial areas are contiguous to residential neighborhoods.*

The requested Exceptions will facilitate and provide a compatible and harmonious relationship between residential and commercial development in the area by allowing for a new building that accomplishes the goal of a viable medical office use while respecting surrounding residences.

*F. To preserve and enhance community aesthetics by establishing coordinated and comprehensive standards for signs, buffering, setbacks, lot coverage, and landscaping.*

The requested Exceptions will preserve and enhance community aesthetics by adhering to existing requirements for signs, buffering, setbacks and landscaping. The requested exception is consistent with the goals of the Specific Plan to ensure an attractive streetscape that is consistent with surrounding uses and that limits conflicts between residential and commercial uses. Community aesthetics will be enhanced by development of an attractive building with substantial articulation and the addition of complementary landscaping.

*G. To enhance the plan area landscaping by providing guidelines and process for a coordinated landscaping program of public and private property for the Specific Plan's communities.*

The requested Exceptions will not affect any landscaping requirements of the Specific Plan area and the Project will be landscaped in compliance with the applicable landscaping plans from the Specific Plan.

*H. To promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion.*

The requested exceptions will result in a Project that produces no significant impacts within the vicinity of the Site as demonstrated in its environmental clearance ENV-2018-3287-MND.

*I. To promote a high level of pedestrian activity in the Pedestrian Oriented Areas by regulating the placement of buildings and structures to accommodate outdoor dining and other ground level retail activity, as well as provide for attractive landscaping.*

Although the Project Site is not located in a designated "Pedestrian Oriented Area" the exceptions will allow for a site plan that will promote a high level of pedestrian activity by allowing for the placement of the attractively designed building along the streetscape.

*J. To provide community development limitations based on the community infrastructure's transportation capacity.*

The requested exceptions will result in a Project that produces no significant impacts at surrounding intersections. The Project will be located along the major thoroughfare of Ventura Boulevard accessible by several Metro lines. The requested exceptions maintain the equilibrium between transportation infrastructure and land use development along the Corridor.

### **Specific Plan Project Permit Adjustment Findings**

- 8. That there are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical.**

The applicant proposes the construction of a new three-story, 55,416-square foot Medical Office Building in the proposed C2-1VL zone. The Specific Plan provides that buildings that comply with the setback may increase height above 30 feet up to the height limited of the underlying zone, in this case, Height District 1VL which permits up to 45 feet. The Medical Office Building is 48 feet, 2 inches as measured from Grade (43 feet, 6 inches from finished floor height). The Project requests a Specific Plan Adjustment to permit a height of 48 feet, 2 inches in lieu of 45 feet.

The strict application of the Specific Plan would result in practical difficulties and would render the proposed project both functionally and financially infeasible. The increase in height is necessary to expand the allowable building envelope and physically accommodate the various types of services that are essential for development of a viable Medical Office Building.

A smaller facility developed within the constraints of the Specific Plan and underlying zoning cannot provide the range of on-site services and accommodate the medical equipment necessary to provide those services in the proposed Project. Medical Office buildings require greater floor-to-floor heights than traditional office buildings primarily to accommodate medical equipment such as an MRI machine or CT Scanner which require a separate enclosure within the building itself. Therefore, the requested increase in height is appropriate for such a facility and does not in and of itself result in increased operational impacts. The requested adjustment is necessary to provide an economically viable and functional Medical Office building in this community.

The unique design requirements and building characteristics of a Medical Office Building cannot be accommodated within the parameters of the Specific Plan and underlying zoning regulations, specifically the site's height limitations and without the adjustment, it is impractical and infeasible to build such a facility on the subject property. Therefore, the Project requires flexibility as allowed by the Specific Plan Adjustment process to expand the building's physical envelope and accommodate the proposed functions of the Medical Office Building.

The development standards are limited by the Specific Plan and underlying zoning. While appropriate for maintaining a reasonable amount of commercial development in the midst of low-density housing, it also precludes any possibility of providing a Medical Office Building in this neighborhood, a facility that is in high demand and short supply among area residents and the City at-large. The underlying zoning limitation of 45 feet in height as measured five (5) feet from the lowest grade within five (5) feet of the building is utilized to regulate the intensity of traditional commercial/retail development to minimize impacts on nearby residential uses.

In addition to the special circumstances for Medical Office buildings described above, the Site is slightly sloped so when height is measured from the lowest grade within five feet of the building, the resulting height of 48 feet, 2 inches exceeds the 45-foot height limitation. However, if height were measured from the finished floor, the height of the building would be 43 feet, 6 inches which would fall under the 45-foot height limit.

Therefore, for all of the reasons above, the adjustment for increased height is necessary to support the provision of this Medical Office building, without which the project would not be

physically feasible.

**9. That in granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan regulations.**

The unique design requirements and building characteristics of a Medical Office Building cannot be accommodated within the parameters of the Specific Plan and underlying zoning regulations, specifically the site's height limitations and without the adjustment, it is impractical and infeasible to build such a facility on the subject property. Therefore, the applicant seeks flexibility as allowed by the Specific Plan Adjustment process to expand the building's physical envelope and accommodate the proposed functions of the Medical Office Building.

The development standards are limited by the Specific Plan and underlying zoning. While appropriate for maintaining a reasonable amount of commercial development in the midst of low-density housing, it also precludes any possibility of providing a Medical Office Building in this neighborhood, a facility that is in high demand and short supply among area residents and the City at-large. The underlying zoning limitation of 45 feet in height as measured five (5) feet from the lowest grade within five (5) feet of the building is utilized to regulate the intensity of traditional commercial/retail development to minimize impacts on nearby residential uses.

The subject property is included Specific Plan, which permits development up to a maximum height of 45 feet. A site with this height constraint cannot accommodate a financially feasible Medical Office development on-site in a traditional configuration due to the required floor-to-floor heights required to accommodate medical equipment such as MRI machines and CAT scanners, which are critical to provide the services provided in a Medical Office building, and to ensure financial viability.

The Project setbacks will comply with the Specific Plan's setback and stepback requirements. The Specific Plan also requires a 10-foot stepback for buildings exceeding 30 feet in height that abut a major highway (such as Ventura Boulevard), which would apply to the Project's Medical Office Building. The Medical Office Building provides a stepback as required by the Specific Plan. The Specific Plan provides that buildings that comply with the stepback may increase height above 30 feet up to the height limited of the underlying zone, in this case Height District 1VL which permits up to 45 feet. The Medical Office Building is 48 feet, 2 inches as measured from grade (43 feet, 6 inches from finished floor height). The Project request a Specific Plan Adjustment to permit a height of 48 feet, 2 inches in lieu of 45 feet.

Moreover, the proposed height and bulk of the Project is consistent with both the existing commercial development patterns along Ventura Boulevard, as well as the existing multi-family development patterns immediately to the north of the Site and in the general vicinity of the Site. Therefore, since the Project proposes to redevelop an underutilized infill site with a new mixed-use residential and medical office project in close proximity to other similar uses and existing transit infrastructure, the Specific Plan Adjustment that would allow the development of the Project will substantially comply with the applicable Specific Plan regulations.

**10. That in granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way.**

The Medical Office Building will be consistent with both the existing commercial development patterns along Ventura Boulevard, as well as the existing multi-family development patterns immediately to the north of the Site and in the general vicinity of the Site and will be buffered from nearby single-family residential uses by a surface parking lot and the Eldercare Facility to the north, and public streets to the west. The Project setbacks will comply with the Specific Plan's setback and stepback requirements. The Specific Plan requires a 10-foot stepback for buildings exceeding 30 feet in height that abut a major highway (such as Ventura Boulevard), which would apply to the Project's Medical Office Building. The Medical Office Building provides a stepback as required by the Specific Plan, which will further reduce the bulk and massing of the Project in relation to adjacent lower-density and lower-height development. The Project will provide vehicular parking spaces within a subterranean parking structure. This complies with the parking requirements of the LAMC. Landscaping would be provided at the ground level and along the streetscape. The new Medical Office building will improve the Ventura corridor by providing local medical services in a sustainable and design-forward building. Operations associated with a Medical Office building including maintenance activity or noise emitted from the site is not expected to expose surrounding residential uses to severe, on-going noise or nuisances. All services are located within the internal envelope of the building and will thus be buffered from surrounding uses.

The building has been thoughtfully designed to articulate the façade with a variety of planes, colors, and textures. The articulation will break up the massing of the building's envelope and will provide a pleasant experience for pedestrians and road-users, further improved by ground floor transparency and design elements where feasible. Therefore, the proposed Medical Office Building is designed to be compatible with existing and future development on neighboring properties. The proposed building has a maximum height of 48 feet and 2 inches, comprising three (3) stories is appropriate in size and scale for a commercial corridor.

For the reasons outlined above, the Specific Plan Adjustment will have no detrimental effects on surrounding properties or public rights-of-way.

**11. That the project incorporates mitigation measures, monitoring of 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.**

The Project underwent environmental review pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2018-3287-MND, as circulated on July 21, 2023, ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; the mitigation measures have been made enforceable conditions on the project; and adopted the Mitigated Negative Declaration and the

Mitigation Monitoring Program prepared for the Mitigated Negative Declaration.

### **Project Permit Compliance Findings**

The Ventura / Cahuenga Boulevard Corridor Specific Plan designates the subject property for Neighborhood & General Commercial land uses which are a “focal point for surrounding residential neighborhoods and containing a diversity of land uses, such as small offices and overnight accommodations, cultural facilities, schools and libraries, in addition to neighborhood-oriented services.”

The proposed project, a medical office and eldercare development, substantially complies with the site’s zoning and the Community Plan land use designation. As enumerated below, the proposed project has been conditioned to comply with all applicable regulations, findings, standards, and provisions of the Ventura / Cahuenga Boulevard Corridor Specific Plan. The two (2) Specific Plan Exceptions, the one (1) Specific Plan Project Permit Adjustment, and Eldercare Facility Unified Permit are warranted based on the findings separately enumerated and the conditions applied.

#### **12. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

The proposed project complies with all applicable development requirements of the Ventura-Cahuenga Boulevard Corridor Specific Plan, as follows:

- a. **Section 5.C: Uses.** The proposed uses of medical office and eldercare are not restricted in this area of the Specific Plan, and thus are allowed.
- b. **Section 6B: Floor Area Ratio (FAR).** For Lot 2, a total of 35,663 square feet of floor area is permitted. As part of the Eldercare Facility Unified Permit, the Project requests a deviation to allow 80,255 square feet of floor area in lieu of 35,663 square feet for a 2.25:1 FAR in lieu of a 1.0:1 FAR permitted under the Specific Plan. For Lot 1, a total of 22,521 square feet of floor area is permitted. The Project requests a Specific Plan Exception to allow 55,416 square feet of floor area in lieu of 22,521 square feet permitted for a 2.46:1 FAR in lieu of a 1.0:1 FAR permitted.

Because the project meets the intent of the Specific Plan and General Plan, as detailed in Specific Plan Exception and Adjustment, and Eldercare Findings, the required relief have been recommended for approval.

- c. **Section 7A: Yards.** For lots between 100 and 200 feet wide in the Neighborhood and General Commercial designation, the front yard setback requirement is an 18 inch minimum and 20 foot maximum for at least 33 percent of the width; The Commercial Building will provide a minimum landscaped front yard setback of 18 inches. The required side yard setback is a maximum of 10 feet, with allowances for auto and pedestrian movements. The Medical Office Building will not provide side yards, consistent with all other commercial developments along Ventura Boulevard. Per the Specific Plan if an alley separates a residential use from a commercial rear lot line, and the alley is at least 20 feet wide, then the 20 feet rear yard setback will be measured from the midpoint of the abutting alley. The Medical Office Building will provide a 20-foot rear yard, measured to the centerline of the alley.

The Front Yard is defined as the area of the lot facing Ventura or Cahuenga Boulevard between the front lot line and those portions of the building at ground level, exclusive of

over-hangs or extensions. Where there is no established building line on Ventura or Cahuenga Boulevard, then the lot line contiguous with Sepulveda, Van Nuys, Reseda or Laurel Canyon Boulevards shall be deemed the front lot line. Based on this definition, Lot 2 does not have a "Front Yard" per the Specific Plan, because it does not meet any of these criteria. Lot 2 is required to comply with the LAMC Section 12.14 setbacks requirement for the proposed C2 zone. The Eldercare Building will provide landscaped front yards of 113 feet 4 inches along Genesta Avenue and three (3) feet along Amestoy Avenue. Per LAMC the site is required to provide eight (8) feet side yard setbacks. The Eldercare building will provide a 9-foot 2-inch northerly side yard setback, a 9-foot southerly side yard setback, and an 8-foot 2-inch interior eastly side yard setback. The Eldercare Building is a through lot; therefore, it has no rear yard.

As such, the project complies with the setback requirements.

- d. Section 7B: Lot Coverage.** The Specific Plan limits lot coverage to 60 percent. The Eldercare Building has a 47 percent lot coverage which complies with the Specific Plan. The medical office building project proposes lot coverage of approximately 87 percent of the site; therefore, an Exception is required and has been applied for. Because the project meets the intent of the Specific Plan and General Plan, as detailed in Specific Plan Exception Findings, the Exception has been recommended for approval.
- e. Section 7D: Landscaping.** The project (Lot 2) includes 5,767 square feet of surface parking area, of which 909 square feet is landscaped. This landscaped area includes the proposed 10 feet landscaped buffer adjacent to the alley. The project provides approximately 15.8 percent landscaped area in the surface parking area and therefore meets the 15 percent minimum for landscaping. The Project will provide six (6) 36-inch box-size trees for the surface parking lot that totals 12 car parking spaces and 10 bicycle parking spaces, in conformance with the landscaping requirements for surface parking lots, which has a one (1) tree for every four (4) parking space ratio. The project is conditioned to provide a minimum buffer zone of 30 inches for portions of parking lots not facing a street, alley, residentially zoned lot, and existing residential use. The project's front yard setback (Medical building site) includes 467 square feet, of which 305 square feet is landscaped. The project provides approximately 65.3 percent landscaped front yard setback and therefore meets the 60 percent minimum landscaped front yard landscape requirement. The applicant is conditioned to install an automatic irrigation system to maintain all required landscaping. As such, the project complies with the landscaping requirements.
- f. Section 7E: Height.** The Specific Plan allows a maximum height of 30 feet. As part of the Eldercare Facility Unified Permit, the Project requests a deviation to allow a 65-foot-high building for the Eldercare building and for relief from the LAMC's transitional height limits, which would otherwise apply to the Eldercare Building due to its proximity to R1 and OS zoned properties. For Lot 1, the Project requests a Specific Plan Adjustment to allow a height of 48 feet, 2 inches in lieu of 45 feet.
- g. Section 7F: Parking.** Pursuant to LAMC Section 12.21-A,4, the 55,416 square foot Medical Office building would require 278 parking spaces. Parking for the Eldercare uses are set forth in LAMC Section 12.21.A.4.D.5 which requires one parking space for each assisted living guest room and 0.2 parking spaces for each Alzheimer's/Dementia guest room. However, the Project qualifies for a 50 percent parking reduction for the assisted living guest rooms by complying with LAMC Section 12.21.A.4.U. Therefore, the Project requires 33 spaces for the assisted living guest rooms (66 guest rooms x 50 percent) and five (5) spaces for the Alzheimer's/Dementia guest rooms (24 guest rooms x 0.2) and provides 38 spaces. Therefore, the Project satisfies code parking

requirements. The Project would provide short- and long-term bicycle parking in compliance with LAMC requirements. For the guest rooms, the Project would require and provide one long-term space per 5,000 square feet for a total of 17 spaces and one short-term space per 10,000 square feet for a total of nine (9) spaces. For the medical office use, the Project would require and provide six (6) short-term and 11 long-term bicycle spaces at a ratio of one (1) space per 10,000 square feet for short-term and one space per 5,000 square feet for long-term. The project will provide 15 short term and 28 long term bicycle parking spaces.

**h. Section 8: Signs.** No signs are proposed in the instant application.

**13. 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.**

Based on the whole of the administrative record, the Project has been adequately assessed in ENV-2018-3287-MND and mitigation measures have incorporated as conditions of approval herein; therefore, negative environmental effects have been mitigated to the extent feasible.

**Eldercare Findings**

**14. The strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The instant request has been filed pursuant to the City's Eldercare Ordinance adopted in December of 2006 and intended to provide a more direct and streamlined entitlement path to enable the establishment of eldercare facilities throughout the City. Specifically, Section 14.3.1 of the LAMC authorizes the City to permit an Eldercare Facility on a lot or lots located in the A1 through R3 Zones, or in the RAS3, R4, RAS4, R5, and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, subject to the required findings.

The applicant proposes the construction of a new five (5)-story, 90-unit Eldercare Facility in the proposed C2-1VL zone. The project meets the LAMC definition of an "Eldercare Facility", in that it is "one functionally operated facility which provides residential housing for persons 62 years and older, and which combines in one facility, two or more of the following types of uses: includes Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer's/Dementia Care Housing. A Minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing."

The project contains a total of 90 guest rooms units comprised of 66 Assisted Living Care Housing guest rooms and 24 Alzheimer's/Dementia Care Housing guest rooms along with various on-site amenities. The new facility will be licensed by the State of California Department of Social Services, Community Care Licensing Division. More than 75 percent of the floor area exclusive of common areas is dedicated Assisted Living Units in accordance with the definition of an Eldercare Facility pursuant to Section 12.03 of the LAMC.

In connection with the Eldercare Unified Permit, the applicant seeks specified deviations from the zoning regulations to enable and facilitate the development of the proposed Eldercare Facility on the site. Specifically, the applicant requests:

- 80,255 square feet of floor area in lieu of 35,663 square feet for a 2.25:1 FAR in lieu of a 1.0:1 FAR permitted in the Ventura / Cahuenga Boulevard Corridor Specific Plan Section 6.B.3;
- A maximum building height of 59 feet, 6 inches (65 feet to top of stairs) in lieu of the otherwise permitted 30 feet pursuant to Specific Plan Section 7.E.1.C.2;
- Relief from the transitional height limits in LAMC Section 12.21.1.A.10.

The strict application of the zoning ordinance would result in practical difficulties and would render the proposed project both functionally and financially infeasible. The increases in floor area, height, and transitional height are necessary to expand the allowable building envelope and physically accommodate the various types of eldercare units, services, amenities, and open space that are essential for the development of a viable facility with a high-quality living environment for the special needs of the population served.

The unique design requirements and building characteristics of an Eldercare Facility cannot be accommodated within the parameters of the underlying zoning regulations set forth in the Specific Plan, specifically the site's floor area and height limitations, and without such deviations, it is impractical and infeasible to build such a facility on the subject property. Therefore, the applicant seeks flexibility as allowed by the Eldercare Facility Unified Permit to expand the building's physical envelope and accommodate the proposed density, amenities, and functions.

In adopting the Eldercare Facilities Ordinance, the intent of the City was to provide social service facilities and housing for the elderly within our existing communities to serve the increasingly aging local population. A review of similar facilities shows that most of these similar full-service Eldercare Facilities are located on or near major commercial boulevards such as Ventura Boulevard, as they are incompatible with lower-density residential development. The LAMC only permits Eldercare facilities with approved Zoning administrator entitlement in the following zones: A1 through R3 Zones or in or in the RAS3, R4, RAS4, R5, and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone, or the requirements of any specific. It is only possible to provide such a facility on either a sprawling suburban campus with sufficient land to build laterally, or within a rare site with a Height District 2 or greater designation.

The development standards are severely limited by the Specific Plan. While appropriate for maintaining a reasonable amount of commercial development in the midst of low-density housing, it also precludes any possibility of providing an Eldercare facility in this neighborhood, a facility that is in high demand and short supply among area residents and the City at-large. The underlying Floor Area restriction of the Specific Plan at 1.0:1 FAR is utilized to regulate the intensity of traditional commercial/retail development to regulate a maximum number of traffic trips within an area. Therefore, the requested increase in Floor Area is appropriate for such a facility and does not in and of itself result in increased operational impacts. The requested deviations are consistent with the City Council's intent in adopting the Eldercare Facility Ordinance which authorizes the Zoning Administrator to grant relief from the zoning regulations to facilitate the development of these unique facilities.

The subject property is included in the Specific Plan, which permits development up to a maximum height of 30 feet and a 1.0:1 FAR. A site with this height and floor area constraints cannot accommodate a financially feasible housing development on-site in a traditional

configuration, much less an Eldercare Facility with common area amenities or inclusion of various building services, which are critical to provide a continuum of care on-site, and to ensure financial viability.

The additional FAR above the base 1.0:1 through the Eldercare Facility Unified Permit is appropriate given the unique nature of the use and the need to facilitate the development of eldercare units as expressed by the City of Los Angeles Housing Element and California State policies. The Eldercare Facility Unified Permit requests are specifically tailored to address the unique needs of the highly specialized senior facility, and would not serve as a precedent for future zoning variances or exceedances for other non-senior housing type projects.

The requested zoning deviations are necessary to provide an economically viable and functional Eldercare Facility in this community. Without the proposed density, the facility cannot operate, nor achieve essential economies of scale with staff, medical care, equipment, food, and the like. Eldercare projects require substantial support services and common areas to provide a healthy environment for a senior population to age in place with dignity. The project seeks to provide significant “quality-of-life” amenities rather than warehousing elders in cramped, stripped-down, minimally-equipped institutions. Without the requested FAR and height increase and relief from the transitional height, the project could not provide the required amount of amenities and living space; therefore, resulting in a hardship. A smaller facility developed within the constraints of the Specific Plan cannot provide the range of on-site services and amenities contemplated in the Project because there are no economies of scale to achieve staffing and building operational costs. Furthermore, almost none of the residents of this facility will be either physically able or legally permitted to operate a vehicle. The residents do not have the luxury of driving on a daily basis to neighborhood retail services like the beauty salon, doctor’s office, restaurants, and gym.

Therefore, for all of the reasons above, deviations of development standards to permit an increase in height and floor area, and relief from the transitional height are necessary to support the provision of this senior housing, without which the project would not be physically feasible.

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

The Eldercare facility will be consistent with the existing multi-family residential building to the northeast of the site, and will be buffered from nearby single-family residential uses by a surface parking lot to the north, and public streets to the west. In addition, the project will provide front and side yard setbacks in compliance with Specific Plan’s minimum requirements, which will further reduce the bulk and massing of the project in relation to adjacent lower-density and lower-height development. The Project will provide vehicular parking spaces within a subterranean parking structure. This complies with the parking requirements of the LAMC. Landscaping would be provided at the ground level within the Project’s courtyards, exterior decks, yards and along the streetscape. The new Eldercare Facility will improve the Ventura corridor by providing local senior housing and services in a sustainable and design-forward building. An Eldercare Facility use is a generally passive, non-impactful, residential use and any operations associated with the facility including maintenance activity or noise emitted from the site is not expected to expose surrounding residential uses to severe, on-going noise or nuisances. Pursuant to State of California’s licensing requirements, residents of Assisted Living Care Housing must require assistance with at least two (2) non-medical daily living activities. Unlike a skilled nursing facility,

residents cannot be admitted if they require 24-hour skilled nursing, intermediate care, have a mental disorder resulting in behavior upsetting the resident group or require a greater amount of supervision than other residents, or cannot benefit from program services offered by the facility. Therefore, Assisted Living Facilities have a lower staff to resident ratio than a skilled nursing facility and are considered non-medical facilities that provide room, meals, housekeeping, and personal care assistance with basic activities like hygiene, dressing, eating, or bathing.

The Alzheimer's/Dementia Care Housing residents would require non-medical care 24 hours per day. Since residents must be at least 62 years of age or older and must require assistance with at least two or more non-medical activities of daily living in order to be eligible for residency, or may suffer from Alzheimer's/Dementia disorders, the majority of residents of the proposed Eldercare Facility would not drive or maintain a car, and with the exception of visitor and employee arrivals and departures, daily activities are limited to passive outdoor uses similar to those typical of a residential neighborhood. These amenities are located within the internal envelope of the building and will thus be buffered from surrounding uses.

The building has been thoughtfully designed to articulate the façade with a variety of planes, colors, and textures. The articulation will break up the massing of the building's envelope and will provide a pleasant experience for pedestrians and road-users, further improved by ground floor transparency and design elements where feasible. Therefore, the proposed Eldercare Facility is designed to be compatible with existing and future development on neighboring properties. The proposed building has a maximum height of 59 feet, 6 inches, comprising five (5) stories and is appropriate in size and scale for this area.

**16. The project shall provide services to the elderly such as housing, medical services, social services, or long-term care to meet citywide demand.**

The project is primarily a Residential Care Facility for the Elderly (RCFE) and is designed to meet the LAMC definition of an "Eldercare Facility," being a "functionally operated facility, which provides residential housing for persons 62 years of age and older, and which combines in one facility, two or more of the following housing types: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer's/Dementia Care Housing. A minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing."

The project includes Alzheimer's/Dementia (Memory Care) and Assisted Living Care housing. The project is specifically designed to meet the physical, emotional, and social needs for various stages of elderly life, including those individuals dealing with cognitive limitations in a residential, socially-oriented setting. The new facility will be licensed by the State of California Department of Social Services, Community Care Licensing Division.

On-site amenities include a commercial-grade kitchen, dining space, a fitness center, therapy and wellness rooms, beauty salon, libraries, lounge, multi-purpose activity rooms, landscaped decks and open space. Therefore, the proposed Eldercare Facility will provide services to the elderly including housing, medical services, social services, and long-term care which will serve to meet Citywide demand for such senior resources.

**17. The project shall not create an adverse impact on street access or circulation in the surrounding neighborhood.**

The project is a five (5) story building with subterranean parking. Parking for the eldercare uses would be provided in compliance with the Zoning code. Project traffic generation is relatively low and will not result in significant traffic or on-street parking impacts to the surrounding residential neighborhood or commercial corridor. Due to the age and declining physical and/or mental abilities of the prospective residents, very few can drive or maintain a vehicle. Therefore, trips made by Eldercare employees will tend to be in off-peak hours and would therefore not create an adverse impact on street access or circulation.

The main vehicular entrance to the project is located off of an alley which abuts the subject property to the south. A porte cochere vehicular access, fronting Genesta Avenue on Lot 2, will provide a convenient space to load and unload passengers, make deliveries, and perform other back-of-house operations on-site. Therefore, for all the reasons discussed above, including the low-impact traffic impacts and access designed to minimize vehicular conflicts and congestion around the project site, the project will not create an adverse impact on street access or circulation in the surrounding neighborhood.

- 18. The project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.**

The Project's Eldercare Facility will be consistent with the existing multi-family residential building to the northeast of the Site, and will be buffered from nearby single-family residential uses by a surface parking lot to the north, and public streets to the west. In addition, the Project will provide front and side yard setbacks consistent with the Specific Plan's minimum requirements, which will further reduce the bulk and massing of the Project in relation to adjacent lower-density and lower-height development. The Project will provide vehicular parking spaces within subterranean parking levels. This complies with the parking requirements of the LAMC and vehicular access for the Project would be from the adjacent alley. The façade will incorporate a variety of materials and the façade will be articulated.

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

See Findings 1 and 12 above.

#### **Site Plan Review Findings**

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

See Findings 1 and 12 above.

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

The Project's Eldercare's facility will be consistent with the existing multi-family residential building to the northeast of the Site, and will be buffered from nearby single-family residential uses by a surface parking lot to the north, and public streets to the west. In addition, the residential Project will provide front and side yard setbacks in compliance with the Specific Plan's minimum requirements, which will further reduce the bulk and massing of the Project in relation to adjacent lower-density and lower-height development. Furthermore, the

Project's Medical Office Building height will be largely consistent with other multi-story commercial developments along Ventura Boulevard, including the multi-story building across Ventura to the southeast, and will provide setbacks in conformance with the Specific Plan's requirements.

Vehicular access to the Site's parking areas would be provided via the public alley between Lots 1 and 2. The Eldercare Building also proposes a circular porte cochere and drop off/pick up area accessed from Genesta Avenue. Pedestrian access within and around the Site will be enhanced via sidewalk improvements and the development of short-term bike parking infrastructure. Public pedestrian access to the Commercial Building would be provided from an entrance on Ventura Boulevard in addition to a second entrance at the rear of the building at the alley, while public pedestrian access to the Eldercare Building would be provided from Genesta Avenue.

Pursuant to LAMC, the 55,416 square foot Medical Office building would require 278 parking spaces. Parking for the Eldercare uses are set forth in LAMC Section 12.21.A.4.D.5 which requires one (1) parking space for each assisted living guest room and 0.2 parking spaces for each Alzheimer's/Dementia guest room. However, the Project qualifies for a 50 percent parking reduction for the assisted living guest rooms by complying with LAMC Section 12.21.A.4.U. Therefore, the Project requires 33 spaces for the assisted living guest rooms (66 guest rooms x 50 percent) and five (5) spaces for the Alzheimer's/Dementia guest rooms (24 guest rooms x 0.2) and provides 38 spaces. Therefore, the Project satisfies LAMC parking requirements. The Project would provide short- and long-term bicycle parking in compliance with LAMC requirements. For the guest rooms, the Project would require and provide one (1) long-term space per 5,000 square feet for a total of 17 spaces and one (1) short-term space per 10,000 square feet for a total of nine (9) spaces. For the medical office use, the Project would require and provide six (6) short-term and 11 long-term bicycle spaces at a ratio of one space per 10,000 square feet for short-term and one space per 5,000 square feet for long-term. The Project will be landscaped in accordance with the standards of the Specific Plan and the Encino Streetscape Plan.

### Height

The site is within Height District No. 1VL, which limits the height of the developments to 45 feet. Additionally, the Specific Plan limits the height to 30 feet. The applicant seeks a Specific Plan Exception deviating from the specific plan regulations to construct a Medical Office building on a site with a maximum building height of 48 feet, 2 inches in lieu of the otherwise permitted 45 feet pursuant to LAMC. In connection with the Eldercare Unified Permit, the applicant seeks specified deviations from the zoning regulations to enable and facilitate the development of the proposed Eldercare Facility on the site with a maximum building height of 59 feet, 6 inches (65 feet to top of stairs) in lieu of the otherwise permitted 30 feet pursuant to Specific Plan Section 7.E.1.C.2. As mentioned above, the neighboring property less than 400 feet to the east, at the southwest corner of Ventura Boulevard and Genesta Avenue is a three-story, 42 feet, office development. The abutting property to the north is a four-story building. Although the project is not within the allowable maximum height, it is compatible with existing and future development on adjacent properties and neighboring properties.

### Bulk/Massing

The project site is zoned C4-1VL, which allows a maximum FAR of 1.5:1 and P-1VL. To permit the project's proposed uses, the applicant has requested a Vesting Zone Change and Height District Change from C4-1VL to (T)C4-2 for Lot 1 and P-1VL to (T)C2-2 for Lot 2. The applicant seeks a Specific Plan Exception deviating from the specific plan regulations to construct a Medical Office building 55,416 square feet of floor area in lieu of 22,521 square

feet on a site with a maximum FAR of 2.46:1 in lieu of the otherwise permitted 1.0:1 pursuant to Specific Plan Section 6.B.3. In connection with the EFUP, the applicant seeks specified deviations from the zoning regulations to enable and facilitate the development of the proposed Eldercare Facility with an 80,225 square feet of floor area in lieu of 35,663 square feet for a 2.25:1 FAR in lieu of a 1.0:1 FAR permitted in the Ventura / Cahuenga Boulevard Corridor Specific Plan Section 6.B.3. The project has been designed as two (2) separate structures with articulation and variation consistent with applicable City design guidance. Parking spaces within the Eldercare Facility building (subterranean levels) and eldercare units located within the building have been integrated into the overall architectural theme of the Project. Stepbacks, modulations, and break in-planes are some of the architectural elements that seek to achieve this comprehensive vision of the modern buildings. The massing of the building features varied architectural treatments and materials that accentuate the building form. The design integrates exterior cement plaster with reveals, composite wood siding, aluminum eyebrow canopy, stone veneer, and semi-transparent metal mesh screen, smooth, fixtures and handrails, railing systems, and windows and doors, which are incorporated throughout the buildings' exteriors effectively breaking up the massing of the street walls. Parts of facades are treated with materials to differentiate them from the rest of the building and break up the massing and enhance the overall aesthetic, both from a pedestrian standpoint and the overall building design. The landscaped area along both the front and rear frontages of the Medical Office building and all sides of the Eldercare Facility buildings serves to reduce the looming effect of the buildings on the street while providing a pleasant pedestrian experience. The variety of building materials and articulation as shown on the stamped "Exhibit A" is consistent with the Citywide Design Guidelines. A variety of building materials, finishes, and design features in the facade, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood.

### Setbacks

The proposed Medical Office Building will provide a minimum landscaped front yard setback of 18 inches, while the Eldercare Building will provide landscaped front yards of 113 feet 4 inches along Genesta Avenue and 16 feet along Amestoy Avenue. The required side yard setback is a maximum of 10 feet, with allowances for auto and pedestrian movements. The Medical Office Building will not provide side yards, consistent with all other commercial developments along Ventura Boulevard. The Eldercare Building will provide a side yard setback of 9 feet 2 inches to 15 feet 5 inches on the north side and nine (9) feet on the south side. The Eldercare Building is a through lot; therefore, it has no rear yard. The Medical Office Building will provide a 20-foot rear yard, measured to the centerline of the alley.

### Parking/Loading

Vehicular accesses to the Site's parking areas would be provided via the public alley between Lots 1 and 2 away from the main pedestrian entrance to the buildings. This driveway provides access to the subterranean parking levels and surface parking lot. Pedestrian access within and around the Site will be enhanced via sidewalk improvements and the development of short and long-term bike parking infrastructure. Public pedestrian access to the Medical Office Building would be provided from an entrance on Ventura Boulevard in addition to a second entrance at the rear of the building at the alley.

Per LAMC Section 12.21 A.4, the 55,416 square foot Medical Office building would require 278 parking spaces. Parking for the Eldercare uses are set forth in LAMC Section 12.21.A.4.D.5 which requires one (1) parking space for each assisted living guest room and 0.2 parking spaces for each Alzheimer's/Dementia guest room. However, the Project

qualifies for a 50 percent parking reduction for the assisted living guest rooms by complying with LAMC Section 12.21.A.4.U. Therefore, the Project requires 33 spaces for the assisted living guest rooms (66 guest rooms x 50 percent) and five (5) spaces for the Alzheimer's/Dementia guest rooms (24 guest rooms x 0.2) and provides 38 spaces. Therefore, the Project satisfies code parking requirements. The Project would provide short- and long-term bicycle parking in compliance with LAMC requirements. For the guest rooms, the Project would require and provide one (1) long-term space per 5,000 square feet for a total of 17 spaces and one (1) short-term space per 10,000 square feet for a total of nine (9) spaces. For the medical office use, the Project would require and provide six (6) short-term and 11 long-term bicycle spaces at a ratio of one (1) space per 10,000 square feet for short-term and one space per 5,000 square feet for long-term. The short and long-term bicycle spaces/stalls are provided on the ground level at the parking lot, westerly edge of the Eldercare Facility lot, open to the sky and with good visibility for visitors and future users.

### Lighting

The project is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

### Landscaping

The project will provide landscaping in the form of landscaped common open space areas on the ground and public right of way. The project proposes a mix of plants and trees which includes Swan Hill Olive, Marina Strawberry, Silver Sheen Kohuhu, and Chinese Flame trees. Planters at varied heights for wheelchair and walker residents will be provided in the common open space areas. The alley features landscaped buffers on an outdoor patio and yards. The project also provides a variety of shrubs, midgrounds, backgrounds, and vines. The project site will be enhanced with hardscape material including, concrete paving with an exposed aggregate finish, unit pavers in an ashlar pattern with exposed aggregated bands, and unit pavers in a running bond pattern. The area will be landscaped with twenty-five (25) 36-inch box trees on the site, and six (6) trees in the public right-of-way along Ventura Boulevard and two. The main entrance will be enhanced with Quartzite white tiles. The project is conditioned to landscape all open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center. Additionally, the landscape plan must indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.

### Trash Collection

Trash storages and collections are proposed to be enclosed on the ground floor in the parking lot site for the Medical Office building and on the interior of the Eldercare Facility building and are therefore not visible from the drive aisle or public view. Trash collection can only be accessed from the alley, and shall not interfere with traffic on any public street, as conditioned. Therefore, service providers will be required to access the trash area along the alley, to avoid effects to circulation.

### Building Materials

The Medical Office building facades consist of smooth white stucco, metal wood panel, semi-transparent metal mesh screen, cast-in place rough board formed finished concrete, and clear glazing windows. The Eldercare Facility building facades consist of Cement Plaster, composite Wood Siding, aluminum eyebrow canopy, glass guardrail, stone veneer, aluminum screen, and vinyl windows. The buildings are designed in clean and consistent lines. The façade treatment wraps around the Eldercare Facility building to all sides and southerly and northerly sides of the Medical Office building. The variety of building materials and articulation as shown on the stamped "Exhibit A" is consistent with the Citywide Design Guidelines.

#### Electric Vehicle Charging Stations

The project is conditioned to provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) per the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

#### Mechanical Room

The mechanical rooms are isolated and enclosed on the ground floor of both buildings. This hidden design serves to eliminate the bulky, noise-generating cabling and transformers and protects the equipment from unauthorized entry.

### **22. That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The project includes Alzheimer's/Dementia (Memory Care) and Assisted Living Care housing. The project is specifically designed to meet the physical, emotional, and social needs for various stages of elderly life, including those individuals dealing with cognitive limitations in a residential, socially oriented setting. The new facility will be licensed by the State of California Department of Social Services, Community Care Licensing Division. On-site amenities include a commercial-grade kitchen, dining space, a fitness center, therapy and wellness rooms, beauty salon, libraries, lounge, multi-purpose activity rooms, landscaped decks and open space.



## **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