

## APPLICATIONS



### APPEAL APPLICATION Instructions and Checklist

## PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC. For California Environmental Quality Act Appeals use form [CP13-7840](#). For Building and Safety Appeals and Housing Department Appeals use form CP13-7854.

## RELATED CODE SECTION

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

## APPELLATE BODY

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

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

## CASE INFORMATION

**Case Number:** CPC-2022-8567-DB-CDO-SPR-VHCA

**APN:** 2125014011, 2125014016

**Project Address:** 18430 - 18434 West Vanowen Street

**Final Date to Appeal:** January 3, 2025

## APPELLANT

**Check all that apply.**

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

## APPELLANT INFORMATION

**Appellant Name:** Supporters Alliance for Environmental Responsibility ("SAFER")

**Company/Organization:** Lozeau Drury LLP (representing Appellant)

**Mailing Address:** 1123 Park View Drive Suite 300

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

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

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

☒ Self ☐ Other: \_\_\_\_\_

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

## REPRESENTATIVE / AGENT INFORMATION

**Name:** Hayley Uno

**Company/Organization:** Lozeau Drury LLP

**Mailing Address:** 1939 Harrison Street Suite 150

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

**Telephone:** 510-836-4200 **E-mail:** hayley@lozeaudrury.com

## JUSTIFICATION / REASON FOR APPEAL

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

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

If Yes, list the Condition Number(s) here: Site Plan Review and all remaining entitlements

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

## APPLICANT'S AFFIDAVIT

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

**Appellant Signature:**  **Date:** 12/20/2024

## GENERAL NOTES

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

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

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

**Base Fee:** \$172

**Reviewed & Accepted by (DSC Planner):** Ruben Vasquez

**Receipt No.:** 200188104984 **Date:** 12/30/2024

☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

## GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

## APPEAL DOCUMENTS

### 1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal

- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

## 2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

## 3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(b)

## 4. Noticing Requirements (Applicant Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

## SPECIFIC CASE TYPES

### ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

## DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 13B.2.5. (Director Determination) of Chapter 1A or LAMC Section 13B.3.3. (Class 3 Conditional Use) of Chapter 1A as applicable.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

## WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

## [VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

## NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

### Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

## **Justification/Reason for Appeal**

18434 Vanowen Street Project

(CPC-2022-8567-DB-CDO-SPR-VHCA; ENV-2022-8568-CE)

### **I. REASON FOR THE APPEAL**

The Categorical Exemption prepared for the 18434 Vanowen Street Project (CPC-2022-8567-DB-CDO-SPR-VHCA; ENV-2022-8568-CE) ("Project") fails to comply with the California Environmental Quality Act ("CEQA"). Furthermore, the approval of the Site Plan Review entitlements (CPC-2022-8567-DB-CDO-SPR-VHCA) was in error because (1) the City of Los Angeles ("City") must fully comply with CEQA prior to any approvals in furtherance of the Project and (2) the findings are not supported by substantial evidence. Therefore, the City of Los Angeles ("City") must set aside the Site Plan Review entitlements and prepare and circulate an environmental impact report ("EIR") prior to considering approvals for the Project.

### **II. SPECIFICALLY THE POINTS AT ISSUE**

For the specific reasons set forth in the attached comment letter dated November 19, 2024, the Project does not qualify for a categorical exemption pursuant to Section 15332 of the CEQA Guidelines ("Infill Exemption"). Furthermore, proper CEQA review must be complete *before* the City approves the Project's entitlements. (*Orinda Ass'n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 ["No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved."].) As such, the approval of the Project's Site Plan Review entitlements was in error. Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

### **III. HOW YOU ARE AGGRIEVED BY THE DECISION**

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

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

On November 21, 2024, the City Planning Commission approved the project and approved a Categorical Exemption for the project pursuant to Section 15332 of the CEQA Guidelines, despite a lack of substantial evidence in the record that the Project met the requirements for the Infill Exemption. Rather than exempt the Project from CEQA, the City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project's entitlements until proper CEQA review has been completed.



T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

[www.lozeaudrury.com](http://www.lozeaudrury.com)  
[Hayley@lozeaudrury.com](mailto:Hayley@lozeaudrury.com)

## VIA EMAIL

November 19, 2024

Monique Lawshe, President  
And Honorable Commissioners  
Los Angeles City Planning Commission  
200 North Spring Street, Suite 525  
Los Angeles, CA 90012  
[cpc@lacity.org](mailto:cpc@lacity.org)

David Woon, Planning Assistant  
Expedited Processing Division  
Los Angeles City Planning Department  
200 North Spring Street, Room 763  
Los Angeles, CA 90012  
[david.woon@lacity.org](mailto:david.woon@lacity.org)

**Re: Opposition Comment for the California Environmental Quality Act Class 32  
Categorical Exemption for the 18434 West Vanowen Street Project (Case Nos.:  
CPC-2022-8567-DB-CDO-SPR-VHCA; ENV-2022-8568-CE)**

Dear Honorable Members of the Los Angeles City Planning Commission and Mr. Woon:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) and its members living or working in the City of Los Angeles (“City”), in opposition to the Los Angeles Department of City Planning’s recommendation that the California Environmental Quality Act (“CEQA”) Class 32 Categorical Exemption applies to the 18434 West Vanowen Street Project (CPC-2022-8567-DB-CDO-SPR-VHCA; ENV-2022-8568-CE) (“Project”). The Project involves the demolition of an existing commercial building and carport and the construction and use of a new seven-story residential building with 95 dwelling units and two levels of parking, located at 18430-18434 West Vanowen Street, Los Angeles, CA 91335.

After reviewing the Recommendation Report (“Report”) prepared for the Project by City Planning staff, we conclude that the Project does not qualify for CEQA’s Class 32 Categorical Exemption, or Infill Exemption (“Exemption”), because it will have significant adverse environmental impacts on indoor air quality. The City therefore cannot rely on the Exemption because the Exemption does not apply on its face.

SAFER’s review of the Project has been assisted by indoor air quality expert and certified industrial hygienist Francis Offermann, P.E., C.I.H. Mr. Offermann’s comment and C.V. are attached as Exhibit A and are incorporated herein by reference in their entirety.

For the reasons discussed below, the Project does not qualify for CEQA’s Infill Exemption and instead requires an initial study to determine the appropriate level of CEQA



review before approval, whether a mitigated negative declaration (“MND”) or an environmental impact report (“EIR”). SAFER thus respectfully requests that the Planning Commission find that the Project does not qualify for the Infill Exemption under CEQA.

## **I. PROJECT DESCRIPTION**

The Project involves the demolition of an existing one-story commercial building and carport and the construction, use, and maintenance of a new seven-story residential building with a total floor area of 90,112 square feet and a maximum building height of 74.5 feet. The Project will have 95 dwelling units, including 45 one-bedroom units and 50 two-bedroom units. Eleven of the total dwelling units will be reserved for Very Low Income households. The Project would also contain 5,487 total square feet of open space, including 3,987 square feet of common open space, including backyard space, third-floor courtyards, and a second-floor recreation room, as well as 1,500 square feet of private open space distributed among thirty of the dwelling units. Additionally, the Project will have two parking levels, on the ground and second floors, providing 102 vehicle parking spaces and 79 parking spaces.

The Project site is comprised of two adjacent parcels, occupying 28,999 total square feet (0.67 acres) of buildable lot area. Its Assessor Parcel Number is 2125-014-016. The site is located at 18430-18434 West Vanowen Street, in the City of Los Angeles. The site is bounded by West Vanowen Street to the north, an autobody shop to the east, a retail store to the west, and a multi-family residential development to the south. Located in an urbanized portion of the Reseda neighborhood, the site is surrounded by a mix of residential, commercial, and community uses. The site is also within the Reseda-West Van Nuys Community Plan Area and is zoned [Q]C2-1L-CDO-RIO and RA-1L-RIO, with a corresponding General Plan Land Use Designation of Community Commercial.

## **II. LEGAL STANDARD**

CEQA mandates that “the long-term protection of the environment . . . shall be the guiding criterion in public decisions” throughout California. (PRC § 21001(d).) A “project” is “the whole of an action” directly undertaken, supported, or authorized by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (PRC § 21065; 14 CCR § 15378(a).) CEQA requires environmental factors to be considered at the “earliest possible stage . . . before [the project] gains irreversible momentum,” (*Bozung v. Loc. Agency Formation Com.* (1975) 13 Cal. 3d 263, 284), “at a point in the planning process where genuine flexibility remains.” (*Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296, 307.)

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. (14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86 [*“Hollywoodland”*].) First, if a project falls into an exempt category, or if it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further evaluation is required under CEQA. (14



CCR § 15002(k)(1).) Second, if the project is not exempt, and there is a possibility the project will have a significant environmental effect, then the agency must perform an initial threshold study. (14 CCR § 15002(k)(2).) Third, if the initial study indicates that there is no substantial evidence that the project may have a significant environmental effect (*id.*), then a mitigated negative declaration (“MND”) is required, but if the initial study shows that the project may have a significant environmental effect, then an environmental impact report (“EIR”) is required. (14 CCR § 15002(k)(3).) Here, because the City exempted the Project from CEQA entirely, the first step of the CEQA process applies.

CEQA identifies certain classes of projects as exempt from CEQA’s provisions. These are called categorical exemptions. (14 CCR §§ 15300, 15354.) “Exemptions to CEQA are narrowly construed and ‘[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.’ [Citations].” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125.) The determination as to the appropriate scope of a categorical exemption is a question of law subject to independent, or de novo, review. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.*, (2006) 139 Cal. App. 4th 1356, 1375 [“[Q]uestions of interpretation or application of the requirements of CEQA are matters of law. [Citations.] Thus, for example, interpreting the scope of a CEQA exemption presents ‘a question of law, subject to de novo review by this court.’”].) Here, the City has recommended that the Project is categorically exempt from CEQA’s requirements pursuant to the Class 32 Exemption, or “Infill Exemption.” (14 CCR § 15332.)

Under CEQA’s Infill Exemption, a project is exempt from CEQA’s requirements if the project meets the following five conditions:

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

(14 CCR § 15332 [emph. added].) Importantly, mitigated categorical exemptions are not allowed. (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102 [“SPAWN”]; *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1200 [“Azusa”].) Agencies may not rely on mitigation measures as a basis for concluding that a project is categorically exempt, or as a basis for determining that one of the significant effects exceptions does not apply.

### III. DISCUSSION

#### **A. CEQA's Infill Exemption does not apply on its face to the Project and thus a full CEQA analysis is required.**

The City relies on the CEQA Infill Exemption for the Project. However, the Exemption does not apply on its face if the project will have any significant effects related to traffic, noise, air quality, or water quality. (14 CCR § 15332(d).) Here, the Exemption does not apply to the Project on its face because the Project will have significant adverse impacts on indoor air quality. Therefore, the City must prepare an initial study to determine the appropriate level of CEQA review of these impacts before approval, whether an EIR or an MND.

##### **1. The Project will pose significant health risks from indoor air quality impacts, precluding reliance on the Infill Exemption.**

Certified industrial hygienist, Francis Offermann, P.E., C.I.H., has reviewed the Project, the Staff Report, and other relevant documents regarding the Project's indoor air emissions. These documents provide no analysis of the Project's indoor air quality impacts. Mr. Offermann concludes that the Project will expose its future residents to significant health impacts related to indoor air quality, particularly emissions of the carcinogenic chemical formaldehyde. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic.

Mr. Offermann explains that many composite wood products used in building materials commonly found in residences contain formaldehyde-based glues which release formaldehyde gas over a very long period of time. He states, "The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particle board. These materials are commonly used in residential, office, and retail building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims." (Ex. A at 2-3.)

Formaldehyde is a known human carcinogen, classified by the State as a Toxic Air Contaminant. The SCAQMD has established a CEQA significance threshold for airborne cancer risk of 10 per million. Mr. Offermann found that future Project occupants may be exposed to a cancer risk from formaldehyde emissions of about 120 per million for residents, even assuming that all materials comply with the California Air Resources Board's ("CARB") formaldehyde airborne toxics control measure. (*Id.* at 4-5.) This exceeds the SCAQMD's CEQA significance threshold for airborne cancer risk. (*Id.* at 2.)

Mr. Offermann concludes that the Project will have significant environmental impacts that must be analyzed in an EIR or MND and mitigation measures must be imposed to reduce the raised cancer risk. (*Id.* at 12-13.) Mr. Offermann prescribes a methodology for estimating the Project's formaldehyde emissions for a more project-specific health risk assessment. (*Id.* at 6-10.) He also identifies feasible several mitigation measures to decrease the significant health risks, like installing air ventilation systems and requiring the use of composite wood materials

only for all interior finish systems that are made with CARB-approved no-added formaldehyde (“NAF”) resins or ultra-low emitting formaldehyde (“ULEF”) resins. (*Id.* at 12-14.)

When a project exceeds a duly adopted CEQA significance threshold, as here, this alone establishes substantial evidence that the project will have a significant adverse environmental impact. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project’s air quality impacts. (*See, e.g. Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 [County applies Air District’s “published CEQA quantitative criteria” and “threshold level of cumulative significance”]; *see also Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-11 [“A ‘threshold of significance’ for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant”].) The California Supreme Court has shown the importance an air district significance threshold has in providing substantial evidence of a significant adverse impact. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 [estimated emissions in excess of air district’s significance thresholds “constitute substantial evidence supporting a fair argument for a significant adverse impact”].) Since expert evidence shows the Project will exceed the SCAQMD’s CEQA significance threshold, there is substantial evidence that an “unstudied, potentially significant environmental effect[]” exists. (*See Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.* (2016) 1 Cal.5th 937, 958.)

The City’s failure to address the Project’s formaldehyde emissions is contrary to the California Supreme Court’s decision in *California Building Industry Ass’n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 (“*CBIA*”). The Court held in *CBIA* that CEQA does not generally require lead agencies to analyze the impacts of adjacent environmental conditions on a project. (*Id.* at 800-01.) However, to the extent that a project may exacerbate existing environmental conditions at or near a project site, those effects would still have to be considered pursuant to CEQA. (*Id.* at 801 [“CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present”].) In so holding, the Court expressly held that CEQA’s statutory language requires lead agencies to disclose and analyze “impacts on a project’s users or residents that arise from the project’s effects on the environment.” (*Id.* at 800.)

The carcinogenic formaldehyde emissions Mr. Offermann has identified are not an existing environmental condition. Those emissions will be from the Project. Residential tenants will be the Project’s users. Currently, there is presumably little to no formaldehyde emissions at the site. Once built, the Project will start emitting formaldehyde at levels posing significant direct and cumulative health risks to the Project’s users. The California Supreme Court in *CBIA* expressly found that this air emission and health impact from the Project on the environment and a “project’s users and residents” must be addressed under CEQA.

The California Supreme Court’s reasoning is well-grounded in CEQA’s statutory language. CEQA expressly includes a project’s effects on human beings as an effect on the environment that must be addressed in an environmental review. “Section 21083(b)(3)’s express

language, for example, requires a finding of a ‘significant effect on the environment’ (§ 21083(b)) whenever the ‘environmental effects of a project will cause substantial adverse effects *on human beings*, either directly or indirectly.’” (*CBLA*, 62 Cal.4th at 800 [emphasis in original].) Likewise, “the Legislature has made clear—in declarations accompanying CEQA’s enactment—that public health and safety are of great importance in the statutory scheme.” (*Id.*, citing e.g., §§ 21000, subds. (b), (c), (d), (g), 21001, subds. (b), (d).) It goes without saying that the Project’s future residents are human beings, and their health and safety must be subjected to CEQA’s safeguards.

The City has a duty to investigate issues relating to a project’s potential environmental impacts. (*See County Sanitation Dist. No. 2 v. County of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98. “[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts.”.) The Project will have significant effects on indoor air quality and health risks by emitting formaldehyde that will expose future residents to cancer risks exceeding SCAQMD’s significance threshold for cancer risk of 10 per million. In light of this impact and the City’s lack of any evidence to the contrary, the Project does not qualify for the Infill Exemption and must undergo CEQA review before approval.

#### **IV. CONCLUSION**

The City cannot rely on a CEQA Infill Exemption because the Project does not meet the terms of the Exemption. Instead, in accordance with CEQA, the City must prepare an initial study followed by either an MND or EIR to examine the Project’s effects on indoor air quality before approval. Therefore, SAFER respectfully requests that the Planning Commission deny approval of the Project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hayley Uno".

Hayley Uno  
LOZEAU DRURY LLP

# EXHIBIT A



## INDOOR ENVIRONMENTAL ENGINEERING



1448 Pine Street, Suite 103 San Francisco, California 94109

Telephone: (415) 567-7700

E-mail: [offer mann@IEE-SF.com](mailto:offer mann@IEE-SF.com)

<http://www.iee-sf.com>

---

Date: November 19, 2024

To: Hayley Uno  
Lozeau | Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, California 94612

From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: 18434 Vanowen Street Project – Los Angeles, CA.  
(IEE File Reference: P-4844)

Pages: 19

---

### **Indoor Air Quality Impacts**

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson,



2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

**Indoor Formaldehyde Concentrations Impact.** In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m<sup>3</sup>, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m<sup>3</sup>, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m<sup>3</sup>. The median indoor formaldehyde concentration was 36 µg/m<sup>3</sup>, and ranged from 4.8 to 136 µg/m<sup>3</sup>, which corresponds to a median exceedance of the 2 µg/m<sup>3</sup> NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m<sup>3</sup>, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the San Diego County Air Pollution Control District (SDAPCD, 2021).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m<sup>3</sup> to 28% for the Acute REL of 55 µg/m<sup>3</sup>.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and

particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of  $22.4 \mu\text{g}/\text{m}^3$  (18.2 ppb) as compared to a median of  $36 \mu\text{g}/\text{m}^3$  found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of  $24.1 \mu\text{g}/\text{m}^3$ , which is 33% lower than the  $36 \mu\text{g}/\text{m}^3$  found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to the 18434 Vanowen Street Project – Los Angeles, CA, the buildings consist of residential spaces.

The residential occupants will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1  $\mu\text{g}/\text{m}^3$  (Singer et. al., 2020)

Assuming that the residential occupants inhale 20  $\text{m}^3$  of air per day, the average 70-year lifetime formaldehyde daily dose is 482  $\mu\text{g}/\text{day}$  for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. for 12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).

In addition, we note that the average outdoor air concentration of formaldehyde in California is 3 ppb, or 3.7  $\mu\text{g}/\text{m}^3$ , (California Air Resources Board, 2004), and thus represents an average pre-existing background airborne cancer risk of 1.85 per million. Thus, the indoor air formaldehyde exposures describe above exacerbate this pre-existing risk resulting from outdoor air formaldehyde exposures.

Additionally, the SCAQMD's Multiple Air Toxics Exposure Study ("MATES V") identifies an existing cancer risk at the Project site of 366 per million due to the site's elevated ambient air contaminant concentrations, which are due to the area's high levels of vehicle traffic. These impacts would further exacerbate the pre-existing cancer risk to the building occupants, which result from exposure to formaldehyde in both indoor and outdoor air.

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

#### Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the

environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m<sup>2</sup> of material/m<sup>2</sup> floor area, units of furnishings/m<sup>2</sup> floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m<sup>2</sup>-h) and the area (m<sup>2</sup>) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), or other equivalent chemical emission rate

testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e.,  $\mu\text{g}/\text{m}^2\text{-h}$ ) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than  $31 \mu\text{g}/\text{m}^2\text{-h}$ , but not the actual measured specific emission rate, which may be 3, 18, or  $30 \mu\text{g}/\text{m}^2\text{-h}$ . These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.



Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (<https://berkeleyanalytical.com>), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. µg/h) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration (µg/m<sup>3</sup>) from Equation 1 by dividing the total formaldehyde emission rates (i.e. µg/h) as determined in Step 4, by the design minimum outdoor air ventilation rate (m<sup>3</sup>/h) for the IAQ Zone.

$$C_{in} = \frac{E_{total}}{Q_{oa}} \quad (\text{Equation 1})$$

where:

$C_{in}$  = indoor formaldehyde concentration (µg/m<sup>3</sup>)

$E_{total}$  = total formaldehyde emission rate (µg/h) into the IAQ Zone.

$Q_{oa}$  = design minimum outdoor air ventilation rate to the IAQ Zone (m<sup>3</sup>/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure

risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

- 1.) reducing the amount materials and/or furnishings that emit formaldehyde
- 2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

- 1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), and use the procedure described earlier above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

**Outdoor Air Ventilation Impact.** Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very

important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

The 18434 Vanowen Street Project – Los Angeles, CA is close to roads with moderate to high traffic (e.g., Vanowen Street, Reseda Boulevard, Darby Avenue, Canby Avenue, etc.). Thus, the Project is located in a sound impacted area.

According to the Department of City Planning Recommendation Report - Department of City Planning Recommendation Report – 18434 Vanowen Avenue, Los Angeles (City of Los Angeles, 2024) there has only been four 15-minute ambient noise measurements conducted on August 2, 2022. In Table 3 the “estimated” existing ambient noise levels ranged from 55.5 to 64.7 dBA CNEL.

In order to design the building for this Project such that interior noise levels are acceptable, an acoustic study with actual on-site measurements of the existing ambient noise levels and modeled future ambient noise levels needs to be conducted. The acoustic study of the existing ambient noise levels should be conducted over a minimum of a one-week period and report the dBA CNEL or Ldn. This study will allow for the selection of a building envelope and windows with a sufficient STC such that the indoor noise levels are acceptable. A mechanical supply of outdoor air ventilation to allow for a habitable interior

environment with closed windows and doors will also be required. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

**PM<sub>2.5</sub> Outdoor Concentrations Impact.** An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of PM<sub>2.5</sub>. The 11623 Glenoaks Boulevard Project – Pacoima, CA is located in the South Coast Air Basin, which is a State and Federal non-attainment area for PM<sub>2.5</sub>.

Additionally, the SCAQMD's MATES V study cites an existing cancer risk of 366 per million at the Project site due to the site's high concentration of ambient air contaminants resulting from the area's high levels of motor vehicle traffic.

An air quality analyses should be conducted to determine the concentrations of PM<sub>2.5</sub> in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM<sub>2.5</sub> sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average PM<sub>2.5</sub> exceedence concentration of 12 µg/m<sup>3</sup>, or the National 24-hour average exceedence concentration of 35 µg/m<sup>3</sup>, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor PM<sub>2.5</sub> particles is less than the California and National PM<sub>2.5</sub> annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of PM<sub>2.5</sub> will exceed the California and National PM<sub>2.5</sub> annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. at least MERV 13, or possibly MERV 14 or 15 depending on the results of the Project ambient PM<sub>2.5</sub> concentrations) in all mechanically supplied outdoor air ventilation systems.

### **Indoor Air Quality Impact Mitigation Measures**

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of

15 cfm/occupant or 0.15 cfm/ft<sup>2</sup> of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

PM<sub>2.5</sub> Outdoor Air Concentration Mitigation. Install air filtration with sufficient PM<sub>2.5</sub> removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor PM<sub>2.5</sub> particles are less than the California and National PM<sub>2.5</sub> annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

## References

BIFA. 2018. BIFMA Product Safety and Performance Standards and Guidelines.  
[www.bifma.org/page/standardsoverview](http://www.bifma.org/page/standardsoverview)

California Air Resources Board. 2004. Formaldehyde in the Home.  
<https://ww3.arb.ca.gov/research/indoor/formaldgl08-04.pdf>

California Air Resources Board. 2009. Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products. California Environmental Protection Agency, Sacramento, CA.  
<https://www.arb.ca.gov/regact/2007/compwood07/fro-final.pdf>



California Air Resources Board. 2011. Toxic Air Contaminant Identification List. California Environmental Protection Agency, Sacramento, CA.  
<https://www.arb.ca.gov/toxics/id/taclist.htm>

California Building Code. 2001. California Code of Regulations, Title 24, Part 2 Volume 1, Appendix Chapter 12, Interior Environment, Division 1, Ventilation, Section 1207: 2001 California Building Code, California Building Standards Commission. Sacramento, CA.

California Building Standards Commission (2014). 2013 California Green Building Standards Code. California Code of Regulations, Title 24, Part 11. California Building Standards Commission, Sacramento, CA <http://www.bsc.ca.gov/Home/CALGreen.aspx>.

California Energy Commission, PIER Program. CEC-500-2007-033. Final Report, ARB Contract 03-326. Available at: [www.arb.ca.gov/research/apr/past/03-326.pdf](http://www.arb.ca.gov/research/apr/past/03-326.pdf).

California Energy Commission, 2015. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, California Code of Regulations, Title 24, Part 6. <http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf>

CDPH. 2017. Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1. California Department of Public Health, Richmond, CA. <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx>. Environmental Impact Report. SCH No. 2018011001.

City of Los Angeles. 2024. Department of City Planning Recommendation Report – 18434 Vanowen Avenue, Los Angeles.

EPA. 2011. Exposure Factors Handbook: 2011 Edition, Chapter 16 – Activity Factors. Report EPA/600/R-09/052F, September 2011. U.S. Environmental Protection Agency, Washington, D.C.

OEHHA (Office of Environmental Health Hazard Assessment). 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments.

OEHHA (Office of Environmental Health Hazard Assessment). 2017a. Proposition 65 Safe Harbor Levels. No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity. Available at: <http://www.oehha.ca.gov/prop65/pdf/safeharbor081513.pdf>

OEHHA - Office of Environmental Health Hazard Assessment. 2017b. All OEHHA Acute, 8-hour and Chronic Reference Exposure Levels. Available at: <http://oehha.ca.gov/air/allrels.html>

Offermann, F. J. 2009. Ventilation and Indoor Air Quality in New Homes. California Air Resources Board and California Energy Commission, PIER Energy-Related Environmental Research Program. Collaborative Report. CEC-500-2009-085. <https://www.arb.ca.gov/research/apr/past/04-310.pdf>

Offermann, F. J. and A. T. Hodgson. 2011. Emission Rates of Volatile Organic Compounds in New Homes. Proceedings Indoor Air 2011 (12<sup>th</sup> International Conference on Indoor Air Quality and Climate 2011), June 5-10, 2011, Austin, TX.

Singer, B.C, Chan, W.R, Kim, Y., Offermann, F.J., and Walker I.S. 2020. Indoor Air Quality in California Homes with Code-Required Mechanical Ventilation. Indoor Air, Vol 30, Issue 5, 885-899.

South Coast Air Quality Management District (SCAQMD). 2015. California Environmental Quality Act Air Quality Handbook. South Coast Air Quality Management District, Diamond Bar, CA, <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

USGBC. 2014. LEED BD+C Homes v4. U.S. Green Building Council, Washington, D.C.  
<http://www.usgbc.org/credits/homes/v4>

APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS  
AND THE  
CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to “reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California”.* In other words, the CARB ATCM regulations do not “assure healthful indoor air quality”, but rather “reduce formaldehyde emissions from composite wood products”.

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not “*assure healthful indoor air quality*” when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4  $\mu\text{g}/\text{m}^3$  (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272  $\text{ft}^2$ ), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1, 2017, California Department of Public Health,

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m<sup>3</sup>/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft<sup>2</sup> (0.7% of the floor area), or  
Particle Board – 30 ft<sup>2</sup> (1.3% of the floor area), or  
Hardwood Plywood – 54 ft<sup>2</sup> (2.4% of the floor area), or  
Thin MDF – 46 ft<sup>2</sup> (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or  
Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or  
Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or  
Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry, could be used without causing indoor formaldehyde concentrations that result in CEQA

cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.





# 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: **DEC 19 2024**

Case No.: **CPC-2022-8567-DB-CDO-SPR-VHCA**

Council District: 4 – Raman

CEQA: ENV-2022-8568-CE

Plan Area: Reseda – West Van Nuys

**Project Site:** 18430 – 18434 West Vanowen Street

**Applicant:** Daniel Kashani, 18434 Vanowen LLC  
Representative: Olivia Joncich, Rand Paster & Nelson, LLP

At its meeting of **November 21, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Demolition of the existing commercial building and carport and the construction, use, and maintenance of a new seven-story, 95-unit residential development. Fifteen percent of the base density, or 11 dwelling units, will be set aside for Very Low Income Households. The Project proposes 102 vehicle parking spaces located within the ground-floor and second-floor levels. The Project also proposes a total of 79 bicycle parking spaces.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review to permit a residential development project consisting of 95 dwelling units of which 11 units will be set aside for Very Low Income Households, and with the following On-Off Menu Incentives and Waivers of Development Standards:
  - a. An On-Menu Incentive to permit the averaging of Floor Area Ratio (FAR), density, open space, parking, and access across the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones;
  - b. An Off-Menu Incentive to permit a 15-foot and 1-inch rear yard in lieu of 25 percent of the lot depth, or 25 feet, in the RA-1L-RIO Zone;
  - c. An Off-Menu Incentive to permit a total floor area of 90,112 square feet and a FAR of 3.11:1 across the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones in lieu of a FAR of 1.5:1 in the [Q]C2-1L-CDO-RIO and 25 percent of the lot area in the RA-1L-RIO Zone;
  - d. A Waiver of Development Standards to permit a height of seven stories and 74 feet and six inches in lieu of 45 feet otherwise permitted in the [Q]C2-1L-CDO-RIO Zone and 30 feet otherwise permitted in the RA-1L-RIO Zone;
  - e. A Waiver of Development Standards to waive transitional height limits otherwise required in LAMC Section 12.21.1 A.10;
  - f. A Waiver for an open space reduction to permit 5,487 square feet of open space in lieu of 10,750 square feet of open space required by LAMC Section 12.21.G.2;
  - g. A Waiver of Development Standards to permit a 9-foot westerly side yard in the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones in lieu of 10 feet required by LAMC Sections 12.14 C.2 and 12.07 C.2; and

- h. A Waiver of Development Standards to permit a 9-foot easterly side yard in the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones in lieu of 10 feet required by LAMC Section 12.14 C.2 and 12.07 C.2;
3. **Approved**, pursuant to LAMC Section 13.08, a Community Design Overlay Compliance Review with the design guidelines and standard of the Reseda Central Business District Community Design Overlay District (CDO);
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development resulting in 50 or more dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Zamora  
 Second: Klein  
 Ayes: Diaz, Mack, Newhouse, Saitman  
 Absent: Cabildo, Choe, Lawshe

**Vote: 6 – 0**

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 Density Bonus Off-Menu Incentives and Waivers of Development Standards are not further appealable. The Density Bonus On-Menu Incentives and the remaining entitlements are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

**JAN 03 2025**

**FINAL APPEAL DATE:** \_\_\_\_\_

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

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

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures

cc: Heather Bleemers, Senior City Planner

Esther Ahn, City Planner  
David Woon, Planning Assistant

## CONDITIONS OF APPROVAL

Pursuant to Sections 12.22 A.25, 13.08, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans, submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 95 dwelling units including Density Bonus Units.
3. **On-site Restricted Affordable Units.** A minimum of 15 percent of the base density, or eleven (11) units, shall be reserved for Very Low Income Household, as defined by the California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **SB 8 Replacement Units (California Government Code Section 66300 et seq.)** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated August 2, 2022, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
5. **Housing Requirements.** Prior to the issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make eleven (11) units available to Very Low Income households or equal to 15 percent of the project's base density, for sale or rental, as determined to be affordable to such households by LAHD for a period of 55 years. (In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD, and in consideration of the project's Replacement Unit Determination.
6. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO Units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided to City Planning for inclusion in the case file.

7. **Incentives.**

- a. **Averaging.** The project shall permit the averaging of FAR, density, open space, parking, and access across the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones.
- b. **Building Height.** The project shall be permitted a maximum height of 74 feet and 6 inches in lieu of 45 feet otherwise permitted in the [Q]C2-1L-CDO-RIO Zone and 30 feet otherwise permitted in the RA-1L-RIO Zone.
- c. **Floor Area.** The project shall be permitted a total floor area of 90,112 square feet and a floor area ratio (FAR) of 3.11:1 across the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones in lieu of a FAR of 1.5:1 in the [Q]C2-1L-CDO-RIO and 25 percent of the lot area in the RA-1L-RIO Zone.

8. **Waivers of Development Standards.**

- a. **Rear Yard.** The project shall be permitted a 15 feet southerly rear yard in the RA-1L-RIO Zone in lieu of 25 feet (25 percent of the lot depth for the rear lot located in the RA-1L-RIO Zone).
- b. **Transitional Height.** The project is not required to meet any transitional height requirements.
- c. **Open Space.** The project shall be permitted to provide a minimum of 5,487 square feet of open space in lieu of the required 10,750 square feet.
- d. **Side Yard (Easterly).** The project shall be permitted a 9-foot easterly side yard in the [Q] C2-1L-CDO-RIO and RA-1L-RIO Zones in lieu of 10 feet.
- e. **Side Yard (Westerly).** The project shall be permitted a 9-foot westerly side yard in the [Q] C2-1L-CDO-RIO and RA-1L-RIO Zones in lieu of 10 feet.

9. **Parking.**

- a. **Residential Parking.** Automobile parking shall be provided consistent with the LAMC and/or Assembly Bill (AB) 2097. A greater number than the minimum required may be provided at the applicant's discretion.
- b. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Los Angeles Municipal Code, Section 12.21 A.16 and to the satisfaction of the Department of Building and Safety.
- c. **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.

10. **River Implementation Overlay (RIO) District Approval.** Prior to the clearance of building permits for the project, the applicant shall obtain a RIO Administrative Clearance, or other appropriate approval, from the Department of City Planning, in accordance with Section 13.17 of the LAMC and the River Implementation Overlay Zone (Ordinance No. 183,145).

#### **Reseda Central Business District Community Design Overlay Conditions**

11. **Walls.** The wall(s) surrounding the project site shall incorporate surfaces and textures to discourage graffiti where possible.
12. **Building Colors.** Fluorescent and day-glow are not permitted.

#### **Site Plan Review Conditions**

13. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval. The project shall minimize the number of curb cuts on the subject property, to the satisfaction of LADOT.
14. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
15. **Building Materials.** A variety of high-quality exterior building materials, consistent with the approved Exhibit "A" plans, shall be used. Substitutes of an equal quality shall be permitted to the satisfaction of the Department of City Planning.
16. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way. Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
17. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer(s), if located at-grade and facing the public right-of-way, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall) and shall be consistent with LADWP access requirements.
18. **Solar.** 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.
19. **Maintenance.** The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, 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. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

21. **Landscaping.**

a. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

b. Tree Wells and other Planters.

i. The minimum depth of tree wells on the rooftop or any other location where planters are used shall be as follows:

(1) Minimum depth for trees shall be 42 inches.

(2) Minimum depth for shrubs shall be 30 inches.

(3) Minimum depth for herbaceous plantings and ground cover shall be 18 inches.

(4) Minimum depth for an extensive green roof shall be 3 inches.

ii. The minimum amount of soil volume for tree wells on the rooftop or any other location where planters are used shall be based on the size of the tree at maturity:

(5) 600 cubic feet for a small tree (less than 25 feet tall at maturity).

(6) 900 cubic feet for a medium tree (25-40 feet tall at maturity).

(7) 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).

22. **Street Trees.**

a. Project shall preserve all healthy mature street trees whenever possible. All the feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.

b. When street dedications are required and to the extent possible, the project shall provide larger planting areas for existing street trees to allow for growth and planting of larger stature street trees. This includes and is not limited to parkway installation and/or enlargement of tree wells and parkways.



- c. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The contractor shall notify Urban Forestry Division at 213-847-3077 upon completion of construction for tree planting direction and instructions.
23. **Tree Replacement.** Street trees and replacement trees shall be provided to the satisfaction of the Urban Forestry Division.

### **Administrative Conditions**

28. **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.
29. **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.
30. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
31. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
32. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
33. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.

34. **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.
35. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
36. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
37. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
38. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
39. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
40. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### **Density Bonus/Affordable Housing Incentives/Waivers Compliance Findings**

**1. Pursuant to LAMC Section 12.22 A.25 and Government Code Section 65915, the decision-maker shall approve a density bonus and requested incentive(s) unless the Commission finds that:**

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

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

In exchange for reserving 15 percent or more of the base density for Very Low Income households, the Applicant is entitled to three (3) Incentives under both Government Code Section 65915 and the LAMC. The project proposes to reserve 15 percent of the base density or 11 units for Very Low Income households. These requested Incentives provide cost reductions that provide for affordable housing costs because the incentives by their nature increase the scale of the project, which facilitates the creation of more affordable housing units. The Applicant requests one (1) On-Menu Incentive for the averaging of FAR, density, open space, parking, and access across the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones. The Applicant also requests two (2) Off-Menu Incentives for an increase in floor area and a reduction in the rear yard setback.

***Averaging.*** The requested On-Menu Incentive for averaging Floor Area Ratio (FAR), Density, Open Space, Parking, and Access are expressed in the Menu of Incentives in the City's Density Bonus Ordinance, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. The Project site is comprised of two lots zoned [Q]C2-1L-CDO-RIO and RA-1L-RIO. For this Project, the LAMC permits a base density of 73 dwelling units. The Applicant requests a 30 percent density bonus to permit a maximum density of 95 dwelling units. The request to average density across the two lots will permit the proposed density throughout the Project site. The permitted base FAR for the lot zoned C2-1L-CDO-RIO is 1.5:1, and the permitted base FAR for the lot zoned RA-1L-RIO is 25 percent of the lot area. The requested Off-Menu Incentive to increase the total floor area to 90,112 square feet will permit a maximum FAR of 3.11:1 across the [Q]C2-1L-CDO-RIO and RA-1L-

RIO Zones. Per LAMC, the required area dedicated to Open Space is 10,750 square feet. In conjunction with the requested On-Menu Incentive for Averaging, the Applicant requests a Waiver of Development Standards for an open space reduction. As such, the Project proposes an open space area 5,487 square feet across the Project site. The request to average Open Space will allow the Applicant to propose a combination of common and private open space areas including the second-floor courtyards, rear yard common space, and private balconies. These areas will provide essential residential amenity spaces for future tenants. With regards to parking and access, the Project is not required to provide any vehicular parking spaces pursuant to AB 2097. However, the Applicant will provide a total of 102 parking spaces located on the ground- and second-floor levels of the Project with vehicular access located along West Vanowen Street. Vehicular access will take place from a less restrictive zone ([Q]C2-1L-CDO-RIO, Lot FR 165) to a more restrictive zone [RA-1L-RIO, Lot FR 164). The request to average Parking and permit vehicular access across the Project site will permit a cohesive project design that will allow for the development of the proposed 95-unit residential building. Therefore, the Incentive allows the Applicant to utilize more of the total building square footage for residential units, which facilitates the construction of more affordable housing units, while remaining in compliance with all other applicable zoning regulations. The Incentive further supports the applicant's decision to reserve 15 percent of the base units for Very Low Income Households. Therefore, the Additional Incentive is necessary to provide for affordable housing costs.

**Rear Yard Setback.** Pursuant to LAMC Section 12.07 (RA - Suburban Zone), the Project will be required to provide a 25-foot rear yard setback. (The rear yard shall not be less than 25 percent of the depth of the lot and shall not exceed 25 feet. The RA-1L-RIO zoning of the project's rear lot contains a depth of 100 feet, therefore the required rear yard setback is 25 feet). The Applicant requests an Additional Incentive to permit a proposed minimum rear yard setback of 15 feet and 1 inch in lieu of 25 feet. Reducing the setback of the Project allows the developer to expand the building envelope so that additional units can be constructed, and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentive supports the applicant's decision to set aside 11 units for Very Low Income Households for 55 years.

**Floor Area.** The subject property is zoned [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones which limits the maximum FAR to 1.5 to 1 for the lot in the [Q]C2-1L-CDO-RIO Zone and 25 percent of the lot area for the lot in the RA-1L-RIO Zone. In conjunction with the On-Menu Density Bonus Incentive for Averaging discussed above, the Applicant requests an Off-Menu Incentive to permit a maximum floor area of 90,112 square feet with a FAR of 3.11:1 across the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones for the proposed seven-story, residential development. The increase in floor area will allow for the development of more residential units. Of the 95 units proposed, eleven (11) units will be set aside for Very Low Income Households.

As proposed, the FAR increase would allow for additional floor area to

accommodate the construction of affordable units in addition to larger-sized dwelling units. Granting of the Off-Menu Incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentive supports the applicant's decision to set aside 15 percent of the base units, or 11 dwelling units, for Very Low Income Households for 55 years.

- b. The incentives will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households.**

There is no substantial evidence in the record that the proposed Incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). Moreover, the design and construction of the proposed project will be required to comply with all applicable provisions of the California Building Code and the Los Angeles Building Code, including incorporation of all grading, foundation, and structural recommendations provided in the geotechnical investigation. With adherence to these requirements, the proposed project would not result in or exacerbate liquefaction risks. Therefore, there is no substantial evidence that the proposed project, and thus the requested Incentives, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any historical resource. Based on the above, there is no basis to deny the requested Incentives or Waivers.

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

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

- 2. Pursuant to Government Code Section 65915(e), the decision-maker shall grant requested waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the affordable set-aside percentage criteria at the densities or with the concessions or incentives permitted under the State Density Bonus Law.**

Per California Government Code Section 65915(e)(1) and Section 12.25 A.25(g) of the LAMC, a Housing Development Project may also request other "waiver(s) or reduction(s) of development standards that will have the effect of physically precluding



the construction of a development meeting the [affordable set-aside percentage] criteria...at the densities or with the concessions or incentives permitted under [State Density Bonus Law]”. The project will provide at least 15 percent of its base density for Very Low Income Households for a 30 percent density bonus and the requested Incentives. In addition to the requested On- and Off-Menu Incentives, the Project has requested five (5) Waiver of Development Standards, as follows:

***Building Height.*** The project site is located in the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones. The “1L” Height District associated with the [Q]C2-1L-CDO-RIO Zone permits a maximum building height of 75 feet and six stories. However, the “Q” Classification for the subject zone limits maximum building height to 45 feet. The “1L” Height District associated with the RA-1L-RIO restricts maximum building height to 30 feet. The Applicant requests a Waiver of Development Standard to allow a maximum building height of 74 feet and 6 inches in lieu of 45 feet and 30 feet otherwise permitted in the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones, respectively. The Project proposes a 30 percent density bonus request for a total of 95 dwelling units, of which 11 units will be reserved for Very Low Income Households. The requested Waiver to increase the maximum building height will allow the Project to dedicate a larger amount of lot and building area for the construction of the proposed Project with residential units of sufficient size, configuration, and quality. If the Project was required to meet this building height limits under the LAMC, it would be necessary to reduce the height resulting in a loss of residential floor area for market rate and affordable dwelling units. Therefore, the requested increase to the building height requirements is necessary to facilitate the development of the proposed Project.

Prior to the Hearing Officer Hearing conducted on March 26, 2024, the Project involved a six-story residential development constructed above one (1) subterranean floor level with a maximum building height of 64 feet. Residential parking was proposed on the ground- and subterranean-floor levels. Following the Hearing, the Project was redesigned to remove the subterranean-floor level and relocate the automobile parking spaces to the ground and second-floor levels, and request one (1) additional floor level to accommodate a total of 95 dwelling units within five (5) floor levels (Levels 3 through 7). As such, the request to increase the maximum building height through an Off-Menu Incentive was modified to permit a seven-story, 74-foot and 6-inch, residential development as opposed to a six-story, 64-foot, residential development. Nevertheless, the requested Waiver to increase the maximum building height will allow the Project to accommodate the construction of affordable units of sufficient size and quality. If the Project was required to meet this building height limits under the LAMC, it would be necessary to reduce the height resulting in a loss of residential floor area for market rate and affordable dwelling units.

***Transitional Height.*** The Project is subject to the transitional height requirements set forth in LAMC Section 12.21.1 A.10 as the Project site is located adjacent to the RA Zone properties to the east. The transitional height requirements limit portions of buildings in the “C” Zone located within 0 – 49 feet from the R1 Zone to a building height of 25 feet, 50 – 99 feet from the R1 Zone to a building height of 33 feet, and 100 – 199 from the R1 Zone to a building height of 61 feet. The Project requests a

Waiver of Development Standard to waive the transitional height requirements to permit a maximum height of 64 feet in lieu of 45 feet otherwise permitted in the [Q]C2-1L-CDO-RIO Zone and 30 feet otherwise permitted in the RA-1L-RIO Zone. The Project proposes a 30 percent density bonus request for a total of 95 dwelling units, of which 11 units will be reserved for Very Low Income Households. To accommodate the additional density and affordable units, the Project includes incentives and waivers that will result in an increase floor area and height and a reduction to the open space requirement, side and rear yard setbacks. The requested Waiver of Development Standard to waive the transitional heights will allow the Project to dedicate a larger amount of lot and building area for the construction the proposed Project with residential units of sufficient size, configuration, and quality. If the Project was required to meet this transitional height development standard under the LAMC, it would be necessary to reduce the height of the building portions of the Project that currently exceed this limit, resulting in a loss of residential units and residential floor area proposed in that space beyond the transitional height limit. It is therefore necessary to waive the transitional height requirements such that the Project can be achieved as designed inclusive of the requested Incentives.

**Open Space.** Pursuant to LAMC Section 12.21.G, the Project requires 10,750 square feet of open space and requests a Waiver of Development Standard for an open space reduction to permit 5,487 square feet of open space in lieu of 10,750 square feet of open space otherwise required. The Project proposes a 30 percent density bonus request for a total of 95 dwelling units, of which 11 units will be reserved for Very Low Income Households. In order to accommodate the additional density and affordable units, the Project includes incentives and waivers for increased floor area and height. The requested waiver of development standard to provide 5,487 square feet of open space will allow the Project to dedicate a larger amount of lot and building area for the construction of the proposed Project with residential units of sufficient size, configuration, and quality. Denial of the waiver for open space reduction would reduce the building area needed to provide for the proposed residential units, including the 11 affordable units, and would physically preclude construction of the Project at the density proposed with the incentives and waivers requested.

**Side Yard Setbacks (Easterly and Westerly).** Pursuant to LAMC Sections 12.14 C.2 (C2 – Commercial Zone) and 12.07 C.2 (RA - Suburban Zone), the Project would be required to provide a 10-foot side yard setback for the lot located in the [Q]C2-1L-CDO-RIO (FR 165) and a 10-foot side yard setback for the lot located in the RA-1L-RIO Zone (FR 164). In the C2 Zone, the side yard setback is calculated as five (5) feet plus one-foot for every additional story proposed above the second story. In the RA Zone, the minimum side yard setback is 10 feet. The applicant requests two (2) Waivers to allow a minimum easterly and westerly side yard setback of 9 feet in both lots zoned [Q]C2-1L-CDO-RIO and RA-1L-RIO Zone in lieu of 10 feet (one Waiver per side yard setback reduction request). The imposition of the required 10-foot side yard setback would physically preclude the development of the project areas that encroach into the setback, the requested density of 95 dwelling units, and the requested floor area. The Waiver further supports the applicant's decision to reserve eleven (11) units for Very Low Income households and facilitates the creation of affordable housing units.

**Reseda Central Business District Community Design Overlay Findings**

The Applicant is requesting an approval of plans to comply with the Reseda Central Business District Community Design Overlay Ordinance Nos. 176,557 and 176,558. Pursuant to LAMC Section 13.08, the following findings must be made.

**3. The project substantially complies with the adopted Community Design Overlay and Design Guidelines and Standards.**

The subject site is located within the Reseda Central Business District Community Design Overlay. The Reseda Central Business Community Design Overlay became effective on May 2, 2005, to establish the Boundary Ordinance (Ordinance No. 176,557), permanent “Q” Conditions (Ordinance No. 176,558), and Design Guidelines and Standards. The purpose of the Reseda Central Business District CDO is to improve the economic viability of the area for both businesses and residents, improve the physical appearance of the Central Business District, and establish guidelines to encourage orderly development and revitalization. The boundaries generally encompass Sherman Way between Wilbur Avenue to the west and Hesperia Avenue to the east and Reseda Boulevard between Kittridge Street to the south and Satcoy Street to the north.

The conditions and limitations imposed by the permanent “Q” Conditions limit commercial, industrial, and homeless shelter uses. The Project does not involve any of the aforementioned uses and therefore most of these conditions will not apply to this Project. Permanent “Q” Condition 2.A.1.c prohibits residential uses located on a commercially-zoned lot on the ground-floor level to a depth of a minimum 100 feet from the building frontage. A portion of the Project site fronting West Vanowen Street is located in the [Q]C2-1L-CDO-RIO Zone and therefore is subject to this condition. The Project will comply with this condition as the ground-floor level of the Project will be utilized for automobile and bicycle parking.

Permanent “Q” Condition 2.B imposes a height restriction of 45 feet with the exception of projects located in the RAS Zone. The Applicant has requested a Waiver of Development Standard pursuant to LAMC Section 12.22 A.25 (see *Finding No. 1*) to modify this permanent “Q” Condition and increase the maximum building height to 74 feet and 6 inches in lieu of 45 feet otherwise permitted for the portion of the Project site located in the [Q]C2-1L-CDO-RIO Zone and in lieu of 30 feet otherwise permitted for the portion of the Project site located in the RA-1L-RIO Zone. Approval of the height increase would allow the Project to dedicate a larger amount of lot and building area for the construction of the proposed Project with residential units of sufficient size, configuration, and quality. In addition, it would provide more residential floor area for the construction of market rate and affordable dwelling units. The Project’s proposal of 95 new dwelling units with the requested Waiver of Development Standard would promote the Reseda Central Business District CDO’s purpose of improving economic viability in the area by supporting the numerous commercial businesses and amenities that already serve the surrounding community. In exchange, the commercial businesses will provide beneficial services and goods to prospective residents.

Lastly, the permanent “Q” Conditions also regulate signage and parking buildings located adjacent to residential zoned properties. The Project will be consistent with these conditions as it will comply with the prohibited signs and sign restrictions established by the Reseda Central Business District CDO, and it does not propose the development of any parking buildings. The Project will provide residential parking within the proposed seven-story development on the ground- and second-floor levels.

The Reseda Central Business District CDO established design guidelines, which are set forth in Section 5 of the Design Guidelines and Standards. The Project complies with the applicable design guidelines and standards as follows:

*Guideline 1: Integrate parking structure design by incorporating elements of the Main Building servicing such structure.*

*Standard 1: Use compatible materials, color, architectural details and landscaping to incorporate parking structure design into the overall design scheme.*

The Project’s residential parking will be enclosed on the ground- and second-floor levels of the development. The parking levels will incorporate compatible siding materials, color, and architectural details that distinguish the parking uses with the residential uses located on the third- through seventh-floor levels. The Project will also incorporate a maximum of 4 exterior colors as required by Design Standard 12a (see below) in a neutral palette. Landscaping within the perimeter of the building will also screen automobiles from public view. In addition, ventilation grilles and parapets will be installed to allow air and natural light into the parking garage and to shield automobile headlights from shining through to adjoining properties.

*Guideline 2: Provide privacy to residents in the surrounding neighborhoods and screen automobiles from public view by designing parking buildings and surface parking lots which will minimize associated impacts.*

*Standard 2a: Screen automobiles within parking structures through the use of building parapets, landscape, and other architectural treatments.*

As previously discussed, the Project will incorporate landscaping within the perimeter of the seven-story residential development to screen automobiles from public view. Ventilation grilles and parapets will also be installed to allow air and natural light into the parking garage and to shield automobile headlights from shining through to adjoining properties.

*Guideline 3: Encourage illuminated parking areas, for the purpose of safety, without becoming a nuisance to surrounding residents.*

*Standard 3a: Lighting should be directed on-site and shielded away from surrounding residential areas.*

The Project will incorporate appropriate shielded lighting within the enclosed parking garage on the ground- and second-floor levels that will not create a nuisance to surrounding residential properties. As conditioned under Condition No. 14, outdoor

lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies. In addition, surrounding the Project site is predominantly commercial uses with the exception of a multi-family residential property to the south. Nevertheless, the southern portion of the Project will face the rear surface parking lot of the adjacent residential property and will not face any dwelling units.

*Guideline 4: Enhance the visibility, appearance, and safety of parking areas by maintaining existing parking lots in good repair.*

The Project will maintain the residential parking areas within the first- and second-floor levels of the development with the installation of appropriate lighting, a security gate along West Vanowen Street for ingress and egress, and ventilation grilles.

*Guideline 5: Provide a safe and attractive shopping environment by incorporating pedestrian walkways in the site design.*

*Standard 5a: Pedestrian sidewalks should be provided adjacent to the building and should be a minimum of five (5) feet wide.*

*Standard 5c: Entry walkways, from the sidewalk to the front entrance, should be provided where a parking lot is sited in front of the building.*

The pedestrian sidewalk fronting the Project site will be approximately 10 feet. The Project will provide the dedications and street improvements required by the Bureau of Engineering, and install landscaping and trees within the front yard setback to promote a comfortable and pedestrian-friendly environment. The Project will also provide clear entry walkways into the Project site from West Vanowen Street, including a walkway to the residential lobby, where vehicular access through a two-way driveway will be provided.

*Guideline 6: Create space and provide security by enclosing parking areas and sites with decorative walls and fences. Combination wrought iron and masonry walls are encouraged.*

*Standard 6a: Walls should incorporate surfaces and textures to discourage graffiti where possible. Masonry walls should be constructed from decorative brick, stone, split face concrete block, or other decorative material. Masonry block walls should be finished with a masonry cap.*

*Standard 6b: Chain link fencing should be avoided and should never be the primary fencing material.*

The Project's ground- and second-floor parking areas will be enclosed within the seven-story residential building and will feature a roll-down security gate, ventilation grilles and parapets to allow air and natural light into the parking garage and to shield automobile headlights from shining through to adjoining properties. The Project will also incorporate graffiti-resistant materials to discourage graffiti where possible. In addition, the Project will install landscaping and a wrought-iron fence within the

perimeter of the Project site to create a safe environment for residents and surrounding properties.

*Guideline 7: Enhance the visual look of secondary features such as trash and recycling areas, mechanical equipment, and loading areas by screening them from public view.*

*Standard 7a: Trash storage bins and recycling areas should be located away from the street, behind or to the side of buildings, and should be fully enclosed with a decorative masonry wall or fence and landscaped to prevent off-site transport of trash. Each individual trash bin should have a cover.*

*Standard 7b: Ground mounted equipment or electrical transformers should be fully screened on all sides from public view by substantial landscaping or should be placed underground.*

The Project's trash and recycling collection areas will be located on the ground-floor level of the seven-story residential building adjacent to the enclosed parking area and residential lobby. They will not be visible to public view. The Project's electrical transformers will be located within the Project frontage along West Vanowen Street and will be screened from public view with landscaping.

*Guideline 8: Use landscaping to augment ground cover, provide an attractive buffer, filter noise, soften glare, and enhance the overall aesthetic appeal of the community.*

*Standard 8a: Areas fronting the public right of way free of structures, driveways, walkways, or required parking should be adequately landscaped.*

*Standard 8b: Landscape materials should include both softscape and hardscape which complement the building and site design.*

*Standard 8c: Use an effective variety and density of plant materials including, but not limited to, evergreen (non-deciduous), drought tolerant, native trees, shrubs, perennials, flowers, ground cover, and vines of various heights and species.*

*Standard 8d: Hardscape materials such as river rock, crushed rock, redwood, bark chips, pebbles and stone or masonry slabs should be used to accent and enhance the overall landscape plan and should not be used in-lieu of plant materials.*

As shown in the landscape plans (see "Exhibit A"), the Project will incorporate a variety of drought-tolerant landscaping within all sides of the site, including the street frontage facing West Vanowen Street, to create a safe and attractive environment for residents and pedestrians. The Project frontage will be adequately landscaped alongside the Project's electrical transformers, driveway, and entry walkways. Landscaping will be utilized to screen the Project's electrical transformers from public view. Compatible paving and hardscape materials will be utilized to facilitate adequate pedestrian and ADA access to the residential lobby and ingress-egress points located on the sides of the Project. Decomposed granite will be utilized throughout the landscaped areas to accent the landscape plan.

*Guideline 9: Soften, buffer, and conceal views of parking areas from adjacent uses with sufficient planting materials by incorporating planters, planter boxes, trellises, etc. as part of the landscape design.*

*Standard 9b: A minimum seven (7) foot wide planted landscape buffer is required for all parking structures or garages adjacent to a public street; this area should contain trees, shrubs or other various plant species.*

The Project site fronts West Vanowen Street to the north. The Project will comply with this guideline and standard by installing landscaping within all portions of the front yard with a minimum depth of 15 feet with the exception of areas dedicated to pedestrian walkways, entryways, driveways, and electrical transformers. The landscaping will soften and buffer the parking areas located on the ground- and second-floor levels of the seven-story residential project and will create a comfortable and attractive environment for residents and pedestrians.

*Guideline 10: Use exterior surface materials that complement existing buildings in the area and maintain visual interest. Marble, brick, smooth texture stucco, stone and tile are recommended materials.*

*Standard 10a: The use of wood, metal, unfinished or unsurfaced concrete block walls, plywood, plastic laminate, pecky cedar, corrugated fiberglass , and heavily textured stucco as a primary surface material should be avoided.*

*Standard 10b: Bare aluminum finishes, unfinished metal panels, metal windows/doors, and the like should be anodized or painted. All materials employed in construction should be finished and durable.*

*Standard 10c: Front façade design and materials should continue around corners to the other walls of the building.*

The Project will utilize a variety of building materials including fiber cement, hardi plank siding, stucco finishings, vinyl windows, and painted/stucco-finished metal frames and railings to create a cohesive design that will be compatible with the surrounding community. White stone stucco finishing and grey plastering will distinguish the residential and parking components of the Project, respectively. The front façade will feature horizontal siding and bands that will continue around the corners of the Project into side façades of the residential building. These design elements will enhance the Project's façade articulation and visual interest from the street level.

*Guideline 11: Use exterior surface materials that will reduce the incidence and appearance of graffiti.*

*Standard 11: Exterior walls and windows should be treated with graffiti resistant materials such as specialized coating or use of vegetation.*

The Project will incorporate graffiti-resistant materials to discourage graffiti where possible.



*Guideline 12: Tie building elements together through the use of color.*

*Standard 12a: A maximum of four (4) exterior colors should be used.*

*Standard 12b: Exterior building elements, such as downspouts, gutters, vents, and other mechanical equipment should be painted to blend into the background surface whenever screening of the equipment is not possible.*

The Project will incorporate a maximum of four (4) exterior colors across the various building materials and stucco areas. The Project proposes a neutral color palette comprised of white, grey, ashen plum, and black. The colors will be consistent with the Project design and compatible with the surrounding community. Exterior building elements including downspouts, grilles, and grates will be treated to blend into the background.

*Guideline 13: Avoid highly reflective colors, especially those that produce glare.*

*Standard 13: Bright colors including fluorescent and day-glow are not permitted, except when used as an accent .*

The Project will not utilize highly reflective colors in its design; neutrals colors will be utilized to establish a cohesive Project design that is compatible with the surrounding community.

*Guideline 14: Design exterior lighting as part of the overall architectural concept.*

*Standard 14a: Lighting fixtures and all exposed accessories should be harmonious with the building design.*

*Standard 14b: Illuminate storefront entrances to make inviting, create an emphasis , and to deter crime.*

*Standard 14c: Avoid lighting elements which detract from the appearance of their setting.*

The Project's lighting design will be compatible with the Project design and building materials. All exterior light fixtures will be consistent with City code and will not impose unnecessary reflection or glare onto surrounding properties.

*Guideline 15: Concealing light features within building and landscape can highlight attractive features and avoid intrusion into neighboring properties.*

*Standard 15a: Illuminate buildings and landscape to indirectly create a strong positive image.*

The Project's landscape plan and lighting design have been jointly coordinated to highlight plantings and avoid intrusions into neighboring properties.

*Guideline 17: Incorporate façade design into successive floors, including the area between floors.*

*Standard 17: Building façades should be extended and continue beyond the ground floor. Successive floors can be offset by recessed windows, balconies, offset planes, awnings or other architectural details.*

The Project will incorporate façade articulation across the Project's seven floors with a repeating pattern of color, building materials, and vertical and horizontal architectural elements to create a cohesive building design. Vertical and horizontal breaks within the façade plane through the use of recessed windows balconies, bands which continue from the front façade to the side building facades, and roofline variation also provide visual interest and articulation to the Project.

*Guideline 20: Articulated roof lines and forms add appeal, provide visual interest, and can de-emphasize building mass and scale. When designing roof lines the scale and proportion of adjacent buildings should be considered.*

*Standard 20a: Roofs should be flat, with decorative cornice elements, and Parapets that extend above the roof line to screen rooftop mechanical equipment from public view.*

*Standard 20b: To promote visual interest, buildings with frontages greater than twenty-five (25) feet, should provide articulated roof lines every fifteen (15) feet with vertical relief.*

The Project will provide roof line variation and flat roofs throughout the development with slight overhang areas to provide visual interest. Rooftop equipment will be placed in a manner that will ensure that it is screened from public view.

*Guideline 23: Respond to the scale, proportion, and rhythm of a building's design through the use of awnings and canopies. They can be an integral part of storefront design and should enhance the style, color, and form of the existing architecture, but should not obstruct views of adjacent businesses.*

*Standard 23a: Awnings should relate to the size and form of window and door openings. Storefronts greater than twenty-five (25) feet and divided into structural bays should provide one awning for each bay.*

*Standard 23b: Awnings should be a maximum of three (3) colors for each Project exclusive of signage.*

*Standard 23c: Canvas awnings should be fade resistant and fire retardant.*

*Standard 23d: Glossy, vinyl, plastic, metal and horizontal ribbed Awnings should not be used.*

The Project will utilize a mixture of recessed and projected balconies, breaks in the façade plane, and roofline variation to address the scale, proportion, and rhythm of

the building's design. The Project will not feature any awnings or canopies. The Project design will also feature a variety of architectural elements as discussed above to create a cohesive design that is compatible with the surrounding neighborhood.

Therefore, as conditioned, the project substantially complies with the adopted Community Design Overlay and Design Guidelines and Standards.

**4. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and in the vicinity.**

The Project proposes a seven-story, 74-foot and 6-inch, residential building with 95 dwelling units. While the Project site is surrounded by predominantly low-rise commercial and residential buildings, numerous residential and mixed-use developments have been approved by the City in the past 10 years that are similar in height and scale. These include the following four (4) projects located within 1,000 feet from the Project site along North Reseda Boulevard:

- Five-story (56-foot), mixed-use development with 62 apartment units (6909 – 6923 North Reseda Boulevard)
- Five-story (61-foot), mixed-use development with 158 dwelling units (6912 North Reseda Boulevard)
- Six-story (61-foot), mixed-use development with 205 dwelling units (6648 North Reseda Boulevard)
- Six-story (72-foot), mixed-use development with 254 apartment units (6611 – 6639 North Reseda Boulevard)

The proposed Project will be cohesive with the architectural style and aesthetic of the surrounding community while acknowledging the existing commercial and residential buildings that are in close proximity to the Project site. The Project will incorporate a variety of design features including a mixture of stucco finishings, plaster, cement, vinyl windows, and metal framing and a neutral color palette that is compatible with new and existing developments in the neighborhood. Projecting eaves, recessed balconies, stucco bands, and horizontal siding offer vertical and horizontal breaks in the building façade. Grey plaster and white stucco will also distinguish the Project's parking and residential uses, respectively. The Project's residential lobby and street-facing units will feature windows and balconies that overlook West Vanowen Street, thereby contributing to an engaging and human-scale pedestrian experience. Residential units and private balconies will also be oriented on all four sides of the building therefore creating a sense of transparency and "eyes on the street".

Residential and vehicular access to the Project site will be located along West Vanowen Street through a residential lobby, two-way driveway, and two (2) walkways which run along the western and eastern edges of the site and connect to the Project's rear yard common open space and bicycle storage room. Security gates and code-compliant lighting will be utilized throughout the site to create a safe environment for residents without adversely impacting adjacent properties. In addition, landscaping will be installed along the front and rear yards areas of the Project site as well as the perimeter of the residential building to provide visual interest and promote a user- and

pedestrian-friendly environment. Landscaping will also be utilized to buffer the electrical transformers within the front yard from public view. In addition, programmed spaces and landscaping installed in the Project's common open space areas (i.e. 3<sup>rd</sup> floor courtyards and rear yard space) will provide residents safe and comfortable spaces to relax and socialize. As such, these design features respect the scale and design of the surrounding community.

There are no cultural, scenic, or environmental resources adjacent to the site. As discussed in the Class 32 Categorical Exemption Report (Case No. ENV-2022-8568-CE), the Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The Project is surrounded by urban uses and is located within city limits on a site of no more than five acres. In addition, the Project has no value as habitat for endangered, rare, or threatened species. The Project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, or the Los Angeles Historic-Cultural Monuments Register, and/or any local register according to the City's HistoricPlacesLA website. The Project site is not located along a State Scenic Highway, nor are there any designated State Scenic Highways located near the project site. The Project site is located in the Outer Core within the River Implementation Overlay District (RIO). The Project will conform with the development standards set forth by the RIO District which address Landscaping, Screening/Fencing, and Exterior Lighting.

Therefore, the structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic, or environmental resources adjacent to the site and in the vicinity.

### **Site Plan Review Findings**

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

#### **Community Plan**

The Project site is located within the Reseda – West Van Nuys Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the subject property for Community Commercial land uses corresponding to CR, C2, C4, RAS3, RAS4, P, and PB Zones. The project site is zoned [Q]C2-1L-CDO-RIO and RA-1L-RIO, and therefore it will be consistent with the underlying land use designation.

The proposed Project involves the demolition of the existing one-story commercial building and carport and the construction of a new seven-story, residential development consisting of 95 dwelling units with 11 units (15 percent of the base density) reserved for Very Low Income Households. The Project proposes a maximum building height of 74 feet and 6 inches and a total floor area of approximately 90,112

square feet with a Floor Area Ratio (FAR) of 3.11:1. The Project will provide 102 vehicle parking spaces located within the ground-floor and second-floor levels. A total of 79 bicycle parking spaces will be provided within an enclosed bicycle room adjacent to the residential lobby and in front of the building entrance along West Vanowen Street. The Project will provide 5,487 square feet of open space comprised of 1,500 square feet of private open space and 3,987 square feet of common open space.

With the exception of the requests herein, which allow for the creation of affordable housing units, the proposed Project is otherwise consistent with the requirements of the underlying zones. The proposed residential project will be consistent with the Community Commercial land use designation. The requested Incentives and Waivers of Development Standards are permissible by the provisions of Density Bonus law as discussed in Finding No.1, the Reseda Central Business District Community Design Guidelines and Standards as discussed in Finding Nos. 2 and 3, and the Project will comply with all other applicable provisions of the zoning code.

The proposed project conforms to the following goals, objectives and policies of the Reseda – West Van Nuys Community Plan:

Residential Goals, Objectives, and Policies:

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

Objective 1-3: To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.

Policy 1-3.3: Promote housing in mixed use projects in transit corridors, pedestrian oriented areas, and transit oriented districts.

Commercial Objectives and Policies:

Objective 2-1.1: Require that any proposed development be designed to enhance and be compatible with adjacent development.

Objective 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 2-3.2 Improve safety and aesthetics of parking areas in commercial areas.

The Project will be consistent with the aforementioned objectives and policies as it will provide new multi-family housing opportunities in the Reseda community and will complement the surrounding residential, commercial, and public facility uses. The project will replace the existing one-story commercial structure and carport with a high-quality residential development with 95 dwelling units. Approval of a 30 percent

Density Bonus will permit the project's proposed density. The provision of 95 new residential units of varying sizes and types (45 one-bedroom units, 50 two-bedroom units), including 11 units reserved for Very Low Income Households, will provide for housing required to satisfy the needs of various economic segments of the community. As such, the Project accommodates an adequate supply of housing units by type and cost.

The Project is located approximately 350 feet from the intersection West Vanowen Street and North Reseda Boulevard which provides access to public transit infrastructure including Metro Bus Lines 165 and 240. These bus lines provide commuters access to housing, job centers, schools, and community amenities across the City. In addition, West Vanowen Street and North Reseda Boulevard are both mixed-use corridors connected to housing, markets, restaurants, retail stores, auto body shops, and community and religious institutions. Therefore, the proposed housing development project in relation to the existing street and public transportation infrastructure will complement the surrounding land uses and promote the integration of housing, commercial, and public facility uses.

The Project's proposed parking garage will be screened from public view with parapets and ventilation grilles and will provide a total of 102 vehicle parking spaces located within the ground- and second-floor levels. This parking design strategy not only addresses the safety and aesthetic of parking in commercial areas but is also consistent with the design guidelines and standards established by the Reseda Central Business District Community Design Overlay (CDO) District.

The Project site is located within the River Improvement Overlay (RIO) District and the Reseda Central Business District Community Design Overlay (CDO) District. The Project will conform with the development standards set forth by the RIO District which address Landscaping, Screening/ Fencing, and Exterior Lighting. The Project will also comply with the relevant standards and policies set forth by both overlay districts. The Project will be consistent with the [Q] Conditions and the Design Guidelines and Standards which address the use, operation, and development of projects located within commercial properties in the Reseda Central Business District.

The Project is further consistent with other elements of the General Plan, including the Framework Element, the Housing Element, and the Mobility Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

#### Framework Element

The Project supports the following goals, objectives, and policies of the Framework Element:

### Chapter 3 – Land Use:

- Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.
- 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 3.2.3: Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.
- Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

### Chapter 4 – Housing:

Goal 4A: An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

- Objective 4.1: Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010.
- Objective 4.2: Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.
- Policy 4.2.1 Offer incentives to include housing for very low- and low-income households in mixed-use developments.

### Chapter 5 – Urban Form and Neighborhood Design:

- Objective 5.5: Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.



Objective 5.9: Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.

Policy 5.9.1: Facilitate observation and natural surveillance through improved development standards which provide for common areas, adequate lighting, clear definition of outdoor spaces, attractive fencing, use of landscaping as a natural barrier, secure storage areas, good visual connections between residential, commercial, or public environments and grouping activity functions such as child care or recreation areas.

## Chapter 7 – Economic Development:

Goal 7G: A range of housing opportunities in the City.

Objective 7.9: Ensure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City's workforce to both live and work in the city.

Policy 7.9.1: Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure.

Policy 7.9.2: Concentrate future residential development along mixed-use corridors, transit corridors, and other development nodes identified in the General Plan Framework Element to "optimize the impact of City capital expenditures on infrastructure improvements."

The Project will complement the surrounding residential, commercial, and public facility uses in the neighborhood with the construction of a new 95-unit residential building in the Reseda Central Business District. The Project will feature a unit mix of 45 one-bedroom units and 50 two-bedroom units, and 2 three-bedroom units as detailed in Exhibit "A". Approval of a 30 percent Density Bonus will permit the Project's proposed density. The provision of 95 new residential units of varying sizes and types, including 11 units reserved for Very Low Income Households, will provide for the housing required to satisfy the needs of various economic segments of the community. The Project site is served by numerous transit lines within walking distance including Metro Local Bus Lines 165 and 240 which will allow residents to connect to community resources across the region. The Project site is also located near bicycle lanes along North Reseda Boulevard which connect to other lanes and trails in the community. Similar to the accessibility and connectivity benefits provided by nearby public transit lines, existing bicycle infrastructure will connect commuters to neighborhood-serving

amenities and job centers. The Project's proximity and access to public transit and existing bicycle infrastructure will provide residents the option to walk, bike, or ride public transit as their mode of transportation.

The Project will incorporate multiple design features that will be compatible with the surrounding properties and will enhance the livability of the neighborhood. In addition, the Project will comply with various standards and policies set forth by the River Implementation Overlay (RIO) District and the Reseda Central Business District Community Design Overlay (CDO) District which address the project's proximity to the Los Angeles River and a commercial district, respectively. The Project will incorporate features related to the project's selection of building materials, articulation, landscaping, parking, and equipment screening. The Project's massing will utilize high-quality building materials including light-colored stucco, vinyl windows, fiber cement siding, and plaster to create a clear and cohesive design. The Project will feature private balconies along the perimeter of the residential building including the street-facing building frontage. These spaces will contribute to the articulation of the building and will also provide a sense of security and "eyes on the street" as they overlook West Vanowen Street. A mixture of projecting and recessed balconies, and roofline variation wrapped along the front and rear portions of the building will also enhance building articulation and visual interest. This design strategy will help minimize building mass and scale, and will result in a project that is compatible with similar scaled housing developments in the immediate vicinity. Landscaping will be utilized in a thoughtful manner particularly within the common open space areas and street-level frontage to create an attractive and comfortable experience for residents and visitors. Trees, shrubs, and ground cover will provide relief from the heat and sun during the day. Residential parking, utility equipment, and trash and recycling bins will be screened from public view as they will be located within the project's enclosed parking garage. While the Project's transformer will front the public street, it will also be screened with landscaping from public view as permitted by LADWP. Therefore, the combination of these design features and strategies will help produce a balanced and cohesive look that distinguishes the Project as a residential development.

Therefore, the Project will be consistent with the Land Use, Housing, Urban Form and Neighborhood Design, and Economic Development Chapters of the Framework Element.

#### Housing Element 2021 - 2029

The latest Housing Element (2021-2029) of the General Plan provides land use policies and programs that encourage development of affordable housing across the City. The project also supports the following goals, objectives, policies of the Housing Element:

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

Objective 1.1 Produce an adequate supply of rental and ownership housing in order to meet current and projected needs;

Policy 1.1.1 Expand opportunities for residential development, particularly in designated centers, Transit Oriented Districts, and along mixed-use boulevards.

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

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

Objective 2.2 Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit;

Policy 2.2.1 Provide incentives to encourage integration of housing with other compatible land uses.

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

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

The Project utilizes multiple development incentives pursuant to the City's Density Bonus Ordinance to provide a higher number of residential units than would otherwise be permitted, thereby facilitating the creation of a higher number of affordable units and addressing the need for affordable housing in the City. Of the 95 dwelling units proposed, 11 units will be set aside for Very Low Income Households. The Project will support larger families as it proposes 45 two-bedroom units and 50 three-bedroom units and will offer a mix of market rate and affordable units providing greater individual choice in housing. The Project is located approximately 350 feet from the intersection West Vanowen Street and North Reseda Boulevard which provides access to public transit infrastructure including Metro Bus Lines 165 and 240. These bus lines will connect residents to essential services, job centers, and community amenity across the region. In addition, the Project site is located near bicycle lanes along North Reseda Boulevard. Therefore, the Project's proximity to public transit and existing bicycle infrastructure will support various modes of transportation and help reduce greenhouse gas emissions. Landscaping and bicycle parking will be installed along the street-level frontage to create a safe and comfortable pedestrian experience that encourages walking. The Project also proposes various open space opportunities for Project residents to relax, socialize, and engage in physical exercise. This includes private balconies, rear yard open space, and courtyards. Therefore, the Project will conform with the applicable goals, objectives, policies of the Housing Element.

### Mobility Plan 2035

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The Project will conform with following policies of the Mobility Element as described below.

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

Policy 2.6: Provide safe, convenient, and comfortable local and regional bicycling facilities for people of all types and abilities.

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.

Policy 5.2: Support ways to reduce vehicle miles traveled (VMT) per capita; and

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

The Project will provide access for all modes of travel, including for pedestrians, bicyclists, and transit users. Local markets, restaurants, retail stores, and other community amenities are accessible by foot as the project is located along West Vanowen Street which functions as a mixed-use and public transit corridor. Landscaping and bicycle parking will be installed within the street-level frontage to create a safe and comfortable pedestrian experience that encourages walking. The Project site is also served by numerous transit lines within walking distance, including Metro Local Lines 165 and 240. These public transit lines will connect residents, workers, and visitors to essential services, job centers, and community amenities across the City. In addition, the project supports biking as a mode of transportation with the installation of 79 short- and long-term bicycle parking spaces and a bike workspace. The Project is located within 350 feet from North Reseda Boulevard which is improved with bicycle lanes which connect to the local bicycle network. Therefore, the Project supports the use of various modes of transportation and the Project will contribute towards the creation of sustainable neighborhoods.

Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Reseda – West Van Nuys Community Plan.

### Health and Wellness Element

Adopted in March 2015 with a technical update in 2021, the Plan for a Healthy Los Angeles lays the foundation to create healthier communities for all Angelenos. As the Health and Wellness Element of the General Plan, it provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health as a priority for the City's future growth and development. Through a new focus on public health from the perspective of the built environment and City services, the City of Los Angeles will strive to achieve better health and social equity through its programs, policies, plans, budgeting, and community engagement. The Project is consistent with the following goals, objectives, and policies:

Policy 2.2. Healthy Building design and construction. Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.

Policy 5.1: Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.

Policy 5.7: Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and others susceptible to respiratory diseases.

### Air Quality Element

Policy 4.2.3: Ensure that new development is compatible with pedestrians, bicycles, transit, and alternative fuel vehicles.

Policy 5.1.2: Effect a reduction in energy consumption and shift to non-polluting sources of energy in its buildings and operations.

As previously discussed above, the Project site is served by numerous public transit lines within walking distance including Metro Local Lines 165 and 240, which residents, workers, and visitors to essential services, job centers, and community amenities across the City. The Project site is also located within 350 feet from North Reseda Boulevard which is improved with bicycle lanes and connects to the local bicycle network. In addition, the project supports biking as a mode of transportation with the installation of 79 short- and long-term bicycle parking spaces and a bike workspace.

The Project site's proximity to different modes of transportation and commercial land uses will provide residents and on-site employees with a variety of options for trips to be taken by walking, biking, or by bus. The Project will further reduce vehicle trips and vehicle miles traveled due to the Project's pedestrian-oriented design and therefore will promote respiratory health. The Project will provide bicycle parking amenities on-site, thereby reducing air pollution and greenhouse gas emissions that

would otherwise be caused by vehicle trips. The Project would comply with applicable provisions of the CALGreen Code and the Los Angeles Green Building Code, which will serve to reduce the Project's energy usage.

The Project has been designed such that the street-level frontages along West Vanowen Street include landscaping, trees, and lighting which support a safe, comfortable, and aesthetically pleasing pedestrian experience for the neighborhood. The Project's residential lobby and several of the dwelling units will front West Vanowen Street and will feature vinyl windows, thereby activating the mixed-use corridor and offering street-level surveillance.

Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the applicable Community Plan.

**6. 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 neighboring properties.**

The subject property is comprised of two (2) lots with a total area of 28,999 square feet (0.67 acres) in Reseda. The Project site has a frontage of approximately 100 feet along West Vanowen Street and a depth of approximately 200 feet. The property is currently developed with a single-story commercial building and carport.

The proposed Project involves the demolition of an existing one-story commercial building and carport and the construction, use, and maintenance of a new seven-story, residential development consisting of 95 dwelling units. Of the 95 dwelling units proposed, eleven (11) units will be dedicated for Very Low Income Households. The Project will provide the following unit mix: 45 one-bedroom units and 50 two-bedroom units. The Project will encompass a total floor area of 90,112 square feet, equating to a floor area ratio (FAR) of 3.11:1. The new residential development will front West Vanowen Street with dwelling units located between the third- through seventh-floor levels and automobile parking located on the ground-floor and second-floor levels. The Project will be seven-stories tall with a maximum building height 74 feet and 6 inches. The Project will provide a total of 102 vehicle parking spaces and 79 bicycle parking spaces. The project's 72 long-term bicycle parking spaces will be located adjacent to the residential lobby within an enclosed room, and the project's 7 short-term bicycle parking spaces will be located within the building frontage. Primary vehicle and pedestrian access will be provided along West Vanowen Street. Two (2) walkways located along the eastern and western edges of the Project site will also provide access to an enclosed bicycle storage room and rear yard open space area. A two-way driveway and gate will allow residents to enter and exit the parking garage. A total of 5,487 square feet of open space will be provided including third-floor courtyards and a rear yard common open space area. (The Project also includes non-conforming open space including additional courtyard and rear yard common open space areas as well as 35 private balconies encompassing 1,155 square feet).

The Project and all of its pertinent improvements will be compatible with neighboring properties. The Project is a desirable residential development in a location and neighborhood zoned and designated for such uses. The Project site is located in an urbanized area developed with a variety of other similar and compatible uses, including multi-family residences, autobody shops, restaurants, and other commercial businesses. The Project will not preclude any future development on the project property or on any adjacent property. Accordingly, the Project has been designed and conditioned such that its significant features and improvements will be compatible with the surrounding area, as follows:

#### Height, Bulk, and Setbacks

As depicted in the Exhibit “A”, the building will encompass a total floor area of approximately 90,112 square feet and a maximum building height of 74 feet and 6 inches.

The Project site is located in an urbanized area surrounded primarily by commercial and multi-family residential uses. Properties located across the Project site to the north are developed with retail and autobody shops and medical clinics in the [Q]C2-1L-CDO-RIO Zone. Properties located east and west of the Project site are developed with restaurants, markets, beauty salons, and autobody shops in the [Q]C2-1L-CDO-RIO Zone. Properties located south of the Project site are developed with multi-family residential developments and a church in the RA-1A-RIO and R3-1-RIO Zones.

Based on the underlying [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones of the Project site, the Project is permitted a maximum building height of 45 feet for the portion of the Project site zoned [Q]C2-1L-CDO-RIO and 30 feet for the portion of the Project site zoned RA-1L-RIO when a building or structure proposes a roof with a slope of less than 25 percent. (The “1L” Height District associated with the C2-1L Zone permits a maximum building height of 75 feet and six stories. However, the “Q” Classification for the subject zone limits maximum building height to 45 feet). The Project requests a Waiver of Development Standard to increase the maximum building height to 74 feet and 6 inches resulting in a seven-story residential building and a Waiver of Development Standard to waive transitional height requirements as the Project site is located adjacent to a residential property in the RA Zone through the City’s Density Bonus Program. The height of the Project is similar to mixed-use developments located west of the Project site along North Reseda Boulevard that have been constructed or have been approved of entitlements. These projects include the following:

- Case No. DIR-2022-2692-TOC-CDO-SPR-HCA – Five-story (56-foot), mixed-use development with 62 apartment units (6909 – 6923 North Reseda Boulevard)
- Case No. CPC-2014-4226-DB-SPR-CDO – Five-story (61-foot), mixed-use development with 158 dwelling units (6912 North Reseda Boulevard)
- Case No. CPC-2016-3545-ZC-DB-SPR-CDO – Six-story (61-foot), mixed-use development with 205 dwelling units (6648 North Reseda Boulevard)

- Case No. CPC-2014-1759-ZC-SPE-SPR-ZAA-CDO – Six-story (72-foot), mixed-use development with 254 apartment units (6611 – 6639 North Reseda Boulevard)

The requested waivers of development standards allow for an expanded building envelope, making way for the provision of additional dwelling units to support the provision of 11 units reserved for Very Low Income Households. Therefore, the Project's height will be compatible with surrounding properties in the community.

Regarding FAR and density, the Project site is restricted to a maximum FAR of 1.5:1 for the portion of the Project site located in the [Q]C2-1L-CDO-RIO and a maximum FAR equivalent to 25 percent of the lot area of the portion of the Project site located in the RA-1L-RIO Zone. The Project requests an Off-Menu Incentive to increase the maximum FAR to 3.11:1 and an On-Menu Incentive to permit the averaging of FAR, open space, parking and access across the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones through the City's Density Bonus Program. The incentives will allow for the construction of the proposed 90,112 square-foot residential development comprised of 95 dwelling units. As with the requested incentive to increase the Project's maximum building height, these incentives will allow the developer to expand the building envelope so that additional units can be constructed, and the overall space dedicated to residential uses is increased. The incentive supports the Applicant's decision to set aside 11 dwelling units for Very Low Income Households. The Project's dwelling units will be located on the third- through seventh-floor levels with complementary amenities including courtyards, a rear yard common open space area, private balconies, recreation room, and bicycle storage.

With regards to setbacks, the Project site is subject to various front, side, and rear yard setbacks as it is located within the [Q]C2-1L-CDO-RIO and RA-1L-RIO Zones. The portion of the Project site fronting West Vanowen Street in the [Q]C2-1L-CDO-RIO is not subject to any front yard setback requirements however is required to provide a westerly and easterly side yard setback of 10 feet per LAMC Section 12.14 C (LAMC Section 12.14 C refers to the side yard requirements of the R4 Zone for all portions of buildings erected and used for residential uses. The calculation for the required side yard setback is 5 feet plus 1-foot for every story proposed above the 2<sup>nd</sup> story. Therefore, with seven stories proposed with the subject Project the required side yard setback is 10 feet). The portion of the Project site located within the RA-1L-RIO Zone is subject to easterly and westerly side yard setbacks of 10 feet and a southerly rear yard setback equivalent to 25 percent of the depth of the lot, or 25 feet. The Project requests an Off-Menu Incentive to permit a rear yard setback of 15 feet and 1 inch and two (2) Waivers of Development Standards to permit a westerly and easterly side yard setback of 9 feet (one Waiver per side yard reduction). In exchange, the Project will be consistent with applicable State Density Bonus Law and LAMC Section 12.22.A.25 by setting aside 15 percent of the base units, or 11 units, as restricted affordable housing for Very Low Income Households.

The bulk and massing of the proposed residential development will be tempered by multiple design features which relate to the Project's selection of building materials and color palette to enhance façade articulation and the use of landscaping to enhance the user and pedestrian experience. building façade, landscaping, and the



project's orientation in relation to the surrounding built environment. The Project will utilize a mixture of stucco finishings, plaster, cement, vinyl windows, and metal framing with a neutral color palette to create a clear and cohesive design that is consistent with existing and future developments in the neighborhood. Projecting eaves, recessed balconies, stucco bands, and horizontal siding offer vertical and horizontal breaks in the building façade. In addition, grey plaster and white stucco will also help distinguish the Project's parking and residential uses, respectively. The Project will provide a sense of security and "eyes on the street" with the orientation of the building lobby entrance and several private balconies facing West Vanowen Street. The Project will feature indoor and outdoor common open spaces that will allow residents to relax, socialize, and participate in recreational activities. These spaces include the rear yard area, the 3<sup>rd</sup>-floor courtyards, and the 2<sup>nd</sup> floor recreation room. A minimum of 25 percent of the outdoor common open space areas will be planted with groundcover, shrubs, and/or trees. Landscaping will be utilized in a thoughtful manner particularly within the common open space areas and the street-level frontage to create an attractive and comfortable experience for residents and pedestrians. The proposed landscaping in the front yard areas will provide relief from the heat and sun during the day and will screen the electrical transformers from public view. Therefore, the combination of these design features and strategies will help produce a balanced and cohesive look that respects the surrounding built environment.

The proposed building height, mass, and setbacks are all consistent/permissible with all applicable zoning regulations and State and City Density Bonus law, and as a result will be compatible with adjacent properties. Therefore, the project's height, mass, and setbacks will be compatible with adjacent properties.

#### Parking and Loading

Per AB 2097, public agencies are prohibited from imposing or enforcing any minimum automobile parking requirement on any residential, commercial, or other development project that is within one-half mile of a Major Transit Stop. The proposed Project is a residential development located within one-half mile of a Major Transit Stop and is therefore not subject to a minimum automobile parking requirement.

The Project proposes 102 automobile parking spaces within the first- and second-floor levels of the proposed seven-story residential building. A ramp will be constructed within the parking garage to connect between the two (2) parking levels. The Project will also provide 79 bicycle parking spaces (72 long-term spaces and 7 short-term spaces) located within enclosed bicycle storage rooms in the parking garage. Vehicular access to the Project site and parking garage will be provided through a two-way driveway along West Vanowen Street. A flip-up vehicular gate will be installed to provide secure access to the site. Loading will take place within the enclosed parking garage or along the street frontage.

#### Lighting

Lighting will include low-level exterior lights adjacent to the building and along pathways for security and wayfinding purposes. In addition, low-level lighting to accent architectural features and landscaping elements would also be incorporated.

Proposed lighting has been designed to provide for efficient, effective, and aesthetically pleasing lighting solutions which will help minimize light trespass from the proposed buildings and overall Project site. In addition, the Project's lighting plan will reduce sky-glow, increase night sky access, and improve nighttime visibility through glare reduction.

### Landscaping

Per the LAMC, the Project is required to provide 10,750 square feet of open space and 24 trees. The Applicant requests a Waiver of Development Standard to reduce the open space requirement to 5,487 square feet. Of the 5,487 square-feet of open space provided, 3,987 square feet will be dedicated to common open space (2,517 square feet of outdoor courtyards space will be located on the third-floor level, 870 square-feet of rear yard space, 600 square feet of recreation room area) and 1,500 square feet will be dedicated to private balcony space distributed across 30 dwelling units. (The Project also includes non-conforming open space including additional courtyard and rear yard common open space areas as well as 35 private balconies encompassing 1,155 square feet).

The Project proposes a minimum of 1,372 square feet of landscaped area within the common open space areas and 33 on-site trees. Landscaping, including trees, shrubs, and grass, will be maintained within the ground- and third-floor levels of the Project to promote a safe and comfortable environment for residents and pedestrians. They will enhance the residents and pedestrian experience by providing shade coverage and relief from the sun. In addition, the Project's front yard area, with the exception of the entryway walkways, vehicular driveway, and electrical transformers, will also feature landscaping to help screen and buffer the Project's electrical transformers. The Project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walkways will be attractively landscaped and maintained in accordance with a landscape plan. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Division's requirements. Therefore, the on-site landscaping will be compatible with the existing future developments in the neighborhood.

### Trash Collection

The Project will provide a trash and recycling collection room located on the ground-floor level adjacent to the residential and parking areas. Therefore, the trash enclosures will be hidden from public view. Residents will be encouraged to dispose of their trash and recyclable through chutes located on each floor which feed into the trash collection area. Trash trucks will temporarily stop and collect trash along West Vanowen Street, and therefore would not interrupt daily operations, traffic, and parking around the surrounding neighborhood.

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

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

The Project will provide residents a variety of recreational and service amenities including open space areas and bicycle facilities. The Project will provide bike storage for a total of 79 bicycles along the building frontage and adjacent to the ground-floor lobby. The enclosed bicycle storage room will also contain a 140 square-foot bike workspace for residents to repair and clean their bicycles. The Project will provide a total of 5,487 square feet of open space; 2,517 square feet will be dedicated to the outdoor courtyards located on the third-floor level, 870 square-feet will be dedicated to the rear yard space, 600 square feet will be dedicated to the recreation room on the second-floor level, and 1,500 square feet of private balcony space will be distributed across 30 dwelling units. These spaces will provide residents various settings for relaxation, social gathering, and recreation.

In addition, the Project's front and rear yard spaces as well as the building's perimeter will be landscaped with a variety of trees, shrubs, and groundcover which will provide shade and greenery for residents and pedestrians, enhance the physical environment, and reduce potential impacts on adjacent properties. The Project will plant a total of 33 trees. Therefore, the Project provides a variety of recreational and service amenities which will improve habitability for residents and the community alike and will minimize impacts on neighboring properties.

**CEQA Findings**

7. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

The proposed Project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated August 7, 2023, and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.

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



## **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