

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

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
APCNV-2020-3302-ZC	ENV-2020-3303-MND	6 – Martinez
PROJECT ADDRESS:		
14541 West Terra Bella Street (14505, 14515, and 14541 West Terra Bella Street, 14545, 14555, and 14557 North Van Nuys Boulevard, 9100, 9110, 9112, 9116, 9118, 9124, 9126, 9128, 9130, and 9132 North Van Nuys Boulevard, 14551 West Nordhoff Street)		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Edmond Hagooli, Panorama Center I and I, LLC 1919 Westwood Boulevard Los Angeles, CA 91402 <input type="checkbox"/> New/Changed	310-702-1326	ben.hagooli@gmail.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Eric Lieberman, QES, Inc. 14549 Archwood Street 308 Van Nuys, CA 91405	818-997-8033	ericl@qesqms.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Trevor Martin	213-978-1341	trevor.martin@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Zone Change (ZC)		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input checked="" type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other _____	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other _____	<input type="checkbox"/>		

NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:

Yes No

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

PLANNING COMMISSION:

- | | |
|---|---|
| <input type="checkbox"/> City Planning Commission (CPC) | <input checked="" type="checkbox"/> North Valley Area Planning Commission |
| <input type="checkbox"/> Cultural Heritage Commission (CHC) | <input type="checkbox"/> South LA Area Planning Commission |
| <input type="checkbox"/> Central Area Planning Commission | <input type="checkbox"/> South Valley Area Planning Commission |
| <input type="checkbox"/> East LA Area Planning Commission | <input type="checkbox"/> West LA Area Planning Commission |
| <input type="checkbox"/> Harbor Area Planning Commission | |

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
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February 4, 2021	3-0
LAST DAY TO APPEAL:	APPEALED:
April 12, 2021	No
TRANSMITTED BY:	TRANSMITTAL DATE:
Jennifer Edwards Commission Executive Assistant	April 13, 2021



NORTH VALLEY AREA PLANNING COMMISSION
200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAR 23 2021

Case No. APCNV-2020-3302-ZC
CEQA: ENV-2020-3303-MND
Plan Area: Mission Hills – Panorama City – North Hills

Council District: 6 – Martinez

Project Site: 14541 West Terra Bella Street
(14505, 14515, and 14541 West Terra Bella Street;
14545, 14555; 14557 North Van Nuys Boulevard;
9100, 9110, 9112, 9116, 9118, 9124, 9126, 9128, 9130,
and 9132 North Van Nuys Boulevard; 14551 West Nordhoff Street)

Applicant: Edmond Hagooli, Panorama Center I and II LLC
Representative: Eric Lieberman, QES, Inc.

At its meeting of **February 4, 2021**, the North Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

Construction, use, and maintenance of a new 15,468 square foot, two-story commercial retail, and office building with a maximum height of 34 feet and associated surface parking lot containing a total of 156 vehicular parking spaces and 16 bicycle parking spaces.

1. **Found**, based on the independent judgment of the decision-marker, after consideration of the whole of the administrative record, that the Project was assessed in Mitigated Negative Declaration, No. ENV-2020-3303-MND, adopted on December 8, 2020 ("Mitigated Negative Declaration"); and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Approved and Recommended** that the City Council **adopt**, pursuant to Section 12.32 F of the Los Angeles Municipal Code, a Zone Change from [T][Q] C2-1VL to (T)(Q) C2-1VL;
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Parseghian
Second: Sampson
Aye: Nam
Absent: Diaz

Vote: 3 – 0



Jennifer Edwards, Commission Executive Assistant
North Valley Area 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 North Valley Area Planning Commission as it relates to the Zone Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission. It is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: APR 12 2021

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

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

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

c: Heather Bleemers, Senior City Planner
Esther Ahn, City Planner
Trevor Martin, Planning Assistant

ORDINANCE NO. _____

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

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

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

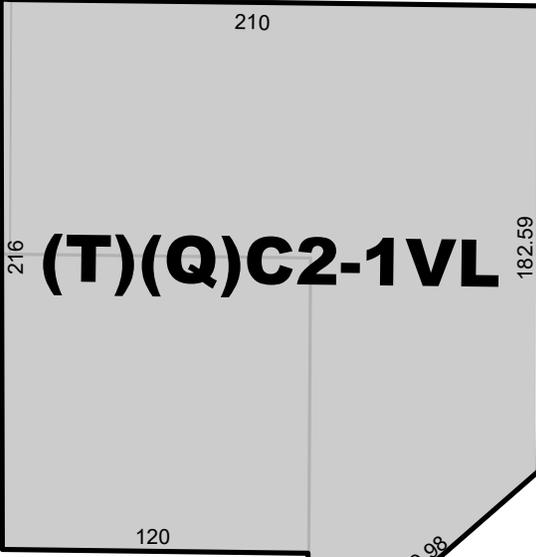
100

VAN NUYS BLVD

100

70

210



TERRA BELLA ST

60

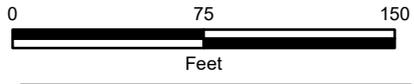
10.64

129.04

71.28

99.90

NORDHOFF ST

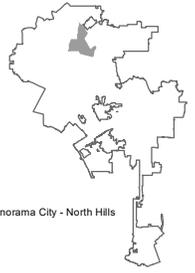


APCNV-2020-3302-ZC

AA/Cf

012221

City of Los Angeles



(Q) QUALIFIED CLASSIFICATIONS

Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification:

1. **Development.** The use and development of the property shall be in substantial conformance with the plans and materials submitted with the application and marked Exhibit "A" except as may be revised as a result of this action. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions.
2. **Height.** The building shall be limited to a maximum height of 34 feet.
3. **Floor Area.** The proposed development shall be limited to a maximum floor area of 15,468 square feet.
4. **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.
5. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or walkways 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.
 - a. **Landscape Plan.** Landscaping shall be provided in substantial conformance with the Landscape Plan stamped as "Exhibit A."
 - b. **Tree Requirement.** The project shall be planted with trees at a minimum ratio of one (1) tree for every four (4) surface parking spaces.
6. **Parking.**
 - a. **Automobile Parking.** Automobile parking shall be provided in conformance with L.A.M.C. Section 12.21-A,4.
 - b. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.05.106 of Article 9, Chapter IX of the LAMC.
 - c. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.
7. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if visible from the street or adjoining properties, shall be screened with landscaping.
8. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.

9. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
10. **Trash/recycling.** Trash and Recycling pick-up and emptying or disposing of trash/recycling into outside containers is permitted to occur only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10 a.m. to 4 p.m., Saturdays and Sundays.
 - a. Trash/recycling containers shall be locked when not in use.
 - b. Trash/recycling containers shall not be placed in or block access to required parking.
11. **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.
12. **Solar Panels.** Solar panels shall be installed on the project's rooftop space to be connected to the building's electrical system. A minimum 15% of the roof area shall be reserved for the installation of a solar photovoltaic system, to be installed prior to the issuance of a certificate of occupancy, in substantial conformance with the plans stamped "Exhibit A".

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

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

Responsibilities/Guarantees.

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

a. Dedication Required:

- i. **Van Nuys Boulevard** (Boulevard II) – A 5-foot wide strip of land along the property frontage to complete a 55-foot half right-of-way in accordance with Boulevard II of Mobility Plan 2035 and a 20-foot radius property line return at the intersection with Nordhoff Street.
- ii. **Nordhoff Street** (Boulevard II) – A 5-foot wide strip of land along the property frontage to complete a 55-foot half right-of-way in accordance with Boulevard II of Mobility Plan 2035 and a 20-foot radius property line return at the intersection with Terra Bella Street.
- iii. **Terra Bella Street** (Local Street) – None.

Note: If the existing buildings adjacent to Nordhoff Street and Van Nuys Boulevard are to remain, the applicant shall submit a survey, showing the footprints of the buildings relative to the right-of-way lines, then we can adjust our recommendations accordingly.

b. Improvements Required:

- i. **Van Nuys Boulevard** – Construct a new full-width concrete sidewalk along the property frontage. Repair and or replace all broken, off-grade or bad order concrete curb, gutter and roadway pavement. Close all unused driveways and upgrade all open driveways to BOE standards and ADA requirements. Reconstruct the curb

ramp at the corner intersection with Nordhoff Street to comply with ADA requirements.

- ii. **Nordhoff Street** – Construct a new full-width concrete sidewalk along the property frontage. Repair all broken, off-grade or bad order concrete curb and gutter. Reconstruct the curb ramp at the corner intersection with Terra Bella Street to comply with ADA requirements.
- iii. **Terra Bella Street** – Construct a new concrete sidewalk along the property frontage. Repair and or replace all broken, off-grade or bad order concrete curb, gutter and roadway pavement. Upgrade all open driveways to comply with ADA requirements. Close all unused driveways.

Notes:

Broken curb and/or gutter includes segments within existing score lines that are depressed or upraised by more than ¼ inch from the surrounding concrete work or are separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8 inch at the surface of the section.

Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or upraised by more than ¼ inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than 1/8 inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway.

All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S440-4, S442-5 and S444-0.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

Refer to the Department of Transportation regarding traffic signals, signs and equipment (818) 374-4699.

Regarding any conflicts with power pole matters, contact the Department of Water and Power at (213) 367-2715.

Refer to the Fire Department Hydrants and Access Unit regarding fire hydrants (818) 374-5005.

Provide proper drainage for streets being improved and for the site being developed.

There are mainline sewers in Van Nuys Boulevard, Nordhoff Street and Terra Bella Street with house connection laterals serving the property. Construction of the house connection laterals may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

An investigation from the Valley District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Valley District Office of the Bureau of Engineering at (818) 374-5090.

Submit parking area and driveway plans to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

Any questions regarding this report may be directed to Quyen M. Phan of my staff at (213) 808-8604.

3. **Street Lighting.**

- a. **Specific Condition:** Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
- b. **Improvement Condition:** Construct new street lights: five (5) on Terra Bella Street, and one (1) on Van Nuys Boulevard. If street widening is required per BOE improvement conditions, relocate and upgrade street lights; two (2) on Van Nuys Boulevard., and two (2) on Nordhoff Street.

Notes:

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

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

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

Note: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077 for permit information.

CONDITIONS OF APPROVAL

1. Department of Transportation.

- a. A minimum 20-foot reservoir space is required between any security gate or parking space and the property line, or to the satisfaction of the Department of Transportation ("DOT").
- b. A two-way driveway width of $W=30$ feet is required for all driveways, or to the satisfaction of DOT.
- c. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.

2. Fire Department.

- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- b. One or more Knox Boxes will be required to be installed for LAFD access to project. location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
- c. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- d. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- e. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- f. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- g. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- h. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- i. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- j. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.

- k. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan
- l. Entrance to the main lobby shall be located off the address side of the building.
- m. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please email lafdhydrants@lacity.org You should advise any consultant representing you of this requirement as well.

Administrative Conditions of Approval

- 3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review 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.
- 4. **Code Compliance.** Area, height and use regulations of the zone classifications of the subject property shall be complied with, except where herein conditions are more restrictive.
- 5. **Department of Building and Safety.** The granting of this determination 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, 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.
- 6. **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.
- 7. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
- 8. **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.
- 9. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.

10. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the North Valley Area 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.

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

12. **Inadvertent Discovery.**

- a. In the event that Native American cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards retained by the applicant shall assess the find. The Fernandeano Tataviam Band of Mission Indians and consulting Tribes shall be contacted to consult if any such find occurs. The archaeologist shall complete all relevant California State Department of Parks and Recreation (DPR) 523 Series forms to document the find and submit this documentation to the applicant, Lead Agency, Fernandeano Tataviam Band of Mission Indians, and consulting Tribes.
- b. The Lead Agency and/or applicant shall, in good faith, consult with the Fernandeano Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during the Project grading/excavation.
- c. If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County coroner shall be contacted. If the human remains are determined to be Native American in origin by the County coroner, the applicant shall immediately notify the Lead Agency, the Fernandeano Tataviam Band of Mission Indians, and consulting Tribes.

13. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

- deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
 - e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

General Plan/Charter Findings

1. General Plan Land Use Designation.

The subject property is located within the Mission Hills – Panorama City – North Hills Community Plan area which was updated by the City Council on June 9, 1999 and designates the subject property for Neighborhood Office Commercial land uses corresponding to the C1, C1.5, C2, C4, RAS3, RAS4, and P Zones. The site is currently zoned [Q]C2-1VL, [T][Q]C2-1VL, [T][Q]C2-1, P-1VL. The southwest corner of the subject property zoned [Q]C2-1VL is the result of Ordinance No. 164,750, and has a permanent “Q” Qualified Condition that prohibits multi-family residential development, including hotels and motels, that exceed the density permitted in the RD1.5 Zone. The [Q]C2-1VL, [T][Q]C2-1, and P-1VL zoned portions of the property, however, will not be rezoned nor will the on-site buildings be altered as a result of the proposed project. The portion of the project site zoned [T][Q]C2-1VL, established by Ordinance Number 176,116 (Case No. APCNV-2003-4385-ZC-CU) contains permanent “Q” Qualified Conditions requiring that proposed development conform to all provisions of the C2 Zone, that the project conform to all provisions of Commercial Corner Development per LAMC Section 12.22. A.23, that the total building area not exceed 10,800 square feet, that the height of all buildings and structures not exceed 24 feet, and that a minimum of 186 parking spaces be provided. Additionally, the permanent “Q” Conditions include specific design-related requirements for proposed development.

The applicant is requesting to rezone the [T][Q]C2-1VL zoned portion of the subject property to (T)(Q)C2-1VL effectively removing the site’s project specific permanent “Q” Qualified Conditions in order to permit the construction, use, and maintenance of a new 15,468 square-foot, two-story commercial retail and office building. The northeast portion of the site zoned [T][Q]C2-1 is currently improved with a surface parking lot that will undergo restriping and will have new landscaping as a result of the proposed project.

The proposed (T)(Q)C2-1VL Zone is a corresponding zone for the Neighborhood Office Commercial land use designation in accordance with the Mission Hills – Panorama City – North Hills Community Plan. The proposed commercial retail and office building is a use that is permitted in the proposed (T)(Q)C2-1VL Zone. The project will expand employment opportunities within the Mission Hills – Panorama City – North Hills Community Plan area and generate new tax revenue for the City. Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan.

2. General Plan Text.

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

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

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

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1.

Policy 3.1.5: Identify areas on the Long-Range Land Use Diagram and in the community plans sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, educational, health, services, recreation, and similar uses), provide job opportunities, and support visitors and tourism.

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

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

The proposed Zone Change from [T][Q]C2-1VL to (T)(Q)C2-1VL will allow for the redevelopment of a surface parking lot with a new two-story commercial retail and office building that is well-designed and compatible with the scale and character of this commercial corridor and surrounding residential development. The project's pedestrian-oriented design and new landscaping will further enhance the built environment and in particular, the streetscape of Terra Bella Street. The project also supports the community by providing new employment opportunities for the local region. Therefore, the Zone Change is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

- b. **Mission Hills – Panorama City – North Hills Community Plan.** The Community Plan text includes the following relevant land use Goal, Objectives, and Policies:

GOAL: A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE UNIQUE COMMERCIAL AND CULTURAL CHARACTER OF THE COMMUNITY.

Objective 2-1: To conserve, strengthen, and encourage investment in all commercial districts.

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

Policy 2-1.2: Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

Objective 2-2: To enhance the identity of distinctive commercial districts and to identify pedestrian oriented districts (PODs).

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

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

Objective 2-3: To enhance the appearance of commercial districts.

Policy 2-3.1: Require that any proposed development be designed to enhance and be compatible with adjacent development.

Policy 2-3.2: Preserve community character, scale, and architectural diversity.

Policy 2-3.3: Improve safety and aesthetics of parking areas in commercial areas.

Policy 2-3.4: Landscaped corridors should be created and enhanced through the planting of street trees along segments with no setbacks and through median plantings.

Objective 2-4: To maintain and increase the commercial employment base for community residents whenever possible.

Policy 2-4.1: Protect commercial plan designations so that commercial development is encouraged.

The proposed Zone Change from [T][Q]C2-1VL to (T)(Q)C2-1VL will allow for the development of new commercial building on the project site. The project would replace a portion of an existing surface parking lot with a new commercial retail and office building.

The project's proposed commercial retail and office uses are uses permitted by the C2 Zone, as well as the site's underlying Neighborhood Office Commercial land use designation. Surrounding properties are developed with similar scale buildings and uses, including retail stores, offices, and professional services. The proposed building will be two stories with a maximum height of 34 feet, ensuring a new commercial development that maintains appropriate scale and character with the surrounding neighborhood. In addition, the project will adhere to the standard hours of operation for Commercial Corner Development requirements under the Los Angeles Municipal Code, which will reduce potential impacts to surrounding residential uses relating to noise or loitering.

Furthermore, the project's proposed ground floor design, appropriate landscaping, and public-facing entrances, promote a more lively and pedestrian-oriented commercial environment. The project's design and proposed uses will enhance the built environment, increase commercial activity, and support job growth within the region. Thus, the proposed Zone Change is consistent with the goals, objectives, and policies of the Mission Hills – Panorama City – North Hills Community Plan.

- c. The **Mobility Element** of the General Plan (Mobility Plan 2035) is likely to be affected by the recommended action herein. Van Nuys Boulevard, a designated Boulevard II, is dedicated to a right-of-way width of 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk. As part of the (T) Tentative Classification conditions incorporated herein, a 5-foot dedication along the property frontage is required to complete a 55-foot half right-of-way in accordance with Boulevard II of Mobility Plan 2035 as well as a 20-foot radius property line return at the intersection with Nordhoff Street. Consequently, the project will result in the reconstruction of the existing sidewalk to a full-width concrete sidewalk.

Nordhoff Street, a designated Boulevard II, is dedicated to a right-of-way width of 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk. As part of the (T) Tentative Classification conditions incorporated herein, a 5-foot dedication along the property frontage is required to complete a 55-foot half right-of-way in accordance with Boulevard II of Mobility Plan 2035 as well as a 20-foot radius property line return at the intersection with Terra Bella Street. Consequently, the project will result in the reconstruction of the existing sidewalk to a full-width concrete sidewalk.

Terra Bella Street, a designated Local Street – Standard, is dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete curb, and sidewalk. No dedication is required along Terra Bella Street, however as part of the (T) Tentative Classification conditions incorporated herein, the project will result in the reconstruction of the existing sidewalk to a full-width concrete sidewalk along the property line facing Terra Bella Street.

The proposed project is in conformance with the Mobility Element policies listed 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 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 3.5: Support “first-mile, last-mile solutions” such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

The project site is within proximity to Metro Local Lines 233, 744, and 166, enabling future employees and customers to access the new businesses via public transit, thereby reducing vehicle miles traveled for the region. In addition, the new development will provide 16 new bicycle parking stalls further supporting the Mobility Element’s policy of improving and expanding “first-mile, last-mile solutions” in order to maximize multi-modal connectivity and access for transit riders.

Lastly, the project will maintain common access driveways at the southwest corner of the site along Van Nuys Boulevard, and at the northeast corner along Terra Bella Street. The project will reconfigure the third existing common access driveway along the southwest end of the property along Terra Bella Street by closing off the section and shifting the access point northeast via curb cut. The project will not increase the number curb cuts and driveways which will further reduce the development’s impact on circulation in the surrounding area, including the performance and reliability of transit services and to avoid conflicts with pedestrians and bicyclists.

- d. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Zone Change and “T”/“Q” Classification Findings

1. **Pursuant to Section 12.32 of the Municipal Code, the zone change and classifications are necessary because:**
 - a. Public Necessity: Approval of the Zone Change to (T)(Q)C2-1VL will allow for the construction, use, and maintenance of a new two-story, 15,468 square-foot commercial retail and office building. The new commercial development will enhance the built environment and provide new employment opportunities for the community while generating sales tax revenue for the City. Furthermore, the proposed development is located at a site that is currently improved with three commercial buildings. The proposed commercial retail and offices uses will compliment and be compatible with the site’s existing commercial uses. Thus, the proposed project will contribute to the public necessity of providing new compatible and viable commercial uses that will generate jobs for the region and tax revenue for the City.
 - b. Convenience: The project site is located in an urbanized area of the Mission Hills/Panorama City/North Hills community that has a wide variety of residential, commercial, and public uses and extensive infrastructure. Approval of the Zone Change in conjunction with proposed project, will allow for the redevelopment of an underutilized and restricted commercially zoned property that has frontage along two major commercial thoroughfares: Van Nuys Boulevard and Nordhoff Street. In addition, the project site is within proximity to Metro Local Lines 233, 744, and 166, enabling future employees and

customers to access the new businesses via public transit, thereby reducing vehicle miles traveled in the region. The project will add new viable commercial services that are compatible with existing commercial and residential uses, and beneficial to the community.

- c. General Welfare: Approval of the Zone Change will allow for the redevelopment of an underutilized site with a modern commercial development that will revitalize a long-established commercial corridor and provide new commercial services for the neighborhood and community as a whole. The project also provides a valuable service of expanding employment opportunities in the Mission Hills/Panorama City/North Hills communities, while generating new tax revenue for the City.
- d. Good Zoning Practice: The proposed Zone Change to (T)(Q)C2-1VL is consistent with the underlying Neighborhood Office Commercial land use designation by the Mission Hills – Panorama City – North Hills Community Plan. The proposed Zone Change would effectively remove permanent “Q” Qualified Conditions as the part of the subject property’s existing [T][Q]C2-1VL zoning that impose site-specific limitations, that will allow for the redevelopment of an underutilized site with a new two-story commercial retail and office building including public improvements to the sidewalks and streets fronting the property. The proposed development is consistent and compatible with the uses, scale, and character of surrounding properties. The project’s design and proposed uses will enhance the built environment, increase commercial activity, and support job growth within the region.
- e. “T” and “Q” Classification Findings: Per Section 12.32-G,1 and 2 of the Municipal Code, the current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval. Such limitations are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the required actions. The conditions that limit the scale, design and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of the commercial and residential development in the community, to secure an appropriate development in harmony with the General Plan as discussed in Findings Section 1, and to prevent or alleviate the potential adverse environmental effect of adding additional dwelling units to the established neighborhood.

Environmental Findings

1. On October 8, 2020, a Mitigated Negative Declaration (ENV-2020-3303-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Department of City Planning in Room 750, 200 North Spring Street.

Flood Insurance. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



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

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

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

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

OPTION 2: Drop off at DSC

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

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

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

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