

## Communication from Public

**Name:** Rouzanna Ovsepien

**Date Submitted:** 11/02/2021 12:48 PM

**Council File No:** 21-0968

**Comments for Public Posting:** I am asking for mitigation on certain aspects of the development currently slated for 13921-23 Vanowen Street in Van Nuys( CPC-2019-6375-CU-DB-ZV-PHP) for the following reasons: I am a resident of the property directly adjacent to the building site, the 4 story height of the proposed building will be a great invasion of privacy as well as being the tallest building on the street, my entire yard and house will be in view of the apartment building. There needs to be hedges built around the structure to completely block the view of my yard. The 15 unit building will not have adequate parking spaces to accommodate the dozens of new residents, and our street parking will become even more packed. More parking spots need to be added to this development. The proposed rooftop entertainment area will be a source of noise and light pollution. The two pools and hot tub in the backyard will directly be in view of my kitchen and be an extremely loud nuisance. There needs to be hedges built around the fence to block out the view and noise, or remove the pools completely as they are a major source of water waste in this drought ridden state. The fence around the perimeter of the property is too short and needs to be increased in height and safety spikes put on top to prevent people/intruders from climbing the fence. The lack of notice of the Urban Planning Commission's July 22nd meeting where this development was improved is unacceptable; we had no chance to voice our opposition. Please review and mitigate the above concerns. Thank you. Rouzanna Ovsepien 13930 Hartland St. Van Nuys, CA 91405

## Communication from Public

**Name:** Jonathan Riker

**Date Submitted:** 11/02/2021 10:46 AM

**Council File No:** 21-0968

**Comments for Public Posting:** The attached letter to the PLUM Committee is provided on behalf of the Applicant in response to the appeals and in support of the proposed project.

November 2, 2021

**VIA E-MAIL**

Councilmember Marqueece Harris-Dawson, Chair  
Councilmember Gilbert A. Cedillo  
Councilmember Bob Blumenfeld  
Councilmember John S. Lee  
Councilmember Monica Rodriguez

[clerk.plumcommittee@lacity.org](mailto:clerk.plumcommittee@lacity.org)

Re: **Appeal of Case No. CPC-2019-6375-CU-DB-ZV-PHP**

Dear Honorable Councilmembers:

Our law firm represents Vanowen Terrace, LLC (the “**Applicant**”), in defense of its application for a Conditional Use Permit (“**CUP**”)/Density Bonus and Zone Variance to construct a four-story, 15-unit apartment building, including two units for Very-Low Income and one unit for Low Income households (the “**Project**”), located at 13921-13923 W. Vanowen Street (the “**Property**”) in the City of Los Angeles (the “**City**”). The Property is unusual in that it is split zoned – with the [Q]R3-zoned portion in the front (facing Vanowen Street) and the R1-zoned portion in the rear of the Property. The Project will provide 16, subterranean parking spaces and includes a rooftop deck area of approximately 2,026 square feet (“**SF**”) that meets the City’s common open space requirement for the apartment building (located within the [Q]R3-zoned portion), and a 600 SF open area within the rear yard that includes a swimming pool, kids pool and jacuzzi in the R1-zoned portion of the Property.

**Introduction**

The above-referenced application was unanimously approved by the City Planning Commission (“**CPC**”) on July 22, 2021. In exchange for providing the required number of affordable units (equal to 20% of the total), the CPC permitted a CUP to allow a density increase of up to 15 total units in lieu of the otherwise permitted base density of nine units. In addition, the CPC approved the following development incentives and waiver of a development standard, as authorized by state law, for including the aforementioned number of affordable units:

- An On-Menu Incentive, to allow a height increase of 10 feet, six inches to 46 feet, six inches in lieu of 35 feet;
- An On-Menu Incentive, to allow for a westerly side yard setback of five feet, eight inches in lieu of seven feet;

- An On-Menu Incentive to allow an FAR of 4.05:1 in lieu of 3:1 on the [Q]R3-zoned portion of the Property, and
- A Waiver of Development Standards to allow a rear yard of zero feet for the [Q]R3-zoned portion of the lot in lieu of 15 feet.

Furthermore, the CPC found no substantial evidence in the record that the proposed incentives and waiver will have a specific adverse impact on the environment, public health or safety, and applied conditions of approval to ensure future compatibility of the Project with the surrounding neighborhood. As such, the CPC determined that the Project is exempt from the California Environmental Quality Act (“**CEQA**”) pursuant to CEQA Guidelines, Section 15061, Class 32 (“**Class 32 Exemption**”) for qualified urban infill projects.

### **Appeals**

On August 25, 2021, five neighbors (the “**Appellants**”) appealed the CPC’s determination in part (specifically citing conditions of approval no’s. 2, 3, 4, 8, 9, 10, 11, 14) and argued that the CPC erroneously approved the Project and adopted the Class 32 Exemption for the following general reasons:

- Insufficient parking and overflow traffic/parking impacts;
- Noise/privacy concerns from the rooftop deck and swimming pool;
- Inappropriate water usage for swimming pool;
- Air quality impacts due to grading;
- Safety and Security issues due to potential trespassing into neighbors’ backyards;
- Impacts from lighting on adjacent properties, and
- The Project is for “luxury” tenants and is not affordable.

As mentioned above, the CPC found no substantial evidence in the record that the Project, including the approved development incentives or waiver of a development standard, will have a specific adverse impact on the environment, public health or safety. 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...” (LAMC Section 12.22-A.25(b)). However, instead of citing objective data, Appellants merely provide unsubstantiated, generalized opinion without producing any substantial evidence to demonstrate that there will be any adverse impacts caused by the Project.

In contrast to these vague assertions, the CPC determined that the Project will provide adequate parking (16 spaces), in compliance with state law, to meet the Project’s parking needs and to encourage City policies that reduce single-occupancy vehicular trips by virtue of the

Project's location near various bus and transit routes. The rooftop deck is necessary to meet the City's common open space requirements but will be set back from the roof line next to adjacent residential uses to help buffer potential noise impacts (see attached rooftop landscape plan, as Exhibit "A"). Swimming pools are a common amenity on R1-zoned lots and do not conflict with the City's water conservation policies. However, the swimming pool is of modest size and is positioned in the center of the lot to maximize distance from adjacent properties. The Project will also comply with all construction regulations related to grading and dust control, and it will include security walls and/or fences and lighting that is shielded within the site to prevent spillover effects on adjacent properties. In contrast to the Appellants' argument that the Project will not be affordable, 20% of all units will be set aside for affordable households, which is above the average percentage for projects of this type. Therefore, the record clearly supports the CPC's decision and refutes Appellants' assertions.

Also, please note that the Applicant met with the Van Nuys Neighborhood Council on two separate occasions to provide an opportunity for the community to comment on the Project, which focused on concerns related to the R1-zoned portion of the Property. As explained in the attached approval letter, dated October 29, 2020 (see Exhibit "B"), the Neighborhood Council voted unanimously to approve the project, and concluded that the apartment building will bring "appropriately priced housing to Van Nuys."

### **Conclusion**

In conclusion, Appellants have failed to provide substantial evidence to demonstrate that the CPC erred in its decision to approve the Project or adopt the Class 32 CEQA Exemption. By replacing a single-family home and three multifamily residential units with a 15-unit building that includes three units (20% of the total) as affordable for Low- and Very-Low Income households, the Project is a net benefit to the community. Therefore, we urge the PLUM Committee to recommend denying the appeals and upholding the CPC's approval.

We appreciate your time and attention to this matter and look forward to answering any question you may have during the appeal hearing.

Kindest Regards,

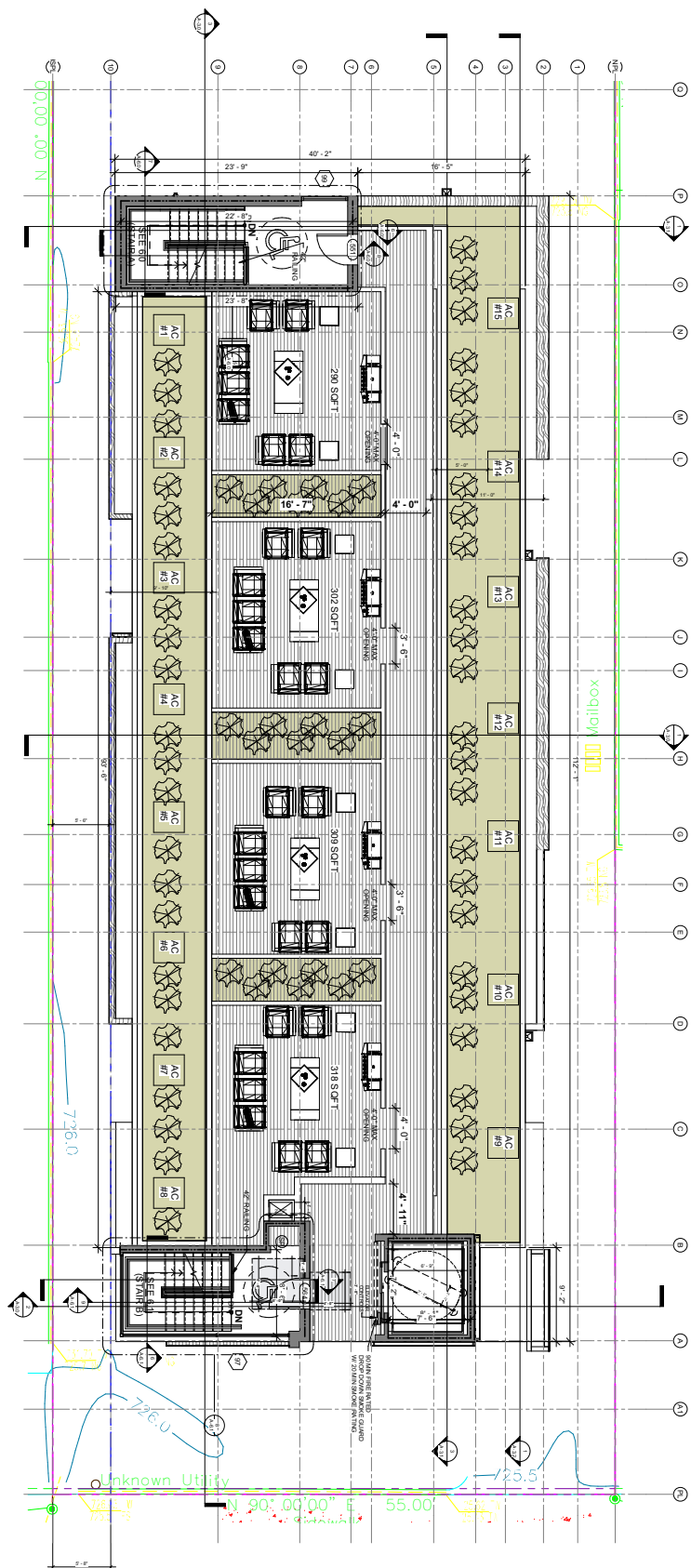


Jonathan Riker

cc: Dave Aviram  
Luke Tarr

**Exhibit A:**

**Rooftop Deck Landscape Plan**



**Exhibit B:**

**Approval Letter from Van Nuys Neighborhood Council**



October 29, 2020

RE—(CPC 2019-6375)

Hearing Officer  
Department of City Planning

Dear Sir or Madam,

The City of Los Angeles created Van Nuys Neighborhood Council to give local residents a “first look, first comment” on development issues in Van Nuys.

Van Nuys Neighborhood Council held two public hearings on 13921-23 Vanowen. (CPC 2019-6375), The project spans from a busy street (Vanowen) to an inside residential street, which was the main issue of concern.

The Van Nuys Neighborhood Council voted—iFebruary 12, 2020—in public session—to unanimously approve the project,

The apartment building will bring more appropriately priced housing to Van Nuys. We thought Mr. Tarr gave a professional presentation—and that Van Nuys was comfortable with this project going on to completion.

Sam Woolf  
President  
Van Nuys Neighborhood Council  
vnnc.org

Prepared by John Hendry, Chair, VNNC PLUM Committee.

Van Nuys Neighborhood Council | Box 3118, Van Nuys, CA 91407 | [Info@vnnc.org](mailto:Info@vnnc.org)