

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

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2019-807-ZCJ-HD-MCUP-SPR	ENV-2019-808-SCEA	6 – Martinez
<b>PROJECT ADDRESS:</b>		
7940 North Lankershim Boulevard; 7918 – 7946 North Lankershim Boulevard; 11650 – 11664 West Strathern Street		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Don Hankey, Lankershim Crossing, LLC 5900 Sepulveda Blvd. Sherman Oaks, CA 91411	(747) 247-2770	N/A
<input type="checkbox"/> New/Changed		
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Andrew Brady, DLA Piper LLP 550 South Hope Street, Suite 2400 Los Angeles, CA 90071	(213) 694-3108	<a href="mailto:andrew.brady@dlapiper.com">andrew.brady@dlapiper.com</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A	N/A	N/A
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A	N/A	N/A
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Lilian Rubio, City Planning Associate	(213) 978-1840	<a href="mailto:lilian.rubio@lacity.org">lilian.rubio@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Zone Change (ZC)		

**FINAL ENTITLEMENTS NOT ADVANCING:**

Master Conditional Use Permit (MCUP); Site Plan Review (SPR) and adoption of Sustainable Communities Environmental Assessment (SCEA)

**ITEMS APPEALED:**

N/A

**ATTACHMENTS:**

**REVISED:**

**ENVIRONMENTAL CLEARANCE:**

**REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other \_\_\_\_\_

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other \_\_\_\_\_

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**NOTES / INSTRUCTION(S):**

N/A

**FISCAL IMPACT STATEMENT:**

- Yes                       No

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

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission
- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
November 5, 2020	6 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
December 14, 2020	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	December 15, 2020



# 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: NOV 24 2020

Case No. CPC-2019-807-ZCJ-HD-MCUP-SPR

Council District: 6 – Martinez

CEQA: ENV-2019-808-SCEA

Plan Area: Sun Valley – La Tuna Canyon

**Project Site:** 7940 North Lankershim Boulevard;  
7918 – 7946 North Lankershim Boulevard;  
11650 – 11664 West Strathern Street

**Applicant:** Don Hankey, Lankershim Crossing, LLC  
Representative: Andrew Brady, DLA Piper LLP

At its meeting of **November 5, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of two one-story commercial buildings and surface parking for the construction, use, and maintenance of a new seven-story, 87-foot mixed-use building. The building will have a maximum floor area of approximately 678,328 square feet, a maximum of 432 residential dwelling units, with 48 units set aside as affordable (22 units set aside for Extremely Low Income households and 26 units set aside for Very-Low Income households) and 22,000 square feet of commercial space consisting of one retail space proposed for a drugstore/market with ancillary drive-through and two commercial spaces proposed for restaurant use. The Project proposes the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the use and operation of one retail space proposed for a drugstore/market and the sale and dispensing of beer and wine for on-site consumption in conjunction with the use and operation of the two commercial spaces proposed for restaurant use. The proposed hours of operation for the commercial uses are from 7:00 a.m. to 12:00 a.m., daily. The Project will provide a total of 541 automobile parking spaces and 224 bicycle parking spaces.

1. **Found**, pursuant to California Public Resources Code Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental Assessment, Case No. ENV-2019-808-SCEA ("SCEA"), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **Found** that the Project is a "transit priority project" as defined by PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG 2016-2040 RTP/SCS EIR SCH No. 2015031035; **Found** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **Found** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **Found** the SCEA reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the project; and **Adopted** the SCEA and the Mitigation Monitoring Program prepared for the SCEA;

2. **Approved and Recommended** that the City Council **adopt**, pursuant to Section 12.32 F of the Los Angeles Municipal Code (LAMC), a Zone Change and Height District Change on the Project Site from C2-1VL and R1-1 to (T)(Q)RAS4-1-CUGU and three Developer Incentives to permit:
  - a. Open space to be located adjacent to a Subject Use as listed in LAMC Section 13.18 E.2(d) in lieu of the requirements of LAMC Section 13.18 F.3(a);
  - b. An increase of Floor Area Ratio (FAR) for a maximum 3.32:1 FAR in lieu of the 3:1 FAR permitted pursuant to LAMC Section 12.21.1;
  - c. A parking ratio of one parking space per dwelling unit in lieu of the parking requirements pursuant to LAMC Section 12.21 A.4;
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Master Conditional Use Permit to allow the sale of a full line of alcoholic beverages for offsite consumption in conjunction with the use and operation of one retail venue and to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with the use and operation of two commercial venues;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project which creates or results in an increase of 50 or more dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe  
 Second: Khorsand  
 Ayes: Ambroz, Leung, Mack, Millman  
 Absent: Lopez-Ledesma, Perlman

**Vote: 6 – 0**

*Cecilia Lamas* (Electronic Signature due to COVID-19)

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

**FINAL APPEAL DATE:** DEC 14 2020

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, Maps, Conditions of Approval, Interim Appeal Filing Procedures, Appeals Fact Sheet

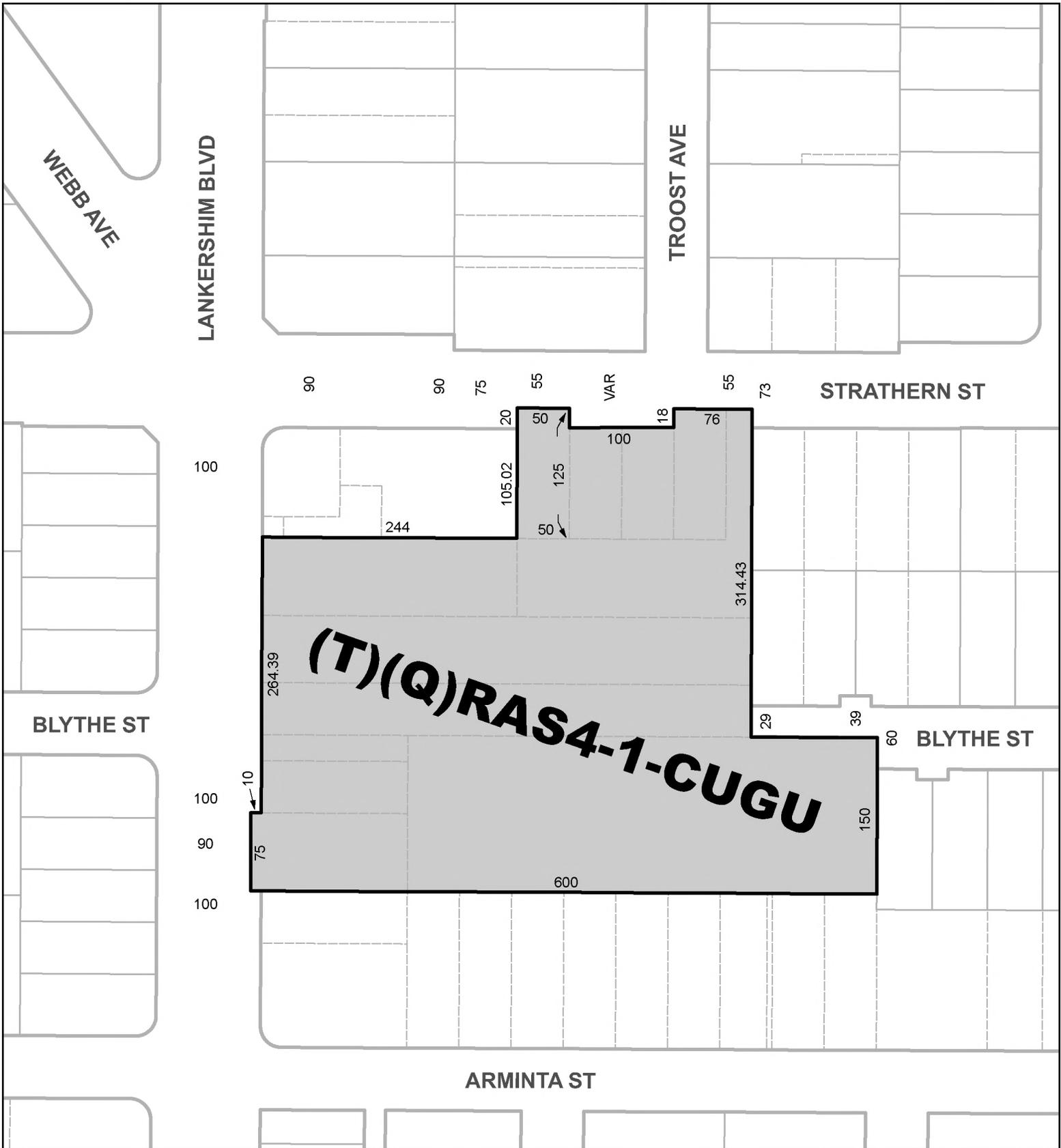
c: Heather Bleemers, Senior City Planner  
Courtney Shum, City Planner  
Lilian Rubio, Planning Assistant

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

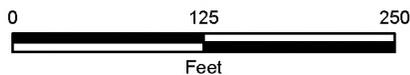
An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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

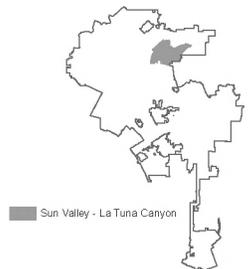
Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



City of Los Angeles



CPC-2019-0807-ZCJ-HD-MCUP-SPR



## (Q) QUALIFIED CONDITIONS

Pursuant to Section 12.32 G of the Los Angeles Municipal Code (LAMC), the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

1. **Use.** The use regulations for the new development on-site shall be developed for residential and commercial uses as permitted in the (T)(Q)RAS4-1-CUGU Zone as defined in LAMC Section 12.11.5, unless modified by herein conditions or subsequent action.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A". Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Affordable Housing.** Prior to the issuance of a permit, projects of ten or more dwelling units shall submit proof of compliance with the Affordable Housing provisions of Los Angeles Municipal Code Section 11.5.11.
4. **Labor Requirement.** Pursuant to Los Angeles Municipal Code Section 11.5.11, certified by City Council on December 13, 2017 and codified as Section 5.522 of the Administrative Code, the applicant shall confer with Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, and shall provide the following to the Department of City Planning:
  - a) A signed Preconstruction Checklist Agreement between the Applicant and the Bureau of Contract Administration (maintained in the case file), prior to clearing any Building Permit, which covers the following:
    - i) **Licenses.** All building and construction work on the project will be performed at all tiers by contractors that are licensed by the State of California and the City of Los Angeles. The project will employ only construction workers that possess all licenses and certifications required by the State of California and the City of Los Angeles.
    - ii) **Local Hire.** At least 30% of all respective workforces' construction workers' hours of Project Work will be performed by permanent residents of the City of Los Angeles. Of these, at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project. If such minimums are not met, evidence of a good faith effort to solicit such local workers shall be evidenced.
    - iii) **Wages.** The project will pay construction workers performing Project Work hourly wage rates for those classifications in compliance with the applicable prevailing wage rate determination established pursuant to the California Labor Code.
    - iv) **Training.** At least 60% of construction workforces employed on the project will be:
      - a. Workers who graduated from a Joint Labor Management apprenticeship training program approved by the State of California.
      - b. Alternatively, workers employed that have minimum hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program.
      - c. Workers who are registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program.

- v) **Bond.** A Bond may be required to ensure compliance.
- b) After the project has completed construction, and prior to any Certificate of Occupancy, a signed report from the Bureau of Contract Administration that indicates compliance with the above licenses, local hire, wages and training requirements shall be added to the case file.

## **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 the recordation of a final parcel or tract map or 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). Dedications and improvements herein contained in these conditions which are in excess of street improvements contained in either the Mobility Element 2035 or any future Community Plan amendment or revision may be reduced to meet those plans with the concurrence of the Department of Transportation and the Bureau of Engineering:

1. Dedications and Improvements. Prior to the issuance of any building permits, 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, (and other responsible City, regional, and Federal government agencies as may be necessary).

A. 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. Prior to the 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 the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

B. Dedication Required:

- a. Lankershim Boulevard – (Boulevard II) –Five-foot and 15-foot wide strips of land along the property frontage to complete a 55-foot half right-of-way in accordance with Boulevard II standards of Mobility Plan 2035.
- b. Strathern Street – (Avenue II) – A variable width strip of land along the property frontage to complete a 43-foot half right-of-way in accordance with Avenue II standards of Mobility Plan 2035.

- c. Blythe Street – (Local Street Limited) – A 30-foot wide and variable width strip of land to complete a 60-foot wide total right-of-way. Dedicate a 47-foot property line radius cul-de-sac at the terminus of Blythe Street.

C. Improvements Required:

- a. Lankershim Boulevard – Construct a new 15-foot concrete sidewalk along the property frontage. Repair all broken, or off-grade concrete, gutter, and pavement. Construct a new driveway to comply with ADA requirements or close unused driveways.
- b. Strathern Street – Construct additional surfacing to provide a 28-foot wide half roadway including asphalt pavement, integral concrete curb, 2-foot gutter and 15-foot concrete sidewalk. These improvements should suitably transition to join the existing improvements.
- c. Blythe Street – Construct additional surfacing to provide an 18-foot wide half roadway including asphalt pavement, integral concrete curb, 2-foot gutter and a 5-foot concrete sidewalk. Construct a 35-foot radius cul-de-sac at the terminus of Blythe Street. These improvements should suitably transition to join the existing improvements.

Notes:

Broken curb and/ or gutter includes segments within existing score lines that are depressed or upraised by more than  $\frac{1}{4}$  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  $\frac{1}{8}$  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  $\frac{1}{4}$  inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than  $\frac{1}{8}$  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, S410-4, 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.

Notes: Street lighting and street lights relocation may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

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

Regarding any conflicts with traffic signs and equipment, contact the Department of Transportation at (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 regarding fire hydrants (818) 374-5005.

2. Provide proper site and street drainages for all streets being improved. There is an existing storm drain along the east side of the property draining Strathern Street into Blyth Street. This storm drain including its inlet and outlet may have to be modified. Submit hydrology and hydraulic calculations.
3. There is a 6-foot and variable width storm drain easement within the easterly part of the property. No structure shall be constructed over this easement without prior approval from the B-Permit Group of the Bureau of Engineering.
4. There are existing mainline sewers in Lankershim Boulevard and Strathern Street. Extension of the 6-inch house connection laterals to the new property line may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
5. An investigation 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 Sewer Counter of the Bureau of Engineering (818) 374-5090.
6. Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (818) 374-5090.
7. Submit a parking area and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
8. Street Lighting: Install street lights to the satisfaction of the Bureau of Street Lighting.
9. Urban Forestry – Street Trees: 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 at (213) 847-3077 upon completion of construction to expedite tree planting.

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

## CONDITIONS OF APPROVAL

Pursuant to Sections 11.5.11(e), 12.24 W.1 and 16.05 of the Los Angeles Municipal Code (LAMC), the following conditions are hereby imposed upon the use of the subject property:

### A. Development Conditions

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A". Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Los Angeles Municipal Code (LAMC), the subject conditions, and the intent of the subject permit authorization.
2. **Use.** The Project shall be limited to a seven-story mixed-use building inclusive of 432 residential dwelling units and 22,000 square feet of commercial space.
3. **Height.** The height of the proposed project shall not exceed 87 feet, consistent with the Height District 1. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties with residential dwellings.
4. **Affordable Units.** A minimum of five percent of the total residential dwelling units provided shall be designated as Restricted Affordable Units and reserved for Extremely-Low Income households and six percent of the total residential dwelling units provided shall be designated as Restricted Affordable Units and reserved for Very-Low Income households, as defined by the LAMC Section 11.5.11(j) and as required by the LAMC Section 11.5.11(a)(1)(ii).
5. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 11.5.11(a)(1)(ii).
6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make a minimum of five percent of the total residential dwelling units provided available to Extremely-Low Income Households and a minimum of six percent of the total residential dwelling units provided available to Very-Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA 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 11.5.11(a)(1)(ii), to the satisfaction of HCIDLA, and in consideration of the project's AB 2556 Determination, dated February 27, 2019. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.
7. **Developer's Incentives.**
  - a. **Clean-Up Green-Up District.** Open space may be located adjacent to a Subject Use including but not limited to automotive uses as listed in the LAMC Section 13.18 E.2(d) in lieu of the requirements of the LAMC Section 13.18 F.3(a).

- b. **Floor Area Ratio (FAR).** A maximum 3.32:1 FAR may be provided in lieu of the maximum 3:1 FAR permitted pursuant to LAMC Section 12.21.1.
- c. **Parking.** A parking ratio of 1 parking space per dwelling unit may be provided in lieu of the parking requirements pursuant to LAMC Section 12.21 A.4.
  - i. The project shall provide unbundled parking leases for residential units. Residential tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.
  - ii. **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. Bicycle Parking. On-site bicycle parking shall be provided in accordance with LAMC Sections 12.21 A.16(a)(1)(i) and 12.21 A.16(a)(2).

## **B. Site Plan Review Conditions**

- 8. **Pedestrian access.** Pedestrian access shall be provided along all street frontages in order to connect the development to Lankershim Boulevard, Strathern Street, and Blythe Street. The project shall install at least one pedestrian gate along the Blythe Street frontage.
- 9. **Sustainability.**
  - a. 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.
  - b. Prior to the issuance of the Certificate of Occupancy, the applicant shall install solar panels on fifteen percent of the rooftop space and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
- 10. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape development plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
  - a. **Trees.** Except as additionally conditioned herein, a submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." Proposed trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting.
  - b. **Landscape Buffer.** Landscaping shall be in substantial compliance with the landscape plans stamp dated Exhibit A to buffer residential homes east of the project site and the landscape plan shall comply with the applicable regulations of LAMC Section 12.21 G.
- 11. **Drive-Through.**
  - a. The drive-through shall be situated interior to the site and not directly front the public right-of-way.
  - b. Prior to issuance of a building permit, a parking area and driveway plan and the site's internal circulation and queuing shall be submitted to the Department of Transportation for review and approval.
- 12. **Eastern and Southern Façade (Adjoining Residential Uses).** On any interior property line which separates the proposed mixed-use building from an abutting residential zone or use, a minimum 6-foot decorative masonry wall shall be provided.

13. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.
14. **Signage.** On-site signs shall be limited to the maximum allowable under the Los Angeles Municipal Code and shall be in substantial conformance with those shown in Exhibit A, which shall be of an identifying nature only, shall not be of a flashing or animated type, and shall be arranged and located so as not to be a distraction to adjacent residential zones or uses.
15. **Exterior or Roof Structures.** Any structures on the roof, such as air conditioning units and other mechanical equipment, shall be fully screened (with such screening material incorporated in the design of the project) from view from any abutting properties and set back as far as possible from residential property lines and sound proofed.
16. **Above-Grade Parking.** Above-grade parking levels shall have an external screen integrated into the architecture and be designed to improve the building's appearance and minimize light pollution while meeting code requirements for ventilation.
17. **Construction.**
  - a. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered to the extent feasible.
  - b. Notwithstanding the provisions of LAMC Section 14.4.17, no signs shall be permitted on construction fencing except for those signs required by the Department of Building and Safety or other Department, Bureau, or Agency.
18. **Lighting.**
  - a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
19. **Trash Collection and Deliveries (Vehicle Loading and Unloading).** Trash pick-up, compacting, loading and unloading and receiving deliveries shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday. No trash collection or deliveries shall occur on Sunday. All deliveries shall occur so as not to be visible from adjacent residential properties.

### **C. Master Conditional Use Permit Conditions**

20. **MCUP.** Approved herein is a Master Conditional Use Permit for sale of a full line of alcoholic beverages for on-site consumption, including distilled spirits and beer and wine, in conjunction with the use and operation of 22,000 square feet of commercial, retail, and restaurant space with hours of operation from 7:00 a.m. to 12:00 a.m., daily.
21. **Master Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Master Plan Approval (MPA) determination pursuant to Section 12.24 M of the Los Angeles Municipal Code to implement and utilize the Master Conditional Use authorization granted. The purpose of the Master Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. The Zoning Administrator may impose more restrictive or less restrictive

conditions on each individual tenant at the time of review of each Plan Approval application.

22. **MPA Public Hearing Requirement.** A public hearing for any Master Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
23. **Exhibit A.** Notwithstanding approved "Exhibit A" and the Conditions above, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger restaurants, different locations, and/or a reduced number of restaurants than those originally proposed and identified in "Exhibit A". Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior floor areas, maximum interior and exterior seating numbers, maximum (total) number of establishments authorized under this grant, and the maximum number of establishments approved for each type of grant in the Conditions above are not exceeded. The sale and dispensing of beer and wine may be provided in lieu of a full line of alcoholic beverages at any of the establishments approved for a full line of alcoholic beverages (but not the reverse), provided that the maximum (total) number of establishments authorized for alcoholic beverages is not exceeded, and subject to all other conditions of this grant.
24. **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.
25. **Surveillance.** A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 60 days and are intended for use by the Los Angeles Police Department.
26. **Safety Illumination.** All exterior public space (front, side, and rear) will be illuminated with sufficient lighting for the police to identify all persons standing outdoors at night.
27. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
  1. Entry, visible to pedestrians
  2. Customer service desk, front desk or near the reception area.Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
28. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
29. **Inspections.** Cooperate with all law enforcement agencies, including, but not limited to, LAPD and the State Department of Alcohol Beverage and Control (ABC). Under Business and Professions Code Section 25755, Penal Code Section 830.1, "Peace officers may, in

enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises.”

- a. Property owner/licensee/managers and employees must cooperate with law enforcement during any investigation occurring at the premise. Do not take any action which would impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency which relates to the Property. Access shall be granted into the property at all times.
30. **Monitoring Conduct.** The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
  31. **Operation Control.** The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially residential uses, including noise derived from patrons exiting and crowd control during entry and exiting.
  32. **Loitering.** Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
  33. **Dancing.** There shall be no dancing permitted in the premises at any time unless an application pursuant to Section 12.24 W,18(a) is filed and a public hearing is held.
  34. **Private Events.** Any use of a venue with an alcohol permit for on-site consumption shall not use the entire venue for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public and any such event in a portion of the venue shall be subject to the same provisions and hours of operation as the venue.
  35. **Live Entertainment.** There shall be no live entertainment, disc jockey or karaoke at any premises on the site unless permitted by a Plan Approval with a public hearing. The playing of individual pieces of music queued by a staff member of the establishment on a computer, table, device, or similar music player shall not be considered a disc jockey.
  36. **Amplified Music.** Amplified recorded music shall not be audible beyond the area under the control of the individual venue shall not exceed decibel levels that are stated in the City's Noise Ordinance.
  37. **Signs.** The exterior windows and glass doors of the venues shall be maintained substantially free of signs and other materials from the ground to at least six feet in height above the ground so as to permit surveillance into the venue by Police and private security.
  38. **Cover Charge.** There shall be no cover charge required at any time on the premise.
  39. **After hours.** After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
  40. **Manager Requirement.** At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all

applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

41. **Copy of Conditions.** The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
42. **Litter.** The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
43. **Coin Machines.** Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted on the premises. Official California State lottery games and machines are allowed.
44. **Pool or billiard table.** No pool or billiard table shall be maintained on any premises within the development.
45. **Electronic Age Verification Device.** An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
46. **Smoking.** Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
  - a. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

#### **D. Environmental Conditions**

47. **Air Quality.**
  - a. **PDF-AQ-1.** The following shall be employed by the Project to minimize construction-related emissions:
    - i. All off-road diesel-powered equipment shall be required to meet Tier 4 final off-road emissions standards during all phases of Project construction. Such equipment shall be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter or equivalent.
    - ii. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. Exceptions to these requirements are identified in 13 California Code of Regulations (CCR) Section 2485(d).

- iii. Provide notification to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes.
- iv. Electric equipment shall be used to the extent feasible in lieu of diesel or gasoline-powered equipment.
- v. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.
- vi. On-site construction activities shall utilize existing electric power sources to the extent feasible to minimize the use of higher polluting gas or diesel generators.
- vii. Construction activities shall limit the hours of operation of heavy-duty equipment and/or the quantity of equipment in use to the extent feasible.
- viii. During the application of architectural coatings for the new residential, restaurant, and commercial spaces, the Project shall use paints with a VOC content of 10 grams per liter (g/L) or less, which exceeds the regulatory VOC limits put forth by SCAQMD's Rule 1113.
- ix. Sufficient dampening of the construction area shall be conducted as necessary to control dust caused by grading, hauling, and wind.
- x. Construction personnel shall secure loads by trimming and watering or covering to prevent the spilling or blowing of the earth material.
- xi. Construction personnel shall clean all trucks and loads at the export site to prevent the blowing of dirt and spilling of loose earth.
- xii. A sign shall be posted at the Project Site at a readily visible location that identifies the construction manager and a telephone number for any inquiries or complaints from residents regarding construction activities.

#### **48. Green House Gas Emissions.**

- a. **PDF-GHG-1.** The following shall be employed by the Project to minimize greenhouse gas emissions:
  - i. The Project shall install energy efficient appliances.
  - ii. The Project shall install low-flow plumbing fixtures.
  - iii. The Project shall provide 19 short-term and 183 long-term bicycle parking spaces at the Project Site.
  - iv. The Project shall plant a total of 117 trees, 15 of which would be street trees, along with native and drought-tolerant vegetation such as shrubs and ground cover.
  - v. The Project shall install solar panels on 15 percent of the rooftop space of the proposed mixed-use building.
  - vi. The Project shall install prewiring for electrical vehicle (EV) charging for 30 percent of the total parking spaces provided at the Project Site.
  - vii. The Project shall provide EV parking spaces that are installed with chargers and ready for immediate EV use for 10 percent of the total parking spaces provided at the Project Site.
  - viii. The Project shall not provide any indoor fireplaces for residential units.
  - ix. The Project shall install outdoor power outlets to facilitate the use of electric landscaping equipment for maintaining common areas.
  - x. The Project shall enroll in the organic waste recycling services provided by the solid waste collection service provider and ensure that compostable receptacles will be provided for the multi-family uses to reduce landfilled waste.

#### **49. Noise and Vibration.**

- a. **PDF-NOI-1.** No pile driving activities or blasting will be allowed at the Project Site during construction.

- b. **PDF-NOI-2.** All noise-generating mechanical equipment during Project operations will be equipped with noise-muffling devices or shielding (e.g., enclosures) to minimize noise levels at neighboring properties in accordance with Section 112.02 of the LAMC, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than 5 dBA. The noise control methods that will be implemented by the Project to reduce its mechanical equipment noise levels may include, but will not be limited to:
- i. Selecting mechanical equipment designed to produce low noise levels. This includes the mechanical equipment for heating and cooling interior spaces (i.e., HVAC) as well as equipment associated with the swimming pool;
  - ii. Shielding mechanical equipment with screens, acoustical louvers, or other noise barriers; and
  - iii. Installing a parapet wall around the perimeter of the rooftop of the mixed-use building to minimize noise levels from HVAC equipment.
- c. **PDF-NOI-3:** The Project will implement operational restrictions to limit excessive noise generated by residents at the outdoor amenity areas located at the ground floor level, which includes the pool deck and spa, game lounge, outdoor kitchen, BBQ and sitting area, tot lot, community garden, and pet park. Such restrictions will include limiting the hours of use at these outdoor areas to between 7:00 a.m. and 10:00 p.m. (to correspond with the daytime hours specified by the City's noise ordinance), enforcing all applicable capacity limits on the number of residents using each amenity area (for example, as required by fire or safety codes), and restricting the exterior use of amplified music. Building management staff would be required to ensure that operations remain in compliance with the daytime noise limits set forth in the LAMC.
- d. **MM-NOI-1.** The following shall be employed during Project construction to reduce short-term noise levels:
- i. A 15-foot-high temporary noise barrier with a minimum STC rating of 28 will be erected along the eastern and southern boundaries of the Project Site to provide a minimum of 10 dBA noise attenuation.
  - ii. Equipment staging and laydown areas will be located at the farthest practical distance from nearby residential land uses.
  - iii. High noise-producing construction activities will be scheduled during periods that are least sensitive, such as during daytime hours when neighboring residents are generally away at work.
  - iv. Construction equipment will be fitted with noise-reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer.
  - v. Stationary construction equipment, such as compressors, will be positioned as far away as practical from adjacent noise-sensitive receptors.
  - vi. All construction equipment not in use will be switched off.
  - vii. Haul trucks will not be allowed to idle for periods greater than 5 minutes, except as needed to perform a specified function (e.g., concrete mixing). Signs will be posted in delivery loading areas specifying this idling restriction.
  - viii. On-site vehicle speeds will be limited to 15 miles per hour or less (except in cases of emergency).
  - ix. Construction-related truck traffic will be routed away from noise-sensitive areas to the extent feasible.
  - x. Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and California OSHA safety requirements are not violated. On vehicles where back-up beepers are

not available, alternative safety measures such as escorts and spotters will be employed.

- xi. A designated point of contact will be identified to address noise-related complaints during construction. The noise disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and will be required to implement reasonable measures such that the complaint is resolved.
- e. **MM-NOI-2.** A solid wall with a minimum height of 8 feet shall be erected to serve as a noise barrier along the portion of the Project Site's southern boundary where the outdoor amenity areas are located to reduce noise levels at the adjacent off-site single-family residences.
- f. **MM-NOI-3.** During Project construction the use of large, full-size mobile construction equipment, such as bulldozers, excavators, loaders, etc., shall be prohibited within 25 feet of the existing residential and commercial structures directly adjacent to the Project Site boundary. Instead, small-sized mobile equipment (e.g., Bobcats/skidsteers, compact or mini model versions of bulldozers, excavators, small loaders) shall be used for construction work that needs to take place within this distance to off-site structures during all phases of construction.

#### 50. Public Services.

- a. **PDF-PS-1.** A construction fence shall be constructed around the Project Site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- b. **PDF-PS-2.** Prior to the occupancy of the Project, the Applicant shall provide the Foothill Area Commanding Officer with a diagram of each portion of the property, including access routes, and additional information to facilitate potential LAPD responses.

#### 51. Transportation.

- a. **PDF-TRAF-1: TDM Program.** The Project shall develop and implement a TDM program to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM program would be subject to review and approval by the City (Department of City Planning and LADOT). The strategies in the TDM program would include, but are not necessarily limited to, the following:
  - i. **Educational Programs/On-Site Coordinator.** A TDM coordinator would be required to be part of the building management staff that would reach out to employers and employees directly to promote the benefits of the TDM.
  - ii. **Transportation Information Center/Kiosk.** The Transportation Information Center would be a centrally-located commuter information center where project residents can obtain information regarding commute programs, and individuals can obtain real-time information for planning travel without using an automobile. A Transportation Information Center would provide information about transit schedules, commute planning, rideshare, telecommuting, and bicycle and pedestrian plans.
  - iii. **Project Design Features to Promote Bicycling and Walking.** The Project would incorporate features for bicyclists and pedestrians, such as exclusive access points, secured bicycle parking facilities. Pedestrian improvements internal to the Project Site would encourage walking and connect to off-site pedestrian facilities. Additionally, the Project Site would be designed to be a friendly and convenient environment for pedestrians.
  - iv. **Bikeway Improvements.** The Project would contribute funding toward the implementation of bicycle improvements within the Study Area under the 2010 Bicycle Plan and Mobility Plan.

- v. **Reduced Parking Supply:** Reduced parking supply to provide less parking than the direct LAMC requirement without consideration of additional parking reductions mechanisms (i.e., Bicycle Parking Ordinance, Specific Plan or Enterprise Zone areas, etc.)
- b. **PDF-TRAF-2: Mobility Improvement Program:** The mobility improvement plan for the Project would include the following improvements:
  - i. **Installation of Continental (High Visibility) Crosswalks:** The following four study intersections have been identified as locations where continental (high visibility) crosswalks would be installed: 4. Webb Avenue & Roscoe Boulevard, 6. Laurel Canyon Boulevard & Strathern Street, 9. Vineland Avenue & Strathern Street, and 12. Tujunga Avenue & Saticoy Street. The Project would install continental (high visibility) crosswalk markings such as white (standard) or yellow (school) zebra stripes across all four cross segments of an intersection. Additionally, continental (high visibility) crosswalks would include a striped setback limit to reduce the number of vehicles encroaching into the crosswalk.
  - ii. **Installation and Maintenance of Sidewalks:** One key corridor has been identified within the Study Area without ADA compliant sidewalks. The north side of Strathern Street between Lankershim Boulevard and Irvine Avenue requires sidewalk installation and maintenance to complete the pedestrian connection. The Project would improve this segment of Strathern Street to include widening, paving, and clearly marking sidewalk and curb space.
  - iii. **Installation of Bus Stop Shelters:** The bus stop located on the west side of Lankershim Boulevard south of Strathern Street (Intersection #7), which serves Metro Local 224 and 353, would be improved with the installation of a bus stop shelter. This bus stop currently has two benches and transit signage.
  - iv. **Installation of Bus Stop Benches:** The bus stop located on the east side of Lankershim Boulevard south of Strathern Street (Intersection #7), which serves Metro Local 224 and Local 353, would be improved with the installation of a bus stop bench. The bus stop currently only provides transit signage.
- c. **PDF-TRAF-3: TSM Improvements.** The Project would fund TSM improvements within the Study Area to better facilitate vehicle and pedestrian operations. The TSM improvements would target the Lankershim Boulevard corridor. Based on consultation with LADOT, the following TSM improvements would be implemented:
  - i. Upgrade existing traffic signal controller cabinets to Type 351/2/6/7 cabinets: 5. Lankershim Boulevard & Roscoe Boulevard/Tuxford Street, 7. Lankershim Boulevard & Webb Avenue & Strathern Street, 10. Lankershim Boulevard & Stagg Street, and 11. Lankershim Boulevard & Saticoy Street.
  - ii. Replacement of existing video fibers with a 24-strand signal mode fiber cable: 7. Lankershim Boulevard & Webb Avenue & Strathern Street.
  - iii. Upgrade existing pedestrian push buttons to accessible pedestrian signals: 5. Lankershim Boulevard & Roscoe Boulevard/Tuxford Street, 7. Lankershim Boulevard & Webb Avenue & Strathern Street, 10. Lankershim Boulevard & Stagg Street, and 11. Lankershim Boulevard & Saticoy Street.
- d. **PDF-TRAF-4: The Applicant shall prepare a detailed Construction Management Plan that shall include, but not be limited to, the following elements, as appropriate:**
  - i. Prohibition on construction-related vehicles/equipment parking on surrounding public streets.

- ii. Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers shall be implemented as appropriate.
- iii. Scheduling of construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible.
- iv. Installation of appropriate traffic signs around the Project Site to ensure pedestrian, bicycle, and vehicle safety.
- v. No staging of hauling trucks on any streets adjacent to the Project, unless specifically approved as a condition of an approved haul route.
- vi. Spacing of trucks so as to discourage a convoy effect.
- vii. Installation of truck crossing signs within 300 feet of the exit of the Project Site in each direction.
- viii. Sufficient dampening of the construction area to control dust caused by grading and hauling and reasonable control at all times of dust caused by wind.
- ix. Securing of loads by trimming and watering or covering to prevent the spilling or blowing of the earth material.
- x. Cleaning of trucks and loads at the export site to prevent blowing dirt and spilling of loose earth.
- xi. Maintenance of a log documenting the dates of hauling and the number of trips (i.e., trucks) per day available on the job site at all times.
- xii. Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.
- xiii. No less than 30 days prior to the start of construction, the Applicant shall also meet with the administrators of Arminta Elementary School to discuss Project construction, the Construction Management Plan, and provide information regarding the construction relations officer who would serve as the liaison to the community. The Project applicant shall also maintain ongoing contact with the administrators of Arminta Elementary School to inform the school when demolition, grading, construction activities, and any street or sidewalk closures would commence.

#### **E. Administrative Conditions**

52. **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.
53. **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.
54. **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.
55. **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.

56. **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.
57. **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.
58. **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.
59. **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.
60. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01-E,3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
61. **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 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 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.

**CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES**

In approving the instant grant, the City Planning Commission has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

- No alcohol beverage shall be allowed to be consumed on any property adjacent to the licensed premises under the control of the applicant.
- No person under the age of 21 years shall sell or deliver alcoholic beverages.
- The venue operator, owner and the venue personnel shall at all times maintain a policy of not serving to obviously intoxicated patrons and shall take preventative measures to help avert intoxication-related problems.
- Under no circumstances shall the property owner/operator allow patrons to bring in bottles of their own alcoholic beverages or provide patrons with set-up glasses, mixers, and ice for use with the consumptions of beverages on the site.
- Bottle and/or Table service involving the distribution of distilled spirits shall be prohibited. "Buckets, bottle, pitchers, or box service" of beer and portable bars are prohibited. This shall include bottles of 175 ml or larger. Beverages shall not be sold in multiple containers. In addition, there shall be no sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- Alcohol sales and dispensing for on-site consumption shall only be served by employees.
- There shall not be a requirement to purchase a minimum number of drinks.
- There shall be no illuminated (i.e. neon) or exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- Signs shall be posted in English and in Spanish stating that California State Law prohibits the sale of alcoholic beverages to persons who are under 21 years of age.
- No smoking of tobacco products including cigarettes, cigars, hookah, or water pipes either inside the location or on any outdoor patios.
- At all times when the premises are open for business, the sale of alcoholic beverage shall be incidental to the sale of food.
- The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food. The license shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed restaurants. Said records shall be kept no less frequently than a quarterly basis and shall be made available to the Police Department upon request.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/check-out clerk specifically assigned solely to that station.

- The alcoholic beverage license for the restaurants shall not be exchanged for “public premises” license unless approved through a new conditional use authorization. “Public Premises” is defined as a premise maintained and operated for sale or service of alcoholic beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.
- All Type 41 Licensed premises shall be maintained as a bona fide restaurant with a kitchen and shall provide a menu containing an assortment of food normally offered in such restaurants. Food service shall be available at all times during authorized operating hours.
- There shall be no portable self-service bar(s) at either location. A wait person or bartender shall conduct all alcoholic beverage service, which may be from a portable bar.

## FINDINGS

### General Plan/Charter Findings

#### 1. General Plan

- a. **General Plan Land Use Designation.** The Project Site, 7940 North Lankershim Boulevard (7018-7946 North Lankershim Boulevard and 11650-11664 West Strathern Street), is an irregularly-shaped site, comprised of twelve parcels and 204,383 square feet (4.69-acre) of lot area. The subject property is located within the Sun Valley – La Tuna Canyon Community Plan, which was last updated by the City Council on August 13, 1999 and designates the subject property for Neighborhood Commercial land use corresponding to the C1, C1.5, C2, C4, RAS3, and RAS4 Zones. Footnote No. 2 of the Community Plan imposes a height limit of three stories for properties designated for Neighborhood Commercial land uses.

The site is zoned C2-1VL and R1-1. The Zone and Height District Change from C2-1VL and R1-1 to (T)(Q)RAS4-1-CUGU is warranted as the site's proposed zoning corresponds to the range of zones within the Neighborhood Commercial land use designation. The zone change to RAS4 would allow the site to be consistent with the land use designation. The proposed mixed-use building includes residential and commercial uses that are consistent with development permitted in the (T)(Q)RAS4-1-CUGU Zone. Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Framework Element and Community Plan.

- b. **General Plan Text.** The Sun Valley – La Tuna Canyon Community Plan text includes the following relevant objectives, policies, and programs:

The proposed project complies with applicable provisions of the Los Angeles Municipal Code and the Sun Valley – La Tuna Canyon Community Plan. There are twelve elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the Sun Valley – La Tuna Canyon Community Plan, which designates the site for Neighborhood Commercial land uses corresponding to the C1, C1.5, C2, C4, RAS3, and RAS4 Zones.

The proposed project is consistent with the following objectives and policies of the Sun Valley – La Tuna Canyon Community Plan:

Objective 1-2: To locate new housing in a manner which reduces vehicular trips and which increases accessibility to services and facilities.

Policy 1-2.1: Locate higher residential densities near commercial centers, and major bus routes where public service facilities, utilities, and topography will accommodate this development.

Objective 1-5: To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background.

Policy 1-5.2: Promote housing in mixed use projects in transit intensive locations.

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policy 2-1.1: New commercial uses should be located primarily 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 developed in accordance with design standards.

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

Policy 2-3.1: Improve the landscaping of commercial properties.

Policy 2-3.3: Require that any proposed development be designed to enhance and be compatible with adjacent development.

Policy 2-3.4: Improve safety and aesthetics of parking areas in commercial areas.

In addition to the above referenced objectives and policies, one of the residential issues identified by the Community Plan is the lack of affordable housing and the need for housing, jobs, and services in mutual proximity.

The surrounding properties have a land use designation of Neighborhood Commercial, Limited Manufacturing, and Low Residential, and are zoned C2-1VL-CUGU, M1-1-CUGU, and R1-1-CUGU. The Project Site is in a highly urbanized location surrounded by a mix of land uses, including commercial, residential, industrial, office, and school uses. The adjacent property to the northwest is developed with a fast food restaurant (Burger King). The adjacent properties to the north, fronting on Lankershim Boulevard, are developed with automotive, restaurant, and retail uses. Further north, along the opposite northern side of Strathern Street are single-family uses. The adjacent properties to the west, along Lankershim Boulevard, are developed with automotive, restaurant, and other commercial uses. Further west, land uses transition to residential uses. The properties to the east are developed with residential uses. Properties further east are developed with the Arminta Street Elementary School and Arminta Street Early Education Center. The adjacent properties to the south are developed with single-family residential and automotive uses (Schiro's Collision Repairs). Further south, along Lankershim Boulevard, it is developed with a daycare center (LA Childcare and Development) and along Arminta Street, it is developed with various residential, commercial, and automotive uses.

The Project would be designed to activate the Site and enhance the surrounding area with pedestrian activity. The underlying zoning of the majority of site does not reflect the commercial use of the property even though the majority of the site has been used as a commercial nursery/garden center for many years. The project would result in a mixed-use building having 432 multi-family residential units and approximately 22,000 square feet of commercial ground-floor commercial uses.

In addition, the proposed project does not provide direct vehicular access from Blythe Street to the east of the Project Site. This will prevent cut-through traffic or overflow from the project from impacting the single-family residential uses on this street. A screening wall is proposed along the perimeter of the residential properties adjacent to the proposed project and the proposed buildings are set back a further distance than required by code. Special attention will be given to landscaping along the perimeter of the project site to buffer the adjacent single-family residential uses in furtherance of the community plan policy 2-3.1 to improve the landscaping of commercial properties.

Policy 13-2.1 of the community plan states that “No increase in density and intensity shall be effectuated by zone change, variance, conditional use, parcel map or subdivision unless it is determined that the transportation system can accommodate the increased traffic generated by the project.” While the requested Zone and Height District Change will allow for more development than currently permitted, as discussed in the environmental document for the Project, the development will not significantly impact the transportation system in the area as it is well served by public transportation. Additionally, the Los Angeles Department of Transportation (LADOT) requires the project to incorporate a Transportation Demand Management (TDM) Program which would require the implementation of specific trip reduction measures aimed at reducing the number of single-occupant vehicle trips generated by the site’s employees. The TDM Program outlined in the LADOT letter dated June 20, 2020, details a set of strategies proposed for the Project designed to reduce peak hour vehicular traffic to and from the Project Site. It is a comprehensive program of design features, transportation services, education programs, and incentive programs intended to reduce the impact of traffic from residents of the Project Site during the most congested time periods of the day. Among many requirements, the Project is required to develop and implement a TDM Program with strategies that include but not limited to promoting non-auto travel and reducing the use of single-occupant vehicle trips. The TDM Program would be subject to the review and approval by the Department of City Planning and LADOT.

The Community Plan also calls for the City to “develop employment opportunities for a wide range of jobs, skills and wages”. Approval of the requested Zone and Height District Change for the construction of a new mixed-use building with residential and commercial uses would result in a number of new service sector jobs as it will add a new retail and two restaurant venues to the area. Additionally, the Project would improve the physical condition of the area by replacing a garden center with a project that includes market rate and affordable housing units in addition to on-site commercial uses. The Project would provide an economic benefit to the area by increasing the number of jobs and public revenues, such as, property tax revenues and sales tax revenues generated by the site.

The zone and height district change to (T)(Q)RAS4-1-CUGU would allow the site to be developed with the Project as proposed. The project would add 48 affordable units to the market. As proposed, the Project would be consistent with LAMC Section 11.5.11. Additionally, the Project would include 72 one-bedroom units, 180 two-bedroom units, and 180 three-bedroom units. The introduction of two- and three-bedroom units in an area developed primarily with limited manufacturing, commercial, automotive and single-family uses would provide additional housing options for individuals and families. As previously described, the site is located within an area which is developed with residential, commercial, and manufacturing uses. The development of the site with affordable housing units as well as commercial uses would place future residents within proximity to employment opportunities. The Zone Change and Height District Change

to (T)(Q)RAS4-1-CUGU would be consistent with the above referenced objectives and policies of the Sun Valley – La Tuna Canyon Community Plan.

- c. **Framework Element.** The Framework Element for 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 provisions, objectives and policies relevant to the instant request:

Land Use

GOAL 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: **Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.**

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 work force 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 3.8.2: Encourage the retention of existing and development of new commercial uses that primarily are oriented to the residents of adjacent neighborhoods and promote the inclusion of community services.

The development of the site would introduce new housing, along with commercial uses, while also improving the livability of its future residents by providing on-site open space and landscaping. The use would be compatible with existing development in the area which consists of residential, commercial, and manufacturing uses, and would be consistent with the above referenced goals, objectives, and policies, of the Framework Element.

- d. **Housing Element.** The Housing Element of the General Plan contains the following relevant goals, objectives, and policies:

GOAL 1: Housing production and preservation.

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

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the City's households.

The (T)(Q)RAS4-1-CUGU Zone would allow for the Project Site to be developed with a mixed-use project that includes an affordable housing component, as defined by LAMC Section 11.5.11. The Project proposes to designate 48 of the proposed 432 dwelling units as Restricted Affordable units for Extremely-Low and Very-Low Income households. As discussed in Finding No. 2, the development of the site with affordable rental units would introduce a new housing opportunity for existing and future residents of the area. The Project would introduce one-bedroom, two-bedroom, and three-bedroom units to the area, providing new housing opportunities for individuals and households. As such, the zone and height district change would be consistent with Goal No. 1 of the Housing Element and its corresponding objectives and policies.

GOAL 2: Safe, Livable, and Sustainable Neighborhoods.

Objective 2.1: Promote safety and health within neighborhoods.

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

Policy 2.3.3: Promote and facilitate the reduction of energy consumption in new and existing housing.

The Project Site is located at the southeastern intersection of Lankershim Boulevard and Strathern Street. The Project Site is comprised of twelve lots, consisting of 204,383 square feet (4.69-acre) of lot area. The site is located generally on the eastern side of Lankershim Boulevard, south of Strathern Street, along the western terminus of Blythe Street, within the Sun Valley – La Tuna Canyon Community Plan area. The proposed Project would be one of the first mixed-use developments in the area, which has seen very little new development of its kind. The Project would remove a building which was constructed in 1949 and 1967 and construct a new mixed-use building which would meet current building code requirements for safety. The Project is a mixed-use project therefore, the building has been designed to create an active ground floor presence with the use of transparent materials for the residential lobby and commercial uses. A number of the units have been designed to be accessible from outdoor walkways which surround a centralized outdoor courtyard, providing access to light and air for the units and the Project has been conditioned to install solar panels on a minimum of 15 percent of the building's roof area.

- e. **Mobility Element.** The Mobility Element of the General Plan is not likely to be affected by the action herein. The proposed project, with the requested Zone and Height District Change, proposes to construct a new seven-story mixed-use building on the eastern

side of Lankershim Boulevard, south side of Strathern Street, and western side of Blythe Street. Lankershim Boulevard is designated as a Boulevard II and is currently dedicated to a variable width of 90 to 100 feet. Strathern Street is designated as an Avenue II and is currently dedicated to a variable width of 55 to 90 feet. Blythe Street is designated as a Local Street Limited and is currently dedicated to a variable width of 29 to 39 feet. The project will be required to dedicate and improve the public right-of-way to the satisfaction of the Bureau of Engineering. In addition to establishing Street Standards, the Mobility Element encourages “the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure” (Policy 5.4). The Project has been conditioned to require that 30 percent of the parking spaces are to be wired for the installation of future EV chargers, and that 10 percent of the provided parking be installed with EV chargers, consistent with Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

- f. **The Sewerage Facilities Element** of the General Plan will not be affected by the 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.

### **Entitlement Findings**

#### **2. Zone Change and Height District Change Findings; “T” and “Q” Classification Findings.**

- a. **Pursuant to Section 12.32-C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The Site is an approximately 204,382 square-foot, irregularly shaped, predominantly flat site with approximately 339 feet of frontage along Lankershim Boulevard and 226 feet of frontage along West Strathern Street in the Sun Valley – La Tuna Canyon Community Plan area, surrounding an existing Burger King fast food restaurant located at the southeast corner of Lankershim Boulevard and Strathern Street. The Project Site is designated Neighborhood Commercial. The portion of the site fronting Lankershim Boulevard is zoned C2-1VL (Commercial – Height District No. 1VL) and the remainder of the site is zoned R1-1 (Single Family Residential – Height District No. 1). Consequently, a zone and height district change are required to harmonize the zoning of the Project Site and to allow the development of the project. The Applicant proposes to unify the dual zoning on the subject site with the requested Zone and Height District Change to (T)(Q)RAS4-1-CUGU.

The area is generally characterized by a mix of automobile related uses, multiple-family housing, and single-family homes. There are existing multiple-family residential uses developed along Lankershim Boulevard just south of Stagg Street. The properties directly across Lankershim Boulevard, to the west of the Site, are zoned C2-1VL-CUGU and are improved with automobile-related uses. The properties located to the south of the Site are zoned C2-1VL-CUGU and R1-1-CUGU and are improved with automobile-related uses and single-family homes. The properties located to the east of the Site are zoned R1-1-CUGU and improved with single-family residences. The properties directly

across Strathern Street are zoned M1-1-CUGU and R1-1-CUGU and are improved with a gas station with a convenience store and single-family homes.

### Public Necessity

As previously mentioned, the Project proposes to rezone the Site from C2-1VL and R1-1 to (T)(Q)RAS4-1-CUGU. Currently, approximately 156,000 square feet of the Site is zoned R1-1, and approximately 48,000 square feet of the Site is zoned C2-1VL. The current R1 zone on the majority of the Site results in a portion of the site that is only allows a maximum residential density of one dwelling unit per every 5,000 square feet, allowing a maximum of approximately 31.25 units in the R1 zoned portion of the Site for a large unified Site along a major highway. As a result, the majority of the Site is improved with commercial nursery/garden center uses and a surface parking lot that is incompatible with the commercial uses along Lankershim Boulevard, or the residential uses in the surrounding area.

The Site current has two height districts: 1 and 1VL. The Site is surrounded by properties zoned Height District No. 1, and the Project intends to unify the height districts on the Site by changing the height district to 1 in accordance with LAMC Section 12.21.1. The proposed Height District No. 1 would permit a maximum floor area ratio of 3 to 1 and unlimited height (in feet) in the RAS4-1 Zone. While the Community Plan has a footnote that limits the maximum number of floors allowed on Neighborhood Commercial properties to three stories, on April 21, 2005, the Deputy Director of the Department of City Planning issued a Director's Interpretation regarding RAS Interpretation to Community Plan Footnotes, which recognized that the increased height for projects in RAS zones are "necessary to make such primarily residential projects viable." The Director's Interpretation expressly allows RAS zoned properties to "exceed a Community Plan Footnote when that footnote is general in nature and generally refers to all parcels under that plan category." In this case, the Community Plan footnote is general in nature and does not refer to specifically to the Site. Therefore, the project's seven stories are within the maximum allowable pursuant to the RAS4 Zone.

As previously described, the Project Site is located within the Sun Valley – La Tuna Canyon Community Plan area. The existing C2-1VL and R1-1 Zones would prohibit the development of the Project Site with the proposed mixed-use building. Changing the existing zoning to enable development of the Project is in conformance with the public necessity and convenience because it addresses a shortage of high-quality housing and commercial uses in the area.

The Sustainable City pLAn issued by the Mayor establishes a goal to create 100,000 dwelling units by the year 2021. Additionally, the plan indicates a need to not only enable the production of additional housing, but to encourage the production of affordable housing. The Zone and Height District Change would permit the development of the site with a seven-story mixed-use building with 432 multi-family residential dwelling units and 22,000 square feet of commercial space. The Project will include rental units and affordable housing, as defined by LAMC Section 11.5.11, with 48 dwelling units proposed to be set aside for Extremely-Low and Very-Low Income households.

The project serves the public convenience and necessity by locating needed retail, restaurant, and housing along a major transportation corridor, Lankershim Boulevard, and within the immediate proximity to regional freeways and major and secondary highways. The Project Site is located within a Transit Priority Area, as defined by Senate Bill (SB 743). The site is located within one-half mile of the Metro Bus Lines 94, 152,

169, 222, 224, 230, 353, and 794. The bus lines would be able to provide connections to other public transit lines such as the Metro Red and Purple lines, and a number of other bus lines located at Union Station. Metro Bus Lines 224 and 152 run along Lankershim Boulevard with a connection to the Metro Red Line at Universal Studios. The Metro Red Line route provides connection to downtown Los Angeles via the districts of Hollywood and Mid-Wilshire. The subway provides a direct link to Union Station and Union Station provides access to the majority of the region's rail and bus lines, linking to major job centers throughout Los Angeles County. The Project is also 0.90 miles southwest of the Metrolink Sun Valley Station, which serves Metrolink Antelope Valley (AV) Line that travels to and from downtown Los Angeles, with a final destination in the City of Lancaster. As proposed, the Project would place additional housing and commercial uses within proximity to public transit, and employment centers.

The Project will result in housing and commercial/economic benefits as it includes an affordable housing and commercial component to serve the surrounding neighborhood. As a new housing project with six or more dwelling units, the Project is required to provide open space for the future residents. Private open space would be provided for all units through private balconies. Common open space would be provided by a centrally located, outdoor courtyard located on the second floor, an indoor community room located on the first floor, a recreation building located on the rear of the site, and a rear courtyard. As proposed, the Project would not only introduce additional affordable housing, but would provide on-site commercial uses and outdoor open space. The public convenience and necessity would be specifically advanced through development of an interconnected, pedestrian oriented, commercial development, integrated with existing and future public transportation infrastructure. Therefore, as proposed, the Project would be consistent with the public necessity, convenience, and general welfare of the surrounding area by creating an integrated, pedestrian-oriented site connected to transit.

#### Convenience

Public necessity and convenience is also served by providing a neighborhood serving housing and commercial development project consisting of a complementary blend of 432 housing units with 48 set aside for affordable housing and retail and restaurant uses, strategically located along Lankershim Boulevard, a major transit and commercial corridor. The transit-convenient location will facilitate increased usage of existing transit lines. Establishing a neighborhood housing and employment area proximate to other residential, commercial, and manufacturing uses epitomizes the Framework Element as well as regional growth plans, by encouraging and facilitating the use of public transportation.

#### General Welfare

The requested Zone and Height District Change promotes the general welfare by facilitating development of an aesthetically appealing, high quality mixed-used development project that would promote both transportation and pedestrian activity in close proximity to other commercial and residential uses along Lankershim Boulevard and Strathern Street. Increased revenue to the City would be generated through expanded business license, sales, and property taxes. The Project would also bring employment opportunities to the Project Site and the Community Plan area – in conformance with a principal objective of a State Enterprise Zone development. Providing much needed retail, restaurants and housing, the proposed project will fill a void for much needed services in the heart of North Hollywood.

The requested Zone and Height District Change would also promote the general welfare by allowing development of a Project that is consistent with and complementary to nearby commercial and residential uses. The Project has been designed to be compatible with these adjacent land uses, especially to the residential areas to the south and east by the use of landscaping and setbacks along those property lines. The proposed 432 residential units are well below the allowable density of 511 residential units in the RAS4 zone. Utilizing the incentive specified in Government Code Section 65915(k), in accordance with Measure JJJ, the Project's proposed 87-foot building height and 3.32:1 FAR complies with the proposed (T)(Q)RAS4-1-CUGU zone.

The Project would advance the general welfare by incorporating a number of sustainability features, which may include water efficient fixtures, energy efficient designs that meets the LEED certification level. Other sustainability design features include the installation of electrical parking spaces and an operational photovoltaic system.

### Good Zoning Practices

The Project would construct 432 residential units to provide much needed housing, and 48 of the proposed residential units would be restricted affordable units: five percent of the residential units set aside for Extremely Low Income households (22 units) and six percent of the residential units set aside for Very Low Income households (26 units). Moreover, the Project would provide a retail/pharmacy space and two restaurants, which would help reduce automobile trips from residents of the Project and provide amenities to the surrounding community.

In order to construct the proposed project, the proposed requested Zone and Height District Change is needed. The Zone and Height District Change conforms to good planning practice by furthering the goals and objectives of the Community Plan and authorizing a development consistent with its surrounding areas. The Zone and Height District Change would foster synergy between the Project Site and the adjacent commercial and residential uses on Lankershim Boulevard and Strathern Street. Promoting smart growth principles enshrined in the City's General Plan Framework and regional growth plans, the Project provides a complementary mix of retail, restaurant, and multi-family housing along Lankershim Boulevard – a major transportation corridor.

### *Measure JJJ Incentives*

The Project is providing 5 percent Extremely-Low Income and 6 percent Very-Low Income restricted affordable units, therefore, Measure JJJ allows the Project to utilize three incentives as specified in the California Government Code Section 65915(k) which allows:

*(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*

*(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.*

*(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*

The Project intends to utilize the allowed incentives to permit (1) open space to be located adjacent to a Subject Use as listed in LAMC Section 13.18 E.2(d) in lieu of the requirements of LAMC Section 13.18 F.3(a); (2) an increase of Floor Area Ratio (FAR) for a maximum 3.32:1 FAR in lieu of the 3:1 FAR permitted pursuant to LAMC Section 12.21.1; and (3) a parking ratio of 1 parking space per dwelling unit in lieu of the parking requirements pursuant to LAMC Section 12.21 A.4.

#### Developer's Incentives: Open Space, Floor Area Ratio, and Parking

##### *Open Space*

The Project proposes to provide a total of 84,600 square feet of open space and 117 trees, meeting and exceeding the requirements of LAMC Section 12.21 G. In addition, the applicant has requested the following Developer Incentive, pursuant to LAMC Section 11.5.11(e):

- a. Open space to be located adjacent to a Subject Use as listed in LAMC Section 13.18 E.2(d) in lieu of the requirements of LAMC Section 13.18 F.3(a).

Of the proposed 84,600 square feet of open space, the Project proposes to provide 63,000 square feet of common open space, which would include an outdoor courtyard located on the second floor open to the sky, an indoor community room located on the first floor, a recreation building located at the rear of the site, and a rear courtyard open to the sky. In addition to the common open space, private balconies would be provided for all of the dwelling units. In total, 21,600 square feet of private open space would be provided, with the balconies having an average size of 50 square feet. In consideration of the applicable regulations for the Project as proposed, the Project meets the open space requirement.

With the rezoning, the Project would be subject to the requirements under the Clean Up-Green Up Supplemental Use (CUGU) District. Pursuant to LAMC Section 13.18 F.3(a), any required or voluntary open space needs to be buffered from a Subject Use or freeway by a building on the same project site. The CUGU District disincentivizes automobile uses such as the ones across Lankershim Boulevard from the Site. The RAS4 Zone does not allow automobile related uses, but permits commercial and residential mixed-use projects that can both serve as a catalyst to revitalize Lankershim Boulevard and act as a buffer between the automobile related uses and the single family homes to the north, east, and south of the Site. The proposed project is a mixed-use building with residential and commercial uses that are compatible with the neighborhood and consistent with the intent of the CUGU District. In this case, the subject site is surrounded by automobile uses and it would not allow the project to provide some of its open

space along Lankershim Boulevard or any other area that is adjacent to automobile uses [listed as a Subject use in LAMC Section 12.18-E 2(d)]. Further, the requirement per the CUGU District would impede the project to place balconies along Lankershim Boulevard and along the southern property line since there are automobile uses located there. With the requested incentive, the project would be able to have their open space adjacent to automobile uses. Deviating from this requirement is warranted in this situation as the building has been designed to activate the pedestrian environment with inclusion of new perimeter landscaping and street trees along Lankershim Boulevard as well as with the inclusion of 21,600 square feet of private balconies.

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

The Project consists of multiple lots zoned C2-1VL and R1-1. With the proposed Zone and Height District Change to the RAS4-1-CUGU Zone, the Project would be allowed a maximum 3:1 FAR across the entire site, enabling a more uniform development. However, the Project proposes to provide a total of 3.32:1 FAR, and therefore, has requested the following Developer Incentive, pursuant to LAMC Section 11.5.11(e):

- b. An increase of Floor Area Ratio (FAR) for a maximum 3.32:1 FAR in lieu of the 3:1 FAR permitted pursuant to LAMC Section 12.21.1.

The Project Site is located within Height District Nos. 1 and 1VL. Height District No. 1VL within the C2 Zone would permit a maximum FAR of 1.5 times the buildable area of the lot or a 1.5:1 FAR. Height District No. 1 within the R1 Zone does not limit the maximum FAR.

The requested Zone and Height District Change to RAS4-1-CUGU would permit a maximum FAR of 3 times the buildable area of the lot or a 3:1 FAR. As rezoned, the 204,383 square-foot site would be permitted a maximum floor area of 613,149 square feet. As proposed, the building would have a maximum floor area of 678,328 square feet, or a 3.32:1 FAR.

Pursuant to LAMC Section 11.5-11(e), the Applicant requests to provide affordable housing consistent with LAMC Section 11.5.11(a)1(ii) and utilize three incentives specified in the California Government Code Section 65915(k). In order to construct the project with a maximum floor area of 678,328 square feet or a 3.32:1 FAR, the Applicant has requested a Measure JJJ developer's incentive to increase the FAR from 3:1 to 3.32:1.

The requested developer's incentive, an increase in FAR from 3:1 to 3.32:1, is expressly authorized in the California Government Code Section 65915(k) and, as such, permits exceptions to zoning requirements that result in building design or construction efficiencies that facilitate more affordable housing. Due to the scope of the project, the applicant has requested an FAR increase to 3.32:1 FAR to accommodate the proposed number of units in the building and adequate amenities within the building.

### **Parking**

The Project is proposing a new seven-story mixed-use building consisting of 432 dwelling units and 22,000 square feet of commercial space. Pursuant to the LAMC Section 12.21 A.4, the ratio of parking spaces required for all dwelling units shall

be at least one parking space for each dwelling unit of less than three habitable rooms, one and one-half parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three habitable rooms. The dwelling units would include 72 one-bedroom, 180 two-bedroom, and 180 three-bedroom units. Thus, the total number of parking spaces that would be required per LAMC Section 12.21 A.4 is 702 residential parking spaces. However, the Project proposes to provide a total of 432 residential parking spaces, and therefore, has requested the following Developer Incentive, pursuant to LAMC Section 11.5.11(e):

- c. A parking ratio of 1 parking space per dwelling unit in lieu of the parking requirements pursuant to LAMC Section 12.21 A.4.

With the use of the Developer Incentive, the Project is able to provide one parking space per dwelling unit proposed, totaling 432 required residential parking spaces. The project proposes a total of 432 residential parking space, meeting the requirements per California Government Code 65915(k).

The project is located in a transit rich area with access to local bus lines where residents may rely more on public transportation than individual vehicles. Additionally, the project has been designed with an area to accommodate ride sharing, the applicant has studied market demand for parking and found this to be an adequate amount of parking, and the project has been conditioned to provide unbundled residential parking. Therefore, the reduction in parking is consistent with public necessity, convenience, general welfare, or good zoning practice.

The Project Site is designated by the Community Plan for Neighborhood Commercial land uses and is zoned C2-1VL and R1-1. As zoned, it is consistent with the existing land use designation. The site, as well as a number of other properties in the surrounding area, are designated for Neighborhood Commercial uses. As described in Finding No. 1.b, the amendment would allow the development of the site with a mixed-use building that includes a residential use component that is consistent with the objectives and policies of the Community Plan and is compatible with the existing development of the surrounding area.

The requested Zone and Height District Change would advance the public convenience by facilitating uniform zoning at the Project Site, consistent with the proposed residential and commercial uses. Currently, the Project Site is zoned C2-1VL and R1-1. The (T)(Q)RAS4-1-CUGU Zone would allow a 3:1 FAR at the Project site. Further, the Project proposes a FAR of 3.32:1 FAR through a Developer's Incentive that is allowed with the Zone Change request. The Zone and Height District change promotes the public necessity and convenience by ensuring that the allowable FAR at the Project Site would not exceed a 3.32:1 FAR, thus providing a safeguard against future development that is not compatible or in the best interest of the surrounding neighborhood.

Based upon the foregoing, the requested Zone and Height District Change are deemed to be consistent with the public necessity, convenience, general welfare and good zoning practice, as required by the provisions of LAMC Section 12.32-F.

- b. **Pursuant to Section 12.32-G and Q of the Municipal Code "T" and "Q" Classification Findings.** The current action has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. The Zone Change has been placed in "T" and "Q" Classification in order to ensure consistency with the Zone and Height District Change. The "T" Conditions are

necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" conditions that limit the scale 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 development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject action.

3. **Master Conditional Use Findings.** A particular type of development is subject to the conditional use process because it has been determined that such use of the property should not be permitted by right in a particular zone. All uses requiring a conditional use permit for the sale of alcoholic beverages are located within Section 12.24 W.1 of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the use and operation of one retail venue and for the sale and dispensing of beer and wine for on-site consumption in conjunction with the use and operation of two commercial venues to be authorized, certain designated findings have to be made.
- a. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The Site is located on Lankershim Boulevard, a commercial boulevard lined with automobile related uses, restaurants, a grocery store, and retail stores. Behind the non-residential uses along Lankershim Boulevard are single- and multi-family residential homes, as well as a hotel and a church. The proposed project will enhance the built environment by building a new mixed-use building with ground floor commercial uses along Lankershim Boulevard, including an approximately 14,000 square-foot drive-through pharmacy/retail space on the north side of the Site, adjacent to the Burger King property on the corner of Lankershim Boulevard and Strathern Street, and two approximately 4,000 square-foot restaurants on the south end of the Site. These retail and restaurant spaces would not be accessible by vehicle from the residential neighborhood on Blythe Street, Strathern Street, or Arminta Street to the south of the Site.

There are various restaurants, commercial, and automotive uses in the area. With this Master Conditional Use Permit application pursuant to LAMC Section 12.24 W.1, the applicant seeks permission to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction the operation of one retail venue with a total square footage of 14,000 and the sale and dispensing of beer and wine for on-site consumption in conjunction with a maximum of two restaurant venues with a total square footage of 8,000 square feet (4,000 square feet each). No maximum seat count has been proposed. Proposed hours of operation would range from 7:00 a.m. to 2:00 a.m., daily.

No. of Proposed Retail	License Type	Hours of Operation	Interior Floor Area (SF)
1	Full Line	7AM-12AM	14,000
<b>Total</b>			<b>14,000</b>

No. of Proposed Restaurants	License Type	Hours of Operation	Interior Floor Area (SF)
1	Beer & Wine	7AM-12AM	4,000
2	Beer & Wine	7AM-2AM	4,000
<b>Total</b>			<b>8,000</b>

In order to utilize this grant, each individual tenant will be required to file a Master Plan Approval application to review the final floor plans and the mode and character of each commercial venue. The Zoning Administrator may impose additional conditions or override conditions of this instant grant based in his or her review of each individual application. The approved Exhibit 'A' plans identify the location and size for each individual tenant space. The plans are conceptual and tenants and seats for each space have not yet been identified.

The decision maker recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger venues than those identified in Exhibit A, different locations, and/or in a reduced number of venues than those originally proposed. The grant provides flexibility provided that the other conditions noted herein, specifically those related to the floor areas and maximum number of venues authorized for a full line of alcoholic beverages and beer and wine is not exceeded.

The proposed retail and commercial uses will complement the nearby residentially used structures by offering increased dining opportunities as well as locations for the development of employment. This will in-turn reduce vehicle miles traveled by placing these uses in proximity to the nearby residential uses which are within walking distance. The proposed retail and restaurants with alcohol sales will provide a service that is important to the residents of this growing area as well as providing new commercial spaces in an area that needs the revitalization. The proposed building will enhance the pedestrian environment for the area by orienting the retail and restaurant spaces toward Lankershim Boulevard. This will encourage not only walking in the area, but the retail and restaurants will provide needed shopping and dining areas for nearby residents.

The requested Master Conditional Use for the sale of alcoholic beverages enhances the services that the proposed retail and restaurant venues will bring to the community by reinforcing the area as an inviting, pedestrian-friendly environment. Restaurant uses are desirable to the public convenience and welfare as they will serve nearby residents, workers, and visitors. As noted, future vendors will be reviewed via a Plan Approval Process and further conditioned as the new lessee wishes to provide alcohol sales. Such review will include community input along with a public hearing process if warranted to allow testimony by stakeholders.

As such, the project will enhance the built environment in the surrounding neighborhood and will provide a service that is essential and beneficial to the surrounding community.

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

The Site is an approximately 204,382 square-foot, irregularly shaped, predominantly flat parcel with approximately 339 feet of frontage along Lankershim Boulevard and 226 feet of frontage along West Strathern Street in the Sun Valley – La Tuna Canyon Community Plan area, surrounding an existing Burger King fast food restaurant located at the southeast corner of Lankershim Boulevard and Strathern Street. It is zoned C2-1VL and R1-1 with a General Plan land use designation of Neighborhood Commercial. The site is currently improved with two commercial structures and a surface parking lot previously occupied as a nursery. Concurrent to this entitlement, the site is requesting a Zone and Height District Change to the (T)(Q)RAS4-1-CUGU Zone which would allow the development of the proposed seven-story, mixed-use project with 432 residential units and 22,000 square feet of commercial space.

The Site is located on Lankershim Boulevard, a commercial boulevard lined with automobile related uses, restaurants, a grocery store, and retail stores. Behind the non-residential uses along Lankershim Boulevard are single- and multi-family residential homes, as well as a hotel and a church. The proposed project will enhance the built environment by building a new mixed-use building with ground floor commercial uses along Lankershim Boulevard, including an approximately 14,000 square-foot drive-through pharmacy/retail space on the north side of the Site, adjacent to the Burger King property on the corner of Lankershim Boulevard and Strathern Street, and two approximately 4,000 square-foot restaurants on the south end of the Site. These retail and restaurant spaces would not be accessible from the residential neighborhood on Blythe Street, Strathern Street, or Arminta Street to the south of the Site.

City Planning staff received one letter of opposition from a nearby resident of the project. Their comments include concerns about the loss of views and privacy, operational noise and lighting, and parking. Additionally, City Planning staff received three inquiries from the public requesting information on the status of the project, contact information of the applicant's representative, and to be added to the list of interested parties.

Upon review of the administrative record, it was found that the request can be conditionally granted with the appropriate conditions to be compatible with and not impact the surrounding uses. The Plan Approval process will provide a comprehensive review for each of the three premises that is identified herein. Operational conditions are imposed to provide a broad net of restrictions for the overall site and its individual alcohol venues. Overall hours of operation from 7:00 a.m. to 12:00 a.m. are established to assure that the operating hours will be conducive to residents' quality of life for those above and nearby. Recommended conditions were also provided to the State of California Alcohol Beverage Control (ABC) to administer compatibility with the mixed-use neighborhood. Police expertise is highly regarded and implemented with their recommended conditions.

Approval of the proposed Master Conditional Use for the sale of a full line of alcoholic beverages for off-site consumption and the sale and dispensing of beer and wine for on-site consumption would not adversely affect the community's welfare, as the retail and restaurant venues are a commonly expected use in commercial districts such as the subject location. The conditions of this grant and of subsequent plan approval applications will ensure that establishments serving alcohol are carefully controlled and monitored. The proposed retail and restaurant venues would be compatible with immediately surrounding uses, which have successfully executed these same uses. The proposed project would provide a place for residents and visitors to eat, drink, socialize, and shop and the sale of alcoholic beverages is a normal part of restaurant operations

and is an expected amenity. Moreover, the retail venue proposed with alcohol sales is convenient to consumers who are looking for a one-stop-shop to meet their needs.

As such, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.

**c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan**

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. With the exception of the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The subject property is located within the boundaries of the Sun Valley – La Tuna Canyon Community Plan, which establishes land use designations and planning policies for the area. The project site is zoned C2-1VL and R1-1 and designated as Neighborhood Commercial. Concurrent to the Master Conditional Use Permit entitlement herein, the site is requesting a Zone and Height District Change to the (T)(Q)RAS4-1-CUGU Zone which would allow the development of the proposed seven-story, mixed-use project with 432 residential units and 22,000 square feet of commercial space.

The proposed retail and restaurant venues with incidental alcohol service are consistent with this zone and land use designation proposed. Additionally, the project is consistent with the following objectives and policies of the Community Plan:

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policy 2-1.1: New commercial uses should be located primarily 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 developed in accordance with design standards.

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

Policy 2-3.1: Improve the landscaping of commercial properties.

Policy 2-3.3: Require that any proposed development be designed to enhance and be compatible with adjacent development.

Policy 2-3.4: Improve safety and aesthetics of parking areas in commercial areas.

By providing alcoholic beverages incidental to retail and restaurant uses, the project enhances and furthers the function of the area as a commercial area. Additionally, the project follows an established pattern of zoning and land use that is consistent and

compatible with other properties and uses in the surrounding area, which include a variety of other commercial retail, service, and manufacturing uses. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

**d. The proposed use will not adversely affect the welfare of the pertinent community.**

The Applicant seeks a Master Conditional Use Permit for the site in order to serve alcoholic beverages off-site in one retail venue and on-site in two restaurant venues. The establishments serving alcoholic beverages would be part of a controlled and monitored environment and would be an added amenity to the community. In addition to the Master Conditional Use Permit approval, each venue/tenant would subsequently apply for a Master Plan Approval, which would include more specificity with respect to layout, number of seats, square footage, and specific operational conditions. The venue/tenant-specific Master Plan Approvals work to ensure that each venue is compliant with the overall vision for the project, does not create adverse impacts, and addresses and assures the safety and welfare of the community would not be effected.

The area surrounding the site is heavily urbanized and is located in the North Hollywood are, near the Lankershim Boulevard and Strathern Street intersection. The request for on-site alcohol sales would be compatible with the surrounding uses by providing a place for nearby residents, visitors, and shoppers to eat, drink, socialize, and shop, and contributing to the continued vitality of the neighborhood. Alcoholic beverage service in a commercial area such as this one is an expected amenity for many patrons and approval of this grant would increase the available options for desirable dining and leisure experiences for patrons and residents in the proposed mixed-use building.

As such, the proposed retail and restaurant establishments with alcoholic beverage offerings will not adversely affect the welfare of the pertinent community.

**e. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject census tract (Census Tract 1219.00). Currently, there is one on-site license and five active off-site licenses total in this census tract. There are six total establishments that are already licensed or being processed for on- or off-site sales. The applicant would add two on-site licenses for the bona-fide restaurants and one off-site license for the pharmacy. Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. In this case, the granting of the application will not result in undue concentration as the project provides a unique amenity and service and enhances the community. The location on the ground floor of a mixed-use project is an appropriate location for a pharmacy and two bona-fide

restaurants with alcohol sales that would provide a service to the residents of the mixed-use project and the surrounding community.

According to statistics provided by the Los Angeles Police Department's Foothill Division Vice Unit, within Crime Reporting District No. 1685 which has jurisdiction over the subject property, a total of 169 crimes were reported in 2019, including 117 Part I and 52 Part II crimes, compared to the Citywide average of 170 crimes and the High Crime Reporting District average of 204 crimes for the same reporting period. Alcohol-related Part II crimes reported include Narcotics (4), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (14), DUI-related (1), and Miscellaneous Other Violations (16). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Due to the size, scope, and mode of operations, the proposed use is not anticipated to result in any negative activities or contribute to the area's crime rate. The Project would be active, safe and well illuminated. With no live entertainment or dancing proposed, noise would be kept within Code standards and the Applicant would ensure the retail store/pharmacy and restaurants remain as positive additions to the surrounding neighborhood. The conditions of grant and conditions imposed by ABC would address any possible noise, safety, and security concerns.

The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. Based on the licensing statistics above, it can be reasonably assured that the welfare of the community would not be adversely impacted and that the sale of alcoholic beverages would be consistent with the area's character.

The project will not adversely affect public welfare because the proposed retail venue and restaurant venues are a desirable use in an area designated for commercial uses and will be located in a proposed mixed-use building that includes the allocation of 432 residential dwelling units. The net gain of 3 additional licenses for a retail venue and two small capacity restaurants would not impact the surrounding area. The crime rate in the area is lower than the Citywide average of 170 crimes and the High Crime Reporting District average of 204 crimes for the same reporting period. The project will both provide a unique amenity to workers, visitors, and residents and enhance the physical environment and, as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Recommended conditions for alcohol sales are also posed to ABC for their consideration. Therefore, the granting of the request herein will not result in undue concentration.

- f. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The subject property is proposed for a Zone Change to (T)(Q)RAS4-1-CUGU in the Sun Valley-La Tuna Canyon Community Plan with a land use designation of Neighborhood

Commercial. The following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Holy Family Episcopal Church – 11551 Arminta Street
- Arminta Street Elementary School – 11530 Strathern Street
- Sikh Temple – 7640 Lankershim Boulevard
- Church of Jesus Christ of Latter-Day Saints – 11830 Saticoy Street
- Residential Uses

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. The project will contribute to the neighborhood and will serve neighboring residents and local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect nearby residentially zoned communities or any other sensitive uses in the area.

**4. Site Plan Review Findings.** In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:

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

As discussed in Finding No. 1, the requested Zone and Height District changes for the Project Site would be consistent with the land use designation. The Project would not be subject to the minimum lot area per dwelling unit calculations of the requested RAS4 Zone. The density would be limited by the proposed 3.32:1 FAR. As proposed, the Project would provide 48 dwelling units set aside for Extremely-Low and Very-Low Income households and would be considered a rental affordable housing development pursuant to LAMC Section 11.5.11. In conjunction with the requested Zone Change, the Applicant has requested Developer Incentives regarding Open Space, Floor Area Ratio, and Parking. As discussed in Finding No. 2 through 5, the Project would meet the goals, objectives, and policies of the General Plan and the Sun Valley – La Tuna Canyon Community Plan area. As such, the project is in substantial conformance with the General Plan and Community Plan. The project site is not located within a specific plan area.

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

The Project Site is located at the southeastern intersection of Lankershim Boulevard and Strathern Street. The Project Site is comprised of twelve lots, consisting of 204,383 square feet (4.69-acre) of lot area. The site is located generally on the eastern side of Lankershim Boulevard, south of Strathern Street, along the western terminus of Blythe Street, within the Sun Valley – La Tuna Canyon Community Plan area. The surrounding

properties are developed with a mixture of residential, commercial, and manufacturing uses. As the Project Site is located within the Pacoima/Sun Valley Clean Up-Green Up (CUGU) District area, the Project has been designed in accordance with the CUGU District and as described below, would be compatible with the existing and future development on adjacent and neighboring properties.

#### Building Arrangement (height, bulk and setbacks)

As previously discussed, the Project Site is located within the CUGU District and the Sun Valley – La Tuna Canyon Community Plan text. All commercial spaces within the Project and the residential leasing lobby would be located along Lankershim Boulevard to maximize street level activity and provide convenient pedestrian access for the neighborhood.

The requested Height District No. 1 allows for unlimited height within to the proposed RAS zone, allowing the project to be built to a total height of 87 feet. The Sun Valley – La Tuna Canyon Community Plan has a footnote that limits the maximum number of floors allowed on Neighborhood Commercial properties to three stories. However, the Director of City Planning issued an Interpretation, dated April 21, 2005, to address the RAS Zone's relationship to Community Plans (Footnotes), therefore, the project's seven stories are within the maximum allowable pursuant to the requested RAS4 Zone. The surrounding neighborhood is composed of commercial, retail, manufacturing, and residential buildings and range from one to two stories in height. The proposed project will be taller in height and stories than the adjoining buildings, however, the height proposed would allow the project to acquire more buildable space to accommodate the entirety of the units proposed, inclusive of affordable units. In order to minimize impacts to the adjoining residential uses, the project has been designed with sufficient setbacks and landscape buffers around the perimeter.

The building façade is designed with a myriad of articulations, recesses, and surface perforations, including balconies, windows, stucco/cement plaster articulations, and color contrasts to create visual interest. Rather than designing the Project as one long, flat building façade on each frontage, the Project is designed as a series of buildings with cement plaster frames accenting groups of residential units. The building façade is further broken up with the contrast between dark colors and light beige colors.

Pedestrian entrances to the commercial spaces within the Project are provided along Lankershim Boulevard. Pedestrian entrances to the residential units are provided from Lankershim Boulevard, Strathern Street, and Blythe Street.

The Lankershim Boulevard ground floor façade is designed with store fronts to activate the street, and a landscaped garden and other residential amenities are provided on-site along Blythe Street. The Blythe Street garden area would have amenities such as a pet park, walking path, community garden, water features, and an outdoor barbeque area.

As mentioned previously, the Project façade includes a variety of architectural articulations and depth variations to create visual interest and break up the façade. The proposed building would have a maximum of seven stories built over a subterranean level of parking. The first floor will be developed with the commercial spaces, residential lobby, community room, and parking spaces. The parking spaces would be located the rear of the lobby and would not be visible. Beginning at the 2<sup>nd</sup> floor, the building is designed around the outdoor courtyard.

The project is proposing setbacks that will comply with code. Therefore, the project has been designed with sufficient setbacks and landscape buffers around the adjoining single-family residential dwellings to minimize impacts.

#### Off-Street Parking Facilities and Loading Areas

The Project proposes to provide a total of 541 automobile parking which consists of 432 residential parking spaces and 109 commercial parking spaces, which would be located within a subterranean level and ground floor level of the proposed mixed-use building. The Project has been conditioned to require that parking spaces are sold or rented separately from the residential dwelling units. As the Project has a commercial component, a loading area is required and located near the proposed drive-through retail space proposed for a drugstore/market. Further, the project has been conditioned to include screening so that no parking is visible from the public right-of-way.

#### Lighting

The project includes a Condition of Approval that would ensure that the installation of lights would not result in a substantial amount of light that would adversely affect the day or nighttime views in the project vicinity.

#### Landscaping

Of the proposed 61,200 square feet of open space, 21,600 square feet would be provided through private open space. The remaining open space is provided as indoor and outdoor common open space. As indicated on the plans, the common open space is provided via a centralized outdoor courtyard on the second floor, an indoor community room on the ground floor, a recreation room within a separate building, and a rear outdoor courtyard on the ground floor. The Project has proposed landscaping throughout the Project Site and proposes to plant 117 trees. The Project has been conditioned to meet the City's planting standards, unless otherwise prohibited by the Urban Forestry Division, Bureau of Public Works and has also been conditioned to have landscape buffers to provide added privacy between the development and single-family homes.

#### Trash Collection

The Project proposes to provide a trash and recycling area within the building. The common area for the collection would be located within the drop-off/pick-up areas on the ground floor towards the front of the site. Additionally, the Project has been conditioned to limit trash pick-up, compacting, loading, and unloading and receiving activities from 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday. It also restricts deliveries or trash pick-up on Sunday.

#### Fences and/or Walls

The project has been conditioned to include a solid wall with a minimum height of eight feet to be erected to serve as a noise barrier along the portion of the Project Site's southern boundary where the outdoor amenity areas are located to reduce noise levels at the adjacent off-site single-family residences. Additionally, the project has been conditioned to provide a 15-foot high temporary noise barrier with a minimum Sound Transmission Class (STC) rating of 28 along the eastern and southern boundaries of the Project Site to provide a minimum of 10 dBA noise attenuation.

#### Sustainability

The Project has proposed the installation of wiring for the future installation of electric vehicle charging stations for 30 percent of the proposed parking, the immediate installation of electric vehicle charging stations for 10 percent of the proposed parking spaces, and would install operational photovoltaic system (solar) that would offset the electrical demand of the EV chargers and other on-site electrical uses. The immediate installation of the charging stations and solar would meet the building code requirements. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles. The EV ready parking spaces will also provide residents who use an electric vehicle a direct service amenity.

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

The project proposes to provide a variety of unit types which include: 72 one-bedroom units, 180 two-bedroom units, and 180 three-bedroom units. Pursuant to LAMC Section 12.21 G, the Project would be required to provide 61,200 square feet of open space and 108 trees. The Project would provide 84,600 square feet of open space and provide 117 trees to comply with the applicable regulations. Therefore, the Project would have more open space than required. Additionally, the proposed open space areas have been thoughtfully designed and it is anticipated that it would be sufficient to improve the habitability of its future residents. The project proposes to provide private balconies for its residential units which would result in 21,600 square feet of private open space. In addition to the private open space that would be provided, the Project proposes to provide 63,000 square feet of common open space. The common open space would include an outdoor courtyard, an indoor community room located on the first floor, a recreation building located on the rear of the site, and a rear courtyard. Outdoor amenities would include landscaping and seating areas. In addition to recreational amenities, the Project provides a dedicated space intended to accommodate commercial uses. As proposed, the project would provide recreational and commercial service amenities which would improve habitability for its residents and minimize impacts on neighboring properties.

### **Environmental Findings**

- 5. Environmental Finding.** The City of Los Angeles, as the Lead Agency, prepared a Sustainable Communities Environmental Assessment (SCEA), Case No. ENV-2019-808-SCEA, for the proposed Project consisting of the development located at 7940 North Lankershim Boulevard (7918-7946 North Lankershim Boulevard and 11650-11664 West Strathern Street) for a new seven-story, 87-foot mixed-use building. The building will have a maximum floor area of approximately 678,328 square feet, a maximum of 432 residential dwelling units, with 48 units set aside as affordable (22 units set aside for Extremely Very-Low Income households and 26 units set aside for Very-Low Income households) and 22,000 square feet of commercial space consisting of one drive-through retail space proposed for a drugstore/market and two commercial spaces proposed for restaurant use. The project will provide 541 automobile parking spaces and 224 bicycle parking spaces. In consideration of all comments received regarding the SCEA and the Project, the City Planning Commission shall adopt the SCEA pursuant to Public Resources Code (PRC) Section 21155.2(b)(6) finding that the Projects are a "transit priority project" as defined by PRC Section 21155 and that the SCEA incorporates all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG 2016-2040

RTP/SCS EIR SCH No. 20150311035; finding that all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; finding that with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

Pursuant to CEQA and the CEQA Guidelines, the City Planning Commission's consideration of the proposed SCEA, including all comments on the SCEA and the Project received during and after the public review process and responses thereto, including other pertinent evidence in the record, and in its independent judgement, finds that the SCEA properly identifies all potential impacts of the Project, including all potential construction and operational noise impacts of the Project on adjacent noise sensitive uses consistent with the City's CEQA Thresholds Guide and that those impacts have been mitigated, that the Project Sites are located within a Transit Priority Area as defined by Public Resource Code (PRC) Section 21099(a)(7) and that pursuant to PRC Section 21099(d)(1) "parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment", and properly identifies all potential construction and operational traffic- and access-related impacts of the Project and that those impacts have been mitigated; find that the mitigation measures have been incorporated as enforceable conditions of the Project, and the Mitigation Monitoring Program, to mitigate or avoid significant effects of the proposed Project on the environment and to ensure compliance during Project implementation; and find that none of the information submitted during the public comment period of the SCEA, including but not limited to testimony at the public hearings on the Project, constitutes significant new information and that any such information or testimony does not constitute substantial evidence of a significant impact, or a feasible mitigation measure not already included in the published SCEA.

The City Planning Commission finds, based on substantial evidence found in the administrative record of the SCEA, Case No. ENV-2019-808-SCEA, including but not limited to oral and written testimony at the public hearing, that the SCEA is adequate under CEQA and that the mitigation measures have been made enforceable conditions on the project; no additional environmental review is required for the City Planning Commission and the City Council to approve and adopt the requested discretionary actions, Case No. CPC-2019-807-ZCJ-HD-MCUP-SPR, for the Project; and adopts the SCEA and the Mitigation Monitoring Program prepared for the SCEA and incorporates the CEQA Findings made pursuant to PRC Section 21081 and Mitigation Monitoring Program. Consistent with the PRC Section 21081.6(a)(2), the records upon which this decision is based are located in the Department of City Planning offices at 200 North Spring Street, Room 763, Los Angeles, California 90012.

6. **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

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

### OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

#### STEP 1:

Email [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org) with the subject line: "**Request to File Appeal.**" In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

#### STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

#### Mail the appeal application to:

Department City Planning - Metro DSC  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

### 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 off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

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

# FACT SHEET

## Planning Entitlement Appeals

### Summary

Discretionary planning decisions in Los Angeles can be appealed, at times, to one of the eight City Commissions that oversee planning-related issues and, in some instances, directly to the City Council. These appeals provide members of the public with an opportunity to challenge certain planning decisions, exercising their rights in accordance with the Los Angeles Municipal Code (LAMC). City Planning has developed an informational fact sheet, complete with frequently asked questions, to inform the public of their rights and opportunities for filing project appeals.

### Background

The LAMC outlines a process to allow members of the public to appeal land use decisions that are issued by the City. Appeals are intended to challenge the merits of the decision, specifically to contend that a decision maker erred or abused their discretion. To allow community members the ability to appeal qualifying planning decisions at a minimal personal cost, City Planning has consistently (and significantly) subsidized non-applicant appeal fees. This has allowed individuals to be part of a fair and equitable process, one which has provided the public with the opportunity to question certain decisions.

The Department has developed a fact sheet to further clarify the process for filing project-related appeals. This document will be updated periodically, as needed. For additional information, please contact the planning staff located at the Figueroa Plaza (Downtown), Marvin Braude (Van Nuys), or West Los Angeles Development Services Centers preferably via email at [planning.figcounter@lacity.org](mailto:planning.figcounter@lacity.org).

## Frequently Asked Questions

### Where are project appeals filed?

Appeals can be filed at any of the three Development Services Centers (DSCs)—[Downtown, Van Nuys, and West Los Angeles](#)—where planning staff is located. A physical drop off area has been set up at each location to allow applicants to submit their applications, without having to file an initial appointment or enter the premises. As an additional option, the Department has also created an online portal for electronic appeal applications. Click this [link](#) to access the online forms and submit the relevant information electronically.

### How long do applicants have to submit a project-related appeal?

An appeal must be filed within a specified period of time as established by the LAMC—varying in length from 10 to 15 days of the issuance of the Letter of Determination (LOD), depending on the planning entitlements being appealed. As a point of reference, deadlines for filing appeals are noted in the [Los Angeles Municipal Code](#) (LAMC) and typically also identified within the LOD.

### Where can applicants access the appeal form and corresponding instructions?

The appeal form and instructions can be found [here](#). Both an applicant and “aggrieved party” (a community member opposing the decision) may choose to file an appeal. All appeals will be processed at the same time. Each appeal form represents one appeal, regardless of the number of individuals who have signed the appeal form. For certain planning entitlements, such as determinations for projects that file under the Density Bonus and [Transit Oriented Communities Incentive](#) Programs, appeals are limited to adjacent and abutting owners of property or occupants, as specified in the implementing State and/or local statute. Neighborhood Councils and/or City-appointed decision-making bodies may not file an appeal.

### Who decides the outcome of project appeals?

Letters of Determination are issued by the Director of Planning (DIR), Associate Zoning Administrator (AZA), Deputy Advisory Agency (DAA), Area Planning Commission

(APC), or City Planning Commission (CPC). Depending on the initial decision-maker, there are three appellate bodies for planning cases in Los Angeles: the Area Planning Commissions, the City Planning Commission, and the City Council. The LAMC establishes appeal procedures including which types of decisions are eligible for a first- and second-level appeal (meaning that in some cases, the project can be appealed again to a higher decision maker).

### **How long does the City have to consider the appeal of a land use decision?**

According to the LAMC, the City must process appeals under strict time limits. Depending on the planning entitlements, the date that an appeal hearing must be scheduled varies between 30 days from appeal submittal up to 75 days from the last day of the appeal period. These time periods may be extended if there is mutual agreement between the applicant and the City. The LAMC does not, however, allow a non-applicant to request an extension beyond this allotted time period for project appeals.

### **How (and when) are notifications sent notifying the appellant of their hearing date?**

The LAMC specifies the timelines by which appeal hearings must be held. In general, appellants receive notice of their upcoming hearing at least 10 days prior to the hearing date. Notices for some appeal hearings may be published in a local newspaper. If unavailable to attend the date of the hearing, the appellant can submit written comments to the decision-maker or appoint a representative to provide public testimony on their behalf at the public hearing.

### **Who from City Planning can provide assistance, should there be any questions?**

Planning staff at the DSCs serve as a main point of contact for [general inquiries](#). Once a project appeal has been submitted, questions can be directed to the assigned planner, who will process the appeal and take it to the hearing. The contact information for the assigned planner may be found on the Department's [Planning Case Tracking System \(PCTS\)](#).

## When can documents be sent to the appellate decision maker who will hear the appeal?

In addition to the appeal application, the appellant may submit documents for the official public record at the time the appeal is filed. If there is a need to provide additional documents after the appeal has been filed, the appellant can send them to the planner assigned to the appeal. Information submitted after a staff recommendation report has been drafted will be included in the public record, but it will not have been considered at the time of the writing of the staff report.

City Planning's Commission Office requires that supplemental information be provided more than 48 hours in advance of the hearing, and meet the criteria as outlined below.

### *REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS*

*Regular Submissions: Initial Submissions, not limited as to volume must be received no later than by 4:00 pm on the Monday of the week prior to the week of the Commission meeting. Materials must be emailed to the assigned staff and Commission identified on the project's public hearing notice.*

*Rebuttal Submissions: Secondary Submissions in response to a Staff Recommendation Report and/or additional comments must be received electronically no later than 48 hours prior to the Commission meeting. For the Central, South Los Angeles and Harbor Area Planning Commissions, materials must be received no later than by 3:00 pm, Thursday of the week prior to the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.*

*Day of Hearing Submissions: Submissions less than 48 hours prior to, and including the day of the hearing, must not exceed two (2) written pages, including exhibits, and must be submitted electronically to the staff and Commission identified on the project's public hearing notice. Photographs do not count toward the page limitation.*

*Non-Complying Submissions: Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission." Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission and will not be included in the official administrative record for the item at issue.*

### **Commission email addresses:**

City Planning Commission: [cpc@lacity.org](mailto:cpc@lacity.org)

Central Los Angeles Area Planning Commission: [apccentral@lacity.org](mailto:apccentral@lacity.org)

East Los Angeles Area Planning Commission: [apceastla@lacity.org](mailto:apceastla@lacity.org)

Harbor Area Planning Commission: [apcharbor@lacity.org](mailto:apcharbor@lacity.org)

North Valley Area Planning Commission: [apcnorthvalley@lacity.org](mailto:apcnorthvalley@lacity.org)

South Valley Area Planning Commission: [apcsouthvalley@lacity.org](mailto:apcsouthvalley@lacity.org)

South Los Angeles Area Planning Commission: [apcsouthla@lacity.org](mailto:apcsouthla@lacity.org)

West Los Angeles Area Planning Commission: [apcwestla@lacity.org](mailto:apcwestla@lacity.org)

### **Are appellants required to sit through the entire meeting when there are multiple items on the agenda?**

The answer is no; however, the agenda items can be taken out of order. Therefore, it is in the interest of each appellant to attend the full meeting at the scheduled start time, until their item is taken up for consideration. Depending on how many items are on the agenda, and the agenda order, your item could be heard very quickly or you may have to wait through several items which could take a few hours. As a point of reference, commission meetings for Area Planning Commissions and City Planning Commission generally start at 4:30 PM and 8:30 AM, respectively. For additional details, please consult the "[Events Calendar](#)" on City Planning's website. For City Council and Council Committee meetings, please consult the Meeting Calendar page for [City Council](#) and [Committees](#).

### **Will the appellant have an opportunity to speak during the hearing?**

Following the presentation by the planner assigned to the appeal case, the appellant can present their case. After the appellant's presentation, the project applicant will be given an equal amount of time to provide a rebuttal to the appellant's presentation. There is often time for an additional rebuttal by the applicant or appellant. While there are exceptions to the rule, the appellate body may invite the appellant to respond to

questions. It is important to note that the appellate body will not engage in a back and forth conversation with either the applicant or appellant. This is done to be both fair and consistent in the amount of time allocated to each party.

### **What is the format and structure of a typical hearing for a project appeal?**

Each appellate body follows a slightly different set of procedures when hearing project appeals. That said, there are a number of common features that apply regardless of whether the appellate body is the Area Planning Commission, Cultural Heritage Commission, City Planning Commission, or City Council. A formal public meeting structure is always maintained in order to ensure a fair and predictable process—one where all sides are heard, and the meeting is conducted in an orderly manner. In the case when a planning commission is the appellate body, there are additional steps, such as: a presentation from the Department, an opportunity for the appellant to testify, a forum for the applicant to offer their rebuttal, and time reserved for public testimony. This would take place leading up to any formal action on the part of the commissioners, as it relates to a project appeal.

To slow the spread of COVID-19, City Planning has implemented new procedures for public hearings and outreach meetings in order to practice proper physical distancing protocols. Until notified otherwise, commission meetings will be conducted virtually to allow applicants and the public to participate using a webcam or by telephone. For more information, consult the City Planning's [website](#) with detailed instructions.

### **How much time does the appellant have to present their argument?**

The time allocated to the appellant for the purposes of their presentation varies. It is ultimately determined by the appellate body and communicated at the start of the meeting. More often than not, appellants are allocated five to 10 minutes to make their presentation. Project appeals that are heard by City Council follow slightly different procedures, which the assigned planner can explain.

### **Is there a need for the appellant to submit a PowerPoint presentation?**

Appellants can prepare a PowerPoint presentation, in addition to making verbal remarks when it is their turn to speak. If a PowerPoint is being prepared, the appellant should



submit the document to City Planning no less than 72 hours in advance of the meeting. The assigned planner will coordinate the submission for the appellant.

### **What role does the planner assigned to this project play during the appeal process?**

The role of the assigned planner is to ensure that an appellant is notified of the appeal hearing as an interested party, to provide them with a courtesy copy of the staff report if prepared, and to make sure that all parties are informed of the outcome or final decision of the appeal. The assigned planner will analyze the appeal points and prepare a staff recommendation report responding to each of the points raised by the appellant. At the hearing, the assigned planner will make a presentation to the decision maker. All information about the case is available for public view in the case file, and the Planner can assist in making an appointment to review it. The planner can also ensure that translation and special accommodations for individuals with disabilities can be provided at the public hearing, if requested.

### **What happens after the Appellate Body issues a formal decision, one way or another?**

After the Commission takes a vote, a formal Letter of Determination is issued. If the decision is not further appealable, this concludes the appeal process. Under the LAMC and City Charter, only certain Commission-level appellate decisions are further appealable to City Council.

### **When can a CEQA appeal be filed?**

Generally, a standalone CEQA appeal to the City Council may only be filed if a project's land use determination is not further appealable to the City Council (with some exceptions). If a determination made by an Area Planning Commission or City Planning Commission is further appealable to the City Council, the City Council will consider CEQA related appeal points made by an appellant when considering the entire appeal of the project.

## **When should appellants fill out the CEQA Appeal Form?**

The CEQA Appeal form shall only be used if the Area Planning Commission or City Planning Commission issues a determination for a project that is not further appealable. In these situations, an individual may file an appeal of a project's CEQA clearance to the City Council. Forms and procedures for the appeal of CEQA documents can be found here listed under "CEQA Appeal Application."