

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL CASE:	COUNCIL DISTRICT:
CPC-2023-3134-DB-SPP-HCA-1A	ENV-2023-3135-CE	4 – Raman
RELATED CASE NOS.:	COUNCIL FILE NO:	PROCEDURAL REGULATIONS:
<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.) <input checked="" type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.)
PROJECT ADDRESS / LOCATION:		
16610 – 16618 West Ventura Boulevard		
APPLICANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Benelisha Group Inc.	(818) 758-0018	
APPLICANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Armin Gharai, GA Engineering Inc.	(818) 758-0018	gaplanningcase@gmail.com
APPELLANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Encino Property Owners Association, a California non-profit mutual benefit corporation	(818) 907-8755	rglushon@lunaglushon.com
APPELLANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Robert L. Glushon/Kristina Luna & lushon	(818) 907-8755	rglushon@lunaglushon.com
PLANNER CONTACT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Adrineh Melkonian	(213) 978-1301	Adrineh.melkonian@lacity.org
ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):		
Appeal of Project Compliance Review (SPP)		
FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)		
Density Bonus (On-Menu Incentive)		

ITEMS APPEALED:

Appeal of Project Compliance Review (SPP)

ATTACHMENTS:**REVISED:****ENVIRONMENTAL DOCUMENT:****REVISED:**☒ Letter of Determination☐☒ Categorical Exemption (CE)
(Notice of Exemption)☐☒ Findings of Fact☐☐ Statutory Exemption (SE)
(Notice of Exemption)☐☒ Staff Recommendation Report☐☐ Negative Declaration (ND)☐☒ Conditions of Approval☐☐ Mitigated Negative Declaration (MND)☐☐ T Conditions☐☐ Environmental Impact Report (EIR)☐☐ Proposed Ordinance☐☐ Mitigation Monitoring Program (MMP)☐☐ Zone Change Map and Ordinance☐☐ Sustainable Communities
Project Exemption (SCPE)☐☐ GPA Resolution☐☐ Sustainable Communities
Environmental Assessment (SCEA)☐☐ Land Use Map☐☐ Sustainable Communities
Environmental Impact Report (SCEIR)☐☒ Exhibit A – Plans☐☐ Appendices☐☒ Mailing List (both Word and PDF)☐☐ Other:☐☒ Interested Parties List☐☒ Appeal☐☐ Development Agreement☐☐ Site Photographs☐☐ Other:☐**NOTES / INSTRUCTIONS:**

Please create Council File.

CITY COUNCIL NOTICE TIMING:**NOTICE LIST (SELECT ALL):****NOTICE PUBLICATION:**☐ 10 days☒ Owner☐ 10 days☐ 15 days☒ Applicant☐ 15 days☒ 24 days☐ Adjacent/Abutting☐ 24 days☐ N/A / None☐ 100' radius☒ N/A / None☐ Other: [enter here if applicable]☐ 300' radius☐ Other: [enter here if applicable]☐ 500' radius☒ Neighborhood Council☒ Interested Parties☒ Other: Appellant**FISCAL IMPACT STATEMENT:**☒ Yes☐ No

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

PLANNING COMMISSION:	
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission
PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
May 22, 2025	6 – 0
LAST DAY TO APPEAL:	DATE APPEALED:
July 17, 2024	July 16, 2025
COUNCIL TIME TO ACT:	TIME TO ACT START:
<input type="checkbox"/> 30 days <input type="checkbox"/> 45 days <input type="checkbox"/> 60 days <input checked="" type="checkbox"/> 75 days <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input checked="" type="checkbox"/> Appeal Filing Date <input type="checkbox"/> Received by Clerk <input type="checkbox"/> Last Day to Appeal <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant II	July 24, 2025



LOS ANGELES CITY PLANNING COMMISSION

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

LETTER OF DETERMINATION

MAILING DATE: JULY 02, 2025

Case No.: CPC-2023-3134-DB-SPP-HCA

Council District: 4 – Raman

CEQA: ENV-2023-3135-CE

Plan Area: Encino – Tarzana

Project Site: 16610 – 16618 West Ventura Boulevard

Applicant: Benelisha Group Inc.
Representative: Armin Gharai

At its meeting of **May 22, 2025**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

The proposed project will consist of demolition and removal of all existing structures, and construction, use, and maintenance of a new 45,960-square foot mixed-use development comprised of 45 residential units, eight of which are to be reserved for Very Low Income households. The building will be a five-story (62 feet high) containing 42,560 square feet of residential and 3,400 square feet of commercial floor area with a maximum Floor Area Ratio (FAR) of 2.3:1. The Project residential portion will provide 63 vehicle parking spaces, 45 long-term, and five short term bicycle parking stalls. The project commercial portion will provide 14 vehicle parking spaces, two long-term, and two short term bicycle parking stalls. The Project proposes the removal of three non-Protected trees from the project site. The Project also proposes grading and export of up to 12,584 cubic yards of earth. The Project proposes a sign program including two Walls signs.

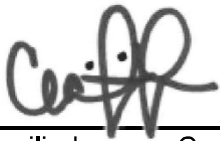
1. **Determined**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15311, Class 11 and Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25(g)(3) of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review for a project totaling 45 dwelling units (eight units or 18 percent for Restricted Affordable Housing Units for Very-Low Income households and 37 market-rate units), with the following Off-Menu Incentives and a Waiver of Development Standards:
 - a. An Off-Menu Incentive for an up to 0.8 increase in FAR for a total FAR of 2.3:1 in lieu of the maximum FAR of 1.5:1 per the specific plan Section 6.B.1.a;
 - b. An Off-Menu Incentive for an up to 34 percent increase in the height requirement, allowing up to 62 feet in height in lieu of the permitted 45 feet per the specific plan Section 7.E.1.c.1;
 - c. An Off-Menu Incentive for an up to 100 percent reduction from the transitional Height as required by LAMC 12.21.1A.10; and
 - d. A Waiver of Development Standard for an up to 100 percent reduction from the Ventura/Cahuenga Boulevard Corridor Specific Plan stepback requirements of the specific plan Section 7.E.g;

3. **Approved**, pursuant to LAMC Section 11.5.7 C, Project Permit Compliance Review pursuant to Section 9 of the Ventura/Cahuenga Boulevard Corridor Specific Plan;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 6 – 0



Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

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

FINAL APPEAL DATE: JULY 17, 2025

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

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

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures

cc: Blake Lamb, Principal Planner
Jojo Pewsawang, Senior City Planner
Adrineh Melkonian, City Planner

CONDITIONS OF APPROVAL

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A", dated March 7, 2025, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Residential Density.** The project shall be limited to a maximum density of 45 residential dwelling units, including On-Site Restricted Affordable Units.
3. **On-site Restricted Affordable Units.** Eight (8) units shall be reserved for Very Low Income Household, as defined by the California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **Changes in On-Site Restricted Units.** Deviations that increase the number of On-Site Restricted Units or that change the composition of units or parking numbers shall be consistent with LAMC Section 12.22 A.25.
5. **Housing Requirements.** Prior to the issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make eight (8) units available to Very Low Income Households or equal to 18 percent of the project's total proposed residential density allowed, for sale or rental, as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density, the number of required reserved on-site Restricted Units may not be adjusted. A new entitlement will be required to adjust the number of required reserved on-site Restricted Units. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall submit 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 LAHD.

Unless otherwise required by state or federal law, the project shall provide an onsite building manager's unit, which the owner shall designate in the covenant. The Owner may not use an affordable restricted unit for the manager's unit.

6. **Use.** A project shall be limited to 3,400 square feet of commercial spaces and 42,560 square feet of residential uses.
7. **Use Limitations and Restrictions:**
 - a. At minimum 75 percent (64 feet 10 inches) of the frontage of a building, excluding the frontage along vehicular access to on-site parking, shall be devoted to retail uses or any Pedestrian Serving Use -Tier I.
 - b. Nonreflective glass shall be installed to allow maximum visibility from sidewalk along Ventura Boulevard into interior of buildings. Window displays shall be

conformed with sign requirements of this Specific Plan and the Los Angeles Municipal Code.

- c. **Wall Frontage.** The project shall provide 85 percent of the Ventura Boulevard wall frontage as window space, display case, or public art.
8. **Floor Area.** The project shall be limited to a maximum floor area of 45,960 square feet and FAR of 2.3:1.
9. **Height.** The height of the building shall be limited to 62 feet, as shown on the project plans, Exhibit "A", attached to the subject case file.
10. **Front Yard Setback.** The project shall provide minimum front yard setbacks of 4 feet 6 inches.
11. **Side Yard Setback.** The project shall provide minimum side yard setbacks of eight (8) feet.
12. **Rear Yard Setback.** The project shall provide a minimum rear yard setback of 20 feet.
13. **Open Space.** The project shall provide a minimum of 6,390 square feet of usable open space.
14. **Mechanical and Rooftop Equipment Screening.** No mechanical or rooftop equipment shall be visible from Ventura Boulevard, and shall be screened behind architectural elements.
15. **Lot Coverage.** Lot coverage shall not exceed 73 percent of the lot before the dedication.
16. **Parking.**
 - a. **Automobile Parking for Residential Uses.** Based upon the number and type of dwelling units proposed a minimum 57 parking spaces. Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which parks the non-affordable unit(s) per LAMC Section 12.21 A.4 and reduces only the Restricted Affordable Units to one on-site parking space. The project proposes to provide 63 total parking spaces.
 - b. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e., the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
 - c. **Automobile Parking for Commercial Uses.** The Project shall provide a total of 14 parking spaces. At a minimum, automobile parking shall be provided in accordance with the Ventura-Cahuenga Boulevard Corridor Specific Plan, pursuant to Section 7.F.1 of the Specific Plan.
 - d. **Bicycle Parking.** Bicycle parking shall be provided in compliance with LAMC Section 12.21 A.16.

- e. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.
- 17. **Landscaping.** A landscape plan shall be submitted to show additional plantings in the parking area, and ensure that:
 - a. A minimum 18-inch setback along the front lot line shall be fully landscaped.
 - b. At least 60 percent (247 square feet) of all Front Yards or front setbacks in excess of 18 inches shall be landscaped and the remainder shall be finished to City standards for sidewalks, or finished with other paving materials, including concrete pavers, brick masonry pavers.
 - c. The applicant shall maintain the landscape in a good, healthy condition by performing daily maintenance, removing trash, and replacing any dead plant materials, broken irrigation sprinklers and watering devices.
 - d. **Certification of Landscape Installation.** Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.
- 18. **Sign Program.** Prior to issuance of any sign permit, each future tenant/applicant shall submit two (2) copies of sign plans to the Department of Planning for review and approval.
 - a. The plans shall include a detailed Site Plan and Elevations showing sign placement, storefront width, sign colors, materials, dimensions and copy.
 - b. The type, style, design, colors and materials of the signs shall be compatible and be consistent throughout the building.
 - c. Written evidence of review by the property owner regarding the proposed location, colors, materials, and design (and any recommendations thereto), shall be submitted as part of the application.
 - d. The maximum amount of wall signage on the building shall not exceed 220 square feet. Prior to clearance, a sign inventory shall be submitted identifying the size and location of all the signs on the building.
 - e. The future signs, shall be channel letters and shall conform to the following:
 - i. No wall sign may project from a building face more than 12 inches, or above the lowest elevation of the roof eave visible from the street.
 - ii. Exposed raceway must be approved by Owner and shall be painted to match the façade.
 - iii. No decals shall be visible except as required by local codes and ordinances (including U.L. as required).
 - iv. No animated, flashing or audible signs shall be permitted.

- v. All sign drawings shall be subject to review by landlord prior to submittal for Planning Department approval. Tenant/applicant shall submit two copies of sign plan for approval.

1. The dimensions of the sign and backer panel for each tenant shall not exceed the dimensions below:

Sign #	Space Name	Sign Type	Sign Area
1	Retail 1	Wall Sign	30 square feet
2	Retail 2	Wall Sign	30 square feet
Total Signage			60 square feet

- f. **Window Signs.** All Window signs shall not exceed 10% of the window they occupy and be limited to the store name, store hours, security signs, or logos, and holiday paintings only, provided they are not placed in the window more than 30 business days before a holiday and are removed within ten business days after the holiday.
- g. **Projecting Sign.** No more than one projecting sign shall be permitted for each building. Notwithstanding LAMC Section 91.6209(d)(2) to the contrary, no wall sign may project from a building face more than 12 inches, or above the lowest elevation of the roof eave visible from the street and projecting sign shall be limited to 16 square feet.
- h. **Construction Sign.** This approval shall permit the installation of one (1) non-illuminated construction sign of no more than 25 square feet in sign area and no more than 15 feet in height. Any construction sign shall be removed prior to the issuance of a certificate of occupancy or within 30 days of completion of the project, whichever is sooner.
- i. **Temporary Banners.** This approval shall permit the installation of one (1) banner at any given time of no more than 100 square feet in size. No more than two (2) banners per year per site shall be permitted. Banners shall only be permitted to announce special events associated with seasonal holidays. A banner shall not be installed more than 30 days prior to the event and must be removed within 10 days following the event.
- j. **Illegal Signs.** Prior to the Department of Building and Safety issuance of a final sign-off on any sign approved, any existing exterior signs, temporary banners, window signs, and signs used for advertising products, merchandise and services which are not permitted by the Ventura-Cahuenga Boulevard Corridor Specific Plan shall be removed from the business or multi-tenant storefronts by the respective tenants, property manager, or the property owner.
19. **Project Impact Assessment Fee.** Prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of this project. A "Project Impact Assessment" (PIA) fee may be required and paid to the satisfaction of DOT for the purpose of funding the Specific Plan improvements and services, as well as pedestrian improvements which are intended to mitigate the cumulative impacts of new developments within the Specific Plan area.

NOTE: PIA fees to be paid are subject to change due to increases to the Annual Indexing as determined by the DOT.

20. **Lighting.** Lighting should be directed onto the site, and be adequately aimed and shielded so as to not spill over onto adjacent properties, especially into areas planned and zoned for residential uses.
21. **Streetscape Improvement.** All off-site landscaping and improvement shall be completed in conformance with the Encino Streetscape Design Guidelines and to the satisfaction of the Urban Forestry Division.
22. **Specific Plan Covenant and Agreement.** A Covenant and Agreement shall be recorded with the Los Angeles County Recorder acknowledging the contents and limitations of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as well as the conditions of approval established herein. The Covenant and Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns and shall be submitted to the Department of City Planning for approval prior to being recorded. After recording, a copy bearing the County Recorder's number and date shall be provided to the Department of City Planning for attachment to the administrative file.
23. **Modifications.** Any modifications, change of use, or increase in floor area of the property shall be cause for separate discretionary review pursuant to the definition of a Project per the Specific Plan, and Section 11.5.7 of the LAMC and other applicable statutory requirements.
24. **Solar-Ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
25. **Solar Power.** The project shall provide Photovoltaic Collectors for a Solar Hot Water System or photovoltaic provisions as required to comply with the 2019 California Energy Code for Solar Ready Buildings (Section 110.10) to be maintained for the life of the project.
26. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
27. **Stormwater/Irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
28. **Utility Connections.** New utility connections shall be undergrounded to the maximum extent feasible.

Administrative Conditions

29. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

30. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
31. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
32. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
33. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
34. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
35. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
36. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than 50,000. The City's failure to notice or collect the deposit does

not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS

Housing Replacement

With Assembly Bill 2222 (Government Code Section 65915), Applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions, which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of Low or Very Low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

Pursuant to a letter dated April 27, 2023, issued by the Los Angeles Housing Department (LAHD), the site is developed with zero dwelling units; therefore, no units are subject to replacement. Thus the project is in compliance with the housing replacement provisions.

Pursuant to LAMC Section 12.22 A.25(e)(2), to be eligible for any On-Menu incentives, a Housing Development Project shall comply with the following criteria, which it does:

LAMC Criteria

As permitted by LAMC Section 12.22 A.25 the Applicant is requesting two (3) Off-Menu incentives, and two (1) Waiver of Development Standards that will facilitate the provision of affordable housing at the site.

Pursuant to Section 12.22 A.25 of the LAMC and Government Code Section 65915, the Commission shall approve a Density Bonus and requested incentive(s) unless the Commission finds that:

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

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

LAMC Section 12.22 A.25 establishes that a Housing Development Project may qualify for one, two, or three incentives based on the percentage of units set aside for Very Low Income, Low Income, or Moderate-Income Households. The project has a base density of 51 units, is proposing 45 units, and is providing eight (8) units for Very Low Income households, which qualifies the project to utilize up to three (3) off-menu incentives. The project includes off-menu incentives for increased Floor Area, Height, and Transitional

Height. It also includes one (1) request for waiver of development standards to allow for stepback requirement.

- b. *The Incentive(s) will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Gov. Code 65915(d)(1)(B) and 65589.5(d)).*

There is no substantial evidence in the record that the proposed off-menu incentives and the waiver of development standards will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A.25(b)). Based on the above there is no basis in the record to deny the requested incentives. As required by Section 12.22 A.25 (e)(2), the project meets the additional eligibility criterion that is required for density bonus projects.

The facade of the proposed building which faces Ventura Boulevard will be articulated in multiple ways, creating a visually interesting elevation that invites interaction with the street. The structure will also be oriented toward the street with entrances, windows, and architectural features on street-facing elevations as required. The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Finally, according to ZIMAS, the project is not located in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety.

- c. *The incentive(s) are contrary to state or federal law.*
There is no substantial evidence in the record that the proposed incentives and waivers are contrary to state or federal law.

Government Code Section 65915 and LAMC Section 12.22. A.25 state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds any of the following that:

- d. *The waiver will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Gov. Code 65915(d)(1)(B) and 65589.5(d)).*

There is no substantial evidence in the record that the proposed waiver will have a specific adverse impact on public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation

Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed project, and thus the requested Waivers, will have a specific adverse impact on the physical environment, or on public health and safety. Based on the above, there is no basis to deny the requested Waiver.

- e. *The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).*

Waiver of Development Standards

Stepback. The requested waiver, 10-foot setback from the roof perimeter for each 10-foot increment above 45 feet per the specific plan section 7.E.g, and as such, permits exceptions to specific plan requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested waiver allows the developer to expand the building envelope so additional units can be constructed, and the overall space (dedicated to residential uses) is increased. This waiver supports the Applicant's decision to provide eight (8) affordable units for Very Low Income Households for 55 years.

- f. *The waivers are contrary to state or federal law.*

There is no substantial evidence in the record that the incentives are contrary to state or federal law.

Project Permit Compliance Findings

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

The proposed project, a mixed-use development, substantially complies with the site's zoning and the Community Plan land use designation. As enumerated below, the proposed project has been conditioned to comply with all applicable regulations, findings, standards, and provisions of the Ventura-Cahuenga Boulevard Corridor Specific Plan. The three (3) incentives and one (1) waiver of development standards are warranted based on the findings separately enumerated and the conditions applied.

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

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

- a. **Section 5.C: Uses.** The proposed uses of residential and commercial are not restricted in this area of the Specific Plan and thus are allowed. At least 75 percent (64 feet 10 inches) of the frontage of a building, excluding the frontage along vehicular access to on-site parking, will be devoted to retail uses or any Pedestrian Serving Use -Tier I. The project will maintain at least 85 percent of the wall frontage as window space, display case, or public art. Nonreflective glass will be used to allow maximum visibility from

sidewalk or courtyard areas into interior of buildings. Window displays will conform with sign requirements of this Specific Plan and the Los Angeles Municipal Code.

- b. **Section 6B: Floor Area Ratio (FAR).** A total of 31,131 square feet of floor area is permitted. The Project proposes 45,960 square feet of floor area. The FAR limitation for this site is 1.5:1. The project proposes a 2.3:1 ratio. The Project requests a deviation to allow a 2.3:1 FAR and for relief from the FAR requirement. As such, the project complies with the FAR requirements.
- c. **Section 7A: Yards.** The front yard setback requirement is an 18 inch minimum and 10 foot maximum; this project proposes 4 feet 6 inches. No side yard shall be permitted at the Ground Floor, except that an accessway, which may include a maximum 20 foot wide driveway, a maximum 4 foot wide walkway and landscape buffers of 18 inches to 5 feet on either side of the accessway may be provided for vehicular access to parking and pedestrian access to the building; this project proposes eight (8) feet walkway of which 3 feet 4 inches of the west side yard is landscaped. The rear yard setback requirement is a 20-foot minimum; this project proposes 20 feet. As such, the project complies with the setback requirements.
- d. **Section 7B: Lot Coverage.** The Specific Plan limits lot coverage to 75 percent. The project has a 73 percent lot coverage which complies with the Specific Plan.
- e. **Section 7D: Landscaping.** Parking structures or that portion of a building which is used for parking is designed to substantially screen automobiles contained in the garage from view by pedestrians and from adjacent buildings. The facade of the parking building is designed so that it is similar in color, material, and architectural detail with the building for which it serves for parking. At least 60 percent (247 square feet) of all Front Yard or front setback in excess of 18 inches will be landscaped and the remainder will be finished to City standards for sidewalks, or finished with other paving materials, including concrete pavers, brick masonry pavers. The automatic irrigation system to maintain all required landscaping will be installed. The project is also subject to the River Improvement Overlay Zone regarding the species planted, and the Landscape Ordinance regarding what qualifies as shade-trees. As such, the project complies with the setback requirements.
- f. **Section 7E: Height.** The Specific Plan allows the Regional Commercial Plan Designation Areas, buildings abutting a major or secondary highway, may only exceed 45 feet in height, if, for each 10-foot increment above 45 feet, at least a 10-foot setback from the roof perimeter is provided. The Project requests a deviation to allow a 62-foot-high building and for relief from the height requirement. As such, the project complies with the height requirements.

Section 7F: Parking. Per Section 7.F.1.a of the Ventura/Cahuenga Boulevard Corridor Specific Plan, retail establishments require at least one (1) parking space for each 250 square feet of floor area. The new mixed-use building with 3,400 square-foot retail space requires 14 parking spaces per the Ventura/Cahuenga Specific Plan. The project requires one (1) long and one (1) short-term bicycle space per 2,000 square feet and a minimum of two (2) long and two (2) short-term bicycle spaces for retail uses and provides a total of two (2) short and two (2) long-term spaces.

Per LAMC Section 12.21 A.4(a), the ratio of parking spaces required for all other 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 project proposes 63 vehicular parking spaces for the 45 residential dwelling units. The Project would provide short- and long-term bicycle parking in compliance with LAMC requirements. For the residential dwelling units, the Project would require and provide one (1) long-term space per dwelling unit for a total of 45 spaces. The Project would require one (1) short-term bike parking space per 10 units for the first to 25 units, and one (1) per 15 units for units 25 to 100. The project would provide five (5) short-term bicycle parking spaces for residential uses. As such, the project complies with the parking requirements.

- g. Section 8: Signs.** Pursuant to Section 5.A.2 of the Ventura/Cahuenga Boulevard Corridor Specific Plan, the proposed sign project must comply with the applicable development requirements of Sections 8 and 9 of the Plan, as it relates to the sign regulations and Project Permit Compliance process.

The Specific Plan permits a maximum of one (1) wall sign per tenant on a building's street frontage and a second sign facing an associated parking lot, secondary street, or alley, and a maximum sign area of two square feet for each lineal foot of street frontage. The site has a 100 feet street frontage. As such, a maximum of 200 square feet of wall sign area could be permitted; however, the project has been approved for a total of approximately 60 square feet. The project proposes a sign program that include two (2) Wall Signs each 30 square feet. Window signage can be used for up to 10 percent of the window area. Lastly, design detail and sign placement will be required before final clearance can be obtained. Conditions Number 18 will ensure new signage at the site will be in compliance with the Specific Plan regulations.

Window Signs: The Ventura/Cahuenga Boulevard Corridor Specific Plan permits window signs if they are for the store name, store hours, and security signs. These permitted signs may not occupy more than ten percent of any window in area. As conditioned herein, the any proposed window signs will not exceed more than 10 percent of the window they occupy. Therefore, any proposed signs, further enforced through Condition of Approval No. 18, will comply with the Specific Plan regulations.

Construction Sign: Specific Plan Section 8.B.d.1 permits no more than one (1) non-illuminated construction sign less than 25 square feet in area and 15 feet in height and be removed prior to the issuance of a certificate of occupancy or within 30 days of completion of the project, whichever is sooner. As conditioned herein, any construction sign will not exceed 25 square feet in area or 15 feet in height and will be removed within the required time limits. Therefore, any proposed sign, further enforced through Condition of Approval Number 18, will comply with the Specific Plan regulations.

Temporary Banners: Specific Plan Section 8.B.d.4 permits a maximum of one (1) banner of no more than 100 square feet to announce special events associated with seasonal holidays, provided they are not erected more than more than 30 days preceding the holiday and are removed ten days following the holiday. No more than two banners per year per site will be permitted. Therefore, any proposed banners, further enforced through Conditions of Approval Number 18, will comply with the Specific Plan regulations.

- 2. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Based on the whole of the administrative record, the Project has been adequately assessed in ENV-2023-3135-CE and mitigation measures have incorporated as conditions of approval herein; therefore, negative environmental effects have been mitigated to the extent feasible.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing