

LOS ANGELES CITY PLANNING DEPARTMENT  
RECOMMENDATION REPORT

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**CITY PLANNING COMMISSION**

DATE: **September 24, 2009**  
TIME: **after 8:30 a.m.\***  
PLACE: **Van Nuys City Hall  
14410 Sylvan Street  
Council Chamber, 2<sup>nd</sup> Floor  
Van Nuys, CA 91401**

CASE NO.: **DIR-2008-1178-DB-SPP-1A**  
APPEAL- **DENSITY BONUS COMPLIANCE REVIEW**  
CEQA: **ENV-2008-1179-MND**  
Incidental Cases: **None**  
Related Cases: **None**  
Council District: **2**  
Plan Area: **North Hollywood-Valley Village**  
Neighborhood Council: **Valley Village**  
Plan Land Use: **Medium Residential, High Medium Residential**  
Zone: **R3-1, R4-1**

Public Hearing Required  
Expiration Date: **N/A**  
Action is not further appealable under LAMC

**PROJECT**

**LOCATION:** 11933 Magnolia Boulevard, Valley Village

**PROPOSED**

**PROJECT:** Appealing the entire Determination of the Director of Planning in approving a Density Bonus Compliance Review to allow the construction of 146 rental apartments, of which 109 units are by-right. A density bonus of 35 percent of the 109 units allows for an additional 38 units but the project is utilizing 37 of the available bonus units. The project is setting aside 11 percent of the 109 units, for a total of 12 units reserved for Very Low Income units. The project is four stories of residential over one and half level of subterranean parking garage with 266 spaces and a residential floor area of 143,578 square feet. Pursuant to State Density Bonus law for projects that provide restricted affordable units, a 35 percent density bonus, a twelve foot - 7 inch increase in height from the menu of incentives was granted for the project. All other project elements follow the LAMC code for the R3-1 and R4-1 zone.

**APPLICANT:** Gary Schaffel

**APPELLANT:** Appeal #1: Jennifer Reed, Dale Liebowitz Neglia, Sandy Hubbard for Magnolia Tree Villas HOA, and Sarah Boulton for Weddington Plaza HOA.

Appeal #2: Members of the Board of Neighborhood Council Valley Village: Anthony J. Braswell

**RECOMMENDED ACTIONS:**

1. **Deny** the appeals.
2. **Sustain** the entire Determination of the Director of Planning.
3. **Approve** a 35 percent density bonus for a project setting aside 11 percent of its pre-density units (12 units) for Very Low Income households.
4. **Approve** the following incentive for a project that reserves 11 percent of its units for Very Low Income households:
  - a. Up to a 12 foot, 7 inches deviation in the height limit, for a total of 48 feet, 7 inches, in lieu of the 36 feet permitted;

5. **Clarify and expand (in bold)** on the following condition numbers 5, 10, 11, and Valley Village Specific Plan Approval Findings section of the original Director's Determination, DIR-2008-1178-DB-SPP dated May 18, 2009.

5. *Automotive Parking: The State Density Bonus Program and the LAMC require one parking space per restricted affordable unit. The project shall provide a minimum of 266 parking spaces for the project.*

**59 units 0-1 bedroom = (1 x 59) = 59 parking spaces**

**87 units 2-3 bedroom = (2 x 87) = 174 parking spaces**

**59 + 174 = 233 spaces required**

**Total spaces provided by project = 266**

10. *Section 6. B. Building Height:*

a. *The building shall not exceed 48 feet, 7 inches in height from natural grade to the top of the parapet.*

b. *All stairwells enclosures projecting above the roofline shall contain architectural design features and detail that match the existing building. All other rooftop mechanical equipment, such as HVAC units, shall be fully screened behind a parapet wall or otherwise not a visible roofline projection.*

*[Note: Applicant shall submit revised elevations and roof plan, including cross section, to ensure the above condition is met, before final clearance can be obtained from the Planning Department.] 12 feet, 7 inches of the height over 36 feet is permitted as an incentive per Government code Section 65915.*

11. *Section 6. C. Open Space for Multiple-Family Projects:*

a. *The Project shall provide a minimum of 100 square feet of Open Space per dwelling unit. The Project provides **14,707** square feet of Open Space.*

b. *A minimum of 50 percent of all Open Space shall be landscaped. The Project shall provide a minimum of **7,402** square feet of landscaping.*

c. *All paved areas, excluding parking areas, shall be stamped and/or colored concrete, tile and/or brick pavers or similar materials and must be shown on the final Landscape Plans.*

#### Valley Village Specific Plan Approval Findings

1.d. *Open Space.*

*To provide adequate open space in multi-family projects, the Specific Plan requires a minimum of 100 square feet of open space per unit. The conditionally approved project is providing **14,707** square feet of open space.*

1.f. *Landscape.*

*To assure that the proposed condominium project is compatible with the general existing character of the Valley Village area, landscaping (i.e. landscaping & irrigation plans) conditions have been included to be consistent with the design standards defined in the Specific Plan. The total landscaped area being provided for this development is **7,402** square feet, which is more than the 50% required landscaping of all open areas.*


2. **On April 22, 2009, the project was issued a mitigated negative declaration ENV-2008-1179-MND, of which conditions to mitigate potential impacts have been included herein (under C. Environmental Conditions) in addition to conditions added per the Specific Plan under B. Conditions of Approval.**

- 6. **Adopt** the attached findings.
- 7. **Adopt** ENV-2008-1179-MND.

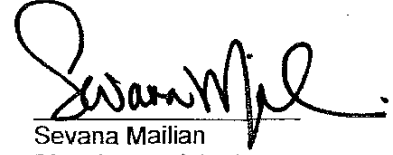
S. Gail Goldberg, AICP  
Director of Planning



Dan Scott  
Principal Planner



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**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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**PROJECT ANALYSIS**

**PROJECT SUMMARY AND BACKGROUND**

The project site is located at 11933 and 11927 Magnolia Boulevard. The project involves two parcels: Lot 4 (APN 2348009026) and Lot 1 (APN 2348009031), which total approximately 59,450 square feet in gross area, with dimensions of approximately 200 feet by 300 feet. Both parcels are currently occupied with apartment buildings, totaling 51 units, which will be demolished. The project site is located in the North Hollywood-Valley Village Community Plan Area. Both parcels have a split zone of R3-1 and R4-1 with a General Plan Land Use Designation of Medium Residential and High Medium Residential.

The properties to the east of the project site are zoned R3-1 and PF-1VL, developed with multi family dwellings and a LA Unified School. Properties to the north are zoned R3-1 and developed with multi-family dwellings. Properties to south are zoned R3-1 across the street from the subject property facing Magnolia Blvd and are zoned R1-1 further south. Properties to the west are zoned C2-1VL and R3-1, developed with commercial uses facing Laurel Canyon with additional multi-family residential uses.

The proposed project is an apartment building that includes restricted affordable units. Per the minimum lot area requirements for dwelling units in the R3-1 and R4-1 zones, this site permits 109 dwelling units. With a 35 percent density bonus, the project was approved for a total of 146 residential units. The project is also eligible for additional incentives based on the level of restricted affordable housing provided. The project requested one incentive, which was a height increase and was approved for up to 12 feet, 7 inches of additional height in lieu of the 36 feet height limitation of the Valley Village Specific Plan.

The proposed development of 146 apartment units is allowed under the current zoning, land use designation and SB1818. If SB1818 is not utilized, the project is permitted a base density of 109 units by right.

With SB1818, the applicant is utilizing a 35% Density Bonus which allows 38 additional units (109 x 35% = 38) but the applicant is only requesting 37 units. A 35 % Density Bonus requires an 11 % set-aside of Very Low Income units so 12 units will be set aside (109 x 11% = 11.99 = 12). The project will have 134 Market Rate units and 12 Very Low Income restricted units. With the use of the density bonus, the proposed development of 146 units is allowable and complies with both LAMC and SB1818. Parking will be provided per the requirement of SB1818.

|                | <i>Allowed by Existing LAMC</i> | <i>Valley Village Specific Plan (VVSP)</i> | <i>SB1818</i>   | <i>Total Project with SB1818</i>         |
|----------------|---------------------------------|--|---|--|
| <i>Height</i>  | See VVSP height limit           | 36'  | 12'-7"<br>Additional height                                       | 48'-7"                                   |
| <i>Units</i>   | 109                             | Per LAMC                                   | 37  | 146                                      |
| <i>Parking</i> | 233                             | Per LAMC                                   | 233<br>1 space (0-1 bd)<br>2 space (2-3 bd)<br>For entire project | 266<br>(233+33<br>volunteered<br>spaces) |

On May 18, 2009, the Director of Planning approved DIR-2008-1178-DB-SPP to allow the construction of a 146-unit residential apartment building, including 134 units for market rate and 12 units reserved for Very Low Income households. The proposed project height allowed is up to 48 feet, 7 inches, with

four stories of residential over one and a half levels of subterranean parking garage with 266 parking spaces, on a 59,450 square-foot lot.

The project was appealed on June 2, 2009. Appeals of Density Bonus Compliance Reviews are heard by the City Planning Commission.

### **APPEAL POINTS**

The appeals filed cover many areas and points which overlap. After thorough review, both appeal points are divided in eight sections, as listed below.

1. Which Code sections apply to the project?
2. What is the proper review of the project against the Government Code Section 65915?
3. Mitigated Negative Declaration (ENV 2008-1179-MND) date clarification and appropriateness of review.
4. What is the zoning of the property?
5. What are the incentives requested?
6. Accuracy of the Department of Transportation Cumulative Traffic Study.
7. Unrelated case to the appeal: VTT 60712 Building Permit 07010-20000-00043 clarification and condition for public nuisance.
8. Other

### **STAFF RESPONSE TO APPEAL POINTS**

1. **Which Code sections apply to the project?**  
*(Responding to "A" of the Table of Contents from the appeal package –Exhibit A)*

The project is subject to the State Density Bonus Program, State Government Code 65915 (SB 1818) and the Valley Village Specific Plan, Ordinance No. 168,613.

Initially, the Director of Planning issued a Director's Determination on April 23, 2009 approving the project under the City's Implementing Ordinance No. 179,681 and the Valley Village Specific Plan, Ordinance No. 168,613. Due to a clerical error the appeal date on this approval letter was incorrect. The Director then issued a one page correction letter dated April 30, 2009, granting a new 15-day appeal period date, which started from the date of the correction letter. The correction letter extended the new appeal period to May 14, 2009.

Soon after the issuance of this correction letter, the Director determined that this project should have been reviewed against the Government Code 65915 due to its filing date (March 25, 2008) being prior to April 15, 2008, which is when the City's Implementing Ordinance was adopted. The Director carefully reviewed the project against the State Government Code 65915 and the Valley Village Specific Plan and reissued a new Director's Determination dated May 18, 2009. The 15-day appeal period for this action started from May 18, 2009 to June 2, 2009.

2. **What is the proper review of the project against the Government Code Section 65915? (Responding to "C, D" of the Table of Contents from the appeal package – Exhibit A and #3 of appeal package – Exhibit B)**

The Planning Department has reviewed the project against the applicable Government Code Section 65915 and could not make either one of the two findings required to deny the project. The appellant references Interim Processing Procedures Guidelines. There are no City adopted "Interim...." Guidelines. This reference comes from an internal Department memo.

Government Code Section 65915 states:

*"The Director shall approve a Density Bonus and requested incentive(s) unless the Director finds that:*

- (1) "The incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or for rents for the affordable units",*

The project as designed covers the bulk of the site while providing adequate open space and recreational space. The density bonus units requested total 37 units, equivalent to one story. Without the additional height, one entire floor of units would have to be removed. Removing one floor (37 units) would preclude the applicant's ability to spread out the cost of providing 12 affordable units over 146 units.

- (2) "The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to very low-, low- and moderate income households".*

No findings could be made to address the Specific Adverse Impacts as stated above for No. 2. The impacts of the proposed project have been analyzed in the MND, addressed by the mitigation measures, and evaluated against the CEQA threshold guidelines. The impacts of construction, air quality, aesthetics and safety have all been discussed in the MND (ENV 2008-1179, dated 4/22/2009) and have proper mitigation measures. In addition, the Valley Village Specific Plan addresses landscaping for screening the project from neighboring sites and the project is approved with a landscape plan that addresses such issues. Evaluating the project against the City of Los Angeles CEQA threshold and requiring a shade/shadow study also confirms that the project is well below the threshold for any significant impact. Based on the findings made, the Director has granted the additional height and the density incentives to the proposed project. The project is compatible with the R3-1 and R4-1 zoning and the land use designation of Medium Residential and High Medium Residential. No zone changes, variances or amendments to the General Plan were requested as part of this action.

The project followed all the guidelines of the Valley Village Specific Plan, SB1818 and the L.A.M.C. The Specific Plan restricts the height to 36 feet, much lower than the height of 45 feet allowed under the L.A.M.C for R3-1 and R4-1 zones. The project can develop 109 units without utilizing the SB1818 by-right, with a three story building complying with the 36 feet height. However, in order to utilize the SB1818 and increase the unit density by 35%, the fourth floor is necessary. Therefore, the incentive is needed for the fourth floor to go beyond the 36 feet height limit.

3. **Mitigated Negative Declaration (ENV 2008-1179-MND) date clarification and appropriateness of review.**  
*(Responding to "L, M, N" of the Table of Contents from the appeal package- Exhibit A)*

The November 14, 2007 MND, referred by the appellant, is for the Vesting Tentative Tract project that was proposed on this site in 2006 and was never developed and is not part of this application.

The Planning Department has issued an MND to address the current proposed project under DIR-2008-1178-DB-SPP. There have been two MNDs published for the current proposed project of 146 units under DIR 2008-1178-DB-SPP. The first MND dated 3/18/2009 received comments from the public, thus warranting a second MND to be issued to incorporate additional information. The second MND was issued and dated 4/22/2009 which revised the project description to include 266 parking spaces. The Environmental Review (ENV-2008-1179-MND dated 4/22/2009) discusses specific mitigation measures for height and density under Aesthetics, Land Use and Planning, and Increased Noise Level sections, stating:

*"All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker",*

*"Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties" and;*

*"A Minimum five-foot wide landscape buffer shall be planted adjacent to the residential uses"*

*"A 6-foot high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists".*

To further address aesthetics and screening from adjacent properties, the Valley Village Specific Plan guideline imposes additional regulations, such as requiring 50% of open space for all multi-family projects to be landscaped. The project is providing a total of 14,829 square feet of open space, of which 7,482 square feet will be landscaped to mitigate any visual impacts and to screen the project from neighboring sites.

The City of Los Angeles CEQA Thresholds of Significance (Section A.3.1.c) apply to projects of 60 feet or greater in height, which the proposed project is not. Additionally, the thresholds of significance indicate that an impact would be considered significant if shading occurs on shading-sensitive uses for more than three hours between 9:00 and 3:00 during the winter months or four hours between 9:00 and 5:00 in the summer months (See Exhibit H).

Even though this project is well below 60 feet in height and is not subject to the CEQA Threshold of Significance Section A.3.1.c, the applicant has conducted a shade and shadow study in order to provide the Commission with more complete information. **The study concludes that the project at 48 feet, 7 inches is considered well below the CEQA threshold guideline for any significant impact on shading or light blockage.** The project does not shade the roofs of any of the main multi-unit buildings to the north at any time during the year. The roofs of the multi-unit buildings to the east and west are not shaded by the proposed project for more than three hours on the Winter Solstice (between 9:00 a.m. to 3:00 p.m.) nor are they shaded for more than four hours on the Vernal Equinox, Autumnal Equinox or Summer Solstice (between 8 a.m. (9:00 Pacific Daylight Time) to 4:00 p.m. (5:00 Pacific



Daylight Time). Given that the project has no significant shade and shadow impacts it will also not be blocking any significant light, which falls on the adjoining properties.

**4. What is the zoning of the property?**

***(Responding to "B" of the Table of Contents from the appeal package – Exhibit A and #5 and #6 of the appeal package –Exhibit B)***

The zoning of the property is not appealable. However staff will provide some background:

Both parcels, Lot 4 (APN 2348009026) and Lot 1 (APN 2348009031) are zoned R3-1 and R4-1 with land use designations of Medium Residential and High Medium Residential. The applicant has not filed a zone change or plan amendment with this project.

The property has been zoned R3-1 and R4-1 since 1975. The land use designation in 1986 was Low Medium II, corresponding to the RD1.5 and RD2 zones. Since the zoning and the land use designations were not consistent, the land use designation of the parcels was changed to Medium Residential and High Medium Residential land use designations to make it consistent with the underlying zoning of R3-1 and R4-1. This was part of a larger Citywide Program "AB283" to bring zoning in line with the City's community plans. Therefore, the zoning of the property has always been R3-1 and R4-1 according to City records.

**Background on 11911 Magnolia Blvd.**

Staff did further research to address the appellant's question for the property located at 11911 Magnolia Boulevard. Even though, this property is clearly not part of the Project, staff felt additional research might help clarify some of the underlying questions for the Commission and the appellants.

As City records indicate, the property located at 11911 Magnolia Boulevard applied for a Tentative Tract 38386 and received a zone change (Ordinance No. 154,645) incidental to the tract case which became effective on April 14, 1982. As part of the Tentative Tract 38386 conditions, the applicant was advised to file a zone change from R4-1 and R3-1 to RD1.5-1 and for a reduction in the number of dwelling units from 40 to 39 in order to meet the net area zoning requirements. The zone change made the property consistent with the existing land use designation of Low Medium II. The project could not have been approved as filed since the zoning and the land use were not consistent. The land use designation of Low Medium II guided the zoning and the density of the property.

**5. What are the incentives requested?**

***(Responding to "E, F and R" of the Table of Contents from the appeal package – Exhibit A and #1 of the appeal package –Exhibit B)***

The project requested a height incentive only. The Director has granted a 12'-7" height addition to the 36 feet per Valley Village Specific Plan, for a total of 48'-7". The Valley Village Specific Plan imposes a height limit of 36 feet. SB1818 supersedes the Specific Plan height limit and allows an additional 35% height increase as an incentive. 35% of the 36 feet is 12.6 feet, which converts to 12 feet, 7.2 inches exactly.

The only restriction on height under Government Code 65915 is that if a project is adjacent, abutting or across the street from R1 zoning then the additional height may not exceed 10 feet. This project is not abutting, adjacent, or across the street/alley from an R1 zone, therefore the height can exceed 10 feet.

The project does not need any other incentives besides height, since it is in compliance with the L.A.M.C. and the Valley Village Specific Plan.

A field survey indicates that there are many existing structures on Magnolia Boulevard that are multi-family zoned with two, three and even four stories over garage in height. The neighborhood is highly dense with multi-family housing surrounding the project site. The zoning in the neighborhood ranges from predominately R3-1 and R4-1 to RD1.5-1. The heights of the buildings range from 25 feet to 50 feet in the vicinity of the project. The proposed project will not be the tallest building in the immediate surrounding area. The building located on 11936 Magnolia Boulevard has a height of 50 feet. Many existing structures in the immediately surrounding area are currently built at less than the maximum permitted height and density. The project will be taller than some existing development on neighboring R3-1 zoned property to the immediate east and west. However, the General Plan and zoning for this area anticipate and permit similar development at a medium density multiple family residential density in this location. **The redevelopment of aging structures and development of new housing in this area is not only inevitable and allowed under the zoning but also necessary to fulfill the City's housing production needs.**

#### FAR

The project is utilizing a 2.4:1FAR ( $143,578 / 59,450 = 2.4$ ). The permitted FAR for the R3-1 and R4-1 zone is 3:1 FAR.

#### Expedited Process

The Planning Department has an expedited unit to process cases, however, DIR-2008-1178-DB-SPP was not processed by the expedited unit. The appellant might be confusing this project with the previous, unrelated VTT case 67012 which was filed in 2006 and never recorded. The application was processed through the expedited unit.

#### Setbacks

According to Building and Safety, a four story building should have side yard setbacks of 7 feet with a rear and front yard setbacks of 15 feet. The project is in fully compliance with the LAMC setback requirements.

Note: Clarification of the 7 foot setback on Lot 4:

The setback requirement for this portion of the yard is 7 feet because Building and Safety considers this portion of the rear yard an actual side yard due to its configuration.

#### Reduced Open Space

The project has not been granted any open space reductions. The project has satisfied the open space calculations of the Valley Village Specific Plan. The specific plan requires projects to provide a minimum of 100 square feet of Open Space per dwelling unit and 50% of all Open Space to be landscaped. The required Open Space for the project is 14,600 square feet ( $146 \text{ units} \times 100 \text{ square feet} = 14,600 \text{ square feet}$ ). The total Open Space provided for the project is 14,707 square feet, of which 7,402 square feet will be landscaped.

#### Averaging of R3-1 & R4-1 zones

The project density calculation has been verified with the Department of Building and Safety. The applicant has completed plan check with Building and Safety. The project has not received any incentives for more units other than the 35% increase density bonus units.

Base Density Calculation Without SB1818

R4-1 zone: 25,000 S.F. / 400 S.F. per unit = 62.50 units

R3-1 zone: 36,500 S.F. / 800 S.F. per unit = 45.62 units

62.50 units + 45.62 units = 108.12 units = **109 units total without density bonus**

Parking

The project is utilizing Parking Option 1 of the Government Code Section 65915, which requires 1 parking space for 0-1 bedroom and 2 parking spaces for 2-3 bedrooms:

59 units 0-1 bedroom = (1 x 59) = 59 parking spaces

87 units 2-3 bedroom = (2 x 87) = 174 parking spaces

59 + 174 = 233

Total spaces required = 233

Total spaces provided by project = **266**

Site Plan Review Exemption

The Director finds that the project is exempt from Site Plan Review under Section 16.05.D.2. stating:

*“Any development project with a still-valid discretionary approval, including but not limited to those listed in subsection B.2. of this section, shall be exempt from site plan review only if the applicable decision-making body determines in writing that the prior discretionary approval, and the required environmental review, considered significant aspects of the approved project’s design (such as, but not limited to, building height, density, use, parking access.....”*

The project was exempt from Site Plan Review because the current discretionary approval for Project Permit Director’s Determination for Valley Village Specific Plan (DIR-2008-1178-DB-SPP, dated May 18, 2009) and the environmental review (ENV-2008-1179-MND, dated 4/22/2009), did consider and address the significant aspects of the project such as height, density, use, and parking. The Director’s Determination made the same findings as the Site Plan Review would have done in its findings. The project has been reviewed under much stricter guidelines, since it is located in the Valley Village Specific Plan. Aspects such as height, density and parking comply with the SB1818 guidelines, open space and landscaping requirements meet the Valley Village Specific Plan guidelines, setbacks and use comply with the L.A.M.C. The Director is authorized to exempt site plan review if the significant aspects of the project are addressed in writing in a still-valid discretionary approval,

**6. Accuracy of the Department of Transportation Cumulative Traffic Study.  
(Responding to “G, J, Q” of the Table of Contents from the appeal package –Exhibit A and #4 of the appeal package –Exhibit B)**

In addition to the MND prepared by the Planning Department, the project was also independently reviewed and analyzed for traffic impacts by the Department of Transportation. The Department of Transportation completed a cumulative traffic assessment for the three proposed residential projects located at 11927-11935 Magnolia Boulevard (project site), 11945-11959 Magnolia Boulevard and 5226-5238 Ben Avenue, at the intersection of Ben Avenue and Magnolia Boulevard in Valley Village. The traffic assessment is based on a traffic study prepared by Hirsch/Green Transportation Consulting, Inc. dated November 26, 2008. After careful review of the pertinent data, DOT has determined that the traffic study, as revised in the letter from DOT, dated March 5, 2009, adequately describes the project related traffic impacts of

the proposed development. In conclusion, the Department of Transportation recommends that the requirements be adopted as conditions of project approval in order to mitigate the project's traffic impact to less than significant levels (see Exhibit B)

The appellant is questioning if DOT has revised their letter. DOT letter dated March 5, 2009 is the revised letter that includes all the corrections and mitigations measures for the project.

**7. Unrelated case to this appeal: VTT 60712 Building Permit 07010-20000-00043 clarification and condition for public nuisance.  
(Responding to "H, O, P," of the Table of Contents from the appeal package –Exhibit A)**

The Planning Department cannot legally discuss a case such as the VTT 60712 in this appeal. This VTT 60712 is not appealed and is not in front of the Commission to be discussed. The conditions for the VTT 60712 were tailored for that project and the conditions for this project are specific for this project only. VTT 60712 was never recorded.

All building permits are public record and the appellant can directly go to Building and Safety and view the permits. To answer the appellant's question in regards to the building permit No. 07010-20000-00043, the permit as listed in the description, is for a new three-story, 78-unit apartment building with recreational rooms over subterranean garage. Once again, this permit is for the VTT 60712 and the Planning Department cannot legally discuss the specifics of this project.

The applicant has volunteered to formally withdraw the VTT-60712 case if necessary.

**8. Other  
(Responding to "I, K" of the Table of Contents from the appeal package –Exhibit A and #2 of the appeal package –Exhibit B)**

Ellis Act:

The Planning Department does not monitor the affordable rental units. As part of the approval process of any density bonus case, a covenant and agreement is required with the Housing Department for the monitoring and compliance of the rental units with City and State guidelines.

Laura Chick's report:

The appellant is referring this section of the appeal to a report issued by Laura Chick. The main issue of the report is that departments do not work together to coordinate projects. This item is not an appealable item and is not up for discussion at this time. The Planning Department makes a great effort to work and coordinate projects with other departments.

Lack of Consultation with Neighborhood Council:

The applicant originally met with the Neighborhood Council and the Council office on the Vesting Tentative Tract 38386 case. The current project plans as submitted and approved for 146 units was shown to the Council office by the applicant. Applicants are advised by the Planning Department to consult upcoming projects with the Neighborhood Council and Council office; however, it is not a mandatory requirement.

**ORIGINAL CONDITIONS OF APPROVAL AND FINDINGS ISSUED ON MAY 18, 2009**

Approval of the subject development project is made with the following Terms and Conditions imposed, in order to ensure compliance with applicable requirements of the State Government Code Section 65915 (State Density Bonus Program), and the promotion of development compatible with existing and future development of neighboring properties.

**DENSITY BONUS COMPLIANCE CONDITIONS**

1. **Site Development.** The subject property shall be developed as shown on the submitted plans, including a color elevation, sheets A1.0 thru A7.0, LP-1 and L-1, received on March 10, 2009 and attached to the case file. (DCP)
2. **Permitted Uses.** Uses on the subject property shall be restricted to those uses permitted in the R3-1 and R4-1 zones, per Sections 12.10 and 12.11, respectively of the Los Angeles Municipal Code (LAMC), and as permitted in this grant. The project shall be limited to a maximum of 146 residential dwelling units, of which 109 units are "by right". A density bonus of 35 percent of the 109 "by right" units allow for an additional 38 units but the project is utilizing only 37 of the available bonus units. The project is setting aside 11% of the 109 "by right" units, for a total of 12 units reserved as Very Low Income units. (DCP)
3. **Height.** The proposed building is limited to an increase in height of 12 feet, 7 inches above the 36 foot height limit for a total height of up to 48 feet, 7 inches.
4. **Setback.** Setbacks shall be per LAMC code. (B&S)
5. **Automobile Parking.** The State Density Bonus Program and the current LAMC require one parking space per restricted affordable unit. The project shall provide a minimum of 266 parking spaces for the project. (B&S)
6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department to make 11 percent (12 units) of the pre-density bonus units of the development available for rent solely to Very Low Income households, at a rent determined to be affordable to Very Low Income households by the Los Angeles Housing Department, for a period of 30 years. 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 Los Angeles Housing Department. The applicant shall present a copy of the recorded covenant to the Planning Department for inclusion in the subject case file. (HD)
7. **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 and the Department of Transportation. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. If required dedications and improvements necessitate redesign of the project, any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department. (BOE, DOT, DCP)

8. **Public Requirements.** The applicant shall provide the following, or assurance of suitable guarantees without expense to the City of Los Angeles:
- a. Construction of sewers to the satisfaction of the City Engineer. (BOE)
  - b. Construction of drainage facilities to the satisfaction of the City Engineer. (BOE)
  - c. Installation of street lights to the satisfaction of the Bureau of Street Lighting. (BOE)

Notice: The Certificate(s) of Occupancy for the subject project will not be issued by the City until the construction of all public improvements required herein are completed to the satisfaction of the City Engineer. (B&S)

### **VALLEY VILLAGE SPECIFIC PLAN PROJECT PERMIT COMPLIANCE CONDITIONS**

9. **Section 6. A. General Provisions:**

- a. All lighting shall be low-illumination, safety, lighting of a color similar to incandescent light, which is shielded and directed onto the property on which the Project is located.
- b. Any area on a rooftop used for recreational purposes shall be fenced off and that enclosure shall be set back 10 feet from the edge of the building. Any rooftop recreation area that is located within 20 feet of a RW1 or more restrictively zoned lot shall have fencing at least six feet in height with opaque or solid wall construction materials.

10. **Section 6. B. Building Height:**

- b. The building shall not exceed 48 feet, 7 inches in height from natural grade to the top of the parapet.
- b. All stairwells enclosures projecting above the roofline shall contain architectural design features and detail that match the existing building. All other rooftop mechanical equipment, such as HVAC units, shall be fully screened behind a parapet wall or otherwise not a visible roofline projection.

*[Note: Applicant shall submit revised elevations and roof plan, including cross section, to ensure the above condition is met, before final clearance can be obtained from the Planning Department.]*

11. **Section 6. C. Open Space for Multiple-Family Projects:**

- a. The Project shall provide a minimum of 100 square feet of Open Space per dwelling unit. The Project provides 14,829 square feet of Open Space.
- b. A minimum of 50 percent of all Open Space shall be landscaped. The Project shall provide a minimum of 7,482 square feet of landscaping.
- c. All paved areas, excluding parking areas, shall be stamped and/or colored concrete, tile and/or brick pavers or similar materials and must be shown on the final Landscape Plans.

**12. Section 8. A. Parking Standards for Residential Projects:**

- a. The Project shall provide resident parking as required by LAMC 12.21 A4 (a) of the Code. The Project provides 266 resident parking spaces
- b. Guest parking shall be clearly identified, easily accessible to guests, and shall not be in tandem.

**13. Section 9. A. Landscaping Standards:**

- a. A landscape plan, prepared by a person licensed to prepare landscape plans under state law, shall be submitted for review and approval of the Planning Department.
- b. Landscape plans shall include the approximate size of plants at maturity, location of all proposed materials, the scientific and common names of such plant materials, the proposed irrigation plan, and estimated planting schedule.
- c. Artificial plants are prohibited.
- d. Landscaped areas shall be planted with a variety of plant materials which include shrubs, trees and ground cover.
- e. All landscaped areas shall be equipped with an automatic sprinkler or drip irrigation system, designed to conserve water. The applicant shall maintain the approved landscape and irrigation sprinklers and watering devices.
- f. All trees and plants shall be drought-resistant.

**14. Section 9.B. Buffer Standards:**

- a. There shall be a 5-foot landscaped buffer of plant material wherever the Project is adjacent to an RW1 or more restrictively zoned lot or use. The plant materials shall be maintained at a height of not lower than six feet at maturity. Minimum fifteen gallon size trees shall be planted on private property every twenty feet along the lot line of the property on which the Project is located.
- b. A solid decorative, masonry block wall, a minimum of six feet in height, shall be constructed along any side and/or rear lot line of the Project between any adjacent one-family residential use and any parking or driveway use of the Project, if no wall already exists along said lot line of the Project. There shall be no openings, except for a lockable gate provided for landscape work or as may be required by the LAMC. Decorative masonry walls shall mean split-face, slump stone, plaster, brick or stone facing with a top cap. Both sides of the wall must be decorative.

**15. Section 9.C. Existing Trees and Replacement Tree:**

- a. For every tree removed due to construction of the Project, a replacement tree shall be planted on a 1:1 basis. Replacement trees shall be at least a 24-inch box size, not less than eight feet in height, with a trunk diameter of not less than two inches, and a minimum branch spread of five feet. All trees shall be in healthy growing condition.

**16. Section 9. D Street Trees and Planting Requirements:**

Street trees shall be approved by the Street Tree Division of the Bureau of Street Maintenance.

*[Note: Confirmation of payment for additional street trees will be required before Planning Department clearance.]*

- a. Shade-producing street trees shall be planted at a ratio of at least one tree for every 30 lineal feet of street frontage when no obstructions are present.
- b. The minimum size for street trees shall be ten feet in height and two inches in caliper at the time of planting.

**17. Section 9.E. Landscaping Requirements:**

In addition to the other landscaping standards provided in Section 9 of the Valley Village Specific Plan, the Project shall provide landscaping in conformance with the following requirements:

- a. The area from the lot line to the building shall be landscaped with live plant materials and/or ground cover, except for required exit-ways, walkways and driveways.
- b. Front, rear and side yards shall be landscaped using similar materials so that the total development creates a consistent landscape theme.
- c. A minimum of 50 percent of the total required front and rear yards shall be planted.

**18. Section 10. Public Right-of-Way, Dedications and Roadway Improvements:**

Improvements shall be to the satisfaction of the City Engineer.

- a. Dedication(s) and Improvement(s). 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, Fire Department, (and other responsible City, regional and federal government agencies, as may be necessary).

**Responsibilities/Guarantees.**

- I. 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.
- II. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.



**DEPARTMENT OF TRANSPORTATION CUMULATIVE TRAFFIC IMPACT**  
**MITIGATION CONDITIONS**

19. The following conditions, as listed in the Department of Transportation letter to the Planning Department dated March 5, 2009, are required in order to mitigate traffic impacts associated with the Project.

a. **Physical Mitigation Measures:**

- i. The intersection of Ben Avenue and Magnolia Boulevard will be mitigated to a less-than-significant level by widening Magnolia Boulevard as specified below and restriping to provide westbound right turn lane approach to Ben Avenue, and by restriping the southbound approach to provide a left turn only lane.
- ii. The intersection of Colfax Avenue and Magnolia Boulevard will be mitigated to a less-than-significant level by widening Magnolia Boulevard by approximately five feet to provide a half roadway width of at least 25 feet and by restriping the eastbound approach to add a right turn only lane. Since the sidewalk in this area is 15 feet wide and the Standard Plan S-470, effective November 10, 1999 call for a 10-foot sidewalk on secondary highway no additional dedication will be required to implement this 5-foot widening.

b. **Highway Dedication and Improvements:**

- i. Magnolia Boulevard is designated Secondary Highway in the Streets and Highway Element of the City's General Plan, and consists of a 32-foot half roadway on a 40-foot half right-of-way. Standard Plan S-470-0, effective November 10, 1999, dictates that the standard cross section for a Secondary Highway is a 35-foot half-roadway on a 45-foot half right-of-way. A five-foot dedication and a three-foot widening is required to bring the adjacent frontage of Magnolia Boulevard up to the standard required by the General Plan.
- ii. Ben Avenue is a designated Local Street in the General Plan, and consists of a 18-foot half roadway on a 30-foot half right-of-way. Standard Plan S-470-0 dictates that the standard cross section of a Local Street is a 18-foot half roadway on a 30-foot half right-of-way. No further improvements to this street are required.

c. **Site Access and Internal Circulation:**

- i. No access to the 11945-11959 Magnolia project shall be allowed from Magnolia Boulevard, unless exception is given by the DOT.
- ii. All driveways shall be designed in accordance with BOE Standard Plan S-440-3, and shall be designed using case 2, unless exception is given by DOT or BOE.
- iii. All two-way driveways shall be 30 feet wide, exclusive of side slopes.
- iv. To minimize conflict between vehicles using adjoining driveways, a minimum of 50-feet of full height curb shall be provided between all proposed driveways.

- v. To avoid vehicles encroaching onto the public right-of-way, a minimum of 20-foot reservoir space (distance between property line and first parking stall) shall be provided at all ingress driveways for lots containing up to 100 spaces, and a minimum 40-foot reservoir space shall be provided at all ingress driveways for lots containing 101 to 300 spaces.

### **ENVIRONMENTAL MITIGATION COMPLIANCE CONDITIONS**

In compliance with requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV-2007-4890-MND) in accordance with City of Los Angeles CEQA guidelines. The following conditions are imposed as mitigation measures for environmental impacts pursuant to this grant and/or the Project's Mitigated Negative Declaration, attached to the subject case file.

20. **Aesthetics (Landscaping)** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
21. **Aesthetics (Graffiti)**
  - a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to LAMC Section 91.8104.
  - b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91,8104.15.
22. **Aesthetics (Landscape Buffer)**
  - a. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
  - b. A landscape plan shall be prepared by a licensed landscape architect to the satisfaction of the decision maker.
23. **Aesthetics (Light)** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
24. **Air Pollution (Stationary)**  
RESIDENTIAL - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.
25. **Wildlife Corridor**
  - a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
  - b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat the applicant shall:

- i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31.
- iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

**26. Seismic:**

The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

**27. Erosion/Grading/Short-Term Construction Impacts**

**Air Quality**

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- e. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

**Noise**

- a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- b. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.

- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

**General Construction**

- a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- d. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- e. Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- f. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

**28. Liquefaction**

- a. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss which requires the preparation of a geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.
- b. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

**29. Explosion/Release (Asbestos Containing Materials)**

- a. Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to ill need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other State and Federal rules and regulations.
- b. Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

**30. Single Family Dwelling (10+ Home Subdivision/Multi Family)**

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certification from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

- b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- d. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- e. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- f. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- g. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- h. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- i. Guest parking lots constitute a significant portion of the impervious land coverage. To reduce the quantity of runoff, parking lots can be designed one of two ways:
  - Hybrid Lot - parking stalls utilize permeable materials, such as crushed aggregate, aisles are constructed of conventional materials such as asphalt.
  - Parking Grove - is a variation on the permeable stall design, a grid of trees and bollards are added to delineate parking stalls. This design presents an attractive open space when cars are absent, and shade when cars are present.
- j. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- k. Promote natural vegetation by using parking islands and other landscaped areas.
- l. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- m. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- n. Legibility of stencils and signs must be maintained.
- o. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- p. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- q. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- r. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- s. Runoff from hillside areas can be collected in a vegetative swale, wet pond, or extended detention basin, before it reaches the storm drain system.
- t. Cut and fill sloped in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long- term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.

- u. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.
- v. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

**31. Parking Lots with 25 or More Spaces or 5,000 Square-feet of Lot Area (Residential, Commercial, Industrial, Public Facility)**

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- d. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- e. Maximize trees and other vegetation at each site by planning additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- f. Promote natural vegetation by using parking lot islands and other landscaped areas.
- g. Preserve riparian areas and wetlands.
- h. Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- i. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe- outlet. Inspect, repair, and maintain the outlet protection after each significant rain.
- j. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- k. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- l. Legibility of stencils and signs must be maintained.
- m. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that

- prevents contact with runoff or spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- n. The storage area must be paved and sufficiently impervious to contain leaks and spills.
  - o. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
  - p. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
  - q. Trash container areas must be screened or walled to prevent off-site transport of trash.
  - r. Reduce impervious land coverage of parking lot areas.
  - s. Infiltrate runoff before it reaches the storm drain system.
  - t. Runoff must be treated prior to release into the storm drain. Three types of treatments are available, (1) dynamic flow separator, (2) a filtration or (3) infiltration. Dynamic flow separator uses hydrodynamic force to remove debris, and oil and grease, and are located underground. Filtration involves catch basins with filter inserts. Filter inserts must be inspected every six months and after major storms, cleaned at least twice a year. Infiltration methods are typically constructed on-site and are determined by various factors such as soil types and groundwater table.
  - u. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
  - v. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
  - w. Prescriptive Methods detailing BMPs specific to this project category are available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website at: [www.lastormwater.org](http://www.lastormwater.org). (see Exhibit D).

**32. Environmental Plans/Policies:**

The applicant shall comply with mitigation measures required by this MND.

- a. Exceed Title 24 (2007 standard) building energy efficiency minimum requirements by a minimum of 14% (The applicant is advised that exceeding the minimum requirement by 15% may make the project eligible for federal Energy Star rating).
- b. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

**33. Increased Noise Levels (Parking Wall)** a six foot high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.

**34. Increased Noise Levels (Parking Structure Ramps)**

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

**35. Severe Noise Levels (Aircraft Noise – Residential)**

- a. All exterior windows shall be constructed with double-pane glass.
- b. Before granting of a building permit, an acoustical engineer shall specify the CNEL contour within which the building will be located and, based on such

CNEL contours, the measure necessary to achieve an interior noise level which will not exceed 45 dBA in any habitable room.

36. **Relocation:** Potential impacts will be mitigated to a level of insignificance by submitting a relocation plan to the decision maker for approval.
37. **Public Services (Fire):** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
38. **Public Services (Police General)** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.
39. **Public Services (Schools)** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
40. **Public Services (Schools)**
  - a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
  - b. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.
  - c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
  - d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.
  - e. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
  - f. The developer and contractors shall maintain ongoing contact with administrator of North Hollywood Senior High School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.



41. **Public Services (Street Improvements Not Required By DOT)** The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation. Speechless
42. **Increased Vehicle Trips/Congestion** An adverse impact may result from the project's traffic generation. An investigation and analysis conducted by the Department of Transportation has identified significant project-related traffic impacts which can be mitigated to an acceptable level by the following measure:
- a. Implementing measure(s) detailed in said Department's communication to the Planning Department dated January 12, 2009, and attached shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.
43. **Inadequate Emergency Access** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.
44. **Utilities (Local or Regional Water Supplies)**
- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
  - b. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
  - c. (All New Construction, Commercial/Industrial Remodel, Condominium Conversions, and Adaptive Reuse) Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:
    - i. High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
    - ii. Restroom faucets with a maximum flow rate of 1.5 gallons per minute.
    - iii. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
  - d. (All New Residential, Condominium Conversions, and Adaptive Reuse) Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:
    - i. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
    - ii. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
    - iii. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such

- appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- iv. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
  - e. (Landscaping) In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
    - i. Weather-based irrigation controller with rain shutoff;
    - ii. Matched precipitation (flow) rates for sprinkler heads;
    - iii. Drip/microspray/subsurface irrigation where appropriate;
    - iv. Minimum irrigation system distribution uniformity of 75 percent;
    - v. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; and
    - vi. Use of landscape contouring to minimize precipitation runoff.
    - vii. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and safety.

#### **45. Utilities (Solid Waste)**

- a. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- b. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- c. To facilitate onsite separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

### **ADMINISTRATIVE CONDITIONS**

- 46. Approval, Verification and Submittals Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
- 47. Code Compliance Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with LAMC, except where herein granted conditions override.
- 48. Definitions. Any agency, public official, or city department referenced in these conditions shall mean that agency, public official, or city department, or its successor(s) or designee(s). "State Density Bonus Program" refers to State

Government Code Section 65915 adopted by the City Council on February 20, 2008 and effective on April 15, 2008. Plan sheet shall mean a numbered drawing submitted by the applicant as a part of the application for this case, attached to the subject case file with the Department of City Planning.

49. Enforcement Prior to the issuance of any permits for the subject Project by the Department of Building and Safety, the applicant shall submit final construction plans or other required documents to the specified City department for verification of compliance with the conditions imposed herein. Conditions which require Department of City Planning verification are followed by (DCP), Department of Transportation verification is shown by (DOT), Bureau of Engineering verification is shown by (BOE), Housing Department verification is shown by (HD) and conditions requiring verification by the Department of Building and Safety are shown by (B&S).
50. Building Plans The entire determination letter shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
51. 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.
52. Indemnification The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

## FINDINGS

### DESCRIPTION OF SUBJECT PROPERTY

The subject project is a 146-unit apartment building, with a total floor area of 143,578 square feet. The project will be a four-story building with one and half levels of subterranean parking. The total number of allowable, by-right units is 109. A 35 percent density bonus would allow for an additional 38 units, but the applicant is requesting only an additional 37 units, for a total of 146 units. The project will reserve 11 percent (12 units) of its pre-density bonus units as restricted affordable units available to Very Low Income households. The total maximum project height, excluding roof-top mechanicals and stair/elevator shafts, is 48'-7", which is a 35 percent increase allowed in lieu of the 36 feet height limit in the Valley Village Specific Plan area. The project will provide 266 parking spaces.

The subject property is located at 11933 Magnolia Boulevard. The project involves two parcels- Lot 4 (APN 2348009026) and Lot 1 (APN 2348009031)- which total approximately 59,450 square feet in gross area, with dimensions of 200 feet by 300 feet. The site is located in the North Hollywood-Valley Village Community Plan Area. The subject lots are zoned R3-1 and R4-1 with a General Plan Land Use Designation of Medium Residential and High Medium Residential.

### DENSITY BONUS COMPLIANCE FINDINGS

**1. The project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program.**

As conditioned by this approval, the subject project complies with all applicable provisions of State Density Bonus Program (SB 1818). The project qualifies for a 35 percent density bonus for the following reasons: 11 percent of its pre-density bonus units are set aside for Very Low Income residents. The set aside units automatically allow the applicant to qualify for increases in density. In addition, since the project sets aside 11 percent of its pre-density bonus units for Very Low Income occupants, the applicant qualifies for incentives from a specified menu of zoning concessions, as described below.

**A. Density** The subject property consists of two lots which are zoned R3-1 and R4-1. The approximate 59,450 square foot lots permits 109 "by right" units. The State Density Bonus Program, however, allows a 35 percent density bonus, since the applicant is providing 11 percent of the pre-density units as restricted Very Low Income units. Therefore, the applicant would be permitted to build up to 38 additional units, however, the applicant is only asking for 37 additional units. The proposed project is within this permitted density.

**B. Incentive/Concession:**

- **Height** Projects which set aside 11 percent of pre-density bonus residential units as restricted affordable units for Very Low Income households qualify for a height deviation equal to the percentage of density bonus for which the project is eligible, except for a project on a residentially zoned parcel, which abuts, or is across the street or alley from, R1 or more restrictively zoned properties

The height incentive is granted for this project. The project is eligible for an increase in height of 12 feet, 7 inches above the 36 foot height limit.

Based on a Shade and Shadow Study conducted by a consultant, it is confirmed that the project with the additional height does not shade the roofs of any of the main multi-unit building to the north at any time during the year. The roofs of the multi-unit buildings to the east and west are not shaded by the proposed project for more than three hours on the Winter Solstice (between 9 a.m. to 3 p.m.) nor are they shaded for more than four hours on the Vernal Equinox, Autumnal Equinox or Summer Solstice (between 8 a.m. to 4 p.m.) which is less than the significant threshold outlined in the CEQA Shading Guidelines. This is self evident from the fact that the shading of these properties either stops or starts near Noon.

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.**

In compliance with requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV-2008-1179-MND) in accordance with the City of Los Angeles CEQA guidelines. Conditions are imposed as mitigation measures for environmental impacts pursuant to this grant and/or the project's Mitigated Negative Declaration attached to the subject case file.

#### **VALLEY VILLAGE SPECIFIC PLAN APPROVAL FINDINGS**

Based on a review of the plans dated 3/10/2009 of the administrative file DIR 2008-1178-DB-SPP, and as modified by the conditions contained herein, the Director of Planning makes the following findings in accordance with L.A.M.C. Section 11.5.7C 2 of the Los Angeles Municipal Code.

1. **Does the project substantially comply with the applicable regulations, standards and provisions of the Valley Village Specific Plan?**

The proposed project complies with all applicable development requirements (regulations, standards, and provisions) of the Valley Village Specific Plan, as follows:

- a. Uses.

The site has a land use designation of High Medium Residential and Medium Residential and zoned R3-1 and R4-1. The approved Project is a permitted use within the Valley Village Community Plan.

- b. Lighting.

Lighting is required to be low-illumination and shielded, so as not to intrude on the adjacent properties. All walkways will have decorative stamped concrete and the enclosed stairwells projecting above the roofline will include decorative architectural features to match the existing building design.

- c. Height.

The project is not to exceed 48'-7" in building height as permitted by Senate Bill 1818. The building is permitted to exceed the 48'-7" feet height for exceptions as specified in Section 12.21.1 of the LAMC including the stair tower and elevator or other roof projections as allowed. All rooftop mechanical equipment, such as HVAC's, will be fully screened behind a parapet wall or otherwise not a visible roofline projection.

d. Open Space.

To provide adequate open space in multi-family projects, the Specific Plan requires a minimum of 100 square feet per units. The conditionally approved project is providing 14,829 square feet of open space.

e. Parking.

The project will provide at minimum total of 266 parking spaces.

f. Landscape.

To assure that the proposed condominium project is compatible with the general existing character of the Valley Village area, landscaping (i.e. landscaping & irrigation plans) conditions have been included to be consistent with the design standards defined in the Specific Plan. The total landscaped area being provided for this development is 7,482 square feet, which is more than the 50% required landscaping of all open areas.

g. Public Right-Of-Way Improvements.

All street improvements such as street trees, sidewalk, driveway cuts, roadway and alley improvement (if applicable) shall be to the satisfaction of the Department of Public Works, Bureau of Engineering, Bureau of Street Lighting, and Bureau of Street Services (Street Tree Division, Street Maintenance Division).

**2. Does the project incorporate 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?**

On November 14, 2007, the project was issued a mitigated negative declaration ENV-2008-1179-MND, of which conditions to mitigate potential impacts have been included herein this document (under C. Environmental Conditions) in addition to conditions added per the Specific Plan under B. Conditions of Approval.