

LOS ANGELES CITY PLANNING DEPARTMENT

RECOMMENDATION REPORT

CITY PLANNING COMMISSION

DATE: **July 27, 2006**
TIME: **after 8:30 a.m.***
PLACE: **Van Nuys City Hall (New Location)**
14410 Sylvan Street
Room 201, Council Chambers
Van Nuys, California 91401

PUBLIC HEARING completed June 1, 2006
Action is appealable
Expiration date: July 27, 2006

CASE NO. CPC 2004-7122-SPE-SPPA-SPP-SPR
Specific Plan Exception, Project Permit Adjustment,
Project Permit Compliance, Site Plan Review
Findings
CEQA: ENV 2004-7123-MND
Location: 15214-15222 Ventura Boulevard
Council District: 5
Plan Area: Sherman Oaks-Studio City-Toluca Lake-
Cahuenga Pass
Neighborhood Council: Sherman Oaks
Plan Land Use: Regional Center Commercial
Zone: C2-2
District Map: 168B145
Legal Description: Lots 539 & 540, Tract TR 5822

- REQUEST:**
1. Pursuant to Section 11.5.7.F of the Municipal Code, a **Specific Plan Exception** from Section 6.B.4 of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance Numbers 166,560, 171,240 and 174,052) to permit a floor area ratio of approximately 3.6:1 in lieu of the maximum 1.5:1 permitted for projects within the Regional Commercial plan designation east of the San Diego Freeway;
 2. Pursuant to Section 11.5.7.E of the Municipal Code, a **Specific Plan Project Permit Adjustment** from the following Sections of the Ventura/Cahuenga Boulevard Corridor Specific Plan:
 - a. Section 7.E.1(b)(4) to permit a maximum height of 82 feet, 5 inches, including roof top projections in lieu of the maximum 75 feet permitted;
 - b. Section 7.B.1 to permit 82% lot coverage in-lieu of the maximum 75 percent of the lot area permitted;
 3. Pursuant to Section 11.5.7.C of the Municipal Code, a **Project Permit Compliance** with the Ventura/Cahuenga Boulevard Corridor Specific Plan;
 4. Pursuant to Section 16.05 of the Municipal Code, **Site Plan Review** findings for projects which result in an increase of 50 or more dwelling units.

PROJECT: Construction of a **Mixed Use Project**, having a total of approximately 75,000 square feet of floor area, including approximately 70,410 square feet of residential uses composed of 50 condominium units above approximately 4,590 square feet of ground level commercial/retail uses. The mixed use development will be six stories with a 75 foot high building and 7 feet 5 inches for rooftop projections for a total of 82 feet, 5 inches in height, with five levels of residential units above one level of ground floor commercial uses. The proposed project will provide a total of 133 parking spaces, including 115 spaces dedicated for the residential occupants and guests, and 18 spaces for the commercial/retail uses, in the C2-2 Zone.

APPLICANT: Kevin McDonnell, Esq., Jeffer, Mangels, Buttler & Marmaro LLP

RECOMMENDATION:

1. **Approve** pursuant to Section 11.5.7 F of the Municipal Code, an **Exception** from Section 6.B.4 of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052) to permit a floor area ratio of approximately 3.6:1 in lieu of the maximum 1.5:1 permitted for projects within the Regional Commercial plan designation east of the San Diego Freeway, subject to the attached conditions of approval:
2. **Approve a Specific Plan Project Permit Adjustment** from the following Sections of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052): Section 7.E.1(b)(4) to permit a maximum height of

82 feet, 5 inches, including roof top projections in lieu of the maximum 75 feet permitted; b. Section 7.B.1 to permit 82% lot coverage in-lieu of the maximum 75 percent of the lot area permitted, subject to the attached conditions of approval.

3. **Approve** pursuant to Section 11.5.7 C of the Municipal Code, a **Project Permit Compliance** with the Ventura/Cahuenga Boulevard Corridor Specific Plan, subject to the attached conditions of approval.
4. **Approve** the Site Plan Review Findings.
5. **Adopt** the attached Findings.
6. **Approve** and **adopt** the proposed Mitigated Negative Declaration 2004-7123-MND, dated October 27, 2005, as the project will not have a significant impact on the environment.
7. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that any mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
8. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. Gail Goldberg
Director of Planning

Dan Scott, Principal City Planner

Madhu Kumar, Hearing Officer
(213) 978-1162

Attachments

Conditions
Findings
Staff Report
Exhibit A: Vicinity Map
Exhibit B: Radius Map
Exhibit C: Site Plan
Exhibit D: ENV-2004-7123-MND

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 *South Valley Area Planning Commission Secretariat, 200 North Spring Street, Room 532, 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 to 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 its 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 South Valley Area Planning Commission Secretariat at (213) 978-1300.

Conditions of Approvals

A. Entitlement Conditions

1. **Plans.** The development of the Project shall be in substantial conformance with the site plan and elevations, labeled Exhibit "C", dated July 27, 2006, attached to the file. Deviations may be allowed in order to comply with provisions of the Municipal Code or as granted in this approval, the subject conditions.
2. **Use:** Use of the property shall be limited to the use and area provisions of the C2-2 zone, with density limited to a maximum of 50 residential condominium units, and 1 commercial condominium unit.
3. **Floor Area.** The building's total floor area shall not exceed 3.6:1 in-lieu of the maximum 1.5:1 permitted by the Ventura/Cahuenga Boulevard Specific Plan. (This is a **Specific Plan Exception** to Section 6.B.4 of the Ventura/Cahuenga Boulevard Specific Plan).
4. **Height.** The building shall not exceed a height of 82 feet and 5 inches, as defined in Section 12.21.1 of the Municipal Code. (This is a **Specific Plan Adjustment** to Section 7. E. 1 (b)(4) of the Ventura/Cahuenga Boulevard Specific Plan).
5. **Lot Coverage.** The project shall be permitted a 82 percent lot coverage in-lieu of the maximum 75 percent of the lot area permitted by the Ventura/Cahuenga Boulevard Specific Plan.. (This is a **Specific Plan Adjustment** to Section 7. B.1 of the Ventura/Cahuenga Boulevard Specific Plan).
6. **Parking.** The Project shall provide a total of 133 parking spaces, including 115 spaces for the residential occupants and guests, and 18 spaces for the commercial/residential uses.
7. **Specific Plan Compliance.** Notwithstanding the Specific Plan Exception and Adjustments issued as part of this grant, the proposed project shall adhere to the standards of the Ventura/Cahuenga Boulevard Specific Plan.
8. **Public right-of-way improvements:** The project shall be in substantial compliance with the Streetscape provisions of Section 14 of the Ventura-Cahuenga Boulevard Corridor Specific Plan and the adopted Streetscape program (adopted by the City Planning Commission on May 23, 2002).
9. **Plan (parking area/driveway):** A parking area and driveway plan shall be provided to the satisfaction of the Planning Department, District Office of the Bureau of Engineering and Department of Transportation. The applicant/developer shall install a center median on Ventura Boulevard at the project's driveway, and the design of the center median, which may include restriping and sign installation shall be subject to DOT modifications and approval. The cost of design and installation of the center median shall be borne by the applicant/developer.
10. **Transportation/ PIA Fee.** Prior to obtaining a building permit, the project is required to obtain Department of Transportation (DOT) clearance. The project shall comply with all dedications and mitigation measures required by the Bureau of Engineering as specified in a letter dated January 18,

2005 to Dan O'Donnell, City Planner, attached to the administrative file. A "Project Impact Assessment" (PIA) fee may be required to be 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. As conditioned herein, the applicant is required to comply with Department of Transportation clearance and compliance with the Specific Plan.

11. **Signs.** Project signs shall comply with regulations established in Section 8 of the Ventura- Cahuenga Boulevard Corridor Specific Plan. Prior to issuance of sign permits, plans clearly identifying the design of proposed and existing signage including letter fonts, size and color scheme for the subject site shall be prepared in accordance with the Ventura- Cahuenga Boulevard Corridor Specific Plan to the satisfaction of the Planning Department.
12. **Exterior Building Materials.** Prior to issuance of building permits, revised building elevations, shall be provided (at a scale of 1/8" = 1 ') showing building height, architectural forms and detailing, type of exterior materials, and general color scheme to the satisfaction of the Planning Department. Samples of exterior building materials and/or sign construction materials, photographic renderings, view analysis, three-dimensional models and other information shall be provided as required by the Planning Department.

B. Environmental Conditions

13. **Landscape Plan.** 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 consistent with the landscape provisions of Sections 12.40 through 12.43 of the Municipal Code by a licensed landscape architect to the satisfaction of the Planning Department.
14. **Aesthetics (Graffiti).** The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs.
15. **Underground Powerlines.** The applicant shall place the existing overhead power lines located along the eastern boundary of the site underground and shall relocate the existing transformer.
16. **Light.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
17. **Aesthetics (Glare Onto Adjacent Residential):** The exterior of the proposed building shall be constructed of materials, such as high-performance, tinted, non-reflective glass and pre-cast concrete or fabricated wall surfaces.
18. **Wall and Landscaped Buffer.** A 6-foot high solid decorative masonry wall shall be constructed along the property line adjacent to any residential use, if no such wall exists. This wall shall contain along its

length, a minimum 5-foot wide landscaped buffer pursuant to a landscape plan prepared by a licensed Landscape Architect.

19. **Noise (Residential).**

- a. All exterior windows having a line of sight from Hollywood (US-101) Freeway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto.
- b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

20. **Air Pollution (Stationary):** The applicant shall install air filtration system(s) to reduce the diminished air quality effects on occupants of the project.

21. **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.

22. **Tree Placement** (Ventura-Cahuenga Boulevard Corridor Specific Plan and Design Guidelines). The project shall conform to: (1) All the applicable regulations established in Ventura-Cahuenga Boulevard Corridor Specific Plan; and (2) the May 2002 draft of the "Proposed Streetscape and Design Guidelines for the Community of Sherman Oaks.

23. **Construction (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.
- b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, 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 the generation of excessive amounts of dust.
- e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

24. **Construction (Noise).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- a. Construction 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 activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
 - 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, to insure an acceptable interior noise environment.
25. **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 and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
 - b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
 - c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
 - d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
 - e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
 - f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.
26. **Stormwater and Urban Runoff Pollution Control.** The project shall comply with the following:
- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
 - b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.
 - c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles

Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).

- d. Applicable requirements associated with the National Pollutant Discharge Elimination System Permit regulations. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to the issuance of any building or grading permits. A General Permit for Stormwater Discharge shall be obtained from the Southern California Regional Water Quality Board, in accordance with NOI instructions.
- e. Stormwater BMPs shall be incorporated to retain or treat 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 shall be required from a California licensed civil engineer or licensed architect that the proposed BMPs comply with this numerical threshold standard.
- f. A Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation, that shall include the following:
 - 1) Identifies the sources of sediments and other pollutants that affect the quality of storm water discharge;
 - 2) A monitoring program and reporting plan for the construction period.The Stormwater Pollution Prevention Plan shall be retained at the construction site.
- g. Appropriate erosion control and drainage devices shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code.
- h. Any connection to the sanitary sewer shall be required to receive authorization by the Bureau of Sanitation.
- i. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- j. The owner shall record a covenant and agreement satisfactory to the Department of City Planning 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.
- k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.

27. Hazards and Hazardous Materials

Prior to the issuance of the Certificate of Occupancy the applicant shall provide a letter from the Fire

Department stating that the agency has been permitted the facility's use, storage, and creation of hazardous substances.

The applicant shall submit for approval hazardous materials treatment and disposal plans to the City Planning Department and the Department of Public Works.

28. **Archaeology.** If any archaeological materials are encountered during the course of the project development, the project shall be halted. The services of an archaeologist shall be secured by contacting the South Central Coastal Information Center, California Historical Resources Information System, California State University at Fullerton, Department of Anthropology (714-278-5395 or 714-278-3626), OR a member of the Society of Professional Archaeologist (SOPA), OR a SOPA-qualified archaeologist to assess the resources and evaluate the impact. Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center. A covenant and agreement shall be recorded prior to obtaining a grading permit.
29. **Cultural Resources (Paleontological):** If any paleontological materials are encountered during the course of the project development, the project shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum. A covenant and agreement shall be recorded prior to obtaining a grading permit.
30. **Liquefaction.** A geotechnical report shall be prepared by a registered civil engineer or certified engineering geologist in compliance with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. 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 consider building design. Building design mitigation measures should consider, but not be limited to: ground stabilization, foundation type and depths, and structural systems to accommodate anticipated displacements.
31. **Subsidence.** Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the Department of Building and Safety for approval.
32. **Expansive Soils.** Prior to the issuance of building or grading permits, the applicant shall submit a Geotechnical report prepared by a registered civil engineer or certified engineering geologist to the Department of Building and Safety for approval.
33. **Emergency Evacuation Plan.** The developer shall submit an emergency response plan for approval by the Department of City Planning and the Fire Department. The emergency response plan shall include but not be limited to the following: (a) mapping of emergency exits; (b) evacuation routes for vehicles and pedestrians; (c) location of nearest hospitals; and (d) fire departments.
34. **Parking Structure Ramps.** Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
35. **Local or Regional Water Supplies.** 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). If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.

C. Other Conditions

36. **Posting of Construction Activities.** The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
37. **Construction-related Parking.** Off-street parking shall be provided for all construction-related parking generated by employees of the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owners base of operations.
38. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period.
39. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
40. **Dust Walls.** Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the property line between the site and adjoining residential lot and the school as necessary to preclude dust dispersion from the project site to adjacent properties. The walls shall be in place during any time period when grading is being conducted within 100 feet of any occupied residence or the school on said adjoining lots.

D. Administrative Conditions:

41. **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.
42. **Code compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except as such regulations are herein specifically varied or required.
43. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The

agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department.

44. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendments to any legislation.
45. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
46. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
47. **Term of Grant.** This Specific Plan Exception, Specific Plan Adjustment, and Project Permit Compliance shall be valid for a period of two years from the effective date of the grant. Prior to the expiration of the time period to utilize the grant, the applicant can file a written request to extend the termination period for up to one additional year. Thereafter, the permit shall be deemed terminated and the property owner shall be required to secure a new permit to continue the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.
48. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard to 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 opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
49. **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

1. **General Plan Land Use Designation.** The Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan was adopted by City Council on May 13, 1998 (CPC Case No. 95-0356 CPU). The Plan designates the subject property for Regional Center Commercial with corresponding zones of C2, C4, RAS3, RAS4, P and PB Zones in Height District Two (unlimited building height) and allowing an FAR of 6:1. The property is also located within the Ventura/Cahuenga Boulevard Corridor Specific Plan area.
2. **Ventura/Cahuenga Boulevard Corridor Specific Plan.** The Ventura/Cahuenga Boulevard Corridor Specific Plan, amended by Ordinance No 174,052, effective August 18, 2001, identifies the following relevant objectives :
 - A. To provide building and site design guidelines to promote attractive and harmonious multi-family and commercial development.
 - B. To assure a balance of commercial land uses in the Specific Plan area that will address the needs of the surrounding communities and greater regional area.
 - A. To provide a compatible and harmonious relationship between residential and commercial development where commercial areas are contiguous to residential neighborhoods.
 - B. To preserve and enhance community aesthetics by establishing coordinated and comprehensive standards for sign, buffering, setbacks, lot coverage, and landscaping.

PROJECT DESCRIPTION.

The subject property, vacant since 1994, consists of two lots approximately 60 feet wide by 175 feet deep, together comprising approximately 21,000 square feet of land area. The proposed project consists of the construction of a new "Mixed-Use" building comprised of ground floor commercial/retail beneath five stories of residential condominiums and above 2 levels of subterranean parking. The Project consists of approximately 75,000 square feet of combined floor area.

A single commercial condominium unit of approximately 4,590 square feet is dedicated to Pedestrian Serving Uses (i.e., commercial retail) on the first floor. The remaining floor area of approximately 70,410 square feet will house 50 two bedroom, two and one-half bath residential condominium units. These uses are permitted as a matter of right in the C2 Zone and by the Specific Plan. The Project is 75 feet high, as permitted by the Specific Plan, not including rooftop projections housing elevator shafts and similar equipment not to exceed 82.5 feet total.

The project will provide a total of 133 parking spaces, including 115 spaces for the condominium residents and guests, and 18 spaces for the commercial/retail uses at street level adjoining the commercial space.

3. Specific Plan Exception Findings. Pursuant to Section 11.5.7.F of the Municipal Code, a Specific Plan Exception from Section 6.B.4 of the Ventura/Cahuenga Boulevard Corridor Specific Plan to permit a floor area ratio of approximately 3.6:1 in lieu of the maximum 1.5:1 permitted for projects within the Regional Commercial plan designation east of the San Diego Freeway.

- a. **The strict application of the policies, standards and regulations of the specific plan to the subject property WILL result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the plan in that:**

One of the purposes of limiting Floor Area Ratio (FAR) is to limit the massing of buildings within the corridor and to limit the environmental impacts due to shadowing. The Specific Plan seeks to avoid the development of large, tall buildings that are inconsistent with the surrounding older, smaller, single and double level structures that dominate the corridor.

In the instant case, such a condition is not present; the Property is located just east of the Regional Commercial Center in Sherman Oaks near the intersection of Sepulveda Boulevard and Ventura Boulevard. This intersection is dominated by large office towers, parking structures and an open air retail mall (the Sherman Oaks Galleria), all of which are built to FARs well in excess of 1.5:1. As a result, rather than create an aberration, inconsistent with its surroundings, the Project would integrate well with existing structures and, given its substantially lower height as compared to the buildings immediately west of the Property (i.e., the large office towers on the southeast corner of Ventura Boulevard and Sepulveda Boulevard), would act as a reasonable transition from the Regional Commercial Center high-rises to the main corridor's mid-rises on Ventura Boulevard.

Another objective of limiting FAR in general, and the primary objective with respect to the Specific Plan, is to limit the overall floor area of new buildings in order to mitigate the associated traffic impacts that might result from increased user density. There are several reasons why a strict application of the FAR limitation would not achieve this objective. First, the existing C2 Zone permits a density of 52 residential units on the property as a matter of right. Thus, the application of the FAR limitation does not impact the permitted density, but rather the size of the building and, as a result, the size of the units to be built. The requested Exception will permit the development of larger, more desirable and more appealing ownership units that will benefit and enhance the surrounding community without increasing density.

Second, the FAR limits contemplated in the Specific Plan were designed as limits for commercial structures – large office and retail buildings that serve many users and generate many trips. The Project is a mixed-use building with the residential component as its primary use. As demonstrated by a professionally prepared traffic study, traffic impacts from the Project uses are substantially less than from commercial uses allowed as a matter of right.

Third, given the Property's proximity to the Regional Commercial Center at the Ventura Boulevard and Sepulveda Boulevard intersection, it is likely that some of the residential

users of the Project will be employed by many of the businesses housed in the surrounding office buildings. These users will choose to live, work and play (e.g., movie theatres, fitness center, restaurants, grocery shopping) all within walking distance, thus substantially mitigating the traffic impacts of the Project by generating fewer actual vehicle trips than assumed for typical residential use and perhaps even mitigating the existing traffic situation in the surrounding area.

Lastly, the Project's retail component will itself serve to further amplify the pedestrian serving nature of the surrounding area and the Project. This will contribute to the reduction in traffic impacts throughout this section of the corridor by providing goods and services to other offsite individuals within walking distance. Traffic impacts are studied in more detail in the comprehensive traffic study and report prepared by Overland Traffic Consultants Inc.

Strict compliance with the Specific Plan's FAR limitation, in this case, creates unnecessary hardships that are inconsistent with the Specific Plan's objectives. The Project succeeds in meeting the goals of the Specific Plan and the FAR limitation.

- b. There ARE EXCEPTIONAL CIRCUMSTANCES or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the Specific Plan area in that:**

The innovative combination of commercial and residential condominiums along the Ventura Boulevard corridor is an exceptional circumstance involving the intended use and development of the Property that does not apply generally to other property in the Specific Plan area because mixed use residential projects were not contemplated by the Specific Plan and no other property in the vicinity is developed with mixed residential use.

In order to comply with the FAR limitation of 1.5:1, the residential floor area would have to be reduced to the point where it could not make a realistic contribution to the housing needs of the community and is, thus, inconsistent with the purpose of the Specific Plan. The commercial floor area cannot be significantly reduced without running afoul of the requirements for a viable pedestrian serving use. Furthermore, the current configuration of the commercial-retail space provides for frontage and pedestrian access for 78% of the frontage, thus enhancing access and appeal for pedestrian uses and traffic, as required by the Specific Plan.

The Specific Plan's FAR limitations are more applicable for commercial uses than a mixed-use project. However, they are permitted by the Zoning Code and specifically, in the C2 Zone. Thus, while the surrounding properties in the Specific Plan area are overwhelmingly commercial uses, the mixed-use proposed here is exceptional and would be unnecessarily burdened by a strict application of the Specific Plan's FAR limitation.

- c. The requested exception is NECESSARY for the preservation and enjoyment of a substantial property right within the Specific Plan area in that:**

There exists a substantial right to develop real property with land uses that are allowed by the underlying zoning and which are responsive to the needs of the community. Multi-family residential and commercial land uses are allowed as a matter of right in the C2 zone. The special requirements and restrictions of the Specific Plan, as applied in this case present obstacles to the enjoyment of the right to develop and use the property in ways otherwise allowed as a matter of right and which do not conflict with the global objectives of the Specific Plan.

While other commercially zoned properties in the immediate vicinity are permitted to be developed to their full potential, the Specific Plan's FAR limitation (a limitation not intended to limit residential density) creates practical difficulties and unnecessary hardships to developing the property to its full potential. Applying the Specific Plan's FAR limitation to the Project would not result in any added benefits to the Community or further the goals of the Specific Plan; it would, however, unnecessarily burden and diminish the quality of the Project.

As set forth above, the objectives of the Specific Plan and of the FAR limitation are preserved and furthered by the Project and the requested exception. The Project will blend into the surrounding high-rise structures that dominate the Sherman Oaks Regional Commercial Center. The Project is consistent with good planning practices and will benefit the community by acting as a transition from the Regional Commercial Center to the general corridor.

In addition, the Project and requested exception are within the permitted density, and will enable the development of larger and much needed housing units, and will substantially complement surrounding uses by engendering the creation of a live-work-play zone within the Sherman Oaks Regional Commercial Center. Rather than increase traffic impacts with the construction of additional commercial office space, the Project will mitigate possible traffic impacts through residential use and may actually reduce traffic on this part of the corridor by encouraging pedestrian uses and a pedestrian lifestyle within the Sherman Oaks Regional Commercial Center. For these reasons, the requested exception is not detrimental to the public welfare nor injurious to nearby property.

d. The granting of the exception IS CONSISTENT with the principles, intent and goals of the Specific Plan in that:

The community plan designation for the Property is Regional Commercial Center corresponding to the C2, C4, RAS3, RAS4, P and PB Zones in Height District Two (unlimited building height) and allowing an FAR of 6:1. Under the Regional Commercial Center designation, Height District Two allows buildings of unlimited height in the commercial zones, including the C2 Zone. The requested FAR is also well within the FAR of 6:1 allowed by the designation. Thus, granting the exception is entirely consistent with the General Plan.

Granting the exception is, likewise, entirely consistent with the principles and intent of the Specific Plan by allowing use, height, and density within the intended limits of both the Specific Plan and the underlying zone. Further, the goals of the Specific Plan are advanced by allowing for a use that will further the pedestrian orientation of the corridor

and will not adversely impact traffic along the corridor.

The Specific Plan establishes a variety of development and design requirements in order to enhance the visual character of the area and mitigate potential impacts that a development may have on an area. Notwithstanding the requested exceptions, the proposed project will adhere to the standards of the Specific Plan. The exceptions being requested will not be contrary to the intent of the Specific Plan and will help promote commercial investment into the area.

4. Specific Plan Project Permit Adjustment Findings

Pursuant to Municipal Code Section 11.5.7.E. an Adjustment from the following Sections of the Ventura/Cahuenga Boulevard Corridor Specific Plan:

- a. Section 7.E.1(b)(4) to permit a maximum height of 82 feet, 5 inches, including roof top projections in lieu of the maximum 75 feet permitted;
- b. Section 7.B.1 to permit 82% lot coverage in-lieu of the maximum 75 percent of the lot area permitted;

Height Limit: Under the Specific Plan, the Project height limit is 75 feet. The Project is consistent with the limitation with the exception of certain rooftop projections that are necessary to the proper functioning of the building such as mechanical structures for HVAC, an elevator shaft and stairway access. All such structures are within 10% of the allowable building height, i.e., the rooftop structures will not extend more than 7.5 feet above the roof surface. As such, in accordance with LAMC § 11.5.7.E, the Director of Planning may grant a Project Permit Adjustment for minor adjustments from certain Specific Plan regulations. In accordance with LAMC § 11.5.7.E.2.(a), such adjustments may be granted for projects which exceed the designated height limitation on the property involved by less than ten percent. Such is the case in this instance.

Lot Coverage: The Specific Plan permits Lot Coverage of 75%. The requested Adjustment is to allow lot coverage to exceed the limit by no more than 10%, i.e., 82.5% maximum. The Project is designed with approximately 7,041 sq. ft. of retail, storage and common area structures on the ground level. This is equivalent to 34% Lot Coverage. The remainder of ground level space is used for parking purposes and a pedestrian oriented colonnade open to the public. Above the ground level is a podium deck that covers much of the lot and that serves as the floor for the residential structure. The podium deck is setback 5 feet in the front along Ventura Boulevard, 20 feet in the rear and 8 feet on both the east and west sides of the Property. In addition, the podium deck contains a light court that is open to sky and runs through the deck to illuminate the ground floor uses below. This light court is approximately 1,125 sq. ft. The podium covers approximately 14,995 sq. ft. or 71% of the lot.

An Adjustment to the Lot Coverage limitation is necessary although the Project's individual floor plates are clearly below the 75% threshold. When viewed from above, the podium deck and the retail, storage and common area overlap (specifically along the western border of the Property) in such a manner as to create the impression that the total lot coverage is greater than 75%. Even the overlapping configuration when viewed as a single plane from above will not have a lot coverage greater than 82.5%. In accordance with LAMC § 11.5.7 F 2, the Area Planning Commission or the City Planning

Commission may permit adjustments to the Specific Plan upon the making of particular findings.

a. There are Special Circumstances Applicable to the Project or Project Site which make the Strict Application of the Specific Plan Regulations(s) Impractical.

Height Limit: One of the purposes of limiting building height within the Specific Plan area is to limit the overall size of commercial structures built on Ventura Boulevard. By limiting building height a "canyonization" effect can be avoided. Also, by limiting height and therefore the size of structures, the Specific Plan seeks to mitigate the traffic impacts of commercial development on the surrounding area. In the case here, the Project does not seek additional height for the purpose of additional massing, density, floor area or enlarging commercial uses. The building itself is within the 75 foot height limit imposed by the Specific Plan. This request is to allow for mechanical structures such as a mechanical room or HVAC units on the roof, in addition to an elevator shaft and stairwells to allow residents of the Project access to the rooftop patio common areas. The common areas serve as required open space under the LAMC and common areas are encouraged under the code in order to promote community gatherings.

Strict compliance with the building height limitation in this case is impractical because, as a residential project requiring open space to be provided at the roof level, access cannot be achieved without projecting stair shafts and elevator shafts above the roof surface.

Approval of the proposed Adjustment will have no impact on the underlying traffic generated by the Project and therefore will do nothing to impede the goals of the Specific Plan. Instead, such an Adjustment will allow the residents of the Project to enjoy rooftop patios and larger living units because mechanical structures will be placed on the roof, rather than inside living units.

Lot Coverage: One of the purposes of limiting lot coverage is to preserve open space. The Specific Plan seeks to avoid the development of buildings that encompass the entire lot at the expense of landscaping and open areas. Rather, the Specific Plan encourages structures that can incorporate open areas within the architecture to create a harmonious interaction between building and environment. In the instant case, the Project achieves this goal by providing more open space than required. Under the Specific Plan's Lot Coverage limitation a minimum of 25% of lot area is to be used for open space. The Project provides 30% of the lot or about 6,300 square feet of landscaping, open walkways and patios for residential and public use. Thus, the general purpose and intent of the Specific Plan are achieved.

Another important goal in limiting lot coverage is to ensure adequate drainage. The concern of lack of drainage due to the massing or bulking of a structure is not appropriate because, two-thirds (66%) of the ground level is used for parking and pedestrian oriented uses and a total of 25 feet of the lot width (in the front and the rear) are open to the sky from the ground level. In addition, 8 feet over the entire length of the eastern side of the lot (1,400 square feet) is also open to the sky to allow for drainage. Thus, there is sufficient available area to provide adequate drainage.

Lastly, lot coverage limitations also seek to ensure that there is an opportunity to provide sufficient on-grade parking for commercial uses - the very uses the Specific Plan

contemplates. Here, because only 34% of the lot at grade level is used for structures, the Project is able to provide all required 18 commercial parking spaces on grade.

A strict application of the lot coverage limitation would severely limit the availability of on-grade parking, the amount of pedestrian oriented uses and the viability of commercial space on Ventura Boulevard. The Project has been designed to maximize parking, pedestrian oriented uses, landscape area and viable retail space on the ground floor. This configuration was achieved through over twelve months of consultation with the Specific Plan Design Advisory Committee, and the Sherman Oaks Neighborhood Council. It has produced a Project which only nominally exceeds the lot coverage limitation and only due to the unique configuration and overlapping of the residential podium deck above the ground floor.

b. In Granting the Project Permit Adjustment, the Director Has Imposed Project Requirements and/or Decided that the Proposed Project will Substantially Comply with all Applicable Specific Plan Regulations.

The Project is in compliance with all Specific Plan regulations (i.e., density, setbacks, landscaping, pedestrian oriented access, etc.) with the exception of the subject requests.

All said requests are mitigated by their relationship to the goals of the Specific Plan, of which the primary goal is the reduction of traffic created by new commercial development on Ventura Boulevard. Because the Project is primarily residential in nature, the traffic impacts created by the Project are below those projected for a by-right commercial project on the Property. The relationship between the Specific Plan, traffic impacts, and commercial development on Ventura Boulevard highlights the limitations of the current plan in successfully managing residential development which was not contemplated when the Specific Plan was drafted and enacted. As a result, complete compliance with all Specific Plan regulations is impractical for residential development because said regulations when applied without exception render residential development unviable in the Specific Plan area.

Therefore, an absolute application of the Specific Plan in all instances and for all projects, would actually create incentives for commercial development which would create the very traffic impacts that the Specific Plan seeks to avoid. However, it is this configuration which enables the Project to provide open space and landscaping in excess of the Specific Plan's requirements, while at the same time maintaining mandated disparate commercial setbacks (which are minimal) and residential setbacks (which are greater).

c. In Granting the Project Permit Adjustment, the Director Has Considered and Found No Detrimental Effects of the Adjustment on Surrounding Properties and Public Rights-Of-Way.

Height Limit: Granting the requested Adjustments would in no way detrimentally impact the surrounding properties or the public rights-of-way. The existence of traditionally permitted rooftop projections such as those described above do not create any material conflicts with the Project structure, the residents that would reside in the Project building nor those occupying the surrounding properties. Additional shading or other environmental impacts that might implicate the surrounding properties are not increased

by the presence of the minor rooftop projections required to make the Project more practical and feasible.

The Specific Plan was primarily conceived to regulate the development of commercial buildings along the Ventura - Cahuenga Corridor. Here, the Project is a mixed-use (residential - commercial) structure primarily composed of luxury residential ownership units, i.e., condominiums. This Project would be among the first of its kind in the Specific Plan area. Not surprisingly, since a residential project of this type is not directly addressed within the Specific Plan, certain design features must be addressed by these requests for adjustment. However, the mixed-use nature of the Project, coupled with its innovative design actually protects the Specific Plan's goals.

The requested height Adjustment does not impact the public rights-of-way because it is on the roof and creates no additional shading than what would otherwise be the case with a by-right project.

The proposed Project is consistent with the scale and character of the existing neighborhood in terms of height, location, and orientation of buildings to adjacent residentially zoned parcels and rear yard setbacks, and will not have a substantial adverse impact on any residence which is within 600 feet from the site of the proposed Project.

Lot Coverage: The lot coverage Adjustment is only necessary due to the overlapping floor plates at and above the street level and, because the actual lot coverage is well within the Specific Plan limits, the Adjustment will not be detrimental to the rights-of-way.

The ground floor plan responds positively to the challenges present due to the relatively narrow street frontage. Ease of ingress and egress to and from the public street is maximized by locating the driveway the maximum possible distance from the Sepulveda Boulevard intersection. The ground floor plan also prioritizes pedestrian access and circulation within the Property by emphasizing the pedestrian entrance lobby from the street and creating an interior courtyard characterized by the distribution of the storefronts through the depth of the lot rather than its width, thereby maximizing the retail exposure.

d. The Project Incorporates Mitigation Measures, Monitoring of 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.

The Project was issued a Mitigated Negative Declaration ("MND") in accordance with the California Environmental Quality Act ("CEQA"). The MND provides for mitigation measures and monitoring of those measures to mitigate any perceived environmental effects of the Project.

5. Project Permit Compliance for the Ventura/Cahuenga Corridor Specific Plan. Pursuant to Municipal Code Section 11.5.7.C.

a. Except as permitted by the approved exceptions, the project substantially complies

with the applicable regulations, standards and provisions of the specific plan.

The proposed project as conditioned herein, would comply with the applicable regulations, standards, and provisions of the Specific Plan.

The Specific Plan establishes a variety of development and design requirements in order to enhance the visual character of the area and mitigate any potential impacts. The proposed project will adhere to all the standards of the Specific Plan with a few exceptions. The Exception and Adjustments being requested will not be contrary to the intent of the Specific Plan, and if granted, will help promote other mixed-use residential/commercial investments into the area.

The Community Plan designates the subject property as Regional Center Commercial. By definition, Regional Centers are high-density places intended to serve as focal points of regional commerce, identity, and activity. They cater to many neighborhoods and communities and serve a population of 250,000 to 500,000 residents. They contain a diversity of uses, and typically provide a significant number of jobs and many non-work destinations that generate and attract a high number of vehicular trips.

Additionally, an Objective of the Community Plan is to locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities. As such, the subject project is in accord with the following policies:

1-2.1 Locate higher residential densities near commercial centers, rail transit stations and major bus routes where public services facilities, utilities and topography will accommodate this development; and

1-2.2 Encourage multiple residential development in commercial zones.

- b. *That 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.***

The project, as defined, would be in compliance with the conditions established in the Specific Plan provisions. The project will not have any significant environmental impacts as the mitigation measures identified in the proposed Mitigated Negative Declaration No. 2004-7123 have been included as conditions of approval.

6. Site Plan Review Findings for projects that result in an increase of 50 or more dwelling units.

- a. The Project Complies with All Applicable Provisions of the Los Angeles Municipal Code, Planning and Zoning Section and Any Application Specific Plan.**

The Project complies with applicable sections of the Los Angeles Municipal Code, Planning and Zoning Code and the Ventura-Cahuenga Boulevard Corridor Specific Plan

with respect to density, Height District Two, setbacks, parking and use.

A Vesting Tentative Tract Map for a 51-unit condominium subdivision (50 residential condominium units and one commercial condominium unit) was included as a part of the entitlements application, and was approved on June 8, 2006. Also included are requests for an Exception to the floor area ratio limitation and Adjustments to the lot coverage and building height limitations under the Specific Plan.

The Los Angeles Municipal Code, and the Ventura-Cahuenga Boulevard Corridor Specific Plan provide for approval of the requested entitlements upon making the requisite findings in the affirmative for each particular request. If approved, the Project complies with the Los Angeles Municipal Code.

b. The Project Is Consistent with the General Plan.

The General Plan land use designation for the Property is Regional Commercial Center corresponding to the C2, C4, RAS3, RAS4, P and PB Zones in Height District Two (unlimited building height) and allowing a floor area ratio of 6:1. The Property is located in the Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan Area of the City.

Height District Two, including the C2 Zone allows buildings of unlimited height in the commercial zones. Thus, the request for Adjustment of the building height limitations allowing for typical rooftop projections to extend above the Specific Plan height limitation by less than 10% is consistent with the General Plan.

Further, the requested floor area ratio is also within the allowable floor area ratio of 6:1 provided by the Height District Two designation. Thus, granting the Exception is also consistent with the General Plan.

Finally, the request for an Exception to exceed the lot coverage limitation by less than 10% of the allowable 75% does not conflict with any express lot coverage limitation contained in the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan.

c. The Project Is Consistent with Any Applicable Adopted Redevelopment Plan.

The Project is not located in an area subject to any adopted Redevelopment Plan.

d. The Project Consists of an Arrangement of Buildings and Structures (Including Height, Bulk and Setbacks), Off-street Parking Facilities, Load Areas, Lighting, Landscaping, Trash Collections, and Other Such Pertinent Improvements, Which Is or Will Be Compatible with Existing and Future Development on the Neighboring Properties.

As justified with the findings for Plan Exception and Adjustments the arrangement of the building on the Property maximizes the positive features of the lot's width to depth relationship, allows for all required parking serving the commercial use at the street level

to be provided at that level, and includes area suitable for trucks to access the Property for loading/unloading and trash pick-up. Further, the lighting and landscaping features of the Project are designed to maximize the retail shopping experience at the street level, as well as provide for open space enjoyment beyond that required by the Municipal Code for residential developments.

- e. **The Project Incorporates Feasible Mitigation Measures, Monitoring Measures When Necessary, or Alternatives Identified in the Environmental Review Which Would Substantially Lessen the Significant Environmental Effects of the Project, and/or Any Additional Findings as May Be Required by CEQA.**

The project will not have any significant environmental impacts as the mitigation measures identified in the proposed Mitigated Negative Declaration No. 2004-7123 have been include as conditions of approval.

- f. **Any Project Containing Residential Uses Provides its Residents with Appropriate Type and Placement of Recreational Facilities and Service Amenities in Order to Improve Habitability for the Residents and Minimize Impacts on Neighboring Properties Where Appropriate.**

The Project provides for both passive and active recreational uses for its residents by including open space on site in excess of that required by the Municipal Code for residential projects. Under the Specific Plan's Lot Coverage limitation a minimum of 25% of lot area is to be used for open space. Here, the Project provides 30% of the lot or about 6,300 square feet of landscaping, open walkways and patios for residential and public use.

The ground floor retail component of the Project provides the opportunity for the immediate availability of desirable services and commodities on site for the Project residents, reducing the number of vehicle trips to and from the Property by the residents seeking to find these services and commodities elsewhere. The pedestrian oriented arrangement of the ground floor retail further serves to attract pedestrians from Ventura Boulevard to enjoy these same amenities reducing traffic impacts on the surrounding neighborhood and providing additional needed retail services for the neighborhood in addition to the Project residents.

7. The **Transportation Element** of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvement of Ventura Boulevard will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.
8. **Environmental.** For the reasons set forth in Proposed ENV 2004-7123-MND, the project will not have a significant effect on the environment.
9. **Fish and Game.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

10. Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

STAFF REPORT

Subject Property

Existing Land Use: Vacant
Plan Land Use: Regional Center Commercial
Existing Zone: C2-1
Site Net Area: 21,000 square feet

Surrounding Land Use and Zoning

North: Across Ventura Boulevard, properties are designated Regional Center Commercial, and classified in the C2-2 zone, and improved with office buildings and a Cost Plus Market.

East & West: Adjoining properties are designated Regional Center Commercial, and classified in the C2-2 zone, and improved with office/commercial uses.

South: Adjoining properties are designated Low Medium Density Residential and classified in the RD1.5-1 zone, and improved with multiple family dwellings with frontage on Dickens Street.

Street Classification:

Ventura Boulevard: Major Highway- Class II, dedicated to a 100-foot width.

Relevant Cases:

No prior relevant cases.

REPORTS RECEIVED

A report was received from the Bureau of Engineering requiring street dedication and improvements.

SUMMARY OF PUBLIC HEARING AND COMMUNICATIONS

Hearing

A joint public hearing with the Advisory Agency on this matter was held on June 1, 2006, at the Marvin Braude San Fernando Valley Constituent Service Center, 6262 Van Nuys Boulevard.

The hearing was attended by approximately 8 individuals, including a representative from Council District 5.

Hearing

The applicant spoke in favor of the project, and stated that they had met with the Sherman Oaks Neighborhood Council, did community outreach before filing the application, and revised the

application based on this community input. Other than one person who opposed the project on grounds that it belonged on Wilshire Boulevard and not Ventura Boulevard, all the other speakers, primarily from the Sherman Oaks Neighborhood Council were in favor of the project. They said the applicant did extensive community outreach, was responsive to the community needs, and the result was an interactive project. A representative of Council District 5 stated that it was a collaborative process with the community, and that there was a need for this project in Sherman Oaks for a parcel that had been vacant for a long time, and added, that a Condition be added, that DOT approve a barrier for preventing left hand turns in and out of the project.

Communications received.

A letter in support of the project was received from the Sherman Oaks Neighborhood Council.

A letter in Opposition to the project was received from the "Homeowners of Encino" on grounds of adding traffic and congestion; adversely affecting the economic welfare of the community by adding to the crime and a decrease in value of single family homes; inadequate guest parking in the development with guests using the nearby residential streets; environmental impacts from the project cannot be mitigated; and finally that years were spent drafting the Specific Plan and no Exceptions should be given.

Hearing Officer Comments

As conditioned, the proposed development addresses the community's concerns, provides a compatible and harmonious relationship between residential and commercial development, and the new building will improve the appearance of development on Ventura Boulevard as intended by the Specific Plan.