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WARNER CENTER 2035 SPECIFIC PLAN

October 30, 2023

Applicant

George Russo
Warner Center I, LP
11150 W Olympic Boulevard, Suite 620
Los Angeles, CA 90064

Owner

Warner Lily, LLC
c/o Raymond Saviss
1762 Westwood Boulevard, Suite 350
Los Angeles, CA 90024

Representative

Brad Rosenheim and Sarah Golden
Rosenheim & Associates, Inc.
21600 Oxnard Street, Suite 630
Woodland Hills, CA 91367

Case No.

ADM-2023-6353-DB-SPP-
HCA-WC-ED1

CEQA:

N/A

Location:

21300 W Oxnard Street

Council District:

3 – Blumenfield

Area Planning

South Valley

Commission:

Woodland Hills - Warner

Neighborhood Council:

Center

Community Plan Area:

Canoga Park - Winnetka -
Woodland Hills – West Hills

Specific Plan:

Warner Center 2035

Specific Plan Subarea:

Commerce District

Legal Description:

Lot B, PM 3752

**LETTER OF COMPLIANCE – Ministerial Density Bonus Per AB 2345, AB 2334, and
Specific Plan Project Permit Compliance**

Pursuant to California Government Code Section 65915, and the Los Angeles Municipal Code (LAMC) Sections 12.22 A.25, 11.5.7, and Section 5.3.3 of the **Warner Center 2035 Specific Plan** (Ordinance 182,766), I have reviewed the proposed Project and as the designee of the Director of Planning, I hereby:

Determine, based on the whole of the administrative record, that the Project is statutorily exempt from the California Environmental Quality Act (CEQA) as a ministerial project, pursuant to Government Code Section 65915 and California Public Resources Code Section 21080(b)(1); and

Determine, that the project qualifies as a ministerial review, pursuant to Resolution (CF 22-1545) relative to the Declaration of Local Emergency by the Mayor, dated December 12, 2022, concerning homelessness in the City of Los Angeles, pursuant to the provisions of the Los Angeles Administrative Code (LAAC) Section 8.27, adopted by the City Council

on December 13, 2022 and Executive Directive 1 issued December 16, 2022 and revised July 6, 2023.

Approve, a ministerial review of a **Density Bonus Compliance**, pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, for a 100 percent affordable housing development project, exclusive of any manager's units, consisting of 301 residential units, 20 percent of the units set aside for Moderate Income Household occupancy (HCD rent schedule 6) and 80 percent of the units set aside for Low Income Household occupancy, and with the following three Off-Menu Incentives:

a. **Permitted Development by Floor Area.** 0 percent of Non-Residential Floor Area in lieu of 50 percent required based on the Project's Total Floor Area Ratio (FAR) of 3.02, pursuant to Section 6.1.2.2.3 of the Warner Center 2035 Specific Plan;

b. **Ground Floor Limitations.** A floor to floor height of 12 feet in lieu of 15 feet otherwise required, pursuant to Section 6.1.2.2.4(a) of the Warner Center 2035 Specific Plan;

c. **Ground Floor Limitations.** Parking on the ground level with 12 percent of Non-Residential Floor Area in lieu of 80 percent required for a Project that is adjacent to a public street, pursuant to Section 6.1.2.2.4(d);

Approve, a ministerial review of a **Project Permit Compliance Review** for a Multiple-Phase multifamily residential development located in the Warner Center 2035 Specific Plan;

Adopt the attached Findings.

CONDITIONS OF APPROVAL

The following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the Project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Valley Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Residential Density.** The Project shall be limited to a maximum density of 301 residential units, including four manager's units.
3. **On-site Restricted Affordable Units.** The project shall provide 100 percent on-site restricted affordable units, exclusive of any managers units. Twenty percent or 59 units shall be reserved for Moderate Income Household occupancy and eighty percent or 238 units shall be reserved for Low Income Household occupancy for a period of 55 years, as defined by California Government Code Section 65915 and the Los Angeles Housing Department (LAHD).
4. **Changes in On-site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with California Government Code Section 65915 and LAMC Section 12.22 A.25.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department ("LAHD"). The covenant shall bind the owner to reserve 20 percent or 59 units of the units available to Moderate Income Households (HCD/State) and 80 percent or 238 of the units available to Low Income Households (HUD/TCAC) for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD, and in consideration of the project's SB 8 Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and any monitoring requirements established by the LAHD. Refer to the Density Affordable Housing Incentive Program Background and Housing Replacement (SB 8 Determination) Background sections of this determination.

Note: LAHD will confirm and determine the affordable housing units, income category and rent schedules. Per AB2334, up to 20% of the units may be Moderate at HCD rent schedules.

6. **100% Affordable Housing Project (ED1).** If a project changes at any time in the review and construction process such that it no longer meets ED 1 eligibility criteria, the project

becomes disqualified from ED1 streamlining and all prior determinations on the project become inapplicable. For projects requiring a City Planning application, if a project changes at any point during the City Planning review or post-approval process such that the project would no longer qualify for ED 1, a new application for the revised project shall be required.

7. Density Bonus Off-Menu Incentives:

- a. **Permitted Development by Floor Area.** The project shall be permitted 0 percent of Non-Residential Floor Area in lieu of 50 percent required, based on the Project's Total Floor Area Ratio (FAR) of 3.02 as required, pursuant to Section 6.1.2.2.3 of the Warner Center 2035 Specific Plan;
 - b. **Ground Floor (Height) Limitations.** The project shall be permitted a floor to floor height of 12 feet in lieu of 15 feet otherwise required, pursuant to Section 6.1.2.2.4(a) of the Warner Center 2035 Specific Plan;
 - c. **Ground Floor (Use) Limitations.** Parking shall be permitted on the ground level with 12 percent of Non-Residential Floor Area in lieu of 80 percent required for a Project that is adjacent to a public street, pursuant to Section 6.1.2.2.4(d).
8. **Automotive Parking.** Based upon the number and type of dwelling units proposed, a minimum 301 parking spaces shall be provided for the project. Pursuant to LAMC Section 12.21 A.4, the Project is eligible for a parking reduction of up to 30 percent to be replaced with bicycle parking at a ratio of 1:4. The project proposes a total of 229 parking spaces.
9. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
10. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e., the number of bedrooms, or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.

11. Warner Center 2035 Specific Plan Project Permit:

- a. **Multiple Phase Projects.** Pursuant to the Specific Plan Section 5.3.3.2, the Multiple-Phase Project shall comply with the following on a phase-by-phase basis:
 - i. Phase 1 involves the demolition of an existing, two-story building consisting of approximately 23,906 square feet of office space and approximately 11,816 square feet of educational institution, including 228 surface parking spaces, for the construction of a seven-story, approximately 83 foot high multifamily residential building comprising 173 dwelling units and associated amenities with 167,487 square feet of Residential Floor Area. One hundred seventy-one of the units shall be restricted as affordable and the remaining two units shall be

unrestricted as manger’s units. The ground floor shall house non-habitable amenities such as an office, community room and lobby, as well as parking.

Parking shall be provided over two levels, one at-grade and one-above grade for a total of 159 parking spaces.

Phase 1 is anticipated to be completed in April 2026. If this timeframe becomes no longer feasible, the applicant shall submit a new phasing plan with an updated schedule for inclusion in the project case file.

- ii. Phase 2 involves the construction of an eight-story, 91 foot high multifamily residential building and shall comprise 128 dwelling units with 129,000 square feet of Residential Floor Area. One hundred twenty-six of the units shall be restricted as affordable and the remaining two units shall be unrestricted as manager’s units. The ground floor shall house non-habitable amenities such as a lobby, mailroom, and leasing office, as well as parking.

Parking shall be provided over two levels, one at-grade and one-above grade for a total of 70 parking spaces.

Phase 2 is proposed to be completed in April 2027. If this timeframe becomes no longer feasible, the applicant shall submit a new phasing plan with an updated schedule.

In compliance with Section 5.3.3.2, no Project Permit Compliance review shall be required for future building permit applications for Phase 2 of the Project, provided that each Phase of the development shall be reviewed by the Director for substantial compliance with “Exhibit A” and the applicable terms and conditions of this Multiple-Phase Project approval.

- b. **Uses.** The Project shall provide a Residential use consisting of 301 units.
- c. **Intensity.** The Project shall be limited to an FAR of 3.02:1.
- d. **Permitted Development by Floor Area.** As approved and shown on “Exhibit A,” the Project shall provide 0 percent of Non-Residential Floor Area and a maximum of 100 percent Residential Floor Area of the total floor area, pursuant to the Graduated FAR Table in Section 6.1.2.2.3 of the Warner Center 2035 Plan for projects that have a floor area ratio (FAR) greater than 3.0:1.

The Project shall be limited to a total of 296,487 square feet of floor area for all phases and buildings in conformance with “Exhibit A” and as follows:

Phase	Residential Square Footage
Phase 1 Building	167,487
Phase 2 Building	129,000
Total	296,487

- e. **Ground Floor Limitations.** Pursuant to Section 6.1.2.2.4 of the Warner Center 2035 Plan, the following are required to be satisfied on a phase-by-phase basis:
- i. **Permitted Non-Habitable Uses Ancillary to Residential Use.** Ground floor Non-Residential development shall be defined as including non-habitable uses that are used in conjunction with residential uses for the Project, including but not limited to: leasing offices, community centers, entrance lobbies, gymnasium/fitness center, residential business center, residential amenity space, and concierge services. The project shall include these non-habitable uses on the ground floor.
 - ii. **Residential Uses.** The Project shall not contain ground floor residential uses.
 - iii. **Depth and Height.** Ground floor Non-Residential development, as defined above, shall have a minimum depth of 25 feet from the front Building Façade, and a minimum floor-to-floor height of 12 feet in lieu of the required 15 feet in height, in conformance with Warner Center 2035 Plan Section 6.1.2.2.4(a). Prior to the issuance of building permits for each phase, plans shall be provided demonstrating conformance with these requirements;
 - iv. **Transparency.** Ground floor Non-Residential development, as defined above, shall have a minimum of 75% of the Building Façade located between 30 inches and 84 inches from the finished grade devoted to transparent windows and/or doors. Dark tinted, reflective, or opaque glazing shall not be counted towards such minimum percentage. Prior to the issuance of building permits for each phase, plans shall be provided demonstrating conformance with these requirements;
 - v. **Parking.** As depicted on “Exhibit A,” parking shall be permitted on the ground floor of the Project with the following limitations and requirements:
 - i. 12 percent of the ground floor frontage shall be devoted to Non-Residential Floor Area (in lieu of 80 percent required) on any side of an above-grade parking structure adjacent to a public street (not including an alley) or adjacent to a public open space/plaza shall be devoted to ground floor Non-Residential uses (non-habitable uses such as a lobby, community room, leasing office, etc.). The final plans shall include a chart identifying all ground floor uses (Non-Residential and Residential), square footages, and calculations demonstrating that a minimum of 12 percent of the ground floor frontage is reserved for Non-Residential uses.
 - vi. A minimum of the first 12 vertical feet of the ground-level Building Façade that includes all of the following features:
 - i. Articulation and modulation through changes in vertical wall plane and/or a change in building material.
 - ii. Use of windows with non-reflective glazing that may be translucent but not

black or mirrored glass or similar opaque glazing;

- iii. Integration of building entrances; and
 - iv. Buffering of the street edge with landscaping, berms, or landscaped planters.
- f. **Height.** As depicted in “Exhibit A,” the Project shall be permitted a building height of 83 feet for the Phase 1 Building and 91 feet for the Phase 2 Building. This shall include maintaining a minimum 35-foot-high vertical street wall along Oxnard Street. Roof projections (i.e., elevator shaft, parapet, enclosed mechanical equipment, etc.) as shown in Exhibit A shall be permitted.
- g. **Street Standards – Improvements and Dedications.** Oxnard Street is designated as a Major Highway Class 2 and shall be in compliance with Table 2 of the Specific Plan as shown on “Exhibit B,” which requires on the south side of the east/west section a 52-foot half right-of-way, a 40-foot half roadway, an eight-foot half sidewalk, eight-foot half parkway, and a four-foot half easement satisfactory to the Bureau of Engineering: **(DOT/BOE/DCP)**
- h. **Front Setbacks.** The Project shall have a front setback on Oxnard Street of not less than 12 feet and no more than 20 feet. The Project proposes a minimum of 12 feet front yard setback.
- i. **Publicly Accessible Open Space (PAOS) for Phase 1 and Phase 2:**
- i. At completion of Phase 1, the Project shall provide 8,436 square feet of PAOS according to Sheets LP-0 thru LP-5 for Phase 1 of “Exhibit A.” The Phase 1 PAOS shall meet Section 6.2.2 standards until it is necessary to remove for Phase 2 construction.

Furthermore, the Phase 1 PAOS shall be:

- 1. contiguous, remaining unfenced and ungated; therefore it shall not be enclosed or bordered by a fence of any type, size, or shape, including temporary fencing or gates; planter/garden walls enclosing planted areas shall not be more than 2 foot in height unless they are LID required planters;
- 2. integrated into the overall design of the Project;
- 3. integrated with neighboring buildings or structures and any existing, or approved, PAOS, if applicable;
- 4. maintained in good condition;
- 5. open to the public, at minimum, from 6:00 a.m. to 10:00 p.m., seven days a week. There shall be at least two signs stating the hours of

operation of the PAOS, including in the focal point unobstructed from public view. PAOS identification signage shall indicate that the PAOS is available for use by the public from, at minimum, 6 a.m. to 10 p.m., seven days a week. Supporting documentation of signage and placement shall be submitted to the subject case file prior to final signoff and be kept with the file for this case. This identification signage shall not be counted against a Project's signage limitation.

- ii. The Project shall provide 7,956 square feet of PAOS for Phase 2 according to Sheets LP-0 thru LP-5 for Phase 2 of "Exhibit A" (in addition to the 8,436 square feet of PAOS provided for Phase 1):
 1. contiguous, remaining unfenced and ungated; therefore it shall not be enclosed or bordered by a fence of any type, size, or shape, including temporary fencing or a temporary gate(s); planter/garden walls enclosing planted areas shall not be more than 2 feet in height unless they are LID required planters;
 2. integrated into the overall design of the Project;
 3. integrated with neighboring buildings or structures and any existing, or approved, PAOS, if applicable;
 4. maintained in good condition;
 5. open to the public, at minimum, from 6:00 a.m. to 10:00 p.m., seven days a week. There shall be at least two signs stating the hours of operation of the PAOS, including in the focal point unobstructed from public view. PAOS identification signage shall indicate that the PAOS is available for use by the public from, at minimum, 6 a.m. to 10 p.m., seven days a week. Supporting documentation of signage and placement shall be submitted to the subject case file prior to final signoff and be kept with the file for this case. This identification signage shall not be counted against a Project's signage limitation.
 6. Ninety percent or 14,753 square feet (based on the Project's provided PAOS of 16,392 square feet) of the PAOS provided shall be open to the sky, excluding shade structures and other features or elements that are not calculated as floor area;
 7. containing a minimum of 50 percent of PAOS that is landscaped (8,196 square feet according to the provided PAOS of 16,392 square feet);
 8. containing a minimum of 33 seats in the PAOS that is a ratio of no less than one seat per 500 square feet of the provided PAOS. Seating shall include but not be limited to chairs, benches, and planters. Seating shall be permanent or moveable. For benches, two linear feet of bench or seat-wall shall equal one seat;

9. seating placed with consideration to noontime sun and shade;
10. including a focal point or gathering space that is a minimum of 500 square feet;
11. inclusive of a square foot ratio of 1:1 for the fire lane that runs north-south along the western property line of the Project that:
 - i. satisfies the requirements of LAMC for emergency vehicle access lanes;
 - ii. incorporates the use of grasscrete to the satisfaction of LAFD and as shown in "Exhibit A;"
 - iii. does not exceed 66 percent of the total PAOS provided;
 - iv. Incorporates a minimum 20 foot wide right of way path (on-site) as shown on Sheet A 0.4 for Phase 1 and Sheet A 0.4 for Phase 2 on "Exhibit A;"
 - v. Incorporates a minimum 10 foot wide pathway clear of obstructions that may include permeable surface treatments as shown on Sheet A 0.4 for Phase 1 and Sheet A 0.4 for Phase 2 on "Exhibit A;"
 - vi. Only non-motorized vehicles shall be permitted (except for emergency vehicle uses during an emergency).
12. inclusive of required setbacks along a public way;
13. **excludes** the following uses: surface parking areas, open storage areas, private open space areas not accessible to the general public, swimming pools and spas unless open to the general public, **loading docks and parking, driveway entrance/exit areas**, sidewalks and parkways in the public right-of-way as of the date of the adoption of the Plan, and detached utility areas/pads;
14. includes a mix of passive and active recreational facilities designed to serve residents, employees, and visitors to Warner Center. PAOS shall include amenities for all ages such as one or more tot lots, community gardens, or other physical activity facilities to integrate shared spaces designed for gathering year-round; and
15. prior to the issuance of any building permit, the applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department binding the land for the Project and all successors. It shall include a detailed, dimensioned site plan and

landscape plan demonstrating the required and provided PAOS areas and a comprehensive summary table showing compliance with the regulations contained in the applicable PAOS conditions herein. It should include information regarding the ongoing maintenance and operation of the open space areas and on-going public access through easement, and include a note on the plan stating PAOS area(s) shall remain unfenced and ungated. A copy of the Covenant and Agreement shall be submitted to the case file prior to final signoff and kept with the file for this case.

- iii. At full buildout (completion of Phase 1 and Phase 2), the Project shall provide a total of 16,392 square feet of PAOS according to Sheets LP-0 thru LP-5 for Phase 1 and Phase 2 of "Exhibit A."
- a. **Landscaping.** Prior to building permit(s) signoff for each Project phase, final landscape plans, including automatic irrigation plans in conformance with the City's water conservation requirements shall be submitted for approval to the Department of City Planning. The landscape plan shall be prepared by a licensed landscape architect or licensed architect. These plans shall demonstrate:
 - i. WUCOLS classification for all plants;
 - ii. A minimum of 30% of the required setback areas landscaped;
 - iii. Trees planted at a ratio of every 30 linear feet in the setback area adjacent to the parking structures;
 - iv. For parking structures or that portion of the structure that are used for parking at the ground floor, shall be designed to include climbing vines planted on the façade of each parking level.
 - v. The use of shrubs, vines or similar landscaping shall be used to screen blank walls throughout the Project facade;
 - vi. All planted areas within a Project serviced by automatic irrigation systems and conforming to the City's water conservation requirements as prepared by a licensed landscape architect;
 - vii. Fronting the residential enclosed common areas (i.e., lobby, gymnasium, lounge, recreational room/media lounge), the landscaped setbacks shall include any or all of the following: walkways, porches, raised planters and other solid walls up to three (3) feet above sidewalk elevation, and transparent fences up to four (4) feet above sidewalk elevation;
 - viii. Use of a high-efficiency "smart" irrigation system, which includes a weather-based controller, and, where feasible, in-line drip and bubblers, rather than overhead spray. Where overhead spray is used, heads should have low-precipitation nozzles to reduce run-off;

- ix. Plants identified as California Friendly by the Metropolitan Water District's Be Water Wise program (www.bewaterwise.com) for at least 50 % of the plant materials used. The landscape plan shall incorporate Southern California native plant species. Please refer to the Theodore Payne Foundation (www.theodorepayne.org) to access their Native Plant Database;
 - x. 50% of the trees in the non-PAOS open space areas as canopy trees that provide shade. Native, drought tolerant, species with a low WUCOLS level are preferred. Bamboo and Palm tree varieties shall not be counted toward this requirement;
 - xi. Seating in plazas and courtyards independent of PAOS, indicating amount provided;
 - xii. That the Project treats 100% of the 85th percentile storm and provide detentions capacity to retain a rainfall intensity of 0.5 inches/hour or other Code requirement if the latter is more restrictive, to the satisfaction of the Bureau of Sanitation. On-site infiltration is the preferred method of treatment.
 - xiii. Additionally, the Project shall use permeable paving for at least 75 % of all hardscape areas to the extent allowed by other agencies, and in the PAOS areas plant deciduous trees as the most effective means of providing comfortable access to sun and shade.
 - xiv. The Project shall follow the minimum soil requirements to support growth of healthy plants as delineated in the Soil Depths Design Resource published by the Urban Design Studio for trees, shrubs, and perennials plus ground cover. Refer to https://planning.lacity.org/odocument/96f7c2e9-834f-47cb-8da5-3033428574ea/Soil_Depths.pdf.
- b. **Supplemental Urban Design Standards.** Prior to signoff, revised plans shall be provided as follows:
- i. **Parking Setbacks.** Surface parking shall not be located anywhere within the front setback area.
 - ii. **Architecture.** The ground floor for the Phase 1 building and Phase 2 building shall have a different architectural treatment than the upper floors, as shown on "Exhibit A."
 - iii. **Lighting and Security.** The applicant shall submit revised elevations that show all, and any exterior lighting as integrated with design of the structure(s), shielded to reduce glare for all sides of the building, and pointed away from the sky and windows of residential units. Additionally, the Project's security lighting should be integrated into the architectural and landscape lighting system and should not be distinguishable from it.
 - iv. **Utilities.** Prior to final building permit sign off for each Project phase, the Project shall submit plans that show utility lines within the public right-of-ways

placed underground, subject to the standards of the Department of Public Works, Bureau of Street Services. The Applicant shall also provide plans that provide on-site all infrastructure that is necessary for the future placement of underground utilities off-site, as approved by the Department of Building and Safety. **(B&S) (BOE)**

v. **Landscaping Requirements for Parking Facilities.**

a. **Any Portion of a Building Used for Parking.** Prior to final building permit signoff for each Project phase and in conformance with Warner Center 2035 Plan Section 6.2.6.2.7(2), the Applicant shall submit elevations and/or landscape plans for the applicable phase that is seeking signoff that show:

1. A minimum landscaped setback of five (5) feet shall be observed for all portions of a building used for parking at-grade or above-grade within the interior of a lot, and not located adjacent to an existing public street. This landscape setback is in addition to any other city department requirement for setbacks (i.e., Fire, Building & Safety, etc.) and shall be free of utilities such as water meters, gas meters and other required structure.
2. Portions of parking in buildings adjacent to a public street shall meet setback requirements for the Commerce District. Landscaping shall include a berm, hedge, or combination of the two, measuring at least 36 inches in height not including openings.
3. Plant trees in the setback area at a ratio of one (1) tree every 30 linear feet for the length of that portion of each building used for parking.
4. Any portion of a building utilized for parking shall be designed to minimize vehicle headlight and noise impacts on adjacent properties through the use of parapet walls, railings, planter boxes, and external landscaping.
5. Climbing vines shall be used to screen parking within buildings at the ground floor façade and any floors thereafter. This shall apply to rooftop parking as well.

vi. **Street Trees.** Any proposed street tree removal shall be subject shall be satisfactory to the City Engineer and Urban Forestry Division of the Bureau of Street Services. As necessary, the Project shall install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services.

Pursuant to the Specific Plan Section 6.2.6.2.8 and Appendix F, Section 3, Guideline A.7, new street trees shall be of the species indicated on Figure 5 in the Specific Plan, which are *Koelreuteria Bipinnata* (Chinese Flame) and/or *Pinus Canariensis* (Canary Island Pine), satisfactory to the Bureau of Street Services, Urban Forestry Division. **(BSS/DCP)**

- c. **LEED Silver.** Prior to Planning clearance, the Project shall submit proof that the Project is designed to meet the equivalent green standards of LEED (Leadership in Energy and Environmental Design) at the Silver Level, in addition to the City's Green Building and any other applicable regulations relating to sustainability standards. (Note: The Project is subject to the most current version of LEED at the time of the Planning clearance on the building permit).
- d. **Green Building Ordinance.** Prior to Planning clearance, the Project will submit evidence that it complies with the City's Green Building Ordinance No. 182,849. **(B&S/DCP)**
- e. **Solar Reflectance Index (SRI).** Prior to Planning clearance, an updated roof plan shall be submitted showing the slope of the roof as having a maximum slope of 2:12 and illustrating the percentage of the roof with an SRI equal to or greater than 78 for at least 75% of the roof area. **(B&S)**
- f. **On-Site Trees.** Prior to Planning clearance, an updated tree report of less than a year old shall be provided by a Landscape Architect or Certified Arborist showing trees to be removed with their Diameter at Breast Height (DBH), and plans shall be revised to show a replacement ratio of 2:1 for the replacement of existing on-site trees non-protected trees with a diameter of a minimum 4 inches at breast height that are proposed to be removed per in "Exhibit A."
- g. **Site Access and Internal Circulation.** Prior to the issuance of any building permit for the Project, a site plan shall be submitted to the DOT's Valley Development Review Section (6262 Van Nuys Boulevard, Suite 320, Van Nuys, CA) for review and approval of driveways, loading/unloading areas, parking, and internal circulation. **(DOT)**
- h. **Mobility Fee.** Per the 2021 Mobility Fee Ordinance update (Ord. No. 186,498), the final determination to pay the Project's Mobility Fee will be calculated at building permit issuance using the annually adjusted rates of the Appendix D Mobility Fee Table that are in effect for Projects deemed complete prior to 3/10/2020. The Project is entitled to a credit against the Mobility Fee for the previous use that existed on the site on January 1, 2008. The final Mobility Fee, including these credits, will be calculated after final square footage totals for the Project uses are determined through the Plan Check process by Building and Safety. **(B&S/DOT)**
- i. **Transportation Demand Management (TDM).** Prior to the issuance of any building, foundation, grading, demolition, change of use or use of land permit for the Project, the Applicant and/or property owner(s) shall provide a Transportation Demand Management Plan as required for a Multi-Phased Project, outlined in Section 5.3.3.2 of the WC 2035 Plan:
 - a. Submittal of a Final TDM Plan to the City: The Project applicant and/or the property owner(s) (including resident associations) of the lot where the Project is located shall submit to DOT an application for review and approval of a TDM plan. DOT shall review and approve or disprove a TDM

plan within 90 days after the date of submittal of a complete application. Any plan not approved or disapproved by the end of this 90-day period shall be deemed approved. A TDM plan shall include the minimum elements outlined in Section 7.8.1.1. (DOT). This condition shall be complied with prior to issuance of a building, grading or demolition permit.

7. Administrative Conditions

- a. **Notations on Plans.** Plans submitted to the Department of Building and Safety for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
- b. **Approval, Verification and Submittals.** Copies of any approvals guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
- c. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
- d. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
- e. **Covenant and Agreement.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for attachment to the subject case file.
- f. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
- g. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

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

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

BACKGROUND

Subject Property

The Project site is located in the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan area and, it is governed by the Commerce District and applicable regulations of the Warner Center 2035 Specific Plan. The subject site comprises one rectangular lot with 98,013 square feet of net lot area.

The Subject site is currently developed with a 35,722 square foot two-story commercial office building and surface parking, built in the 1970's.

Surrounding Properties

The properties immediately surrounding the Project site are characterized by multifamily residential, commercial, and light industrial uses and, are in the Warner Center 2035 Specific Plan. North of the Project site, across Oxnard Street, the adjacent property is improved with a six-story apartment complex consisting of 397 dwelling units. Abutting property to the east is developed with a one-story industrial/light manufacturing building and surface parking that is currently occupied by offices.

Abutting properties to the east and south of the Project site are improved with two large business parks consisting of a one-story and two six-story office buildings with surface parking.

Project Description

The proposed project involves a Project Permit Compliance Review for the demolition of 35,722 square foot two-story commercial office building and surface parking, and the construction of a 296,487 square foot Multiple-Phased, 100 percent all-affordable housing development consisting of 301 residential units over two buildings. The Project will provide 16,392 square feet of Publicly Accessible Open Space (PAOS).

Phase 1 encompasses a new seven-story, approximately 83 foot high multifamily residential building with 173 units and associated residential amenities. Thirty-four units or 20 percent of the units will be set aside for Moderate Income Household occupancy and 137 or 80 percent of the units will be set aside for Low Income Household occupancy, two designated as managers' units.

Phase 1 will provide 167,487 square feet of Residential Floor Area. Parking will be housed over two levels, one at-grade and one above-grade consisting of 159 parking spaces, and 12 short-term and 156 long-term bicycle parking spaces.

Phase 2 consists of a new eight-story, 91 foot high multifamily residential building with 128 units and associated residential amenities. Twenty-five or 20 percent of the units will be set aside for Moderate Income Households occupancy and 101 or 80 percent of the units will be set aside for Low Income Household occupancy, two designated as managers' units.

Phase 2 will provide 129,000 square feet of Residential Floor Area. Parking will be provided over two levels of parking, one at-grade and one above-grade consisting of 70 parking spaces, and 14 short-term and 106 long-term bicycle parking spaces.

The Project includes 16,392 square feet of Publicly Accessible Open Space (PAOS), which includes a 6,719 square foot pedestrian paseo with lawn areas and seating along the western property line. No street trees in the public right-of-way are proposed for removal.

Ministerial Review

Executive Directive 1 (ED-1) went into effect on December 16, 2022 to facilitate the expeditious processing of shelters and 100 percent affordable housing projects to address the homelessness crisis in the City of Los Angeles. A 100 percent affordable housing project is defined as “A project with at least 5 units that has at least two-thirds residential square footage, with all units affordable at 80 percent of Area Median Income (AMI) (HUD) levels, OR affordable at mixed income with up to 20 percent of units at 120 percent AMI (HCD rents) and the balance at 80 percent AMI or lower (HUD rents) as technically described here: A housing development project defined in Government Code Section 65589.5 that includes 100 percent restricted affordable units (excluding any manager’s units) for which rental or mortgage amounts are limited so as to be affordable to and occupied by Lower Income households 1, as defined by CA Health and Safety Code 50079.5, or that meets the definition of a 100 percent affordable housing development in CA Gov. Code 65925(b)(1)(G)2, as determined by the Los Angeles Housing Department (LAHD).” For 100 percent affordable housing projects and shelters, the review shall be complete within 60 days after the application is complete.

Housing Replacement (SB 8 Determination)

Pursuant to LAMC Section 12.22.A 25, an eligible Housing Development shall be eligible for Density Bonus Incentives if it meets any applicable replacement requirements of California Government Code Section 65915(c)(3) (California State Density Bonus Law).

On October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates a new state law regarding the production, preservation, and planning for housing, and establishes a statewide housing emergency until January 1, 2025. This was subsequently amended by SB 8 on September 16, 2021. During the duration of the statewide housing emergency, SB 330, among other things, create new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant “Protected Units” unless the proposed housing development project replaces those units.

The subject property is currently developed with a commercial office building and has existed since the 1970’s. Therefore, the proposed housing development does not require the demolition of any prohibited types of housing. Further, the provision of SB 8 does not apply to vacant lots or commercial properties, therefore no SB 8 replacement affordable units are required.

Density Bonus Off-Menu Incentives and Waivers

Pursuant to State Density Bonus Law, Government Codes Section 65915, which was modified under AB 1762 and AB 2345, 100 percent affordable housing developments that utilize the Density Bonus program pursuant to LAMC 12.22 A.25 and meet certain criteria as outlined

below, may receive up to four concessions or incentives pursuant to CA Government Code Section 65915(d)(2)(D):

- Income levels for all dwelling units, exclusive of a manager's unit or units, must be restricted for lower-income households (defined in Section 50079.5 of the Health and Safety Code), except that up to 20 percent of all units in the development may be restricted for Moderate Income Households (defined by Section 50053 of the Health and Safety Code). The 20 percent figure is based upon all proposed numbers of units in a development, including bonus units. Income limits for each project will be determined by LAHD (LAHD's Rent Schedule 6 or 7), and;
- Rents for at least 20 percent of the units must be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code (see LAHD's Rent Schedule 6 or 7, depending on funding). The remainder of the units shall be set at rent levels consistent with the maximum rent level for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee (TCAC). Rent limits for each project will be determined by LAHD.

LAMC Section 12.22 A.25 and State Density Bonus Law (Government Code Section 65915) outline types of relief that minimize restrictions on the size of the project. In exchange for meeting the minimum set-aside requirements, the project may receive a set of incentives and concessions, and waivers to deviate from development standards in order to facilitate the provisions of affordable housing at the site. The requested incentives and waivers allow the developer to expand the building envelope so the additional affordable units can be constructed, provide for design efficiencies, and allow the overall space dedicated to residential uses to be increased.

Given that the applicant is providing 100 percent of dwelling units, except for the manager's units, to be affordable at 20 percent Moderate Income Household occupancy (HCD/State) with the remaining units restricted for Low Income Household occupancy (HUD/TCAC) for a period of 55 years, the project is eligible for three incentives under AB 1763.

Specific Plan Project Permit Compliance

The proposed project is located in the Commerce District of the Warner Center 2035 Specific Plan. According to the Specific Plan regulations, any "Project", defined as "the construction, erection, addition to or structural alteration of any Building or Structure (including any new parking lot, parking garage, or parking structure), or use of Building or land or change of use of a building or land, on a lot located in whole or in part within the Plan area which requires the issuance of a grading permit, foundation permit, building permit or land use permit. Notwithstanding the foregoing, those exempt actions specified in Section 5.3.1 of this Plan are not considered a Project under this Plan" is subject to a Project Permit Compliance review pursuant to Section 5.3.3 of the Specific Plan and LAMC Section 11.5.7. However, in accordance with California Government Code Section 65913.4, a local government must streamline the approval of an all-affordable housing project based only on objective zoning and design review standards, and the locality's process and application requirements shall not in any way "inhibit, chill, or preclude" the ministerial approval process.

The proposed project seeks three deviations from the development standards and requirements of the Specific Plan by utilizing Off-Menu Incentives pursuant to State Density Bonus law; this is

expressly permitted by the provisions of AB 2345 and Section 65915(b)(1)(G) of the California Government Code. Nonetheless, with the exception of the identified Off-Menu Incentives, the Project is in compliance with all other objective standards contained in the Warner Center 2035 Specific Plan.

WC 2035 SP Section	WC 2035 SP Off-Menu Incentives	Required	Density Bonus Guidelines	Proposed
6.1.2.2.3	Minimum Percent of Non-Residential Floor Area	50 Percent	N/A (AB 2345)	0 Percent
6.1.2.2.4(a)	Floor to Floor Height	15 feet	N/A (AB 2345)	12 Feet
6.1.2.2.4(d)	Percent of Non-Residential Floor Area on Ground Floor	80 Percent	N/A (AB 2345)	12 Percent

Note: WC 2035 SP refers to the Warner Center 2035 Specific Plan

The record does not contain substantial evidence that would allow the decision maker to make a finding that the requested incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

CONCLUSION

As a Density Bonus Housing Project that satisfies all the objective planning standards of LAMC Section 12.22 A.25(g)(3), California Government Code Section 65915 and is a 100 percent affordable housing project consistent with ED1 streamlined approval.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the Director's Letter of Compliance shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within three years after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

The Applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the Applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7052 or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5,

only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Effective Date/Appeals: The decision of this Letter of Compliance is final and effective upon the mailing of this letter and is not appealable.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:

Blake Lamb

Blake Lamb, Principal Planner

Claudia Rodriguez, Senior City Planner

Prepared by:

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