



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JULY 30, 2025

Case No.: CPC-2024-2971-CU3-DB-PR-HCA

Council District: 2 – Nazarian

CEQA: ENV-2024-2972-CE

Plan Area: Van Nuys – North Sherman Oaks

Project Site: 13610 Sherman Way (13610 – 13618 1/2 Sherman Way)

Applicant: Vigen & Roselyn Haroutunian, Hidden Villas, LLC
Representative: Michael Gonzales, Gonzales Law Group

At its meeting of **June 26, 2025**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Demolition and removal of existing residential structures including 10 dwelling units, and 24 non-protected significant trees, for the construction, use, and maintenance of a five-story, 168-unit mixed-income residential building including 18 units set aside for Very Low Income households, totaling 115,358 square feet of floor area.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32 (In-fill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Chapter 1A Section 13B.2.3 of the Los Angeles Municipal Code (LAMC), a Class 3 Conditional Use Permit for a 45 percent Density Bonus as outlined in LAMC Chapter 1 Section 12.22 A.25 to permit the construction of a mixed-income residential building consisting of 168 dwelling units, reserving 18 units for Very Low Income household occupancy for a period of 55 years and removing 24 non-protected significant trees and planting 42 new trees, with the following On- and Off-Menu Incentives and Waivers of Development Standards:
 - a. On-Menu Incentive to allow for a Floor Area Ratio (FAR) averaging and parking access from a less restrictive to a more restrictive zone;
 - b. Off-Menu Incentive to allow 99 automobile parking spaces in lieu of the 201 spaces otherwise required;
 - c. Off-Menu Incentive to allow a seven percent increase in maximum allowable floor area to permit 115,358 square feet of floor area for a floor area ratio of 2.93:1 across the C1-VL and P1-VL Zones;
 - d. Waiver of Development Standards to allow a total height of 58 feet and five stories in lieu of the 45-foot and three-story height limits pursuant to the C2-1VL and P-1VL Zones;
 - e. Waiver of Development Standards to allow the transitional height requirement to a depth of 100 feet from the adjacent R1 Zone to allow a height of five stories and 58 feet;
 - f. Waiver of Development Standards to allow a zero-foot side yard for the westerly P Zone portion of the site in lieu of the otherwise required five feet;
 - g. Waiver of Development Standards to allow a zero-foot side yard for the westerly C Zone portion of the site in lieu of the otherwise required five feet;

- h. Waiver of Development Standards to allow a zero-foot side yard for the northerly C Zone portion of the site in lieu of the otherwise required five feet;
 - i. Waiver of Development Standards to allow a zero-foot rear yard for the P Zone portion of the site in lieu of the otherwise required 15 feet; and
 - j. Waiver of Development Standards to allow a 36 percent reduction in required open space to provide 10,771 square feet in lieu of the otherwise required 16,975 square feet; and
3. **Approved**, pursuant to LAMC Chapter 1A Section 13.B.2.4 and LAMC Chapter 1 Section 16.05, a Project Review for a residential project which results in an increase of 50 or more dwelling units or guest rooms;
 4. **Adopted** the attached Conditions of Approval; and
 5. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 5 – 0



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

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

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

FINAL APPEAL DATE: AUGUST 14, 2025

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

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

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures

cc: Blake Lamb, Principal Planner

Jojo Pewsawang, Senior City Planner
Maren Gamboa, City Planner

CONDITIONS OF APPROVAL

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A", and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **On-site Restricted Affordable Units.** 18 units shall be reserved for Very Low Income Household, as defined by the California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
3. **Changes in On-Site Restricted Units.** Deviations that increase the number of On-Site Restricted Units or that change the composition of units or parking numbers shall be consistent with LAMC Section 12.22 A.25.
4. **SB 8 Replacement Units (California Government Code Section 66300 et seq.)** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated November 2, 2023, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
5. **Housing Requirements.** Prior to the issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 18 units available to Very Low Income Households or equal to 15 percent of the project's total proposed residential density allowed, for sale or rental, as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density, the number of required reserved on-site Restricted Units may not be adjusted. A new entitlement will be required to adjust the number of required reserved on-site Restricted Units. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall submit a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD.

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

6. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental

units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided.

7. **Residential Density.** The project shall be limited to a maximum density of 168 residential dwelling units, including On-Site Restricted Affordable Units.
8. **Floor Area. (Incentive)** The project shall be limited to a maximum floor area of 115,358 square feet and a Floor Area Ratio of 2.93:1.
9. **Height. (Waiver)** The height of the building shall be limited to 58 feet, as shown on the project plans, Exhibit "A", attached to the subject case file.
10. **Setbacks**
 - a. **Front Yard.** The project shall provide a 10-foot front yard setback.
 - b. **Side Yard. (Waiver)** The project shall provide a minimum zero-foot side yard setback on the northerly side yard.
 - c. **Side Yard. (Waiver)** The project shall provide a minimum zero-foot side yard setback on the westerly side yard.
 - d. **Side Yard.** The project shall provide a minimum five-foot side yard setback on the easterly side yard.
 - e. **Rear Yard. (Waiver)** The project shall provide a minimum zero-foot rear yard setback.
11. **Parking.**
 - a. **Automobile Parking for Residential Uses. (Waiver)** Based upon the number and type of dwelling units proposed a minimum 201 parking spaces is required for the project. A waiver of incentive for reduced parking has been granted for the project to provide 99 total parking spaces.
 - b. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e., the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
 - c. **Bicycle Parking.** The project shall provide a minimum of 11 short-term bicycle parking spaces and 109 long-term bicycle parking spaces, in compliance with LAMC Section 12.21 A.16.
 - d. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety. The project shall include at least 20 percent of the total automobile parking spaces developed on the project site capable of supporting future electric vehicle supply equipment (EVSE). Plans

shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity.

In addition, five (5) percent of the total automobile parking spaces developed on the project site, and all parking spaces in excess of code required for the use, shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

12. **Open Space. (Waiver)** A minimum of 10,771 square feet of open space shall be permitted in lieu of the minimum 16,975 square feet otherwise required.
13. **Landscape Plan.** The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
14. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division.
15. **Street trees** may be used to satisfy on-site tree requirements pursuant to LAMC Section 12.21 G.2 (Chapter 1, Open Space Requirement for Six or More Residential Units).
16. **Required Trees per 12.21 G.2.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A". There shall be a minimum of 42 24-inch box, or larger, trees onsite pursuant to LAMC Section 12.21 G.2. Any required trees pursuant to LAMC Section 12.21 G.2 shown in the public right-of-way in Exhibit "A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right-of-way is proven to be infeasible due to City-determined physical constraints.

Site Plan Review

17. **Landscaping.**
 - a. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
 - b. All planters containing trees shall have a minimum depth of 48 inches.

- c. Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining clearance from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.
- d. **Replacement Trees.** The 24 significant, on-site trees shall be replaced at a ratio of 2:1, for a total of 48 24-inch box trees, as feasible. Trees provided pursuant to condition number 16 may count toward this total.
- e. Pursuant to Ordinance Number 170,978, native plants shall be utilized for the landscape planting plan.

18. Sustainability

- a. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of the LAMC. In addition to those EVCS parking spaces required in Sections 99.04.106 and 99.05.106 of the LAMC, all parking provided in excess of the minimum required shall be EVCS.
 - b. **Solar Energy Infrastructure.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
19. **Parking / Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Department of Transportation for approval.
20. **Lighting.** Lighting should be directed onto the site and be adequately aimed and shielded so as to not spill over onto adjacent properties, especially into areas planned and zoned for residential uses.
21. **Trash and Recycling.** All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.
22. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in any street-facing yard, shall be screened with landscaping consistent with LADWP access requirements.
23. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, 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.
24. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Administrative Conditions

25. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department

of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

26. **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.
27. **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.
28. **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.
29. **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.
30. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
31. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
32. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than 50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

CONDITIONAL USE FINDINGS

- 1. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The project site located at 13610 Sherman Way and is comprised of one, irregular shaped lot with 50 feet of frontage on Sherman Way and approximately 46,211 square feet of gross lot area. The site is approximately 296 feet deep and 210 feet wide at the widest point. The Property is split zoned P-1VL and C1-1VL and is in the Van Nuys – North Sherman Oaks Community Plan area. The Community Plan designates the Property as Neighborhood Office Commercial. The Neighborhood Office Commercial land use designation lists the following zones as corresponding zones: C1, C1.5, C2, C4, RAS3, and RAS4.

Located on a major thoroughfare comprised of an assortment of small-, mid-size, and large apartment complexes and various commercial developments, the Project is compatible with the diverse character of the built environment while markedly improving the area's urban design and streetscape. The Project replaces 10 residential units with a new apartment building comprised of 168 dwelling units.

The project provides 168 units of new housing, including 18 units reserved for Very Low Income Households, representing a 158 unit increase over existing improvements. The scale and the unit mix are in line with the City's housing needs and policy goals to provide more housing, particularly Very Low Income housing, in areas near transit, jobs, and other amenities. The site is in a Low Vehicle Miles Traveled Area pursuant to AB 2345 and is well suited for homes and a building of this scale. As such, the project will enhance the built environment in the surrounding neighborhood and will perform a function and provide a service that is beneficial to the region.

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

The parcel of land located at 13610 Sherman Way is comprised of one, irregular shaped lot with 50 feet of frontage on Sherman Way and approximately 46,211 square feet of gross lot area. The site is approximately 296 feet deep and 210 feet wide at the widest point. The Property is split zoned P-1VL and C1-1VL and is in the Van Nuys – North Sherman Oaks Community Plan area. The Community Plan designates the Property as Neighborhood Office Commercial. The Neighborhood Office Commercial land use designation lists the following zones as corresponding zones: C1, C1.5, C2, C4, RAS3, and RAS4.

Located in a dynamic neighborhood comprised of an assortment of small-, mid-size, and large apartment complexes and various commercial developments, the Project is compatible with the diverse character of the built environment while markedly improving the area's urban design and streetscape. The Project replaces 10 residential units with a new mixed-use apartment building comprised of 168 dwelling units.

The Project does not change the use and character of the neighborhood. The Project's height is comparable to the Property's surrounding commercial corridor and retains the character of the surrounding area at the ground level. The backwards "L" shape of the site also allows for the Project to be stepped back behind another property so the height is not concentrated

directly on Sherman Way. This barrier allows the Project to exist without impacting nearby uses. Moreover, all Project parking will take place within a parking garage, and loading is also internal portion of the Property, situated away from the street and towards the interior of the Property.

The Project's operations will not impact neighbors. Off-street parking is located within an enclosed structure. Furthermore, the Project's rear open space deck area will contain trees to shield the single family uses located to the south of the Property. The Project is also transit accessible, by being within walking distance of multiple bus routes. Additionally, trash collection and loading will all be performed in a covered off-street loading area within the Property, which is exclusively accessible through the Property's driveway, further decreasing impacts on the neighboring community. Other building operations, including trash collection and loading, also take place out of neighbors' eyesight.

3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The project is located in the Van Nuys – North Sherman Oaks Community Plan with a land use designation of Neighborhood Office Commercial. The Neighborhood Office Commercial land use designation lists the following zones as corresponding zones: C1, C1.5, C2, C4, RAS3, and RAS4. The site is zoned C1-1VL and P-1VL. The P zone is not a corresponding zone, and the project is utilizing AB 2334 to allow the highest density allowed in the General Plan, which is RAS4.

The Project is consistent with the intent and purpose of the City's General Plan and the Community Plan. The land uses and zoning designation in the surrounding area are increasingly commercial in nature and allow mixed-use developments, with many already existing near the Property. The Project is in substantial conformance with the purposes, intent, and provisions of the General Plan and the Community Plan. The Project advances the following objectives from the General Plan and Community Plan:

General Plan

The Project advances the following objectives and policies from the General Plan's Framework Element:

- Objective 3.4: *Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.* The Project advances this objective by locating new market-rate units, affordable housing units.

The Project advances the following objectives and policies from the General Plan's Housing Element:

- Objective 1.1.2: *Expand affordable rental housing for all income groups that need assistance.* The Project will expand affordable rental housing by providing 18 Very Low Income Units in a City with a critical shortage of affordable housing.
- Objective 2.5.2: *Foster the development of new affordable housing units citywide and within each Community Plan area.* The Project advances this objective by incorporating 18 Very Low Income Units in a City with a critical need for such units.

Van Nuys – Sherman Oaks Community Plan

The Project advances the following objectives and policies from the Van Nuys – Sherman Oaks Community Plan:

- **Goal 1 – A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.**

The Project advances this goal by providing a healthy mix of two-bedrooms, one-bedrooms, and studio units, with an affordable component.

- Objective 1.2: *To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.* The Project advances this objective by locating new market-rate units, affordable housing units along a high intensity commercial corridor located along Sherman Way.
- *Policy 1-2.1 Locate higher residential densities near commercial centers, light rail transit stations, and major bus routes where public service facilities and utilities will accommodate this development.*
- *Policy 1-2.3 Encourage multiple residential development in commercial zones.*

The Project advances Policies 1-2.1 and 1-2.3 by providing a multi-unit residential development that adds residential density on the Sherman Way commercial corridor. The Project thereby locates higher residential densities near the commercial corridor, while also providing public convenience for future residents by providing a lifestyle that encourages walkable communities and use of public transit.

- Objective 1-5: *To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.*
- *Policy 1-5.1 Promote greater individual choice in type, quality, price, and location of housing.*

The Project advances Objective 1-5 and Policy 1-5.1 by increasing housing availability by providing 168 units, 18 of which are set aside as Very Low Income, thus representing a 158-unit net increase over existing improvements. The Project is located in a well-connected urban area with adequate transit access. The unit mix will ensure all types of households will be served by the Project. The project will create a modern, high-quality residential development in the Van Nuys community.

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES PROGRAM FINDINGS

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

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

The record does not contain substantial evidence that would allow the Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for

very low-, low-, and moderate-income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

LAMC Section 12.22 A.25 establishes that a Housing Development Project may qualify for one, two, or three incentives based on the percentage of units set aside for Very Low Income, Low Income, or Moderate-Income Households. The project has a base density of 116 units, is proposing 168 units, and is providing 18 units for Very Low Income households, which qualifies the project for up to three (3) incentives. The project includes an on-menu incentive for averaging, and off-menu incentives for reduced parking and increased Floor Area Ratio. It also includes six (6) requests for waivers of development standards to allow the project to provide reduced side yards, reduced open space, increase in height, and a waiver of transitional height requirements.

Off-Menu Incentives

Floor Area. The requested incentive, a seven percent increase in floor area to 115,358 square feet for an average FAR of 2.93:1, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive allows the developer to expand the building envelope so the additional units can be constructed, and the overall space (dedicated to residential uses) is increased. These incentives support the Applicant's decision to provide 18 affordable units for Very Low Income Households.

Parking. The requested incentive, a parking reduction to allow 99 spaces in lieu of 201 spaces, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive allows the developer to avoid costly underground construction and devote more above ground space in the building envelope so the additional units can be constructed, and the overall space (dedicated to residential uses) is increased. These incentives support the Applicant's decision to provide 18 affordable units for Very Low Income Households.

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

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

The facade of the proposed building which faces Sherman Way will be articulated in multiple ways, creating a visually interesting elevation that invites interaction with the street. The structure will also be oriented toward the street with entrances, windows, and architectural features on street-facing elevations as required. The project does not involve a contributing

structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Finally, according to ZIMAS, the project is not located in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project incentives will have a specific adverse impact on the physical environment, on public health and safety.

c. The incentive(s) are contrary to state or federal law.

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

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

a. The Waiver(s) of Development Standards will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low, and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

There is no substantial evidence in the record that the proposed waivers will have a specific adverse impact on public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed project, and thus the requested Waivers, will have a specific adverse impact on the physical environment, or on public health and safety. Based on the above, there is no basis to deny the requested Waiver.

b. The application of the development standards for which waivers or reductions are requested would not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]. (Government Code Section 65915(e)(1)).

A Density Bonus project may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

Waivers of Development Standards

Height. The requested waiver, an increase in height to 58 feet and five stories, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing. The requested waiver allows the developer to expand the building envelop so the additional units allowed under Government Code Section 65915 may be achieved by increasing the overall space dedicated to residential uses. This waiver

supports the Applicant's decision to provide 18 affordable units for Very Low Income Households.

Transitional Height. The requested waiver, a waiver of transitional height limitations, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing. The requested waiver allows the developer to expand the building envelop so the additional units allowed under Government Code Section 65915 may be achieved by increasing the overall space dedicated to residential uses. This waiver supports the Applicant's decision to provide 18 affordable units for Very Low Income Households.

Side Yards. The requested waivers, reduction in westerly and northerly side yards, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing. The requested waivers allow the developer to expand the building envelop so the additional units allowed under Government Code Section 65915 may be achieved by increasing the overall space dedicated to residential uses. This waiver supports the Applicant's decision to provide 18 affordable units for Very Low Income Households.

Open Space. The requested waiver, a reduction in required open space, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing. The requested waiver allows the developer to expand the building envelop so the additional units allowed under Government Code Section 65915 may be achieved by increasing the overall space dedicated to residential uses. This waiver supports the Applicant's decision to provide 18 affordable units for Very Low Income Households.

Rear Yard. The requested waiver, a reduction of the rear yard from 15 feet to zero feet, permits exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing. The requested waiver allows the developer to expand the building envelop so the additional units allowed under Government Code Section 65915 may be achieved by increasing the overall space dedicated to residential uses. This waiver supports the Applicant's decision to provide 18 affordable units for Very Low Income Households.

These waivers are necessary to allow the project to be developed at its proposed density and floor area. Imposing the side yard, open space and height requirements would result in removing a portion of the currently proposed building envelope and a corresponding reduction in residential floor area and dwelling units for the project.

As proposed, the granting of these waivers will allow for the development of the proposed project with the inclusion of the affordable residential units because the quantity of units allowed under the density bonus within the 2.93:1 FAR, averaging across zones, and reduced residential automobile parking spaces under the Incentives allows for the development of the affordable units. As presented by the applicant, without the requested height, side yard, and open space waivers, the project would be physically precluded from the providing the allowable floor area and density allowed under GC 65915.

- c. *The waiver(s) or reductions of development standards are contrary to state or federal laws.*

There is no evidence in the record that the proposed waiver is contrary to state or federal laws.

Project Review Findings

6. The project substantially conforms with the purposes, intent and provisions of the General Plan, applicable community plan, and any application specific plan.

The project is located in the Van Nuys – North Sherman Oaks Community Plan with a land use designation of Neighborhood Office Commercial. The Neighborhood Office Commercial land use designation lists the following zones as corresponding zones: C1, C1.5, C2, C4, RAS3, and RAS4. The site is zoned C1-1VL and P-1VL. The P zone is not a corresponding zone, and the project is utilizing AB 2334 to allow the highest density allowed in the General Plan, which is RAS4.

The Project is consistent with the intent and purpose of the City's General Plan and the Community Plan. The land uses and zoning designation in the surrounding area are increasingly commercial in nature and allow mixed-use developments, with many already existing near the Property. The Project is in substantial conformance with the purposes, intent, and provisions of the General Plan and the Community Plan. The Project advances the following objectives from the General Plan and Community Plan:

General Plan

The Project advances the following objectives and policies from the General Plan's Framework Element:

- Objective 3.4: *Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.* The Project advances this objective by locating new market-rate units, affordable housing units.

The Project advances the following objectives and policies from the General Plan's Housing Element:

- Objective 1.1.2: *Expand affordable rental housing for all income groups that need assistance.* The Project will expand affordable rental housing by providing 18 Very Low Income Units in a City with a critical shortage of affordable housing.
- Objective 2.5.2: *Foster the development of new affordable housing units citywide and within each Community Plan area.* The Project advances this objective by incorporating 18 Very Low Income Units in a City with a critical need for such units.

Van Nuys – Sherman Oaks Community Plan

The Project advances the following objectives and policies from the Van Nuys – North Sherman Oaks Community Plan:

- **Goal 1 – A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.**

The Project advances this goal by providing a healthy mix of two-bedrooms, one-bedrooms, and studio units, with an affordable component.

- Objective 1.2: *To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.* The Project advances this objective by locating new market-rate units, affordable housing units along a high intensity commercial corridor located along Sherman Way.

- *Policy 1-2.1 Locate higher residential densities near commercial centers, light rail transit stations, and major bus routes where public service facilities and utilities will accommodate this development.*
- *Policy 1-2.3 Encourage multiple residential development in commercial zones.*

The Project advances Policies 1-2.1 and 1-2.3 by providing a multi-unit residential development that adds residential density on the Sherman Way commercial corridor. The Project thereby locates higher residential densities near the commercial corridor, while also providing public convenience for future residents by providing a lifestyle that encourages walkable communities and use of public transit.

- *Objective 1-5: To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.*
- *Policy 1-5.1 Promote greater individual choice in type, quality, price, and location of housing.*

The Project advances Objective 1-5 and Policy 1-5.1 by increasing housing availability by providing 168 units, 18 of which are set aside as Very Low Income. The Project is located in a well-connected urban area with adequate transit access. The unit mix will ensure all types of households will be served by the Project.

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

The parcel of land located at 13610 Sherman Way and is comprised of one, irregular shaped lot with 50 feet of frontage on Sherman Way and approximately 46,211 square feet of gross lot area. The site is approximately 296 feet deep and 210 feet wide at the widest point. The Property is split zoned P-1VL and C1-1VL and is in the Van Nuys – North Sherman Oaks Community Plan area. The Community Plan designates the Property as Neighborhood Office Commercial. The Neighborhood Office Commercial land use designation lists the following zones as corresponding zones: C1, C1.5, C2, C4, RAS3, and RAS4.

Located in a dynamic neighborhood comprised of an assortment of small-, mid-size, and large apartment complexes and various commercial developments, the Project is compatible with the diverse character of the built environment while markedly improving the area's urban design and streetscape. The Project replaces 10 residential units with a new mixed-use apartment building comprised of 168 dwelling units.

The Project does not change the use and character of the neighborhood. The Project's height is comparable to the Property's surrounding commercial corridor and retains the character of the surrounding area at the ground level. The backwards "L" shape of the site also allows for the Project to be stepped back behind another property so the height is not concentrated directly on Sherman Way. This barrier allows the Project to exist without impacting nearby uses. Moreover, all Project parking will take place within a parking garage, and loading is also internal portion of the Property, situated away from the street and towards the interior of the Property.

The Project's operations will not impact neighbors. Off-street parking is located within an enclosed structure. Furthermore, the Project's rear open space deck area will contain trees to shield the single family uses located to the south of the Property. The Project is also transit accessible, by being within walking distance of multiple bus routes. Additionally, trash collection and loading will all be performed in a covered off-street loading area within the Property, which is exclusively accessible through the Property's driveway, further decreasing impacts on the neighboring community. Other building operations, including trash collection and loading, also take place out of neighbors' eyesight.

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

The proposed project of 168 units, with a mix of studio, one-, and two-bedroom apartments is required by the LAMC to provide 16,975 square feet of Open Space. The project requests a waiver to reduce the open space by approximately 36 percent. The Project proposes providing approximately 10,771 square feet of open space located primarily on the second floor. The Project's common open space includes a 6,200 square foot central court on the second floor, 735 square foot recreation room on the ground floor, and a 3,246 square foot podium deck located in the rear of the Project on the second floor above the parking garage. The Project also provides 650 square feet of private balconies.

These amenities are dispersed throughout the building to maximize access to the open space for Project residents. The open space courtyard is located at the center of the Property, surrounded by four walls to minimize impacts on neighboring properties. Furthermore, the Project contains multiple amenity rooms within the structure that don't count towards the strict LAMC open space requirement. Some of the rooms such as exercise rooms and recreational rooms will further concentrate residents elsewhere. The open space located at the rear of the Property will be surrounded by the structure to the north and large trees to the south, that will cover the neighboring properties. These features also minimize impacts to neighboring properties by diffusing the open-air common space (and any potential noise impacts) to various parts of the building.

Additional Findings

- 9. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 186,952, have been reviewed and it has been determined that this project is located outside of a flood zone.
- 10.** The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exemption document attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

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

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

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

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

Metro DSC

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

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

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



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing