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**VENTURA/CAHUENGA BOULEVARD CORRIDOR SPECIFIC PLAN
PROJECT PERMIT COMPLIANCE REVIEW / SPECIFIC PLAN PROJECT PERMIT
ADJUSTMENT / WAIVER OF DEDICATION AND/OR IMPROVEMENT**

December 2, 2022

Applicant/Owner

Aida Bogosian
Trustee of the Bogosian
Family Trust
12220 Ventura Boulevard
Los Angeles, CA 91604

Representative

Eric Lieberman
QES, Inc.
14549 Archwood Street
Van Nuys, CA 91405

Case No. DIR-2022-1022-SPP-SPPA-
WDI

CEQA: ENV-2022-1023-CE
Location: 12218, 12220, & 12222
W. Ventura Boulevard

Council District: 4 - Raman
Neighborhood Council: Studio City
Community Plan Area: Sherman Oaks-Studio City-
Toluca Lake-Cahuenga Pass

Land Use Designation: Community Commercial
Zone: C2-1VL-RIO

Legal Description: Lots: 390 & 391; Arbs 1 & 2;
Tract: TR7203

Last Day to File an Appeal: December 19, 2022

DETERMINATION

Pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7 C and Section 9 of the Ventura/Cahuenga Boulevard Corridor Specific Plan, 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 exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15303, Class 3, new construction or conversion of small structures, and Section 15311, Class 11, On-premise signs, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines, Section 15300.2 applies.

Approve with Conditions Project Permit Compliance Review to permit the demolition of an existing one-story 2,453 square feet of retail building for the construction of a three-story 6,036 square feet commercial building containing

2,975 square feet of ground floor retail and 3,061 square feet of office space on the second and third floor with four (4) on-site and 14 off-site car parking spaces, and 12 short-term, and four (4) long-term bicycle parking spaces. The project also includes a 640 square feet trellis on the third floor, 14 deficient parking spaces, and a sign program to regulate the installation and approval of four (4) future tenant wall signs on a 5,000 square-foot lot.

Approve with Conditions a Project Permit Adjustment to permit a three (3)-foot increase in building height to allow 33 feet in lieu of otherwise permitted 30 feet by Section 7.E.1.(a).3.(ii) of the Ventura/Cahuenga Boulevard Corridor Specific Plan.

Allow a Waiver of Street Dedication and Improvement for Ventura Boulevard, which adjoins the project site's northern property line.

The project approval is subject to the attached Conditions of Approval, and is based upon the attached Findings:

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A", dated November 22, 2022, 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. **Uses.** The project shall be limited to retail and office uses.
3. **Floor Area.** The project shall be limited to 6,036 square feet. The project is limited to 2,975 square feet of retail uses and 3,061 square feet of office uses.
4. **Height.** The height of the building shall be limited to 33 feet in height.
5. **Pedestrian Oriented Areas.** The Project shall include 75 percent retail uses on the Ground Floor of the building frontage. The project shall maintain direct pedestrian access to the sidewalk. The project shall maintain at least 50 percent of its wall frontage as window space, display case, or public art.
6. **Mechanical and Rooftop Equipment Screening.** No mechanical or rooftop equipment shall be visible from Ventura Boulevard, and shall be screened behind architectural elements.
7. **Sign Program.** Prior to the issuance of any sign permit, each future tenant/applicant shall submit two (2) copies of sign plans to the Department of Planning for review and approval. This approval shall permit the installation of one (1) wall sign per tenant's street frontage or main pedestrian entrance as shown below:

Tenant Space No.	Wall Sign Quantity Limitation	Wall Sign Area (Square foot)
1	1	30 square feet
2	1	30 square feet
3	1	30 square feet
4	1	23 square feet

- a. The plans shall include a detailed Site Plan and Elevation showing sign placement, storefront width, sign colors, materials, dimensions and copy.
- b. The type, style, design, colors and materials of the signs shall be compatible and be consistent throughout the building.
- c. Written evidence of review by the property owner regarding the proposed location, colors, materials, and design (and any recommendations thereto), shall be submitted as part of the application. Drawings shall be submitted for approval via PDF and shall be approved by the landlord prior to fabrication. All property permits must be acquired at the sole cost of the tenant.
- d. The maximum amount of wall signage on the building shall not exceed 100 square feet, based on the frontage along Ventura Boulevard. Prior to clearance for new signage, a sign inventory shall be submitted identifying the size and location of all the signs on the project site.
- e. All future wall signage (beyond the table above) may be approved administratively as long as it is in compliance with the Ventura/Cahuenga Specific Plan and in accordance with the approved Master Sign Plan for the site.
- f. Per the Studio City Streetscape Plan, signs are limited to the following:
 - i. Signs are to be located in the area above the individual storefront or perpendicular to it in an area at least 8 feet above sidewalk level.
 - ii. Signage for individual businesses is limited to one sign per business on each facade that the business fronts in accordance with Section 8 of the Ventura/Cahuenga Boulevard Corridor Specific Plan. The signs are allowed only for business identification (note, no advertising of products, sales, phone numbers are permitted etc.).
 - iii. Signs are to be coordinated with the design of the building including materials, color, size, and existing signage. In each streetscape district, signs should be in keeping with the intended character of the area. Sign submittals must include a building or center sign inventory, photographs, and evidence of conformity with a building sign program.
 - iv. Signs should be well maintained and repaired when deteriorated or damaged.

- v. Window displays are permitted to augment individual business signage. These displays can help catch the eye of the shopper, identify the store and feature merchandise. These displays are not intended to promote signage for sales or discounts. No window signs are permitted, except as permitted by Section 8 of the Ventura/ Cahuenga Boulevard Corridor Specific Plan.
- vi. Total signage, including wall signs, and projecting/perpendicular signs, should not exceed two square feet per linear foot of street frontage of the lot.
- g. The future wall signs shall be channel letters or cabinet signs and shall conform to the following:
 - i. No wall sign may project from a building face more than 12 inches, or above the lowest elevation of the roof eave.
 - ii. A tenant is allowed a second wall sign facing the parking lot, alley.
 - iii. All letters must be mounted to a raceway. The landlord shall specify the specific paint color to use.
 - iv. Channel letters shall be limited to the following:
 - 1. Front lit letters
 - 2. Halo lit letters
 - 3. Open pan channel letters with exposed neon
 - 4. Compound channel letters
 - v. Channel letters shall not exceed a ratio of 2:1 (2 square feet of linear foot of lease line frontage), 85 percent of the lease line frontage and the sign/letter heights cannot exceed 30 inches.
 - vi. No decals shall be visible except as required by local codes and ordinances.
 - vii. No animated, flashing or audible signs shall be permitted.
 - viii. All sign drawings shall be subject to review by the landlord prior to submittal for Planning Department approval. Tenant/applicant shall submit two copies of sign plan for approval.
 - ix. All other permits and government approvals shall be obtained by the lessee.
 - x. Signs shall only be illuminated from twilight to 11:00 P.M., or later if approved by the landlord.
 - xi. For all new signs, the sign copy shall be limited to the business name and/or logo for the tenant's business.

8. **Window Signs.** All Window Signs shall not exceed 10 percent of the window they occupy. Holiday paintings shall not be placed in the window more than 30 business days before a holiday and shall be removed within ten business days after the holiday.
9. **Parking.** The project shall provide 22 automobile parking spaces in compliance with the Ventura/Cahuenga Boulevard Corridor Specific Plan parking requirement for the proposed uses as follows:
 - a. Retail uses – 2,975 square feet - One parking space per 250 square feet of floor area pursuant to Ventura-Cahuenga Boulevard Corridor Specific Plan Section 7.F (1)(a).
 - b. General Office uses – 3,061 square feet - One parking space per 300 square feet of floor area pursuant to Ventura-Cahuenga Boulevard Corridor Specific Plan Section 7.F (1)(b).
10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16. The project may substitute automobile parking spaces consistent with LAMC Section 12.21-A,4. The applicant may utilize LAMC Section 12.21-A,4 to reduce the required 22 automobile parking spaces by a maximum of 20 percent. The project may reduce up to four (4) automobile parking spaces and provide 16 bicycle parking spaces, in compliance with LAMC Section 12.21-A,4. The parking spaces and related landscape plan shall be in substantial conformance with the project plans, Exhibit "A", except as modified herein.
11. **In-Lieu Bicycle Parking.** In lieu of four (4) of the required automobile parking spaces, the applicant shall provide 16 bicycle parking spots (12 of which shall be short-term, and four (4) of which shall be long-term bicycle parking spots) pursuant to LAMC Ordinance 182,386 (Bike Parking Ordinance). The parking spaces and related landscape plan shall be in substantial conformance with the project plans, Exhibit "A", except as modified herein.
12. **Deficient Parking Fee.** Pursuant to Section 7.F.2 of the Ventura/Cahuenga Boulevard Corridor Specific Plan, the applicant and owner have opted, and are thereby required to pay for 14 deficient parking spaces which shall be recorded via Covenant and Agreement by the owner with the Department of Transportation (DOT) for the deficiencies created by the changes of use. This agreement requires the applicant/owner to pay \$100.00 per month, per deficient parking space, into DOT's Community Parking Revenue Fund for as long as the Project parking deficiency continues to exist. Prior to recordation, the Valley Project Planning Bureau staff shall review and provide the required signatures for the Planning Department on the covenant. Copies of the recorded Covenant shall be submitted to the Development Services Center prior to final clearance by the Department of City Planning, and a second copy shall be provided to the Department of Building and Safety Plan Check for building permit records.
13. **Parking Lot Landscaping.** A landscape plan shall show plantings in the parking area, and ensure that:

- a. In conformance with the Los Angeles River Improvement Overlay Zone, at least 75 percent of the plants proposed as appearing on at least one of the following lists:
 - i. Native; plants may be verified through: <http://calscape.com/> or equivalent
 - ii. WatershedWise; on the list of plantings here:
http://www.watershedhealth.org/Files/document/874_WatershedWise%20List%207_1_14.pdf
 - iii. In conformance with the Los Angeles County River Master Plan Landscaping Design Guidelines, which may be verified here:
http://ladpw.org/wmd/watershed/LA/LAR_planting_guidelines_webversion.pdf
 - b. A minimum 18-inch setback along the front lot line shall be fully landscaped.
 - c. One (1) 30-inch box shade-producing tree shall be provided for every four parking spaces at the parking area. While the Studio City/Cahuenga Pass Streetscape plan recommends Mexican Fan Palms and Flowering/Canopy Trees species for private lots, no species is explicitly required, but the tree shall be shade-producing, drought-tolerant species, and a minimum 24-inch box size pursuant to the Landscape Ordinance (Ordinance 170,978). The tree is encouraged to be installed with root barriers or to receive infrequent and deep watering sessions in order to encourage deep roots that will not break up the parking lot.
 - d. At minimum 15 percent of the total area of a surface parking lot shall be landscaped. The project shall provide 158 square feet or 17 percent landscaped area in the parking area.
 - e. The applicant shall maintain the landscape in a good, healthy condition by performing daily maintenance, removing trash, and replacing any dead plant materials, broken irrigation sprinklers and watering devices.
14. **Certification of Landscape Installation.** Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.
15. **Project Impact Assessment Fee.** Prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of construction of a three-story 6,025 square feet retail and office building project. A "Project Impact Assessment" (PIA) fee may be required and paid to the satisfaction of DOT for the purpose of funding the Specific Plan improvements and services, as well as pedestrian improvements which are intended to mitigate the cumulative impacts of new developments within the Specific Plan area.

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

16. **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.
17. **Streetscape Improvement.** The project shall be in compliance with the Studio City/Cahuenga Pass Streetscape Plan regulations.
18. **Specific Plan Covenant and Agreement.** A Covenant and Agreement shall be recorded with the Los Angeles County Recorder acknowledging the contents and limitations of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as well as the conditions of approval established herein. The Covenant and Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns and shall be submitted to the Department of City Planning for approval prior to being recorded. After recording, a copy bearing the County Recorder's number and date shall be provided to the Department of City Planning for attachment to the administrative file.
19. **Modifications.** Any modifications, change of use, or increase in floor area of the property shall be cause for separate discretionary review pursuant to the definition of a Project per the Specific Plan, and Section 11.5.7 of the LAMC and other applicable statutory requirements.

Administrative Conditions

20. **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.
21. **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.
22. **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.
23. **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.
24. **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.

25. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning through the enforcement of the Department of Building and Safety.
26. **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.
27. **Indemnification.** 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 in paragraph (b).
 - e. 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.

FINDINGS

The proposed project is the demolition of an existing one-story 2,453 square feet of retail building for the construction of a three-story 6,036 square feet commercial building containing 2,975 square feet of ground floor retail and 3,061 square feet of office space on the second and third floor with four (4) on-site and 14 off-site car parking spaces; and 12 short term, and four (4) long term bicycle parking spaces. The project proposes 158 square feet of landscaped area in the parking lot, 145 square feet on the roof terrace, and 111 square feet in the front yard setback, and one (1) 30-inch box tree in the parking area, and four (4) 24-inch box trees in the front yard setback. The project also includes a 640 square feet trellis on the third floor, 14 deficient parking spaces, and a sign program to regulate the installation and approval of future four (4) tenant wall signs on a 5,000 square-foot lot.

The subject property is a level, rectangular-shaped, parcel of land consisting of 0.12 acres and having a frontage of 50 linear feet along the south side of Ventura Boulevard. The subject site is zoned C2-1VLD-RIO. The surrounding properties are developed with one- or two-story commercial retail buildings along both sides of Ventura Boulevard and single-family dwellings across from the alley at the rear of the property.

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

The property is also located in Pedestrian Oriented Area. The Project includes 100 percent retail uses on the Ground Floor of the building frontage. All businesses will maintain direct pedestrian access to the sidewalk. The project will maintain at least 50 percent of its wall frontage as window space, display case, or public art. Nonreflective glass will be used to allow maximum visibility from sidewalk or courtyard areas into interior of buildings. Window displays will conform with sign requirements of this Specific Plan and the Los Angeles Municipal Code.

The proposed project, a commercial building with surface parking lot, substantially complies with the site's zoning and the Community Plan land use designation. As enumerated below, the proposed project has been conditioned to comply with all applicable regulations, findings, standards and provisions of the Ventura/Cahuenga Boulevard Corridor Specific Plan except the requested entitlement.

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

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

- a. Section 5.C: Uses.** The proposed use of retail and office is not restricted in this area of the Specific Plan, and thus is allowed.
- b. Section 6B: Floor Area Ratio (FAR).** The FAR limitation for this site is 1.25:1. The project proposes a 1.2:1 ratio, in compliance with the Specific Plan.
- c. Section 7A: Yards.** The front yard setback requirement is an 18-inch minimum and 10 foot maximum; this project proposes 3 feet 7 inches. The side yard setback is zero, with allowances for auto and pedestrian movements; the project proposes zero. The rear yard setback is 20 and the project proposes 30 feet 10½ inches from the midpoint of the abutting alley. As such, the project complies with the setback requirements.
- d. Section 7B: Lot Coverage.** The Specific Plan limits lot coverage to 75 percent, and this project proposes lot coverage of approximately 75 percent of the site, therefore this project complies with the lot coverage restrictions.
- e. Section 7C: Driveways.** The project has driveway access from the alley only.
- f. Section 7D: Landscaping.** As per Condition of Approval Number 13, the Project will provide at minimum one (1) 30-inch box tree for the parking lot that totals four (4) car parking spaces, in conformance with the landscaping requirements for surface parking lots, which has a one (1) tree for every four (4) parking space ratio. The project will provide four (4) 24-inch box trees on the front yard setback. The project is also subject to the River Improvement Overlay Zone regarding the species planted, and the Landscape Ordinance regarding what qualifies as shade-trees. The project provides 17 percent of the parking area as landscaped and therefore also meets the 15 percent minimum for landscaping. As such, the project complies with the landscaping requirements.

- g. **Section 7E: Height.** The project's proposed height is 33 feet, which is over the 30-foot limit set forth by the Plan. Therefore, the project seeks a Project Permit Adjustment to permit a three (3)-foot increase in building height to allow 33 feet in lieu of otherwise permitted 30 feet by Section 7.E.1.(a).3.(ii) of the Ventura/Cahuenga Boulevard Corridor Specific Plan.

Section 7F: Parking. Per Section 7.F.1.c of the Ventura/Cahuenga Boulevard Corridor Specific Plan, retail establishments require at least one (1) parking space for each 250 square feet of floor area and office establishments require at least one (1) parking space for each 300 square feet of floor area. The new commercial building with 2,975 square-foot ground floor retail and 3,061 square-foot office space on the second and third floors requires 22 parking spaces per the Ventura/Cahuenga Specific Plan. The project will further utilize the LAMC Ordinance No. 182,386 (Bicycle Parking Ordinance) to reduce (4) of the required automobile parking spaces, and replace with 16 bicycle parking spaces (12 of which will be short-term and four (4) will be long-term bicycle parking spaces). With the bicycle parking reduction, the project is still deficient 14 on-site parking spaces.

As per Condition of Approval Number 11, the applicant will provide 16 bicycle parking spots in lieu of four (4) of the required automobile parking spots, but this replacement leaves a 14-automobile parking space deficiency. Under Section 7.F.2 of the Specific Plan, 14 is maximum allowable number of deficient parking spaces for which the applicant is allowed to pay. As per Condition of Approval Number 12, the applicant/owner will satisfy the deficient parking spaces by utilizing Section 7.F.2 of the Ventura-Cahuenga Boulevard Corridor Specific Plan which requires a Covenant and agreement to be recorded with the Department of Transportation (DOT) to pay \$100.00 per month, per deficient parking space, into the Community's Parking Revenue Fund for as long as the Project parking deficiency continues to exist.

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

The Specific Plan permits a maximum of one (1) wall sign per tenant on a building's street frontage and a second sign facing an associated parking lot, secondary street, or alley, and a maximum sign area of two square feet for each lineal foot of street frontage. The site has 50 feet of street frontage. As such, a maximum of 100 square feet of wall sign area could be permitted; however, the project has been approved for a total of approximately 90 square feet. In addition to the above, a maximum of one (1) wall sign is permitted on the portion of a building facing an alley or a parking lot. Window signage can be used for up to 10 percent of the window area. Lastly, design detail and sign placement will be required before final clearance can be obtained. Conditions Number 7 and 8 will ensure new signage at the site will be in compliance with the Specific Plan regulations.

SPECIFIC PLAN PROJECT PERMIT ADJUSTMENT FINDINGS

2. There are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical.

The applicant proposes the construction of a new three (3)-story, commercial building in the proposed C2-1VL-RIO zone. The applicant is seeking a Project Permit Adjustment from Section 7.E.1.(a).3.(ii) of the Ventura/Cahuenga Boulevard Corridor Specific Plan, which permits a maximum 30-foot height on the south side of Ventura Boulevard between the intersection of Laurel Canyon Boulevard and Whitsett Avenue. The proposed commercial building is 33 feet at the highest point of the building as measured from grade. The Project requests a Specific Plan Adjustment to permit a height of 33 feet in lieu of 30 feet, which falls within the 10 percent limitation of the project permit adjustment.

The strict application of the Specific Plan would result in practical difficulties and would render the proposed project infeasible. The Specific Plan's 30-foot height limit is impractical as it would not permit a commercial building with sufficient height to accommodate three floors of uses and the necessary elevator shaft/roof access structures and additional solar equipment. According to the applicant, the increase in height is necessary to expand the allowable building envelope and physically conceal the elevator roof structure and mechanical equipment from view and accommodate the fixed solar panels on the gabled roof structure.

The request is not seeking deviation from the intent of the plan, as the intent is to provide for an effective local circulation system of streets and alleys and promote a high level of pedestrian activity in the Pedestrian Oriented Areas by regulating the placement of buildings and structures to accommodate ground level retail activity with attractive landscaping. The applicant, in fact, proposes to develop a commercial building that encourages pedestrian activity through pedestrian-scale design, connectivity, massing and height, all which increase overall walkability.

The unique design requirements and building characteristics of a commercial building cannot be accommodated within the parameters of the Specific Plan regulations without the requested adjustment. Therefore, the project requires flexibility as allowed by the Specific Plan Adjustment process to expand the building's height in order to accommodate roof access structures and solar equipment.

The development standards are limited by the Specific Plan. While appropriate for maintaining a reasonable amount of commercial development in the midst of low-density housing, it also precludes any possibility of providing a well-designed multi-tenant commercial building in this neighborhood. The specific plan limitation of 30 feet in height as measured from the lowest grade is utilized to regulate the height and intensity of traditional commercial/retail development to minimize impacts on nearby residential uses.

The proposed building design encompasses a three-story volume within a 33-foot height measured to the roof header. The building height is 27 feet from the grade to the top plate of the building. The unique building design also incorporates a street-facing terrace

on the roof of the second floor. The third floor is setback from the front of the building 33 feet 5 inches. For added character and unique aesthetic quality, the third floor is fitted with a slight gable roof rising approximately six (6) feet above the roof header. This design characteristic helps conceal the elevator shaft and mechanical equipment in the attic and the project's fixed solar panels.

Ventura Boulevard, north of the site, is a high-volume street, and is one of the main corridors in Los Angeles utilized for the transportation of people and encourages pedestrian activity and flow. This is the reason the site has been designed to promote pedestrian activity and access from Ventura Boulevard and the alley, as most pedestrians will access the project site via these streets. However, the 30-foot maximum height limitation affects the design of the structure. As such, the applicant is requesting an increase in height which will front Ventura Boulevard. The requested increase in height is appropriate for such a building and does not in and of itself result in any impact on local circulation or pedestrian activities. The requested adjustment is necessary to provide an economically viable commercial building in this community. Therefore, the height adjustment is necessary to allow the proposed 33-foot commercial building along Ventura Boulevard, without diminishing the quality of the development.

3. **In granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable specific plan regulations.**

Per Finding No 1 as proposed and conditioned, the project substantially complies with all other provisions of the Specific Plan regulations.

The unique design requirements and building characteristics of a commercial building cannot be accommodated within the parameters of the Specific Plan regulations, specifically the site's height limitations and without the adjustment, it is impractical and infeasible to build such a building on the subject property. Therefore, the applicant seeks flexibility as allowed by the Specific Plan Adjustment process to expand the building's physical envelope and accommodate the proposed commercial building.

The development standards are limited by the Specific Plan. The specific plan limitation of 30 feet in height as measured from the lowest grade to the highest point on the structure is utilized to regulate the intensity of traditional commercial/retail development to minimize impacts on nearby residential uses. The proposed height and bulk of the project are consistent with the existing commercial development patterns along Ventura Boulevard. Therefore, since the project proposes to redevelop an underutilized infill site with a new commercial building in close proximity to other similar uses, the Specific Plan Adjustment that would allow the development of the Project will substantially comply with the applicable Specific Plan regulations.

4. **In granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way.**

The commercial building will be consistent with the existing commercial development patterns along Ventura Boulevard, and in the general vicinity of the Site and will be

buffered from nearby single-family residential uses by a surface parking lot and alley to the south. The project setbacks will comply with the Specific Plan's setback and stepback requirements. The project stepback is 33 feet 5 inches a 10-foot from the façade on Ventura Boulevard, which will further reduce the bulk and massing of the project in relation to adjacent lower-density and lower-height development. The project will provide vehicular parking spaces within a surface parking lot accessible from the alley, bicycle parking spaces in lieu the required car parking spaces, and parking on public parking across from Ventura Boulevard. This complies with the parking requirements of the LAMC. Landscaping would be provided at the ground level and third-floor terrace. The new commercial building will improve the Ventura corridor by providing a sustainable and design-forward building. Operations associated with a commercial building including maintenance activity or noise emitted from the site is not expected to expose surrounding residential uses to severe, on-going noise or nuisances. All services are located within the internal envelope of the building and will thus be buffered from surrounding uses.

The building has been thoughtfully designed to articulate the façade with a variety of planes, colors, and textures. The articulation will break up the massing of the building's envelope and will provide a pleasant experience for pedestrians and road-users, further improved by ground floor transparency and design elements. Therefore, the proposed commercial building is designed to be compatible with existing and future development on neighboring properties. The proposed building has a maximum height of 33 feet, comprising three (3) stories is appropriate in size and scale for a commercial corridor.

Vehicular access to the Site's parking areas would be provided via the public alley. Pedestrian access within the Site will be enhanced via sidewalk improvements and the development of short-term bike parking infrastructure. Public pedestrian access to the building would be provided from an entrance on Ventura Boulevard in addition to a second entrance at the rear of the building at the alley.

For the reasons outlined above, the Specific Plan Adjustment will have no detrimental effects on surrounding properties or public rights-of-way.

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

The Director of Planning has determined that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303, Class 3, new construction or conversion of small structures, and Section 15311, Class 11, On-premise signs, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

WAIVER OF DEDICATION AND/OR IMPROVEMENT FINDINGS

Pursuant to LAMC Section 12.37-I, the Director may waive, reduce, or modify the required dedication or improvement as appropriate after making any of the following findings, in writing, based on substantial evidence in the record.

6. The dedication or improvement requirement does not bear a reasonable relationship to any project impact.

The proposed project is the demolition of an existing one-story 2,453 square feet of retail building for the construction of a three-story 6,036 square feet commercial building containing 2,975 square feet of ground floor retail and 3,061 square feet of office space on the second and third floor with four (4) on-site and 14 off-site car parking spaces, 12 short term, and four (4) long term bicycle parking spaces. The project also includes a 640 square feet trellis on the third floor, 14 deficient parking spaces, and a sign program to regulate the installation and approval of future four (4) tenant wall signs on a 5,000 square-foot lot.

The subject property is an interior lot with approximately 50 feet of frontage located along the southerly side of Ventura Boulevard between Vantage and Laurelgrove Avenues. Ventura Boulevard, adjoining the property to the north, is a Boulevard II, designated for a right-of-way width of 110 feet and roadway width of 80 feet by the Mobility Plan 2035. Ventura Boulevard is improved with an approximately 70-foot paved roadway, 30-foot sidewalks, concrete curb, and gutter. Further, as shown in the Complete Streets Design Guide, Complete Streets Diagram, a typical Boulevard II will include two- to three lanes of traffic in each direction and 15 feet sidewalk. The segment of Ventura Boulevard fronting the subject property currently includes parking lanes, two (2) travel lanes in each direction, a two (2) way left-turn access, and a 15-foot wide sidewalk for the full length of frontage adjacent to the subject property. Therefore, the capacity identified by both the Mobility 2035 Plan and the Complete Streets Design Guide, Complete Streets Diagram, are met by the existing road and sidewalk widths.

Per the Transportation Study Assessment form completed on November 1, 2022, the project will create 70 new trips. The improvement requirement does not bear a reasonable relationship to any project impact. Vehicular access to the subject property will be provided via the existing driveways from the alley.

The current dedicated portion of Ventura Boulevard adjacent to the subject property reflects the current and future needs of the subject property with a 15-foot wide sidewalk along the entire frontage. While a five (5)-foot dedication and improvement to widen the Roadway is necessary to complete a 55-foot half-width Right-of-Way, this imposition does not bear a reasonable relationship to the 70 new trips generated by the proposed project. Furthermore, the existing street lanes, parking, and roadway capacity would not materially be changed with the five (5)-foot dedication. Additionally, a dedication along Ventura Boulevard will necessitate the removal and reconstruction of a street light, which based upon initial cost estimates, will call into question the nexus of proportionality in terms of the cost of development of the proposed project and the cost of off-site improvements. Therefore, the dedication or improvement requirement does not bear a reasonable relationship to any project impact.

7. **The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.**

The subject property located on a mid-block south side of Ventura Boulevard which is a designated Boulevard II - under the Mobility Plan 2035, requires a 110-foot ROW inclusive of an 80-foot roadway. Adjacent to the subject property, Ventura Boulevard is currently dedicated to a Right-of-Way width of approximately 100 feet and a roadway width of approximately 70 feet. A 15-foot-wide sidewalk currently exists along the entire frontage of the subject property.

The instant request is for the waiver of the Boulevard II Street - Standard dedication and improvement requirements for the portion of Ventura Boulevard directly adjacent to the subject property, thereby maintaining the existing, 50-foot half-width ROW in conjunction with the approximately 6,036 square feet commercial building. Notwithstanding the proposed project is designed to satisfy the mobility needs of the users per the Mobility 2035 Plan requirement.

Given the existing dedication of Ventura Boulevard adjacent to the subject property and the fact that the five (5)-foot roadway dedication does not provide enhancements to the street capacity, said dedication is not necessary to meet the City's mobility needs for the next 20 years. As discussed above in Finding No. 5, this segment of Ventura Boulevard is currently designed with parking lanes, two (2) travel lanes in each direction, a two (2) way left-turn access, and a 15-foot wide sidewalk for the full length of frontage adjacent to the subject property. Therefore, the applicant respectfully requests that the additional five (5)-foot dedication along Ventura Boulevard, and any associated right-of-way widening be waived.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination 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

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."

APPEAL PERIOD - EFFECTIVE DATE

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.

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://www.planning.lacity.org/forms.htm>.

Planning Department public offices are located at:

*Figueroa Plaza
201 North Figueroa
Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077*

*Marvin Braude San Fernando
Valley Constituent Service
Center
6262 Van Nuys Boulevard,
Suite 251
Van Nuys, CA 91401
(818) 374-5050*

*West Los Angeles
Development Services
Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2901*

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 by calling (213) 482-7077 or (818) 374-5050 or (310) 231-2901 or through the Department of

City Planning website at <http://cityplanning.lacity.org>. 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.

Note of Instruction Regarding the Notice of Exemption: Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the effective date. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, **and the possibility of a CEQA appeal**, being extended to 180 days.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



JoJo Pewsawang, Senior City Planner

Prepared and Reviewed by:



Adrineh Melkonian, City Planner
Adrineh.melkonian@lacity.org

cc: Council Office, District 4
Department of Building and Safety
Department of Transportation
Adjoining Property Owners
Studio City Neighborhood Council