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March 9, 2020

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CASE NO. ZA-2018-5792-ZAD
ZONING ADMINISTRATOR'S
DETERMINATION
19000 Rinaldi Street (Primary)
11280 Wilbur Avenue
Community Plan Area: Chatsworth –
Porter Ranch
Zone : [T][Q]C2-1L
C. D. : 12 - Lee
CEQA : ENV-2018-5791-CE
Legal Description: Lot 1, Parcel 2 of Tract
28943, Fraction of Lot 181, Tract 28942
& 28661

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines, Section 15300.2 applies.

Pursuant to Los Angeles Municipal (LAMC) Code Section 12.24 X.22, I hereby APPROVE:

a Zoning Administrator's determination to permit the construction, use and maintenance of two, two-story commercial office buildings in the [T][Q]C2-1L Zone which exceed the Transitional Height requirements otherwise permitted by LAMC Section 12.21.1 A.10. Building "A" is two stories and a maximum 50-foot 3-inch height with approximately 23,800 square feet of building area. Building "B" is two stories with a maximum 29-foot 9-inch height and approximately 15,200 square feet of building area for a combined 39,000 square feet of floor area in both buildings. The project requires 14,320 cubic yards of cut, 3,784 cubic yard of fill, 10,536 cubic yards of export and requires a haul route,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions; if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. Approved herein is the construction, use and maintenance for two (2) commercial office buildings which total 39,000 square feet on an approximately 66,488 square feet site in the [T][Q]C2-1L Zone.
8. Building "A" is approved herein for a height of 44 feet 6-inches in lieu of the 25-foot maximum height for portions of the building located within 0 feet to 49 feet from the A1-1 Zone, and a maximum building height of 50 feet 3-inches in lieu of the 33-foot maximum height located 50 feet to 99 feet from the A1-1 Zone. Building "B" is approved for a maximum building height of 39 feet in lieu of the 25-foot maximum height within 0 feet to 49 feet of the A1-1 zoned property. These grants exceed maximum height otherwise permitted under LAMC Section 12.21.1 A.10. No other deviations from the LAMC requirements were requested or approved.

9. Prior to any sign-off of plans by the Development Services Center, the plot plan and the landscape plan shall be submitted to the Fire Department for review of compliance with the Los Angeles Municipal Code fire protection provisions for hillside dwellings.
10. Any removal of protected trees first requires approval from the Board of Public Works. Prior to the issuance of a grading or building permit, a Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval prior to protected tree removal.
11. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
 - Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (818) 374-9918.
 - If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 30 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
 - The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
 - The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
 - If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated

tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.

- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
 - Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
12. **Human Remains Inadvertent Discovery.** In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal *remains* are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:
- Stop immediately and contact the County Coroner: 1104 N. Mission Road Los Angeles, CA 90033 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
 - If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
 - The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
 - The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.
13. **Archaeological Resources Inadvertent Discovery.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified

archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

14. **Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

15. **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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are

not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization 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 upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such 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 if the same be 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. The Zoning Administrator's determination in this matter will become effective after **March 24, 2020**, unless an appeal therefrom 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 the Zoning Administrator's action, 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://planning.lacity.org>.** 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*

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.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and statements made at the public hearing on December 2, 2019, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The subject property is comprised of three (3) sloping, irregularly shaped parcels that total approximately 66,488 square feet of lot area on the southeast corner of Rinaldi Street and Wilbur Avenue. The topography of the site slopes downward from Rinaldi Street to the southerly property line. The combined parcels are wide and shallow with an irregular configuration. The northern property line along the Rinaldi Street frontage is 785 feet long. The western property line fronting Wilbur Avenue (Portion "A") is 89 feet wide.

The subject property is an undeveloped site that is currently vacant. The subject site is zoned [T][Q]C2-1L with a General Plan Land Use designation of Neighborhood Office Commercial. The project is located within a Special Grading Area, a High Wind Velocity Area, a Hillside Area, a Liquefaction Area, and is approximately 3.0 kilometers from the Santa Susana Fault. An easement runs across both the adjacent A1-1 Zone, along with the subject property, which is used for an underground water conduit as described in Book D2832, page 829, of the County Assessor's Official Records. According to Ordinance No. 157,617, the property is subject to the "Q" Qualified Classification stating that no structure built on Rinaldi Street frontage shall exceed two-stories in height or more

than 36 feet above the sidewalk elevation measured at the highest point of the sidewalk opposite each building. The "Q" Qualified classification further states that the height shall be measured to the highest point of the roof parapet or penthouse.

The proposed project is the construction, use, and maintenance of two, two-story office buildings, Building "A" is proposed to be 24,400 square feet, and Building "B" is proposed to be 14,600 square feet, for a total of 39,000 square feet of building area on a 66,489 square-foot site. The buildings will be developed across the three contiguous parcel. Building "A" is located on the eastern side of the parcel. Building "B" is located on the western portion of the parcel, has multiple frontages on both streets. The proposed building curves along the intersections of Rinaldi Street and Wilbur Avenue (where the frontage faces toward the northwest). The project proposes 118 parking spaces (77 surface parking spaces, 41 garage-level parking spaces), and includes a landscape design that incorporates 36 new trees as well as a variety of shrubbery, vines and ground cover. The project proposes the removal of five existing non-protected on-site trees for the development of the site.

The project requires approximately 14,320 cubic yards of cut, 3,784 cubic yard of fill, 10,536 cubic yards of export. Grading and hauling will be reviewed by LADBS.

The property is accessed from the proposed driveway located within the north side of the lot that enters and exits onto Rinaldi Street. Adjoining properties to the north and northeast are zoned RS-1 and are developed with single-family dwellings. Adjoining properties to the northwest are zoned A1-1XL and improved with a recreational golf course as part of the Porter Valley Country Club. Adjoining properties to the west are zoned [Q]RD4-1 and QR3-1 and are improved with condominiums. Adjoining properties to the south are zoned A1-1, (Q)C2-1L and A1-1L, and PF-1XL; the abutting lot zoned A1-1 is a vacant lot that contains an easement that is used for an underground water conduit. Further to the south, are properties within the (Q)C2-1L and A1-1L Zones that are improved with commercial or medical office buildings. Further south, approximately 270 feet, is the California State Route 118 Highway.

There are no previous zoning related actions in the area (within a 500-foot radius of the project site).

PUBLIC HEARING

The public hearing for the subject matter was held on December 2, 2019, at the Marvin Braude San Fernando Valley Constituent Center in Van Nuys at approximately 1:30 PM. The applicant, architect and three members of the Porter Ranch Neighborhood Council gave testimony which is summarized as follows:

Applicant and architect:

- The project proposed is a new office building which we began about three years ago. We previously were looking into developing the site as an Eldercare Facility.

- The site is long and narrow and the topography creates a hardship as there is an incline from 10 to 20 feet from Rinaldi Street. We are also faced with transitional height regulations from the abutting A1 Zone on the south owned by the City (Department of Water and Power) and PF Zone on the east which is owned by Caltrans.
- Met with the Council Office 12 (Hannah Lee) on several occasions to adjust the design, which was changed significantly to reflect a more traditional Spanish Style architectural more in line with the Porter Ranch Country Club than the original modern design. There are pedestrian entrances for both proposed buildings from Rinaldi Street and vehicular access proposed from a driveway on Wilbur Avenue. We will comply with the 50 percent glazing for commercial corner requirements.

Public Testimony:

- This is the first time we are hearing about this project. This intersection and corner are impacted. There are high transmission lines and a gas pipeline that go through the site. With all the issues we have had as of late in our community, gas leaks during construction is a concern. Our community is concerned about these sensitive issues since they are proposing a garage and basement levels. The height is in question.
- During their three years of formulating this project they did not do proper outreach to the community nor Neighborhood Council. We were never contacted or we would have held a Land Use meeting to discuss. There have been several accidents at the intersection due to people driving around the blind curve and the difference in elevation, which is a design hazard. I am happy to provide accident reports to the file, if necessary.
- The three of us missed work to be here today since the project did not contact us to present before the Neighborhood Council. We were not provided plans before the public hearing even though we requested them of staff. We might have comments on the transitional height, but need adequate time to review. Why can the project not design the height by right as the project to the south did? Has a traffic study been done since they are proposing 100 parking spaces? We have Neighborhood Council meeting with the full board on the second Wednesdays of each month and recommend the case be taken under advisement until a letter is issued from us.

At the conclusion of the public hearing, the Zoning Administrator agreed to take the case under advisement for six weeks to allow for a special meeting with the Land Use Committee of the Neighborhood Council and then action by the full board. The Hearing Officer read the letter from Department of Transportation dated April 11, 2019 and established that the files were available for review after the hearing concluded.

MANDATED FINDINGS

In order for a deviation from the zoning regulations to be granted, all of the legally mandated findings delineated in Section 12.24 X.22 of the Los Angeles Municipal Code must be made in the affirmative. The following is a delineation of the findings and the application of the relevant facts to same:

- 1. 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 subject property is comprised of three (3) sloping, irregularly shaped parcels that total approximately 66,488 square feet of lot area on the southeast corner of Rinaldi Street and Wilbur Avenue. The topography of the site slopes downward from Rinaldi Street to the southerly property line. The combined parcels are wide and shallow with an irregular configuration. The northern property line along the Rinaldi Street frontage is 785 feet long. The western property line fronting Wilbur Avenue (Portion "A") is 89 feet wide.

The subject property is an undeveloped site that is currently vacant. The subject site is zoned [T][Q]C2-1L with a General Plan Land Use designation of Neighborhood Office Commercial. The project is located within a Special Grading Area, a High Wind Velocity Area, a Hillside Area, a Liquefaction Area, and is approximately 3.0 kilometers from the Santa Susana Fault. An easement runs across both the adjacent A1-1 Zone, along with the subject property, which is used for an underground water conduit as described in Book D2832, page 829, of the County Assessor's Official Records. According to Ordinance No. 157,617, the property is subject to the "Q" Qualified Classification stating that no structure built on Rinaldi Street frontage shall exceed two-stories in height or more than 36 feet above the sidewalk elevation measured at the highest point of the sidewalk opposite each building. The "Q" Qualified classification further states that the height shall be measured to the highest point of the roof parapet or penthouse. The [Q] condition imposed on the property limits the height of buildings to 36 feet along the northern and western sides of Wilbur Avenue and Rinaldi Street. As shown on Exhibit "A", Building "A" proposes a maximum height of 26 feet (as measured from the highest point of the sidewalk). Building "B", proposes a maximum height of 36 feet (also as measured from the highest point of the sidewalk). Therefore, the project complies with the "Q" Qualified Classification as established by Ordinance No. 157,617.

As shown on Exhibit "A", Building "A" is proposed to observe a 44 feet and six (6) inch building height in lieu of the 25-foot maximum height for portions of the building located within zero (0) feet to 49 feet of an A1-1 zoned property, and to observe a 50-foot three (3) inch height in lieu of the 33-foot maximum height for portions of the building located within 50 feet to 99 feet of an A1-1 zoned property otherwise permitted by Section 12.21.1 A.10. The required maximum building height per the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite of the building. The proposed maximum building height for

Building "A" as measured according to the [Q] Condition is 26 feet as measured from the highest elevation of the sidewalk opposite the building on Rinaldi Street.

Building "B" is proposed to observe a 39-foot building height in lieu of the 25-foot maximum height permitted for portions of the building within zero (0) to 49 feet of the A1-1 zoned property and conform to the height limitations of the Development Standards of the Transitional Height Restrictions per LAMC Sections 12.21.1 A10. As discussed above, the required maximum building height per the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite of the building. Due to the sloping nature of the site, the proposed maximum building height for Building "B", as measured according to the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite the building on Rinaldi Street. These heights will not extend beyond the 36-foot [Q] condition height limit nor the 61-foot transitional height limited imposed by the residential neighborhood approximately 120 feet across from the project site. All other development standards will be in full compliance.

The proposed project is the construction, use, and maintenance of two, two-story office buildings, Building "A" is proposed to be 24,400 square feet, and Building "B" is proposed to be 14,600 square feet, for a total of 39,000 square feet of building area on a 66,489 square-foot site. The buildings will be developed across the three contiguous parcel. Building "A" is located on the eastern side of the parcel. Building "B" is located on the western portion of the parcel, has multiple frontages on both streets. The proposed building curves along the intersections of Rinaldi Street and Wilbur Avenue (where the frontage faces toward the northwest). The project proposes 118 parking spaces (77 surface parking spaces, 41 garage-level parking spaces), and includes a landscape design that incorporates 36 new trees as well as a variety of shrubbery, vines and ground cover. The project proposes the removal of five existing non-protected on-site trees for the development of the site.

The City of Los Angeles' General Plan Framework element and each of the City's 35 Community Plans promote architectural and design excellence in buildings, landscape, open spaces, and public space. They also stipulate that preservation of the City's character and scale, including its traditional urban design form, shall be emphasized in consideration of future development. To this end, the Citywide Design Guidelines have been created to carry out the common design objectives that maintain neighborhood form and character while promoting design excellence and creative infill development solutions. The Citywide Commercial Design Guidelines offers six (6) objectives that serve as "best practices" to create a pedestrian-oriented, high quality commercial design that nurtures an overall active street presence, while protecting and conserving the neighborhood architectural character.

Objective 4: Minimize the appearance of driveways and parking areas.

The project proposes 118 parking spaces that is located within the interior of the subject property, that does not dominate the streetscape, and reserves corner locations for buildings. As shown on Exhibit "A", the parking spaces abut a public

sidewalk, and a five (5)-foot landscaped buffer is proposed to separate the sidewalk from the parking spaces. Finally, the project proposes one (1) access point for entry and exit from the parking spaces, which maintains the sidewalk's continuity and minimizes the number of curb cuts for driveways. Therefore, the proposed project meets Objective 4 of the Citywide Commercial Design Guidelines to minimize the appearance of driveways and parking areas.

This project is located within the Chatsworth-Porter Ranch Community Plan, that provides an official guide to future development of the Community, that is intended to both contribute to a healthful and pleasant environment, and reflect economic potentialities and limitations to the extent reasonable and feasible. As stated in one of the objectives:

Objective 4.4: To promote economic well-being and public convenience through: allocating and distributing commercial lands for retail, service and other facilities in quantities and patterns based on Los Angeles City Planning Department accepted planning principles and standards.

The proposed project and meets the spirit and intent of the Community Plan by strengthening of the Chatsworth Community Business District by locating the proposed commercial project within an existing Neighborhood Office Commercial site as designated by the Community Plan. Further, the subject property is currently a vacant site. By improving vacant lands with the construction of professional office buildings, this grant will improve the vacant site with a service that is essential or beneficial to the community, City or region that was previously unused and underutilized. Moreover, the project complies with the "Q" Qualified Classification that regulates height, while implementing the Citywide Commercial Design Guidelines for a more pedestrian-oriented level design by minimizing the appearance of driveways and parking areas.

Therefore, 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 by providing the local community more employment or commercial opportunities through an attractively designed professional neighborhood office spaces.

- 2. 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 subject property is located within the southeast corner of the intersection of Rinaldi Street and North Wilbur Avenue. The property is accessed from the proposed driveway located within the north side of the lot that enters and exits onto Rinaldi Street. Adjoining properties to the north and northeast are zoned RS1-1 and are developed with single-family dwellings, while the adjoining properties to the northwest are zoned A1-1XL, and is improved with a recreational golf course

as part of the Porter Valley Country Club. Adjoining properties to the west of the subject property are zoned [Q]RD4-1 / QR3-1 and are improved with single-family condominiums. Adjoining properties to the south are zoned A1-1, (Q)C2-1L / A1-1L, and PF-1XL; the abutting lot zoned A1-1 is a vacant lot that is owned by the Los Angeles Department of Water and Power (DWP) and contains an easement that is used for an underground water conduit. Further to the south, are properties within the (Q)C2-1L / A1-1L Zones that are improved with commercial or medical office buildings. Also to the south of the subject property, is the California State Route 118 Highway.

The proposed project involves the construction, use, and maintenance of two, two-story office buildings (Building "A" is comprised of 24,400 square feet, and Building "B" is comprised of a total of 14,600 square feet) for a total of 39,000 square feet of building area on a 66,489 square-foot lot. The project proposes 118 parking spaces (77 surface parking spaces, 41 garage-level parking spaces) along with a landscape design that incorporates 36 trees as well as a variety of desert shrubbery, vines and ground cover.

The subject property is zoned [T][Q]C2-1L and is subject to varying heights per Transitional Height since the subject property abuts a vacant site zoned A1-1. This site is owned by The Los Angeles Department of Water and Power and is used as an easement runs across both the A1-1 Zone, along with the subject property that is used for an underground water conduit. This site will not be developed.

As shown on Exhibit "A", Building "A" is proposed to observe a 44 feet and six (6) inch building height in lieu of the 25-foot maximum height for portions of the building located within zero (0) feet to 49 feet of an A1-1 zoned property, and to observe a 50-foot three (3) inch height in lieu of the 33-foot maximum height for portions of the building located within 50 feet to 99 feet of an A1-1 zoned property otherwise permitted by Section 12.21.1 A.10. The required maximum building height per the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite of the building. The proposed maximum building height for Building "A" as measured according to the [Q] Condition is 26 feet as measured from the highest elevation of the sidewalk opposite the building on Rinaldi Street.

Building "B" is proposed to observe a 39-foot building height in lieu of the 25-foot maximum height permitted for portions of the building within zero (0) to 49 feet of the A1-1 zoned property and conform to the height limitations of the Development Standards of the Transitional Height Restrictions per LAMC Sections 12.21.1 A10. As discussed above, the required maximum building height per the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite of the building. Due to the sloping nature of the site, the proposed maximum building height for Building "B", as measured according to the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite the building on Rinaldi Street. These heights will not extend beyond the 36-foot [Q] condition height limit nor the 61-foot transitional height limited imposed by the residential neighborhood approximately 120 feet across from the project site. All other development standards will be in full compliance.

As a newly constructed commercial building on a vacant and unimproved site that provides a service to the local community, the project will not degrade the value or views of the adjacent properties or neighborhood. Moreover, no harmful or toxic chemicals will be stored in large quantities on site, and no fumes, manufacturing or processes will take place on site as not to adversely affecting public health, welfare and safety of the surrounding neighborhood. The project is below the maximum permitted floor area, and as conditioned herein, the proposed project and its features will not adversely affect adjacent properties or public health, welfare and safety. Therefore, the proposed project will be compatible in scale with the existing adjoining and nearby structures and uses. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and landscaping and other development features.

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

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of Los Angeles Municipal Code requirements. Except for the entitlement described herein, the project does not propose to deviate from any other Los Angeles Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements adopted by the City Council. The Framework Element establishes the broad overall policy and direction for the General Plan. Approval of the project is in substantial conformance with the following Framework Element land use goals and objectives:

Goal 3H: Lower-intensity highway-oriented and local commercial nodes that accommodate commercial needs outside centers and districts.

Objective 4.4: Generally, maintain the uses, density, and character of existing low-intensity commercial districts whose function serve surrounding neighborhoods and / or are precluded from intensification due to their physical characteristics.

The proposed project consists of two (2) commercial office buildings that are located outside of the City's center within a local commercial node that is surrounded by low intensity suburban development, uses, and character including single-family / multi-family dwellings, large recreational centers, and open space. This project is located within a site designated as a Neighborhood Office Commercial land use designation that accommodates commercial needs within Porter Ranch, as identified by the Community Plan. Therefore, by proposing a low-intensity commercial office project within a designated commercial zone, the subject property maintains the uses, density, and character of existing low-intensity

commercial districts whose function serves surrounding neighborhoods while also promoting economic well-being and public conveniences.

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Chatsworth – Porter Ranch Community Plan designates the subject site as Neighborhood Office Commercial with corresponding zones of C1, C1.5, C2, C4 and RAS3. The property is not located in a Specific Plan area. The Chatsworth – Porter Ranch Community Plan encourages the preservation of low-density single-family residential areas, the conservation of open space lands, and strengthening of the Chatsworth Community Business District. As conditioned, the project complies with the following Community Plan objectives, policies and programs for projects:

Objective 4a: To promote economic well-being and public convenience [through] allocating and distributing commercial lands for retail, service, and other facilities in quantities and patterns based on Los Angeles City Planning Department accepted planning principles and standards.

Policy: To preserve low-density single-family residential areas, the conservation of open space lands, and the preservation and strengthening of the Chatsworth Community Business District.

The proposed project includes commercial buildings that will provide economic well-being, services and public convenience for the surrounding area by providing commercial opportunities for local businesses. By locating two (2) proposed commercial buildings within designated commercial areas, the proposed project maintains the spirit and intent of the Chatsworth – Porter Ranch Community Plan to preserve low-density single-family residential areas, the conservation of open space lands, and strengthening of the Chatsworth Community Business District. Therefore, the project meets the objectives and policies of the Chatsworth – Porter Ranch Community Plan.

As conditioned, the project will substantially conform to the purpose, intent and objectives of the General Plan and the Chatsworth – Porter Ranch Community Plan.

4. The project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

The proposed project provides an arrangement of uses, buildings, structures, open spaces and other improvements with the scale and character of the adjacent properties and surrounding neighborhood. In regards to height, the commercial structure to the south of the subject property has a maximum height of two (2) stories, along with the single-family dwellings to the north of the subject property. The gated multi-family dwellings to the west of the subject property also has a maximum height of two (2) stories, and are buffered by a tennis court complex, a large fence along with Wilbur Avenue. The single-family properties to the northwest

are pre-dominantly two (2) stories, and are buffered by a golf course, along with and the intersection of Rinaldi Street and Wilbur Avenue.

The commercial property to the south of the subject property is the only other commercial use within the immediate area. According to the applicant, the building contains two (2) stories, along with 15,789 square feet of the building area within a 27,399 square-foot parcel that includes multiple tenants and 60 surface parking stalls. The proposed project includes two (2), two (2)-story office buildings (Building "A" comprises of 24,400 square feet, and Building "B" comprises of 14,600 square feet) for 39,000 square feet of building area on a 66,489 square-foot lot. Each proposed building (Building "A" and Building "B") within the project are similar in use, size, height, and total square footage as compared to the medical office building located to the south.

As shown on Exhibit "A", Building "A" is proposed to observe a 44 feet and six (6) inch building height in lieu of the 25-foot maximum height for portions of the building located within zero (0) feet to 49 feet of an A1-1 zoned property, and to observe a 50-foot three (3) inch height in lieu of the 33-foot maximum height for portions of the building located within 50 feet to 99 feet of an A1-1 zoned property otherwise permitted by Section 12.21.1 A.10. The required maximum building height per the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite of the building. The proposed maximum building height for Building "A" as measured according to the [Q] Condition is 26 feet as measured from the highest elevation of the sidewalk opposite the building on Rinaldi Street.

Building "B" is proposed to observe a 39-foot building height in lieu of the 25-foot maximum height permitted for portions of the building within zero (0) to 49 feet of the A1-1 zoned property and conform to the height limitations of the Development Standards of the Transitional Height Restrictions per LAMC Sections 12.21.1 A10. As discussed above, the required maximum building height per the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite of the building. Due to the sloping nature of the site, the proposed maximum building height for Building "B", as measured according to the [Q] Condition is 36 feet as measured from the highest elevation of the sidewalk opposite the building on Rinaldi Street. These heights will not extend beyond the 36-foot [Q] condition height limit nor the 61-foot transitional height limited imposed by the residential neighborhood approximately 120 feet across from the project site. All other development standards will be in full compliance.

As discussed above, the proposed project's height will not extend beyond the 61-foot transitional height limited imposed by the residential neighborhood approximately 120 feet across from the project site. The adjacent properties to the north across Rinaldi Boulevard and to the west across of Wilbur Avenue are located more than 99 feet from proposed Buildings "A" and "B", and limit the building height to 61 feet as measured from the lowest point of evaluation within 5 feet of each building. The property immediately south of the subject property is zoned A1-1, and as such, is subject to conform to the transitional height restrictions. The increase in height for the rear portion of the proposed structures

will cause no harmful effects, because even though the property is zoned A1-1, it is owned and used by a utility, and will likely never be developed with a single-family dwelling nor will it likely be re-zoned to a higher intensity. The project will adhere to all other zoning regulations, and conform to the intent of those transitional height regulations. Therefore, both buildings conform to the transitional height requirement in relation to the surrounding residential buildings, and pertinent restrictions.

The project also conforms to the surrounding area by its use of open space and landscaping. The proposed property includes varying setbacks (between five (5) to 48 feet) at the corner of Rinaldi Boulevard and Wilbur Avenue. The setback and green landscaped open space is similar to the setbacks of the adjoining residential properties, and the recreational golf course that buffers those residential properties to the northwest of the subject property. The landscaping of the subject property is compatible with the green fencing and tennis court complex to the west and the green landscape to the east of the subject property. The landscape plan proposes 36 trees on site and seven (7) street trees that align with the character of the immediate area. Moreover, plants such as Toyon, Mexican Sage, and Lavender Cotton are proposed in and around the proposed buildings, so that the project includes landscaping that is both suitable for the climate and area.

Therefore, the project provides for an arrangement of uses, buildings, structures, open space and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

ADDITIONAL MANDATORY FINDINGS

5. 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. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

Inquiries regarding this matter shall be directed to Dang Nguyen, Planning Staff at (818) 374-5050.



DAVID S. WEINTRAUB
Associate Zoning Administrator

DSW:ML:AJ:DN:MH

cc: Councilmember John Lee, 12
Adjoining Property Owners
Interested parties