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CITY PLANNING

CITY PLANNING COMMISSION

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<http://planning.lacity.org>

June 23, 2016

Owner & Applicant

Jain Temple of Los Angeles
550 S. Hill Street, #1183.
Los Angeles, CA 90013
Attn: Rajesh Shah

Representative

Mailian & Associates
9816 Amanita Avenue
Tujunga, CA 91042

Case No. DIR-2016-425-SPP

CEQA: ENV-2016-426-CE

Related Case: DIR-2012-2526-SPP

Location: 10105 N. Commerce Avenue

Council District: CD 7- Fuentes

Neighborhood Council: Sunland-Tujunga

Community Plan Area: Sunland-Tujunga-Lake View

Terrace - Shadow Hills- East La

Tuna Canyon

Specific Plan: Foothill Boulevard Corridor

Land Use Designation: Neighborhood Office Commercial

Zone: C2-1L

Legal Description: Lot 62, Los Terrenitos Tract

Last Day to File an Appeal July 8, 2016

DETERMINATION

Pursuant to LAMC Section 11.5.7.C, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby conditionally approve:

A Project Permit Compliance Review to permit the addition of a 3,240 square foot second story to an existing 5,656 square foot Jain Temple and community center.

The project is Categorically Exempt from environmental review pursuant to Article III, Section 1, and Class 1, Category 5 of the City of Los Angeles CEQA Guidelines.

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

CONDITIONS OF APPROVAL

A. ENTITLEMENT CONDITIONS

1. **SITE DEVELOPMENT.** The property shall be developed in substantial conformance with the submitted Site Plan, Parking Plan, Floor Plans, Elevations, and Landscape Plan, labeled Exhibits "A-1" thru "A-6" dated October 10, 2013, and are attached to the Administrative file DIR-2016-425-SPP, except as modified herein. No change to the plans will be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **HEIGHT.** Per the submitted site plan, the building height shall not exceed 30 feet. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties.
3. **LANDSCAPING.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning according to LAMC 12.40 and Landscape Ordinance Guidelines "O".
4. **PARKING LANDSCAPE.** At minimum, one canopy tree shall be provided for every four new parking spaces. These trees shall be evergreen shade-producing trees and, at the time of planting, shall each: come in a box at least 24-inch in size, have a minimum trunk caliper of 2 inches, and have a minimum of ten (10) feet in height from the ground after it is planted in the ground. The trees must be of a type expected to be, at the point of maturity, a minimum of 30 feet in height up to a maximum of 50 feet in height and with a tree canopy of 20 feet to 40 feet in diameter. These trees shall be distributed throughout the new parking area in a manner so that a minimum of one (1) tree shall be located within ten (10) feet of any parking space. The distribution shall not preclude groups or clusters of trees located throughout the parking lot. Solar structures may be installed instead of such canopy trees.
5. **IRRIGATION.** Facilitate sustainable water use by using automated watering systems and drip irrigation to water landscaped areas.
6. **STREET IMPROVEMENTS, DEDICATIONS AND STREET TREES**
 - a. Street improvements and dedications: None required.
 - b. Street trees and tree wells: None required.

Note: Street lights may be required by the Bureau of Street Lighting.

B. DESIGN CONDITIONS

7. **ARTICULATION.** Vary and articulate the building façade to add scale and avoid large monotonous walls, using variations in color and texture.
8. **WINDOWS AND DOORS.** Incorporate windows and doors with well-designed trims and details as character-defining features.
9. **PERIMETER WALLS.** The following materials shall be prohibited to be used on the wall structure: unfinished cinderblocks, chain link, wrought iron spears, and barbed wire.
10. **ROOFTOP.** The roofing material and colors of all buildings shall have a Solar Reflectance Index (SRI)¹ value of 78 or greater.
11. **EQUIPMENT.** Rooftop and mechanical equipment shall be screened from view and set back from the edge of the building to eliminate visual impacts to surrounding properties.
12. **GRAFFITI.** Use exterior surface materials or coatings that will reduce the incidence and appearance of graffiti.

C. ADMINISTRATIVE CONDITIONS

13. **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 "Exhibit A". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
14. **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.
15. **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.
16. **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.
17. **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

¹ The U.S. Department of Energy defines the **Solar Reflectance Index (SRI)** as a measurement of the roof's ability to reject solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is 0 and a standard white (reflectance 0.80, emittance 0.90) is 100. For example, the standard black has a temperature rise of 90 deg. F (50 deg. C) in full sun, and the standard white has a temperature rise of 14.6 deg. F (8.1 deg. C). Once the maximum temperature rise of a given material has been computed, the SRI can be computed by interpolating between the values for white and black. According to the U.S. Green Building Council (LEED 2009), an acceptable standard for roofing material on a low sloping roof is a value of 78 or greater.

plans made subsequent to this determination, which involve a change in site plan, floor area, parking, building height, yards or setbacks, lot width, lot coverage, open space, or 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 or other Agency for 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.

18. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

19. **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.

20. **Indemnification.** INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

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

The proposed project is an addition of a second story to an existing building, a Jain Temple and community center. The temple and community center are a change of use from the previous use, a dance studio, that was approved on October 4, 2012, by a previous project permit compliance approval, DIR 2012-2526-SPP.

The project complies with Section 8.A of the Foothill Boulevard Corridor Specific Plan in that it is an addition to a place of worship and community center that is not on the list of prohibited uses in Section A.1 and is allowed by the Community Plan and C2-1VL zone for the project site.

Section 8.A.2.b. The Foothill Boulevard Corridor Specific Plan designates the project site as being in Major Activity Area No. 3 along Commerce Street, which requires that: (1) buildings be designed to have a pedestrian orientation to the street, (2) that 70% of the ground floor building frontage consist of retail or personal services uses, restaurants, pedestrian parks, plazas, cultural, art and/or historical museums and other related uses as determined by the Director of Planning and (3) that drive-through uses and auto repair are prohibited. The second story addition is exempt from Parts (1) and (2) due to being an addition to an existing building that was constructed in 1951 and added to in 1977, prior to the enactment of the Foothill Boulevard Corridor Specific Plan in October, 1995. Because it is a place of worship and community center, it conforms to the prohibition of drive-through and auto repair uses in Part (3).

The second story addition will have a height of 29 feet, six inches, less than the maximum height of six stories and 75 feet permitted by the 1L height district attached to the C2

zone for the project site and less than the 33 and 45 foot height limits specified in Section 8.B.3.a & b of the Specific Plan.

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

A Notice of Exemption, ENV-2016-426-CE, was issued on February 11, 2016. The proposed second story addition has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1 of the City CEQA Guidelines under Class 1, Category 5,

The action, as recommended, has been further restricted by the conditions imposed herein. Such limitations are necessary to protect the best interest of and assure a development more compatible with the surrounding properties. Dedications and improvements may be required, if determined necessary by the City Engineer, to facilitate circulation and access, and to insure adequate infrastructure is provided relative to the zone boundary adjustment.

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 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 www.lacity.org/pln.

Planning Department public offices are located at:

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

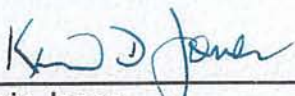
Valley Office
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

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 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.

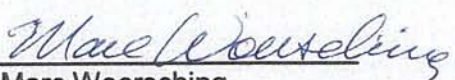
Vincent P. Bertoni
Director of Planning

APPROVED BY:



Kevin Jones
Senior City Planner

PREPARED BY:



Marc Woerschling
City Planner
marc.woerschling@lacity.org

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is subject to the provisions of the Municipal Code, or the approval may be revoked. Furthermore, if any condition of this grant is violated, 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 Determination in this matter will become effective and final fifteen (15) days after the date of mailing the Notice of Director's Determination 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 instructions/completeness may be considered 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 www.lacity.org/cpln.

Planning Department public offices are located at:

<p>Valley Office 6882 Van Nuys Boulevard, Suite 281 Van Nuys, CA 91401 (818) 374-5080</p>	<p>Downtown Office Figure Plaza 201 North Figure Street 4th Floor Los Angeles, CA 90012 (213) 482-7077</p>
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The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1084.5. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1084.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 30th day following the date on which the City's decision becomes final.

Vincent P. Barton
Director of Planning

PREPARED BY:

APPROVED BY:


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 City Planner
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 Kevin Jones
 Senior City Planner