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CITY PLANNING**

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**FOOTHILL BOULEVARD CORRIDOR SPECIFIC PLAN
PROJECT PERMIT COMPLIANCE REVIEW**

Mailing Date: January 13, 2016

Last Day to Appeal: January 28, 2016

Yolanda McCausland (Applicant)
11431 Clybourn Ave.
Lakeview Terrace, CA 91342

Alfred & Albert Manvelyan (Owner)
3947 Foothill Blvd.
La Crescenta, CA 91214

Case No: DIR 2015-3333-SPP

CEQA: ENV 2015-3334-CE

Location: 10043 N. Commerce Ave.

Council District: 7

Neighborhood Council: Sunland - Tujunga

Plan Area: Sunland - Tujunga - Lake View Terrace -
Shadow Hills - East La Tuna Canyon

Plan Land Use: Neighborhood Office Commercial

Zone: C2-1L

Legal Description: Tract 6021, Lot 40

Pursuant to Section 11.5.7.C of the Los Angeles Municipal Code and Section 10 of the **Foothill Boulevard Corridor Specific Plan** (Ordinance 170,694), as the designee of the Director of Planning, I hereby:

Approve with Conditions a Project Permit Compliance Review for the construction of a two story 2,383 square-foot building with 1,000 square feet on the upper (street) level for office use and 1,383 square feet on the lower level for commercial storage and office uses. The project is located in Major Activity Area #3 and Target Area #3 of the Specific Plan.

The project is Categorically Exempt from environmental review pursuant Article III, Section 1 of the City CEQA Guidelines under Class 3, Category 17 of the City of Los Angeles CEQA Guidelines.

This project is located within the Foothill Boulevard Corridor Specific Plan and is subject to its provisions, design guidelines, and standards. The project approval is based upon the attached Findings, and subject to the attached Conditions of Approval:

A. Administrative Conditions

1. **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.
2. **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.
3. **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.
4. **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.
5. **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.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
7. **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.
8. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

B. Conditions of Approval. Prior to sign-off on a clearance summary worksheet and a building permit application, the applicant shall submit the construction plan set for review, approval, and stamping by the Director of Planning or designee, which conforms to the following:

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled **Exhibit A**, dated December 21, 2015, and attached to the subject case file. 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, the project conditions, or the project permit authorization.
2. In compliance with Section 8.A.1, Land Use Prohibitions and Limitations, a new 2,383 sq-ft office and commercial storage building is permitted.
3. In compliance with Section 6.A, General Provisions for Buildings and Structures, all roof mechanical equipment and duct work shall be screened from view.
4. In compliance with Section 6.A, General Provisions for Buildings and Structures, night lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to be seen directly by adjacent properties. Blinking lights are prohibited. (This provision shall not preclude the installation of low-level security lighting).
5. In compliance with Section 6.A, General Provisions for Buildings and Structures, the trash/recycling area shall be screened with a minimum 6-foot high decorative masonry block wall enclosure and landscaping. The trash enclosure shall be located at the rear of the property.
6. In compliance with Section 6.B, General Provisions for Access and Circulation, vehicular access shall be from the alleyway only. There shall be no curb cut or vehicular access from Commerce Avenue.
7. In compliance with Section 8.B.2, Height, and as shown in the elevations, the project is limited to a maximum height of 26-feet.
8. In compliance with Section 8.B.4, Street Trees, street trees shall be planted in the public right-of-way along Commerce Avenue in front of the subject site as may be required required by the Department of Public Works.
9. In compliance with Section 9, Signs, signage on the building shall be in substantial conformance with the submitted east elevation:
 - a. The wall sign shall be a maximum of 30 sq-ft in sign area.
 - b. Each wall sign shall project no more than 10-inches from the wall to which it is attached.
 - c. Pole signs are prohibited.

10. In compliance with the Design Guidelines and Standards Manual of the Foothill Boulevard Corridor Specific Plan, and as shown in Exhibit A, dated December 21, 2015, the design of the building shall be as follows:

- a. The upper level shall have the appearance of a single story along the Commerce Avenue frontage with the height from sidewalk to parapet top being no more than 18 feet maximum in compliance with Guideline 6.
- b. The primary exterior building material along the Commerce Avenue frontage shall be red or earth toned brick in compliance with Guideline 7.
- c. A minimum of 50% of the ground floor façade shall be transparent glass in compliance with Guideline 13.
- d. The entryway shall be illuminated with two outdoor wall sconces.
- e. Exterior security bars, gates, grates, grilles, and similar devices shall be prohibited as required in Guideline 14, Standard 14a.

FINDINGS

Based on a review of the plans labeled Exhibits A dated December 18, 2015, attached to the administrative file DIR-2015-3333-SPP, and as modified by the conditions contained herein, the Director of Planning makes the following findings in accordance with Section 11.5.7(C)2 of the Los Angeles Municipal Code.

Project Permit Compliance Review Findings

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

The proposed Project is the construction of a two story 2,383 square-foot building with 1,000 square feet on the upper (street) level for office use and 1,383 square feet on the lower level for commercial storage and office. This project is located within the Foothill Boulevard Corridor Specific Plan and is located in Major Activity Area No. 3 and Target Area No. 3. Any new construction or change of use permit within a Major Activity Area or Target Area needs to undergo Project Permit Compliance Review prior to any building permit clearance.

The Project complies with the land use provisions of the Specific Plan, in that office, retail, and commercial storage uses are allowed by the General Plan and the Los Angeles Municipal Code, and these uses are not listed as prohibited uses. In addition, the project will provide office services for the public within at least 70% of the first floor frontage on Commerce Avenue.

The submitted plans for the new building construction will provide a significant improvement to the site which is a fenced in vacant lot. The submitted plans exhibit a brick building façade with a main pedestrian entrance, and a substantial amount of transparent glass improving pedestrian transparency. These features are specifically encouraged within the Specific Plan's Design Guidelines. In addition, the submitted plans conform with all applicable standards of the Specific Plan, and several conditions have been included in the approval to reinforce the project's compliance with the Specific Plan's height limit

and requirements for on-site lighting, and screening of trash areas. In addition, sign plans for the building reflect a consistent and orderly sign arrangement for the project.

The vehicular driveway into the site is from the rear alley, and not from Commerce Avenue, is compatible with the Specific Plan and with the Department of Transportation's requirements for safe vehicle access and site circulation.

The proposed project therefore meets the standards and guidelines of the Specific Plan regarding use, height, landscaping, and design.

2. *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.*

Mitigation measures are not necessary for the subject project, and there are no potentially significant negative environmental effects associated with the project. The Director of Planning has determined that the project is Categorically Exempt from the environmental review pursuant to Article III, Section 1 of the City CEQA Guidelines under Class 3, Category 17 as a project involving the construction of a commercial building less than 2,500 square feet in a commercial zone.

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 www.planning.lacity.org. The Planning Department public offices are located at:

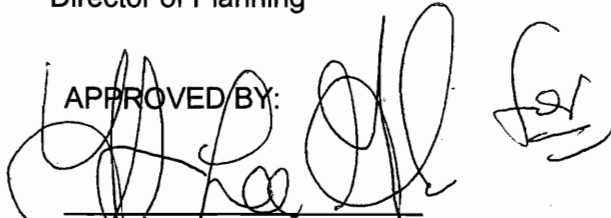
Downtown Office
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

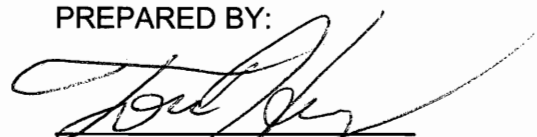
Valley Office
Marvin Braude Building
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

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://planning.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.

MICHAEL J. LOGRANDE
Director of Planning

APPROVED BY: 
Robert Z. Dueñas, Senior City Planner

PREPARED BY: 
Tom Henry, City Planning Associate
tom.henry@lacity.org

cc: Councilmember Felipe Fuentes, 7th District
Neighborhood Council
Adjacent Property Owners