

C – DIR-2023-2587-TOC-SPP-HCA LETTER OF DETERMINATION



**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM
VERMONT/WESTERN SNAP PROJECT PERMIT COMPLIANCE REVIEW**

December 11, 2024

Applicant / Property Owner

Michael Eghabli and Farshad Zaghi
7119 West Sunset Boulevard,
Space 380
Los Angeles, CA 90046

Case No. DIR-2023-2587-TOC-SPP-HCA

CEQA: ENV-2023-2588-CE

Specific Plan Subarea: B – Mixed Use Boulevards

Location: 5271 West Sunset Boulevard
(5271-5277 West Sunset
Boulevard)

Representative

Jordan Beroukhim
Beroukhim & Company, LLC
5632 Van Nuys Boulevard,
Space 1140
Sherman Oaks, CA 91401

Council District: 13 – Soto-Martinez

Neighborhood Council: East Hollywood

Community Plan Area: Hollywood

Land Use Designation: Highway Oriented Commercial
Zone: C2-1D

Legal Description: Lot 36, Tract 3469

Last Day to File an Appeal: December 26, 2024

DETERMINATION

Pursuant to the Los Angeles Municipal Code (LAMC) Chapter 1, Section 12.22 A.31, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Determine that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332 (Class 32 - In-Fill Development Project), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Approve with Conditions project consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Tier 3 to permit a project consisting of 19 residential units by reserving two (2) dwelling units, equal to 10% of the total units, for Extremely-Low Income Household Occupancy for a period of 55 years, with Base Incentives permitted pursuant to LAMC 12.21 A.31, in addition to the following Additional Incentives:

a. Height.

- (i) An up to 4.25% increase in the height requirement, allowing up to 52 foot, three (3) inches of maximum building height in lieu of the maximum 50 feet per SNAP Subarea B;

- (ii) Transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement for a lot that abuts a parcel within the SNAP Subarea A;
- (iii) A one (1)-story increase in the height allowance of the portion of the building located within 10 feet of the property line, allowing up to three (3) stories in lieu of the maximum two (2)-stories within 10 feet of the property line along Sunset Boulevard per SNAP Subarea B.
- (iv) An up to 11-foot increase in the height allowance of the portion of the building located within 15 feet of the property line, allowing up to 41 feet of maximum building height in lieu of the maximum 30 feet within 15 feet of the property line along Sunset Boulevard per SNAP Subarea B.

b. Open Space Dimension. An up to 25 percent reduction to permit a minimum common open space width of 15 feet in lieu of the minimum 20 feet otherwise required;

c. Open Space Setback. An up to 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area in lieu of the minimum 20 feet otherwise required; and

Pursuant to Los Angeles Municipal Code (LAMC) Chapter 1, Section 11.5.7 C and the Vermont/Western Station Neighborhood Area (SNAP) Specific Plan Ordinance No. 186,735, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve with Conditions a Project Permit Compliance Review for the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

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

CONDITIONS OF APPROVAL

TOC Affordable Housing Incentive Program Grant Clause and Conditions

1. **Residential Density.** The project shall be limited to a maximum density of 19 residential dwelling units, including On-Site Restricted Affordable Units.
2. **On-Site Restricted Affordable Units.** The project shall provide a minimum of two (2) On-Site Restricted Affordable units, consisting of two (2) Extremely Low-Income Household Occupancy, as defined in the California Health and Safety Code to the satisfaction of the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
3. **SB 8 Replacement Units.** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated September 19, 2022, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **Changes in On-Site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.31.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make two (2) units available to Extremely Low-Income Households or equal to 10 percent of the project's total proposed residential density allowed, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of LAHD, and in consideration of the project's Replacement Unit Determination. Unless otherwise required by state or federal law, the project shall provide an onsite building manager's unit, which the owner shall designate in the covenant. The Owner may not use an affordable restricted unit for the manager's unit.
6. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided.
7. **Automobile Parking.** Automobile parking shall be provided consistent with Assembly Bill (AB) 2097, which permits no minimum automobile parking spaces for a mixed-use project located within half a mile of a major transit stop, and no more than two (2) commercial parking spaces, 25 residential parking spaces and five (5) guest parking space per the SNAP.
8. **Height.** The project shall be limited to a maximum building height of 52 feet and three (3) inches, as measured from grade to the highest point of the structure. Architectural rooftop features as identified in LAMC Section 12.21.1 B.3 may be erected up to 10 feet above the

height limit, if the structures and features are set back a minimum of 10 feet from the roof perimeter and screened from view at street level.

9. **Building Stepback.** The project shall set the third floor back from the first-floor frontage by a minimum of 10 feet. The project shall be limited to 41 feet in height for the portion of the building located within 15 feet from the front property line along Sunset Boulevard .
10. **Transitional Height.** Within 25 feet of the property line abutting the SNAP Subarea A (Neighborhood Conservation) lot, the building height limit shall be stepped-back at a 45-degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in Subarea A.
11. **Open Space.** The project shall provide a minimum of 2,200 square feet of usable open space, of which 1,100 square feet must be located at grade level or first habitable room level. The common open space shall be open to the sky, must be at least 600 square feet in size, and have a minimum dimension of 15 feet when measured perpendicular from any point on each of the boundaries of the open space area. Balconies shall have a minimum dimension of six feet and patios shall have a minimum dimension of 10 feet. Common open space areas, balconies, and patios not meeting the minimum dimension requirements when measured perpendicular from any point on each of the boundaries of the open space area cannot be counted towards the square-footage allocated towards meeting the overall usable open space requirement.
 - a. Pursuant to the TOC Affordable Housing Incentive Program, the roof deck may be used in its entirety as common or private open space excluding that portion within 15 feet of the roof perimeter.
12. **Required Trees per 12.21 G.2.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A". There shall be a minimum of five (5) 24-inch box, or larger, trees onsite pursuant to LAMC Section 12.21 G.2. Any required trees pursuant to LAMC Section 12.21 G.2 shown in the public right-of-way in Exhibit "A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right-of-way is proven to be infeasible due to City-determined physical constraints.
13. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

SNAP Conditions

14. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning 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.
15. **Parks First.** Prior to the issuance of a Certificate of Occupancy, the applicant shall complete the following:

- a. Make a payment to the Department of Recreation and Parks (RAP) for the required Park Fee pursuant to LAMC Section 17.12. Contact RAP staff by email at rap.parkfees@lacity.org, by phone at (213) 202-2682 or in person at the public counter at 221 N. Figueroa St., Suite 400 (4th Floor), Los Angeles, CA 90012 to arrange for payment.
 - b. Make a payment of \$64,500 to the Parks First Trust Fund for the net increase of 15 residential dwelling units. The calculation of a Parks First Trust Fund Fee to be paid pursuant to the Vermont/Western SNAP shall be off-set by the Park Fee paid pursuant to LAMC Section 17.12 as a result of the project.
 - c. The applicant shall provide proof of payment for the Park Fee to the Department of City Planning (DCP), Central Project Planning Division staff to determine the resulting amount of Parks First Trust Fund Fee to be paid. DCP staff shall sign off on the Certificate of Occupancy in the event there are no resulting Parks First Trust Fund Fee to be paid.
 - d. In the event there are remaining Parks First Trust Fund Fees to be paid, the applicant shall make a payment to the Office of the City Administrative Officer (CAO), Parks First Trust Fund. Contact Melinda Gejer and Kristine Harutyunyan of the CAO to arrange for payment. Melinda Gejer may be reached at (213) 473-9758 or Melinda.Gejer@lacity.org. Kristine Harutyunyan may be reached at (213) 473-7573 or Kristine.Harutyunyan@lacity.org. The applicant shall submit proof of payment for the Parks First Trust Fund Fee to DCP staff, who will then sign off on the Certificate of Occupancy.
 - e. All residential units in a project containing units set aside as affordable for Very Low or Low Income Households that are subsidized with public funds and/or Federal or State Tax Credits with affordability covenants of at least 30 years are exempt from the Parks First Trust Fund.
16. **Use.** The proposed residential use shall be permitted on the subject property. The project is allowed C1.5 uses on the subject property, and the future commercial tenant will be required to obtain a Project Permit Compliance Review approval before any permit clearance is given to ensure the proposed use is consistent with the SNAP. Commercial Uses shall be limited to the ground floor of the building.
 17. **Bicycle Parking.** The project shall provide a minimum of 10 residential bicycle parking spaces and a minimum of one (1) commercial bicycle spaces on site, as shown in Exhibit "A."
 18. **Setback.** No front, side, or rear yard setbacks shall be required.
 19. **Streetscape Elements.**
 - a. **Street Trees.** Street trees must be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a Certificate of Occupancy.
 - i. Three (3), 36-inch box shade trees shall be provided in the public right-of-way along Sunset Boulevard, subject to the Bureau of Street Services, Urban Forestry Division requirements.

- ii. The project site currently includes existing trees within the frontages along the project site. Whether the street tree should remain or should be replaced is subject to the Bureau of Street Services, Urban Forestry Division.
- iii. A tree well cover shall be provided for each new and existing tree in the public right-of-way adjacent to the subject property to the satisfaction of the Bureau of Street Services.
- iv. The applicant shall be responsible for new street tree planting and pay fees for clerical, inspection, and maintenance per the Los Angeles Municipal Code Section 62.176 for each tree.
- v. An automatic irrigation system shall be provided.

Note: Contact the Urban Forestry Division, Subdivision staff, at (213) 847-3088 for site inspection prior to any street tree work.

- b. **Bike Racks.** Two (2) simple black-painted bike racks shall be provided in the public right-of-way along Sunset Boulevard. Bike racks shall be installed three (3) feet from the curb edge or per the City of Los Angeles Department of Transportation requirements.
 - c. **Trash Receptacles.** One (1) trash receptacle painted black shall be provided, maintained, and emptied by the project owner, and placed in the public right-of-way along Sunset Boulevard subject to the requirements of the Department of Public Works.
 - d. **Public Benches.** One (1) public bench painted black with a backrest, three armrests, and intermediate frame shall be provided and maintained in the public right-of-way along Sunset Boulevard subject to the requirements of the Department of Public Works.
20. **Curb Cuts.** Only one curb cut that is 20 feet in width for every 150 feet of street frontage is allowed when a project takes its access from a Major or Secondary Highway, unless otherwise required by the Departments of Public Works, Transportation, or Building and Safety. Approval by the Departments of Public Works, Transportation, or Building and Safety for a curb cut exceeding 20 feet in width must be provided to the Department of City Planning once received.
21. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the applicant for future underground service.
22. **Floor Area Ratio (FAR).** The maximum FAR shall be limited to 2.04:1, or 16,820 square feet. At no point shall the commercial FAR equate to more than 1.5:1 FAR of the overall 2.04:1 FAR allowed. For purposes of this grant, the buildable area is considered the entire parcel's square footage.
23. **Transparent Elements.** At least 236 square feet of the ground floor façade shall be constructed with transparent building materials along Sunset Boulevard, consistent with Exhibit A, Sheet A-09.
24. **Façade Relief.** As illustrated in 'Exhibit A', all exterior elevations shall provide a break in the plane every 20 feet in horizontal length and every 15 feet in vertical length.

25. **Roof Lines.** As illustrated in 'Exhibit A', all roof lines greater than 40 feet in length shall be broken up with the use of gables, formers, plant-ons, cutouts, or other appropriate means.
26. **Surface Mechanical Equipment.** All surface or ground-mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditioner condensers, gas meters and electric meter cabinets, shall be screened from public view and treated to match the materials and colors of the building which they serve.
27. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or parapet walls constructed of materials complimentary to the materials and design of the main structure.
28. **Trash, Service Equipment and Satellite Dishes.** Trash, service equipment and satellite dishes, including transformer areas, shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. The trash area shall be enclosed by a minimum six-foot high decorative masonry wall. Each trash enclosure shall have a separate area for recyclables. Any transformer area within the front yard shall be enclosed or screened.
29. **Freestanding Walls.** Any freestanding wall shall be articulated with an architectural element at intervals of 20 feet or less.
30. **Design of Entrance.** The applicant shall submit detailed elevations of the ground floor illustrating that all pedestrian entrances, including entries to the commercial store, residential lobby area, and the pedestrian throughways, are accented with architectural elements such as columns, overhanging roofs, or awnings. The location of Entrances shall be in the center of the façade or symmetrically spaced if there are more than one.
31. **Landscape Plan.** The applicant shall submit a final landscape plan prepared by a licensed landscape architect showing enhanced paving such as stamped concrete, permeable paved surfaces, tile and/or brick within paved areas in front, side and rear yards.
32. **Irrigation Plan.** A final irrigation plan shall be prepared and included.
33. **Lighting.** The applicant shall comply with the following standards:
 - a. **On-Site Lighting.** The applicant shall install on-site lighting along all vehicular access ways and pedestrian walkways. Parking areas shall have a minimum of $\frac{3}{4}$ foot-candle of flood lighting measured at the pavement. All on-site lighting shall be directed away from adjacent properties. This condition shall not preclude the installation of low-level security lighting.
 - b. **Lighting Shielded.** Sources of illumination shall be shielded from casting light higher than 15 degrees below the horizontal plane as measured from the light source. They shall not cast light directly into adjacent residential windows.
 - c. **Light Mounting Height.** A maximum mounting height of light sources for ground level illumination shall be 14 feet, measured from the finished grade of the area to be lit.
 - d. **Lamp Color.** Color corrected ("white") high pressure sodium (HPS), color corrected fluorescent (2,700-3,000 degrees K), metal halide, or incandescent lamps shall be used for ground level illumination. Standard "peach" high pressure sodium, low pressure sodium, standard mercury vapor, and cool white fluorescent shall not be used for ground floor illumination.

34. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The applicant shall be required to acquire approval from the Department of City Planning, Central Project Planning Division for the installation of any security devices on the exterior or the structure through a building permit clearance sign off.
35. **Hours of Operation.** All trash collection and deliveries and other similar parking maintenance activities shall take place between the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday and Sunday.
36. **Privacy.** As illustrated in 'Exhibit A', the façade shall avoid placing windows facing windows across property lines or facing private outdoor space of other residential units.
37. **Noise.** Any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley shall be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition.
38. **Future Signage.** All future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan and Design Guidelines. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment, Exception, or Amendment is required. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights (Digital Signs) are prohibited. Canned/Cabinet signs should not be used.

Administrative Conditions

39. **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 "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
40. **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.
41. **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.
42. **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.
43. **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.

44. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
45. **Expiration.** In the event that this grant is not utilized within three (3) 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.
46. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, 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 at the time of Condition Clearance for attachment to the subject case file.
47. **Indemnification and Reimbursement of Litigation Costs.** The 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, 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.
 - (ii) 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.
 - (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 \$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 (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.

PROJECT BACKGROUND

The subject property consists of one (1) lot with approximately 55 feet of frontage along the northerly side of Sunset Boulevard between Hobart Boulevard and Harvard Boulevard. The subject lot has a total lot size of approximately 8,249.9 square feet based on a survey prepared by Cyrus Azarmy, Professional Land Surveyor #9404. The project site is located within the Hollywood Community Plan and Subarea B of the Vermont/Western SNAP Specific Plan. The site is zoned C2-1D, designated for Highway Oriented Commercial land uses, and currently improved with a two (2)-story, four (4) apartment building and accessory structure. There is one (1) existing non-protected tree within the public right-of-way, and no existing protected trees or shrubs on site.

The applicant requests a Project Permit Compliance to permit the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. The proposed project will include 16,250 residential square feet and 570 commercial square feet for a total floor area with a Floor Area Ratio (FAR) of 2.04:1. The project will include a total of 22 bicycle parking spaces (20 residential bicycle spaces and two (2) commercial bicycle spaces) and 2,450.5 square feet of open space. Pursuant to Assembly Bill (AB) 2097, the applicant is proposing no automobile parking spaces. As the proposed project includes the construction of a mixed-use building and the site is located within half a mile of a major transit stop, the project qualifies for the parking reduction under the provisions of AB 2097.

The surrounding area is characterized by level topography and improved streets. Properties to the west and east are zoned C2-1D, located within Subarea B (Mixed-Use Boulevards) of the Vermont/Western SNAP Specific Plan, and developed with commercial buildings. The property to the south, across Sunset Boulevard, is zoned C2-1D, located within Subarea B of the Vermont/Western SNAP Specific Plan, and developed with a commercial building and surface parking lot. Lastly, the property to the north is zoned R3-1XL, located within Subarea A (Neighborhood Conservation) of the Vermont/Western SNAP Specific Plan and developed with a residential building.

The applicant is seeking discretionary approval of the TOC Housing Incentive Program with the following incentives:

Base Incentives:

1. An up to 70 percent increase in density, allowing up to 19 units in lieu of 11 units; and
2. An up to two (2) percent increase in residential floor area ratio, allowing up to 2.04:1 of residential floor area ration in lieu of 2:1 per SNAP Subarea B.

Additional Incentives:

1. Height.
 - a. An up to 4.25 percent increase in the height requirement, allowing up to 52 foot, three (3) inches of maximum building height in lieu of the maximum 50 feet per SNAP Subarea B; and
 - b. Transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement for a lot that abuts a parcel within the SNAP Subarea A;
 - c. An up to 11-foot increase in the height allowance of the portion of the building located within 15 feet of the property line, allowing up to 41 feet of maximum building height in lieu of the maximum 30 feet within 15 feet of the property line along Sunset Boulevard per SNAP Subarea B; and
2. Open Space Dimension. An up to 25 percent reduction to permit a minimum common open space width of 15 feet in lieu of the minimum 20 feet otherwise required; and

3. Open Space Setback. An up to 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area in lieu of the minimum 20 feet otherwise required.

Urban Design Review

On June 6, 2023, the proposed project was taken to Urban Design Studio's (UDS) Office Hours for review. UDS' Office Hours function is to provide input directly to the project planner at meetings. The Studio's feedback focuses on ways a project can be improved to comply more fully with the Studio's three (3) design approaches which are: 1) Pedestrian First Design, 2) 360 Degree Design, and 3) Climate Adaptive Design. At this meeting, UDS had comments relating to the inclusion of windows in bathrooms and kitchens adjacent to the building's exterior, at the stairwell to promote access to natural light, and the inclusion of street trees and other native plants as part of the proposed landscaping. The project team responded to these comments by updating the floor plans and elevations to include windows in bathrooms and kitchens adjacent to the building's exterior and updating the project's proposed landscaping.

HOUSING REPLACEMENT (SB 8 DETERMINATION) BACKGROUND

The Los Angeles Housing Department (LAHD) reviewed all of the existing units at the subject site and has determined, per the Housing Crisis Act of 2019 (SB 8) Replacement Unit Determination (RUD), dated September 19, 2022, that two (2) units are subject to replacement pursuant to requirements of the HCA, including one (1) unit restricted to Extremely Low Income Households, and one (1) unit restricted to Very Low Income Households. The two (2) total units required by the SB 8 RUD are satisfied by the two (2) units set aside for habitation by Extremely Low Income Households and 17 Market Rate housing units proposed through the Transit Oriented Communities Affordable Housing Incentive Project, and the project will be required to comply with all applicable regulations set forth by LAHD. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Sections 65915(c)(3) (State Density Bonus Law) and 66300 (Housing Crisis Act of 2019).

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

The project site is located less than 2,640 feet from the Hollywood/Western Red Line Station, which qualifies the site as Tier 3 of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Guidelines) according to the TOC Referral Form dated March 16, 2023.

Pursuant to the TOC Guidelines, the project is eligible for Base Incentives and up to three (3) Additional Incentives for setting aside 10 percent of the total 19 units and 11 percent of the base 11 units for Extremely Low-Income Households, with Base Incentives permitted pursuant to LAMC

12.21 A.31, in addition to the following three (3) Additional Incentives: (1) an up to 4.25% increase in the height requirement, allowing up to 52 foot, three (3) inches of maximum building height in lieu of the maximum 50 feet per SNAP Subarea B along with the transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement for a lot that abuts a parcel within the SNAP Subarea A; (2) an up to 25 percent reduction to permit a minimum common open space width of 15 feet in lieu of the minimum 20 feet otherwise required; and (3) an up to 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area in lieu of the minimum 20 feet otherwise required.

The project site is zoned C2-1D, which allows R4 density. However, Subarea B Section 8.A of the SNAP states that only R3 density is allowed regardless of the underlying zone and limits residential density of the subject property to a maximum of one dwelling unit for each 800 square feet of lot area. The R3 density allows a maximum base density of 11 units on an 8,249-square-foot lot. The project is permitted a 70 percent increase in density, which allows a maximum of 19 units. The applicant proposes a total of 19 units, which is within the maximum density permitted.

The TOC Guidelines allow a 45 percent increase in the maximum 2:1 FAR permitted for a mixed-use development per the SNAP Subarea B, thereby allowing a maximum 2.9:1 FAR. The project will consist of 16,820 residential square feet and 570 commercial square feet, which results in a maximum 2.04:1 FAR.

Per the TOC Guidelines, a project containing 19 dwelling units within Tier 3 units is required to provide a minimum of 15 residential automobile parking spaces based on a ratio of 0.5 spaces per unit. Pursuant to Assembly Bill (AB) 2097, the applicant is proposing no automobile parking spaces. As the proposed project includes the construction of a mixed-use building and the site is located within half a mile of a major transit stop, the project qualifies for the parking reduction under the provisions of AB 2097.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which it does:

1. ***On-Site Restricted Affordable Units.*** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*
 - a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) Households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) Income Households, or 20% of the total number of dwelling units shall be affordable to Lower Income Households.*
 - b. *Tier 2 - 9% ELI, 12% VL or 21% Lower.*
 - c. *Tier 3 - 10% ELI, 14% VL or 23% Lower.*
 - d. *Tier 4 - 11% ELI, 15% VL or 25% Lower.*

The project site is located within a Tier 3 TOC Affordable Housing Incentive Area according to the TOC Referral Form dated March 16, 2023. As part of the proposed development, the project is required to reserve at least 10 percent, or two (2) units, of the total 19 units for Extremely Low Income Households. The applicant proposes two (2) units restricted to Extremely Low Income Households. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

2. **Major Transit Stop.** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

A Major Transit Stop is a site containing a retail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The project site is located less than 2,640 feet from the Hollywood/Western Red Line Station. As such, the project meets the eligibility requirement for proximity to a Major Transit Stop.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

Pursuant to the Determination made by the Los Angeles Housing Department (LAHD), dated September 19, 2022, two (2) dwelling units are subject to replacement under SB 8. The two (2) units must be of equivalent type, with the one (1) unit restricted to Extremely Low Income households, and one (1) unit restricted to Very Low Income households. The proposed 19-unit mixed-use project is reserving two (2) units for Extremely Low Income households. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

4. **Other Density or Development Bonus Provisions.** *A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (State Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.*

The project is not seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other State or local program that provides development bonuses, including, but not limited to a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, CPIO, Specific Plan, or overlay district. As such, the project meets this eligibility requirement.

5. **Base Incentives and Additional Incentives.** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below, "base units" refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in the Eligibility Requirement No. 1 above (except Moderate Income units).*

- a. *One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*

- b. *Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*
- c. *Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

As part of the proposed development, the project is required to reserve at least 10 percent, or two (2) units, of the total 19 units for Extremely Low Income to receive the Base Incentives listed in Section VI of the TOC Guidelines. The project is seeking three (3) Additional Incentives as follows: (1) an up to 4.25% increase in the height requirement, allowing up to 52 foot, three (3) inches of maximum building height in lieu of the maximum 50 feet per SNAP Subarea B along with the transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement for a lot that abuts a parcel within the SNAP Subarea A; (2) an up to 25 percent reduction to permit a minimum common open space width of 15 feet in lieu of the minimum 20 feet otherwise required; and (3) an up to 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area in lieu of the minimum 20 feet otherwise required. The project is required to set aside 11 percent, or two (2) units, of the base 11 units for Extremely Low Income Households. The applicant is proposing to set aside an overall of two (2) units for Extremely Low Income households. As such, the project meets the eligibility requirement for Base and Additional Incentives and the project will not be required to set aside any additional units for the Additional Incentives.

- 6. ***Projects Adhering to Labor Standards.*** *Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).*

Projects are only required to adhere to Labor Standards identified in LAMC 11.5.11 if they are requesting more than three (3) Additional Incentives. As the project is only requesting three (3) Additional Incentives, the project need not adhere to the labor standards required in LAMC Section 11.5.11 and this eligibility requirement does not apply.

- 7. ***Multiple Lots.*** *A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The project site consists of one (1) rectangular lot which is located within a Tier 3 TOC Affordable Housing Incentive Area. As such, this eligibility requirement does not apply.

- 8. ***Request for a Lower Tier.*** *Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any Lower Tier and be limited to the Incentives available for the Lower Tier.*

The applicant has not selected a lower Tier and is not providing the percentage of On-Site Restricted Affordable Housing units required for any Lower Tier. As such, this eligibility requirement does not apply.

9. **100% Affordable Housing Projects.** *Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.*

The project does not consist of 100% On-Site Restricted Affordable units. As such, this eligibility requirement does not apply.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM / AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities (TOC) Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. **Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentives unless the Director finds that:**

- a. **The incentives are not required to provide for affordable housing costs for rents for the affordable units.**

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent of gross income based on area median income thresholds dependent on affordability levels.

The list of incentives in the TOC Guidelines were pre-evaluated at the time the TOC Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the base incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. The following incentives allow the developer to increase the building height and reduce open space requirements per the SNAP so that affordable housing units reserved for Extremely Low-Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve two (2) units for Extremely Low-Income Households.

Height. A 2-foot, three (3) inches height increase to permit up to 52 foot, three (3) inches of maximum building height in lieu of the maximum 50 feet otherwise permitted in Subarea B for mixed-use projects; and the building height limit to be stepped-back at a 45-degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in Subarea A in lieu of the Transitional Height limits based on distance to a Subarea A building. The requested increase in height is expressed in the Menu of Incentives in the TOC Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs.

Open Space Dimension. A 25 percent reduction in the common open space dimensions to permit a minimum common open space width of 15 feet in lieu of the minimum 20-foot common open space width otherwise required. The requested open space incentive is expressed in the Menu of Incentives in the TOC Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the inclusion of affordable housing, while still providing usable open space as intended by the Code.

Open Space Setback. A 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area in lieu of the minimum 20 feet otherwise required. The requested open space incentive is expressed in the Menu of Incentives in the TOC Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the inclusion of affordable housing, while still providing usable open space as intended by the Code

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

There is no substantial evidence in the record that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentives will have a specific adverse impact on public health and safety.

VERMONT/WESTERN SNAP FINDINGS

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

- A. Parks First.** Section 6.F of the Vermont/Western Specific Plan requires the applicant to pay a Parks First Trust Fund of \$4,300 for each new residential unit, prior to the issuance of a Certificate of Occupancy. The applicant proposes the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area, resulting in a net increase of 15 residential units. The project is therefore required to pay a total of \$64,500 into the Parks First Trust Fund. The calculation of a Parks First Trust Fund fee to be paid or actual park space to be provided pursuant to the Parks First Ordinance shall be off-set by the amount of any fee pursuant to LAMC Section 17.12 or dwelling unit construction tax pursuant to LAMC Section 21.10.1, et seq. This requirement is reflected in the Condition of Approval. As conditioned, the project complies with Section 6.F of the Specific Plan.
- B. Use.** Section 8.A of the Vermont/Western Specific Plan states that residential uses permitted in the R3 Zone by LAMC Section 12.10 and commercial uses permitted in the C1.5 Limited Commercial Zone by LAMC Section 12.13.5 shall be permitted by-right on any lot located within Subarea B of the Specific Plan area. The subject site is 8,249 square feet in size, allowing a maximum of 11 dwelling units. However, the applicant is seeking a 70 percent increase in the maximum allowable density permitted in the SNAP to allow 19 dwelling units in lieu of the otherwise permitted 11 dwelling units, in exchange for setting aside 10 percent, or two (2) units, of the total 19 units for Extremely Low Income households per the TOC Affordable Housing Incentive

Program. The project has been conditioned to record a covenant with the Los Angeles Housing Department (LAHD) to make two (2) units available to Extremely Low Income Households to ensure the applicant sets aside the required number of units for affordable housing to be eligible for a 70 percent increase from the total density permitted by the SNAP. The project site is allowed C1.5 commercial uses on the subject property and is proposing 570 square feet of commercial floor area. The applicant is not proposing a commercial use as part of this application request. Any future change of use will be required to apply for a Specific Plan Project Compliance determination to ensure that the proposed use is consistent with the SNAP. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 8.A of the Specific Plan.

- C. Height and Floor Area.** Section 8.B of the Vermont/Western Specific Plan requires that a Mixed-Use Project shall not exceed 50 feet; except that roofs and roof structures for the purposes specified in Section 12.21.1 B.3 of the Code, may be erected up to 10 feet above the height limit established in this section, if those structures and features are setback a minimum of 10 feet from the roof perimeter and are screened from view at street level by a parapet or a sloping roof. The applicant proposes the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. A mixed-use project shall not exceed a height of 50 feet. However, the applicant is seeking a two (2) foot, three (3) inches height increase in exchange for setting aside affordable housing units. As shown in Exhibit "A", the proposed project will not exceed 52, three (3) inches feet in height. As conditioned, the final plans for the project will be in compliance with the TOC Affordable Housing Incentive Program and the requirements of the Vermont/Western SNAP Specific Plan.

| Height Increase | | | |
|----------------------------|-------|-------------------|------------------------|
| | Limit | With TOC | Proposed |
| SNAP Overall Height | 50' | $50' + 22' = 72'$ | $50' + 2'-3" = 52' 3"$ |

Moreover, a mixed-use project shall not exceed a 2:1 FAR. However, the applicant is seeking a FAR increase to 2.1:1 in exchange for setting aside affordable housing units. As the FAR increase is a TOC Base Incentive, the applicant only needs to demonstrate a set aside of 10 percent, or three (3) units, of the total 30 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program.

| FAR Increase | | | |
|--------------------------------------|-------|----------------------|----------------------|
| | Limit | With TOC | Proposed |
| SNAP FAR Mixed Use Project | 2:1 | $2:1 + 45\% = 2.9:1$ | $2:1 + 2\% = 2.04:1$ |

The project site contains 8,249.9 square feet of lot area and the proposed building contains a combined floor area of 16,820 square feet, resulting in a 2.04:1 FAR which is within the allowable 2.9:1 FAR per the TOC incentive, which is a 45 percent increase. Typically, TOC Guidelines would permit a 50 percent increase for properties in Tier 3, however, TOC Guidelines Section VI.b.v.1. notes that the maximum FAR increase shall be limited to 45 percent if the site is located within a Specific Plan or overlay district. As such, the maximum permissible FAR increase would be 45 percent, although the project is only requesting a five (5) percent increase in FAR. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 8.B of the Specific Plan.

- D. Transitional Height.** Section 8.C of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea B adjoining or abutting a lot within Subarea A shall not exceed 25 feet in height and 33 feet in height when located within 0-49 feet and 50-99 feet, respectively. Pursuant to the TOC Guidelines, the applicant has requested the building height limit to be stepped-back at a 45-degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in Subarea A in lieu of the Transitional Height limits based on Section 8.C. of the SNAP. The applicant has requested a total of three (3) Additional Incentives, regarding height, open space dimension and open space setback, and as such, the applicant is required to set aside 11 percent, or two (2) units of the base 11 units for Extremely Low-Income Households. The applicant is proposing two (2) units for Extremely Low Income Households. As conditioned, the final plans for the project will be in compliance with the TOC Affordable Housing Incentive Program and the requirements of the Vermont/Western SNAP Specific Plan. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 8.B of the Specific Plan.
- E. Usable Open Space.** Section 8.D of the Vermont/Western Specific Plan states that residential projects with two (2) or more dwelling units must provide specified amounts of common and private open space pursuant to the standards set forth in LAMC 12.21 G.2 of the Code. The Specific Plan further stipulates that up to 50 percent of the total open space may be located above the grade level or first habitable room level of the project, and that roof decks may be used in their entirety as common or private open space, excluding that portion of the roof within 20 feet of the roof perimeter. Units containing less than three (3) habitable rooms require 100 square feet of open space per unit. Units containing three (3) habitable rooms require 125 square feet of open space per unit. Units containing more than three (3) habitable rooms require 175 square feet of open space per unit. The Vermont/Western SNAP sets forth the minimum usable open space requirement, as shown in the table below:

| SNAP Minimum Usable Open Space | | | |
|--|-------|------------------|-----------------------------|
| | Units | Sq. Ft. Required | Usable Open Space (sq. ft.) |
| Dwelling Units with Less than 3 Habitable Rooms | 11 | 100 | 1,100 |
| Dwelling Units with 3 Habitable Rooms | 6 | 125 | 750 |
| Dwelling Units with More than 3 Habitable Rooms | 2 | 175 | 350 |
| Total Minimum Usable Open Space | | | 2,200 |
| 50% located at grade or first habitable room level | | | 1,100 |

The project is therefore required to provide at least 2,200 square feet of open space of which 1,100 square feet must be located at grade level or first habitable room level. The applicant proposes a total of 2,346.5 square feet of usable open space with 1,100 square feet of open space located at grade or first habitable room level. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 8.D of the Specific Plan.

F. Project Parking Requirements.

Residential Parking. Section 8.E of the Vermont/Western Specific Plan sets forth a minimum and maximum parking standard for residential projects, as shown in the tables below:

| SNAP Minimum Residential Parking Spaces | | | |
|---|--------------------------------------|-------|----------------|
| | Parking Space Per Square Feet / Unit | Units | Parking Spaces |
| Dwelling Units with Less than 3 Habitable Rooms | 1 | 11 | 11 |
| Dwelling Units with 3 Habitable Rooms | 1 | 6 | 6 |
| Dwelling Units with More than 3 Habitable Rooms | 1.5 | 2 | 3 |
| Total <u>Residential</u> Required Spaces | | | 20 |
| Guest | .25 | 19 | 5 |
| Total Minimum Required Spaces (inclusive of guest parking) | | | 25 |

| SNAP Maximum Residential Parking Spaces | | | |
|--|--------------------------------------|-------|----------------|
| | Parking Space Per Square Feet / Unit | Units | Parking Spaces |
| Dwelling Units with Less than 3 Habitable Rooms | 1 | 11 | 11 |
| Dwelling Units with 3 Habitable Rooms | 1.5 | 6 | 9 |
| Dwelling Units with More than 3 Habitable Rooms | 2 | 2 | 4 |
| Total <u>Residential</u> Allowed Spaces | | | 24 |
| Guest | .25 | 19 | 5 |
| Total Maximum Allowed Spaces (inclusive of guest parking) | | | 29 |

The applicant proposes to utilize Assembly Bill (AB) 2097, which is a California law that prohibits public agencies or cities from imposing a minimum automobile parking requirement on most development projects located within a half-mile radius of a major transit stop. As the proposed project is a residential project and the site is located within half a mile of a major transit stop, the project qualifies for the parking reduction under the provisions of AB 2097. However, the project is still subject to the maximum parking requirement per the SNAP. The SNAP limits the maximum number of automobile parking spaces to 29, inclusive of guest parking spaces. AB 2097 replaces the parking requirement in the TOC Guidelines and SNAP Parking requirements for residential projects. The applicant proposes zero residential parking spaces and zero guest parking spaces, thereby satisfying the TOC Guidelines and the maximum SNAP parking requirements. Therefore, the project complies with Section 8.E of the Specific Plan.

Bicycles. Section 8.E.2 of the Vermont/Western Specific Plan requires any residential project with two (2) or more dwelling units to provide one-half (0.5) bicycle parking space per residential unit. The proposed development consists of 19 residential units, thus, requiring 10 bicycle parking spaces. Furthermore, the SNAP requires one (1) parking space for every 1,000 square feet of commercial floor area for the first 10,000 square feet, and one (1) parking space for every additional 10,000 square feet of floor area thereafter. The applicant proposes 570 square feet of commercial floor area, thereby requiring two (2) commercial bicycle parking spaces. The applicant proposes 20 residential bicycle parking spaces and two (2) commercial bicycle parking spaces within a bicycle parking room located within the parking level. Therefore, the project complies with Section 8.E.2 of the Specific Plan.

Commercial Parking. Section 8.E.3 of the Vermont/Western Specific Plan requires two (2) parking spaces per 1,000 square feet of commercial floor area, which must be shared with any guest parking spaces being proposed. The applicant proposes 570 square feet of commercial floor area, thereby allowing a maximum of two (2) commercial parking spaces. The applicant proposes zero commercial parking spaces which does not exceed the original maximum SNAP requirement of two (2) commercial spaces allowed. If guest parking spaces are designated at a later time, they must be shared with commercial spaces and cannot be in addition to guest parking spaces. Therefore, the project complies with Section 8.E.3 of the Specific Plan.

- G. Conversion Requirements.** Section 8.F of the Vermont/Western Specific Plan sets forth requirements pertaining to the conversion of existing structures to residential condominium uses. The applicant proposes the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area. Therefore, Section 8.F of the Specific Plan does not apply.
- H. Yards.** Section 8.G of the Vermont/Western Specific Plan specifies that no front, side or rear yard setbacks shall be required for the development of any project within Subarea B. The applicant proposes a 10 foot front yard setback, five (5)-foot side yard setbacks, and a 15-foot rear yard setback. Therefore, the proposed project complies with Section 8.G of the Specific Plan.
- I. Pedestrian Throughways.** Section 8.H states that applicants shall provide one public pedestrian walkway, throughway, or path for every 250 feet of street frontage for the Project. The pedestrian throughway shall be accessible to the public and have a minimum vertical clearance of 12 feet and a minimum horizontal clearance of 10 feet. The proposed building occupies approximately 55 feet of frontage along the northerly side of Sunset Boulevard. Therefore, Section 8.H. of the Specific Plan does not apply.
- J. Development Standards.** Section 8.I of the Vermont/Western Specific Plan requires that all projects with new development and extensive remodeling be in substantial conformance with the following Development Standards and Design Guidelines.

Development Standards

- (1). Landscape Plan.** The Development Standard for Subarea B requires that all open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities shall be landscaped by lawns and other ground coverings, allowing for convenient outdoor activity. The applicant has submitted a Landscape Plan which includes landscaping on the ground floor and rooftop levels. These floors will be landscaped with trees and shrubs such as Sweet Bay trees, Olive trees, Flax Lily shrubs, and Breese Mat-Rush shrub. The Landscape Plan also shows the public right-of-way containing street trees. Therefore, the project complies with this Development Standard.
- (2). Usable Open Space.** This Development Standard requires that common usable open space must have a dimension of 20 feet when measured perpendicular from any point on each of the boundaries of the open space area and a minimum common open space area of 400 square feet for projects with less than 10 dwelling units and 600 square feet for projects with 10 dwelling units or more. Balconies shall have a minimum dimension of six feet. Common open space areas or balconies not meeting the minimum dimension requirements when measured perpendicular from any point on

each of the boundaries of the open space area cannot be counted towards the square-footage allocated towards meeting the overall usable open space requirement.

Pursuant to TOC Guidelines, the applicant is seeking a 25 percent decrease in the 20-foot minimum open space dimension requirement in the SNAP to allow a 15-foot minimum common open space dimension and a 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area. The applicant has requested a total of three (3) Additional Incentives, regarding height and open space, and as such, the applicant is required to set aside 11 percent, or two (2) units, of the base 11 units for Extremely Low Income Households. The applicant is proposing to set aside an overall of two (2) units for Extremely Low Income households, and as such, the applicant is providing more than the required number of affordable housing units for the Additional Incentive and is not required to provide additional units.

The Development Standard further stipulates that private usable open space, such as balconies with a minimum dimension of six feet, may reduce the required usable open space directly commensurate with the amount of private open space provided. The applicant proposes multiple open space areas throughout the building in the forms of ground floor common open space, private balconies, and a roof deck common open space area for a total area of 2,346 square feet of open space consisting of 1,587.5 square feet of common open space and 759 square feet of private open space. Therefore, in conjunction with the TOC Guidelines, the project complies with this Development Standard.

(3). **Streetscape Elements.** The Development Standards require that any project along Vermont Avenue, Virgil Avenue, Hollywood Boulevard between the Hollywood Freeway and Western, or referred to in the Barnsdall Park Master Plan, or projects along other major and secondary highways, to conform to the standards and design intentions for improvement of the public right-of-way. The project site is located along Sunset Boulevard, which is considered a major highway; therefore, the following Development Standards apply.

- a) **Street Trees.** The Development Standards require that one 36-inch box shade tree be planted and maintained on the sidewalk for every 30 feet of street frontage. The project site has approximately 55 feet of frontage along the northerly side of Sunset Boulevard. As such, three (3) street trees are required along the Sunset Boulevard public right-of-way. The project plans currently show three (3) existing street trees along Sunset Boulevard. Whether any existing street tree should remain or should be replaced is subject to the Bureau of Street Services, Urban Forestry Division. The project has been conditioned to provide a total of three (3) street trees along Sunset Boulevard public right-of-way of the project site. Therefore, as conditioned, the project complies with this Development Standard.
- b) **Tree Well Covers.** The Development Standards require that a tree well cover be provided for each new and existing street tree in the project area. The project is required to provide a total of three (3) street trees in the Sunset Boulevard public right-of-way which include a tree well cover. Any existing trees, if they are to remain, shall provide a tree well cover. The project has been conditioned to require a total of three (3) new street trees. Therefore, as conditioned, the project complies with this Development Standard.
- c) **Bike Racks.** The Development Standards require one bike rack for every 50 feet of street frontage. The project site has approximately 55 feet of frontage

along the northerly side of Sunset Boulevard. As such, two (2) bike racks are required along the Sunset Boulevard public right-of-way. The project has been conditioned to provide a total of two (2) bike racks along the Sunset Boulevard public right-of-way of the project site. Therefore, as conditioned, the project complies with this Development Standard.

- d) **Trash Receptacles.** The Development Standards require one trash receptacle be provided in the public right of way for every 100 feet of lot frontage along a Major or Secondary Highway. The project site has approximately 55 feet of frontage along the northerly side of Sunset Boulevard. As such, two (2) trash receptacles along the public right-of-way of Sunset Boulevard are required. The applicant proposes two (2) trash receptacles along Sunset Boulevard. The project has been conditioned to provide a total of two (2) trash receptacles along the Sunset Boulevard public right-of-way of the project site. Therefore, as conditioned, the project complies with this Development Standard.
- e) **Public Benches.** The Development Standards require that one public bench be provided in the public right of way for every 250 feet of lot frontage on a Major or Secondary Highway. The project site has approximately 55 feet of frontage along the northerly side of Sunset Boulevard. Sunset Boulevard is an Avenue I and measures less than 250 feet of lot frontage. As such, no public benches are required along the project site's public rights-of-way. However, the applicant proposes to provide one (1) public bench along Sunset Boulevard. Therefore, the project complies with this Development Standard.

(4). **Pedestrian/Vehicular Circulation.** The Development Standards require that projects fronting on a main commercial street shall avoid pedestrian/vehicular conflicts by adhering to standards related to parking lot location, curb cuts, pedestrian entrances, pedestrian walkways and speed bumps. The subject property fronts along Sunset Boulevard, which is a commercial street. Therefore, the following Development Standards apply.

- a) **Parking Lot Location.** The Development Standards require that surface parking lots be placed at the rear of structures. The project does not propose any parking. Therefore, this Development Standard does not apply.
- b) **Waiver.** The Director of Planning may authorize a waiver from the requirement to provide parking in the rear of the lot for mid-block lots that do not have through access to an alley or public street at the rear. The project lot does not have access to an alley or public street at the rear. The applicant proposes zero parking. Therefore, this Development Standard does not apply.
- c) **Curb Cuts.** The Development Standards allow one curb cut that is 20 feet in width for every 150 feet of street frontage when a project takes its access from a Major or Secondary Highway, unless otherwise required by the Departments of Public Works, Transportation or Building and Safety. The applicant proposes its vehicle ingress and egress along Sunset Boulevard, which is considered a Major Highway. The project is proposing one (1) 20-foot curb cuts along Sunset Boulevard. Therefore, as conditioned and proposed, the project complies with this Development Standard.
- d) **Pedestrian Entrance.** The Development Standards require that all buildings that front on a public street shall provide a pedestrian entrance at the front of the building. As shown on "Exhibit A" the applicant proposes a main

pedestrian lobby entrance and commercial entrance along Sunset Boulevard. Therefore, the project complies with this Development Standard.

- e) **Design of Entrances.** The Development Standards require that entrances be located in the center of the façade or symmetrically spaced if there are more than one and be accented by architectural elements such as columns, overhanging roofs or awnings. The lobby entrance for the project is located towards the center of the façade along Sunset Boulevard and will primarily lead residents from the street to the lobby area and will lead the public into the commercial space. This placement assures that the residential entrance and commercial entrance are opposite from the vehicle entrance. Therefore, as proposed, the project complies with this Development Standard.
- f) **Inner Block Pedestrian Walkway.** The Development Standards require that applicants provide a pedestrian walkway, throughway or path for every 250 feet of street frontage for a project. The pedestrian path or throughway shall be provided from the rear property line or from the parking lot or public alley or street if located to the rear of the project, to the front property line. The pedestrian walkway shall be accessible to the public and have a minimum vertical clearance of twelve feet, and a minimum horizontal clearance of ten feet. The proposed site occupies approximately 55 feet of frontage along the southerly side of Sunset Boulevard. Therefore, this Development Standard does not apply.
- g) **Speed Bumps.** The Development Standards require speed bumps be provided at a distance of no more than 20 feet apart when a pedestrian walkway and driveway share the same path for more than 50 lineal feet. The proposed project does not contain a pedestrian walkway and driveway that share the same path for more than 50 lineal feet. Therefore, this Development Standard does not apply.

(5). **Utilities.** The Development Standards require that when new utility service is installed in conjunction with new development or extensive remodeling, all proposed utilities on the project site shall be placed underground. The project does not propose any installation of new utility service at this time. However, in the event new utility lines are to be installed on the site, the Conditions of Approval require all new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service. Therefore, as conditioned, the project complies with this Development Standard.

(6). **Building Design.** The purpose of the following provisions is to ensure that a project avoids large blank expenses of building walls, is designed in harmony with the surrounding neighborhood, and contributes to a lively pedestrian friendly atmosphere. Accordingly, the following standards shall be met:

- a) **Stepbacks.** The Development Standards require that 1) no portion of any structure exceed more than 30 feet in height within 15 feet of the front property line, and 2) that all buildings with a property line fronting on a Major Highway, including Hollywood Boulevard, Sunset Boulevard, Santa Monica Boulevard, and Vermont Avenue, shall set the second floor back from the first-floor frontage at least ten feet. The proposed building has street frontage along Sunset Boulevard. Sunset Boulevard is classified as a Major Highway.

| SNAP Stepback Height Increase | | | |
|-------------------------------|-------|----------|----------|
| | Limit | With TOC | Proposed |

| | | | |
|---|-----|---------------------------|---------|
| SNAP Subarea B Stepback Height | 30' | 30' + 11' = 41' | 38'- 2" |
|---|-----|---------------------------|---------|

Therefore, the proposed project is subject to both stepback requirements along. As seen on Sheet A-07 and Sheet A-10 of "Exhibit A", the project satisfies Stepback No. 1. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with this Development Standard.

- b) **Transparent Building Elements.** The Development Standards require that transparent building elements such as windows and doors occupy at least 50 percent of the ground floor facades on the front and side elevations and 20 percent of the surface area of the rear elevation of the ground floor portion which has surface parking in the rear of the structure. Moreover, a "side elevation ground floor façade" has been interpreted by Staff to only mean those facades which face a street or alley and not facades along interior lot lines that face other buildings. The subject site currently has a south elevation that faces Sunset Boulevard. The northern, western, and eastern façades are along an interior lot line that face existing buildings, not a street. Per Exhibit A, Sheet A-09, the project is providing at least 50% transparency along the southern façade. As such, the project has been conditioned to provide at least 50% of the exterior surface of the ground floor façade along the northern and western elevations with transparent building materials. Therefore, as conditioned, the project complies with this Development Standard.
- c) **Façade Relief.** The Development Standards require that exterior walls provide a break in plane for every 20 feet horizontally and every 30 feet vertically. As seen in "Exhibit A", Sheet A-9, Sheet A-10, and Sheet A-27, the applicant proposes horizontal and vertical plane breaks through the use of the façade incrementally stepped away from the street, change in material, recessed windows, balconies, transparency, and lineal orientation of the façade construction. Therefore, the project complies with this Development Standard.
- d) **Building Materials.** The Development Standards require that building facades be comprised of at least two types of complimentary building materials. As seen in "Exhibit A", Sheet A-27, the applicant proposes the use of stucco, metal, and glass on all elevations of the structure. Therefore, the project complies with this Development Standard.
- e) **Surface Mechanical Equipment.** The Development Standards require that all surface or ground mounted mechanical equipment be screened from public view and treated to match the materials and colors of the building which they serve. The plans reflect a transformer at the southern façade of the proposed building and propose to screen it from the public view with metal fencing which match the materials and colors of the proposed building. Moreover, the project has been conditioned to require surface mechanical equipment to match the colors and materials of the building that they serve. Therefore, as proposed, and conditioned, the project complies with this Development Standard.
- f) **Roof Lines.** The Development Standards require that all rooflines in excess of 40 feet are broken up through the use of gables, dormers, plant-ons, cutouts, or other appropriate means. As seen in Exhibit A, Sheet A-0.06, all roof lines are continuously broken up to not exceed a horizontal roof line of 40

feet or greater. Moreover, the project has been conditioned to require all rooflines in excess of 40 feet to be broken up through the use of gables, dormers, plant-ons, cutouts, or other appropriate means. Therefore, the project complies with this Development Standard.

- (7). **Rooftop Appurtenances.** The Development Standards require that all rooftop equipment and building appurtenances shall be screened from public view or architecturally integrated into the design of the building. The proposed project will have no mechanical equipment placed on the roof. In the event that rooftop mechanical equipment is constructed, a Condition of Approval has been included requiring said equipment and ducts be screened from view from any street, public right-of-way or adjacent property and the screening shall be solid and match the exterior materials, design and color of the building. Therefore, as conditioned, the project complies with this Development Standard.
- (8). **Trash and Recycling Areas.** The Development Standards require that trash storage bins be located within a gated, covered enclosure constructed of identical building materials, be a minimum of six feet high, and have a separate area for recyclables. The proposed project provides a minimum six (6)-foot trash and recycle enclosures for the located against the exterior wall of the building. Therefore, the project complies with this Development Standard.
- (9). **Pavement.** The Development Standards require that paved areas not used as parking and driveway areas consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers. The project site does not currently contain areas not being used as parking and driveway access that would require enhance paving at the ground level. Therefore, as conditioned, the project complies with this Development Standard.
- (10). **Freestanding Walls.** The Development Standards require that all freestanding walls contain an architectural element at intervals of no more than 20 feet and be set back from the property line adjacent to a public street. This Development Standard applies to freestanding walls, which the project does not propose. As proposed and conditioned, the project complies with this Development Standard.
- (11). **Parking Structures – Required Commercial Frontage.** The Development Standards require that all of the building frontage along major or secondary highways, for a parking structure shall be for commercial, community facilities, or other non-residential uses to a minimum depth of 25 feet. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
- (12). **Parking Structures – Façade Treatments.** The Development Standards require parking structures be designed to match the style, materials and colors of the main building. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
- (13). **Parking Structures Across from Residential Uses.** The Development Standards require parking structures abutting or directly across an alley or public street from any residential use or zone conform to standards regarding the façade facing the residential use or zone. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.

- (14). **Surface Parking Lots.** The Development Standards require at least 10 percent of the surface parking lot to be landscaped with: one (1) 24-inch box shade tree for every four parking spaces, spaced evenly to create an orchard-like effect; a landscaped buffer around the property line; and a three and a half foot solid decorative masonry wall behind a three-foot landscaped buffer. The trees shall be located so that an overhead canopy effect is anticipated to cover at least 50 percent of the parking area after 10 years of growth. The project does not propose a surface parking lot. Therefore, this Development Standard does not apply.
- (15). **Surface Parking Abutting Residential.** The Development Standards require surface parking abutting or directly across an alley or public street from any residential use or zone conform to standards regarding a decorative wall and landscaping buffer. The project does not propose a surface parking lot. The project does not propose a surface parking lot. Therefore, this Development Standard does not apply.
- (16). **On-Site Lighting.** The Development Standards require that the project include on-site lighting along all vehicular and pedestrian access ways. The Development Standards specify that the acceptable level of lighting intensity is $\frac{3}{4}$ foot-candle of flood lighting measured from the ground, a maximum mounting height of light sources shall be 14 feet, and “white” color corrected lamp color shall be used for ground level illumination. A Condition of Approval has been included to ensure that any lighting shall meet the on-site lighting standards mentioned above. Therefore, as conditioned, the project complies with this Development Standard.
- (17). **Security Devices.** The Development Standards require security devices to be screened from public view. The proposed project does not contain any type of security devices at this time. In the event that additional security devices are installed in the future, a Condition of Approval has been included requiring all proposed devices to be integrated into the design of the building, concealed and retractable. Therefore, the project complies with this Development Standard.
- (18). **Privacy.** The Development Standards require that buildings be arranged to avoid windows facing windows across property lines, or the private open space of other residential units. The applicant has provided an elevation, Sheet A-10.1, which depicts the windows of the existing adjacent structures to the west superimposed onto the proposed project. Given the constraints of an infill development located in an urbanized area, the applicant shall demonstrate efforts to arrange windows to avoid directly facing windows across property lines or private open space of other residential units. Therefore, as conditioned, the project complies with this Development Standard.
- (19). **Hours of Operation.** The Development Standards require that parking lot cleaning and sweeping, trash collection and deliveries be limited between 7:00 a.m. - 8:00 p.m. Monday through Friday, and 10:00 a.m. - 4:00 p.m. on Saturdays and Sundays. The applicant has been required in the Conditions of Approval to comply with this Development Standard. Therefore, as conditioned, the project complies with this Development Standard.
- (20). **Noise Control.** The Development Standards require that any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. The developer, as an alternative, may retain an acoustical engineer to submit evidence, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room. The proposed building has multiple windows along the front façade with a line of sight directly to Sunset Boulevard. The project team

submitted an alternative acoustical study, dated September 2023 and prepared by CAJA Environmental Services, LLC, concluding that the cumulative impact will be less than significant. A Condition of Approval has been included requiring any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley to be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. Therefore, as conditioned, the project complies with this Development Standard.

- (21). Required Ground Floor Uses.** The Development Standards states that any residential, commercial facility, or commercial use permitted by the Specific Plan Ordinance is allowed on the ground floor and second floor within Subarea B. The applicant proposes a total of 570 square feet of commercial floor area along the ground floor. Therefore, the project complies with this Development Standard.

Design Guidelines

- (22). Urban Form.** The Design Guidelines encourage transforming commercial streets away from a highway oriented, suburban format into a distinctly urban, pedestrian oriented and enlivened atmosphere by providing outdoor seating areas, informal gathering of chairs, and mid-block pedestrian walkways. The Guidelines also indicate that streets should begin to function for the surrounding community like an outdoor public living room and that transparency should exist between what is happening on the street and on the ground floor level of the buildings. The project is designed to enhance the pedestrian experience along Sunset Boulevard by providing over 50 percent transparency increasing visibility into the ground floor from the street and adding a commercial retail space. The project has also been conditioned to include bike racks, shade trees, trash receptacles, and a public bench along the Sunset Boulevard public right-of-way. Therefore, as proposed, the project complies with this Design Guideline.
- (23). Building Form.** The Design Guidelines encourage every building to have a clearly defined ground plane, roof expression, and middle or shaft that relates the two. The ground plane of the project is defined by facades that consist of glass and concrete. The upper floors are defined by various planes that consist of different material, windows, and projections. The roof plane varies in height and material, which adds articulation to the building. Therefore, as proposed, the project complies with this Design Guideline.
- (24). Architectural Features.** The Design Guidelines encourage courtyards, balconies, arbors, roof gardens, water features, and trellises. Appropriate visual references to historic building forms – especially Mediterranean traditions – are encouraged in new construction. The proposed project provides multiple private balconies from the second to the fourth floor, and a roof deck. Furthermore, all street-facing elevations employ a variety of building materials and articulation by way of changes in building plane, and transparency. Therefore, the project complies with this Design Guideline.
- (25). Building Color.** The Design Guidelines encourage buildings be painted three colors: a dominant color, a subordinate color and a “grace note” color. The proposed project includes colors such as beige, light gray, and gray. Therefore, the project complies with this Design Guideline.
- (26). Signs.** The Design Guidelines provide extensive guidance related to the placement, type, and style of signage to be used for projects. The Guidelines identify appropriate signs for the Specific Plan area to include: wall signs, small projecting hanging signs, awnings or canopy signs, small directory signs, and window signs. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights (digital signs) are

prohibited. The applicant does not propose signs as part of this application. However, all future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western SNAP and Design Guidelines. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment, Exception, or Amendment is required. Therefore, as conditioned, the project complies with this Development Standard.

(27). Plant Materials on Facades. The Design Guidelines encourage facade plant materials in addition to permanent landscaping. Plants can be arranged in planters, containers, hanging baskets, flower boxes, etc. The applicant does not propose any plant materials on facades. Therefore, this Design Guideline does not apply.

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

The Department of City Planning determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject Project as Categorically Exempt under Section 15332 (Class 32, In-Fill Development Project), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

See *Justification for Categorical Exemption Case No. ENV-2023-2588-CE* in the case file for the narrative demonstrates that exceptions do not apply, and the proposed project meets the five criteria under Class 32.

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

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

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

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

| Metro DSC | Van Nuys DSC |
|--|---|
| 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org (213) 482-7077 | 6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org (818) 374-5050 |
| South LA DSC | West LA DSC |
| (In person appointments available on Tuesdays and Thursdays 8 am-4 pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 planning.southla@lacity.org | (CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org (310) 231-2901 |

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

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](#) portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal Filing



QR Code to Forms for In-
Person Appeal Filing




QR Code to BuildLA
Appointment Portal for
Condition Clearance

Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal the Transit Oriented Communities/Density Bonus Compliance Review Determination. Per the Density Bonus Provision of State Law (Government Code Section 65915), the Density Bonus increase in units above the base density limits per the underlying zone(s) and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per LAMC Sections 12.22 A.25 and 12.22 A.31, appeals of Density Bonus Compliance Review and Transit Oriented Communities cases with the Director of Planning or Zoning Administrator as the initial decision maker are heard by the City Planning Commission.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:


Jane Choi, AICP, Principal City Planner

Reviewed by:


Danalynn Dominguez, City Planner

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