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May 6, 2021

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEAL RESPONSE; Council File No. 19-1389-S1

4629-4651 West Maubert Avenue
VTT-82654-2A

On August 5, 2020, the Advisory Agency approved Vesting Tentative Tract No. 82654 composed of five (5) lots, located at 4629-4651 West Maubert Avenue for the merger and subdivision into one (1) lot as shown on map stamp-dated June 25, 2019, within the Hollywood Community Plan and Vermont/Western Station SNAP Specific Plan. The project is related to Case No. DIR-2019-3760-TOC-SPP-SPR, where the Director of Planning approved an 80 percent increase in density, 45 percent increase in Floor Area Ratio (FAR), and no residential parking spaces, consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a qualifying Tier 4 project totaling 153 dwelling units, reserving 17 units for Extremely Low Income Household. The project also entailed a Project Permit Compliance Review for the demolition of three (3) existing multi-family buildings and accessory buildings; and the construction, use and maintenance of an eight-story apartment building, with two (2) levels of above grade parking and 143,785 square feet of floor area consisting of 153 dwelling units, within Subarea C (Community Center) of the Vermont/Western SNAP; and a Site Plan Review for a 100 percent residential development project that creates 153 dwelling units.

At its meeting on January 14, 2020 where a public hearing was conducted, the City Council found that based on the whole of the administrative record, determined in their independent judgement that the Project is statutorily exempt from CEQA as a Sustainable Communities Project ("SCP") pursuant to PRC 21155.1 (Council File No. 19-1389).

On August 17, 2020, the entirety of the Advisory Agency action was appealed by two (2) aggrieved parties, which are also the current appellants to City Council. The appeals pertained primarily to the Tract Map's inconsistency with the Vermont/Western SNAP and Hollywood Community Plan, the application of the TOC entitlement, the adequacy of the Sustainable Communities Project Exemption (SCPE).

The Department of City Planning responded to the Tract Appeal in an Appeal Report dated January 14, 2021 (Appeal Report). On February 16, 2021, the City Planning Commission (CPC), following its consideration of the materials and oral testimony, denied the Tract Appeal, sustained the actions of the Advisory Agency in approving Vesting Tentative Tract Map No. 82654 and the related case for the project, Case No. DIR-2019-3760-TOC-SPP-SPR; and determined, in accordance with Public Resource Code Section 21155.1, that the Advisory Agency found that the Project was assessed in the Sustainable Communities Project Exemption, Case No. ENV-2019-3761-SCPE, which the City Council approved on January 14, 2020 and determined that the Project was statutorily exempt from the California Environmental Quality Act (CEQA) as a Sustainable Community Project.

On February 23, 2021 and February 25, 2021, two (2) appeals were filed for Case No. VTT-82654-1A by the previous appellants (City Planning Commission level appellants). The appeals again mainly rely on the same arguments and information as presented in the Appellant's previous letters to the City. The City has already adequately provided detailed and full responses to each of the appeal points, supported by substantial evidence in the record; and the CPC Appeal Report, dated January 14, 2021. The Appellant has failed to present any new information or substantial evidence to dispute the City's Findings for Approval.

Nonetheless, the following represents a summary and response to the appeal points identified in the appeal filed on February 23, 2021 and February 25, 2021, and responded to by Planning Staff in the CPC Appeal Report for the meeting held on January 14, 2021.

Appeal Points

The project is inconsistent with the Goals, Policies, and Objectives of the Vermont/Western SNAP and Hollywood Community Plan.

The project is consistent with the goals, policies and objectives of the Hollywood Community Plan and the Vermont/Western SNAP, in the context of the Subdivision Map Act. The Subdivision Map Act. The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Hollywood Community Plan, which designates the site with a Community Commercial land use designation. The site is located within the Vermont Western SNAP, which regulates the zoning on the site. The project site would permit a maximum of 85 dwelling units. The project was approved for a Transit Oriented Communities Affordable Housing Incentive Program, which allows for greater density and floor area ratio in exchange for the setting aside of affordable units. The project is considered consistent with the general plan land use designation and zoning based on its compliance with the TOC Incentive Program.

As indicated in the Letter of Determination for the related DIR-2019-3760-TOC-SPP-SPR case dated August 5, 2020, the proposed project complies with the Goals, Policies, and Objectives of the Vermont/Western SNAP and Hollywood Community Plan. The following is language used to make the following Site Plan Review finding:

The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

The proposed project meets the following objectives and policies contained in the Framework Element, Chapter 3 – Land Use:

Distribution of Land

Objective 3.1 Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Objective 3.4 Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Multi-Family Residential

GOAL 3C Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7 Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

Community Centers

GOAL 3 Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.

Policy 3.9.7 Provide for the development of public streetscape improvements, where appropriate.

Figure 3-1 Metro Long Range Land Use Diagram of the Framework Element indicates that the project site is located within a Community Center, which is described as a focal point for surrounding residential neighborhoods and containing a diversity of uses such as small offices and cultural and entertainment facilities, in addition to neighborhood oriented services. Generally, community centers range from FAR of 1.5:1 to 3:1. Physically, the scale and density of community centers would be greater than the neighborhood districts, generally with building heights ranging from two to six stories depending on the character of the surrounding area.

The project proposes a 100 percent development that will provide 153 dwelling units with a total residential floor area of 143,785 square feet. The residential project will provide a use that is compatible with the surrounding residential neighborhoods and commercial corridors. Furthermore, the proposed project meets the type of ideal use envisioned for a Community Center. As a 100 percent residential development, the project reverts to the underlying zone for maximum height allowed and FAR. The project is limited to an FAR of 3:1 with no height limit. However, the applicant is seeking a FAR increase to 4.35:1 in exchange for setting aside 11 percent, or 17 units, of the total 153 units for Extremely Low Income Households, consistent with the TOC Guidelines. The applicant is proposing to set aside an overall 17 units for Extremely Low Income households.

The proposed FAR for the residential development is 4.35:1. The building height is 92 feet, 6 ½ inches for an eight-story project, with two (2) levels of above grade parking. As such, in conjunction with the TOC Affordable Housing Incentive Program the project is consistent with the physical scale and density, as well as ideal uses that are envisioned in a Community Center of the Framework Element.

Land Use Element – Hollywood Community Plan

The project site is located within the boundaries of the Hollywood Community Plan, which was adopted by the Los Angeles City Council on December 13, 1988. The proposed

mixed-use development advances the following objectives and policies contained in the Community Plan:

Objective 1 *To further the development of Hollywood as a major center of population, employment, retail services, and entertainment [...].*

Standards and Criteria *New apartments should be soundproofed and should be provided with adequate usable open space at a minimum ratio of 100 square feet per dwelling unit excluding parking areas, driveways and the required front yard setback.*

Standards and Criteria *The intensity of residential land use in this Plan and the density of the population which can be accommodated thereon, shall be limited in accordance with the following criteria: The adequacy of the existing and assured circulation and public transportation systems within the area [...].*

The project proposes a 100% residential development in an area that is close to a major transit station (Metro Vermont/Sunset Station) and various bus routes, connecting the project site to other regional and local destinations as well as employment centers and retail services. The project will contribute to the Hollywood area as a medium- to high-density residential development that provides housing. Furthermore, the project has been conditioned 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, for any dwelling units with their exterior wall having a line of sight to a public street or alley. This will meet the Standards and Criteria of the Hollywood Community Plan to soundproof new apartments. In addition, the project provides adequate usable open space by providing a total of 12,993 square feet of open space, made up of a courtyard, recreational room, and private balconies.

Vermont/Western Station Neighborhood Plan Area (SNAP)

The Vermont/Western SNAP was adopted by the Los Angeles City Council and became effective on March 1, 2001. The proposed project meets the following purposes of the SNAP as outlined in Section 2 of the Specific Plan:

- C. Establish a clean, safe, comfortable and pedestrian oriented community environment for residents to shop in and use the public community services in the neighborhood.*
- E. Guide all development, including use, location, height and density, to assure compatibility of uses and to provide for the consideration of transportation and public facilities, aesthetics, landscaping, open space and the economic and social well-being of area residents.*
- H. Promote increased flexibility in the regulation of the height and bulk of buildings as well as the design of sites and public streets in order to ensure a well-planned combination of commercial and residential uses with adequate open space.*
- R. Facilitate the provision of studio and one bedroom apartments for adult students and senior citizens located near colleges, subway stations and along commercial corridors.*

As demonstrated in Finding Number 2, the project is in substantial conformance with the Specific Plan regulations as well as the Development Standards and Design Guidelines required to achieve a pedestrian-oriented design. The project provides attractively landscaped areas with street and canopy trees, shrubs, and ground covers, in addition to

bike racks and trash receptacles. Furthermore, the ground floor façades are designed with highly transparent materials, which further contribute to a pedestrian-friendly environment around the project site. The proposed height and density of the residential development comply with the underlying zone and Specific Plan in conjunction with the TOC Affordable Housing Incentive Program. The project also proposes a wide range of open space areas and amenities, including exterior open spaces and courtyard areas and a recreation room, which would contribute to the social well-being of its residents. Façade relief and articulation are achieved through the use of various materials including plaster, vinyl, metal, and cement. Lastly, the project proposes a unit mix that consists of one- to three-bedrooms, within close proximity to the Metro's Vermont/Sunset Station and bus stations along major commercial corridors.

Mobility Element

The Mobility Element was adopted by the Los Angeles City Council on January 20, 2016. The proposed development supports the following policies of the Mobility Plan.

Policy 2.3 Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 3.3 Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.4 Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.

Policy 3.8 Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The proposed project contains the qualities of a transit-oriented development that complies with the policies stated above. The project site is located within 310 feet of the Vermont/Sunset Station. This station serves the Metro Red Line, which runs between North Hollywood and Union Station and connects to the Orange Line in North Hollywood to the Purple Line in Koreatown and the Blue Line in Downtown Los Angeles. The line also connects to the Metro Gold Line and the Metrolink commuter rail lines at Union Station. The project site is also located in close proximity to various public transit routes, including but not limited to Metro Local Line 2, 175 and 217 which provides access to Downtown Los Angeles, Westwood, and Silverlake; Metro Local Lines 754 and 204, providing access to Hollywood, Westlake, Koreatown, and Athens. The project proposes the construction of a medium- to high-density residential development containing 153 dwelling units. The Mobility Plan encourages the development of residential units near transit stops to provide greater access to employment centers, neighborhood services, as well as other regional and local destinations. The public right-of-way around the site will incorporate landscaping as well as street furniture to provide a more interesting and walkable environment, and the project will provide a safe and secure bicycle parking storage area within the building.

Housing Element

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The project is consistent with the following objectives, policies and programs:

GOAL 1 Housing Production and Preservation

Objective 1.1 Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

GOAL 2 Safe, Livable, and Sustainable Neighborhoods

Objective 2.4 Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

These goals, objectives and policies are to ensure that growth is directed toward centers and transit. Strategically directing long-range growth is consistent with the approach established by the Framework Element of the General Plan. The use of various Subareas, allowing for different densities within the SNAP, ensure that existing neighborhood character is preserved and that the appropriate amount of density is placed in a location that has been deemed to be desirable and consistent with the various planning policies. The additional 153 dwelling units will not be change the neighborhood character and are within the allowed 400 square feet per dwelling unit per the underlying R4 Zone, in conjunction with the provisions of TOC, and the SNAP permits under Subarea C, which are consistent.

Plan for a Healthy Los Angeles Element

The Plan for a Healthy Los Angeles lays the foundation to create healthier communities for all Angelenos, and provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health as a priority for the City's future growth and development. On May 23, 2018, the City Planning Commission imposed several Conditions of Approval, which implements the following program of the Plan for a Health Los Angeles Element.

Program 1 *Energy efficiencies, weatherization, proper positioning of trees to shade buildings, alternative energy and solar generation systems, explore the feasibility of building designs that incorporate facile systems to charge electric vehicles, and use of rainwater, storm water, greywater and recycled water.*

The proposed development will be designed as to incorporate as much weatherization of the proposed building as possible. The building will implement elements throughout the interior to reduce energy consumption and optimize energy efficiency. As such, the proposed project is in conformance with the Plan for a Healthy Los Angeles Element.

The map does not substantially comply with the Vermont/Western SNAP or Hollywood Community Plan and is not physically suitable for the proposed density.

As indicated in the Letter of Determination dated August 5, 2020, the proposed project complies with all the applicable provisions of the Vermont/Western SNAP and Hollywood Community Plan, in conjunction with the TOC Affordable Housing Incentive Program.

In terms of density, the project site is zoned R4-1, which allows R4 density. This complies with Subarea C Section 9.A of the SNAP which states that only R4 density is allowed regardless of the underlying zone, and thus, limits residential density of the subject property to a maximum of one dwelling unit for each 400 square feet of lot area. The subject site is 33,053 square feet in size, or 33,720.5 square feet (inclusive of 667.5 square feet of half of the alley), allowing a maximum of 85 base dwelling units. However, the applicant is seeking an 80 percent increase in the maximum allowable density permitted in the SNAP to allow 153 dwelling units in lieu of the otherwise permitted 85 dwelling units, in exchange for setting aside 11 percent, or 17 units, of the total 153 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 and Community Investment Department (HCIDLA) to make 17 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 an 80 percent increase from the total density permitted by the SNAP. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with the density regulation in Section 9.A of the Specific Plan consistent with Government Code Section 65915.

Moreover, as demonstrated in Finding C of the Letter of Determination, the project is suitable for the proposed density. Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is not located within any Flood Zone. The map has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in the correspondence dated November 12, 2019, Soils Approval Letter dated September 23, 2019 (Log #107430-02), prior to the recordation of the map and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

The Transit Oriented Communities Guidelines are illegal and therefore cannot be used as the basis for approving a Vesting Tentative Tract Map.

Voter approved Measure JJJ was officially adopted by the Los Angeles City Council as Ordinance No. 184,745 on December 13, 2016. Measure JJJ codified the Transit Oriented Communities (TOC) Affordable Housing Incentive Program at LAMC Section 12.22 A.31. The process for preparing and adopting the TOC Incentive Guidelines is at LAMC Section 12.22.A.31(b) and (c). Following the process outlined in the Code, the Director of Planning prepared the TOC Guidelines and then presented them to the City Planning Commission at its regularly scheduled meeting on May 25, 2017. Upon consideration of the TOC Guidelines the City Planning Commission recommended their adoption on May 25, 2017. Thereafter, the Director of Planning adopted them and published them on September 22, 2017. The TOC Program became effective on September 22, 2017 and was subsequently revised February 26, 2018. The process followed for the adoption of the TOC Guidelines is documented in Department of City Planning Case File DIR-2017-1914-MS. Measure JJJ did not include any requirement that the City Council adopt the TOC Guidelines. By ordinance, that function was expressly delegated to the Director of Planning, after receiving a recommendation from the City Planning Commission.

The Department of City Planning structured the Guidelines to provide levels of incentives linked to the quality and proximity of a transit stop. This strategy results in a system that provides a different level of development for a project located a half-mile from a regular bus lines, than for a project located adjacent to a Metro Rail Station. To reflect these important distinctions a Tier-based system classifies eligible areas into TOC Tiers depending on the project's distance from different types of transit service. All incentives and tiers are in proportion to the affordable housing requirements outlined in JJJ and the development incentives in the City's current Density Bonus program. The specific incentives offered through the program are determined by the TOC Guidelines and are consistent with the provisions of Measure JJJ, including up to three (3) Additional Incentives, depending on the percent of affordable housing provided. As such, the Guidelines were established lawfully following the provisions of Measure JJJ.

The design of the subdivision will likely cause serious public health problems.

There is no substantial evidence in the record that the proposed map, in conjunction with the TOC project, will cause serious public health problems, nor has such evidence been provided by the appellants. Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is not located within any Flood Zone. The map has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in the correspondence dated November 12, 2019, Soils Approval Letter dated September 23, 2019 (Log #107430-02), prior to the recordation of the map and issuance of any permits. The project will be subject to all applicable regulatory compliance measures to ensure that no serious public health problems result from the project. The appellant has identified no written public health or safety standards, policies or conditions upon which they base this appeal point.

Moreover, on a January 14, 2020 hearing, Council File No. 19-1389, the City Council found that based on the whole of the administrative record, determined in their independent judgement that the Project is statutorily exempt from CEQA as a Sustainable Communities Project ("SCP") pursuant to PRC 21155.1.

Conclusion

The appeal and referenced comment letters address specific concerns and focus on the adequacy of the Vesting Tentative Tract Map, including comments regarding the entitlement findings. Upon careful consideration of the Appellant's points, the Appellant has failed to adequately disclose how the City erred or abused its discretion. In addition, no new substantial evidence was presented that City has erred in its actions relative to the VTT and the associated entitlements. Therefore, the appeals should be denied and the actions of the City Planning Commission should be sustained.

Sincerely,

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Director of Planning

Deborah Kahan
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Senior City Planner

VPB:DK:VKJ:JH

c: Craig Bullock, Planning Director, Council District 13