



APPLICATIONS:

APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist

Related Code Section: The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

Purpose: *The Appeal* - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

General Information

Appealable CEQA documents:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Sustainable Exemption (SE)

NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

1. Case Information

Environmental Case Number: _____

Related Entitlement Case Number(s): _____

Project Address: _____

Date of Final Entitlement Determination: _____

The CEQA Clearance being appealed is a(n):

- EIR SCEA MND ND CE SE

2. Appellant Identity (check all that apply)

- Representative Property Owner Other Person
 Applicant Operator of the Use/Site

3. Appellant Information

Appellant Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self Other: _____

b. Is the appeal being filed to support the original applicant's position? Yes No

4. Representative/Agent Information

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. Appeal Justification

Attach a separate sheet providing your specific reasons for the appeal. Your reasons must state how you believe CEQA was incorrectly applied, providing a legal basis for the appeal.

6. Applicant's Affidavit

I certify that the statements contained in this application are complete and true:

Appellant Signature: Eric Moore Date: 6/7/21

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

Note: City Clerk prepares mailing list for CEQA appeals per LAMC Section 11.5.13 E.

1. Three (3) sets - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Environmental Appeal Application (form CP-7840)
- Justification/Reason for Appeal
- Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

2. Electronic Copy

- Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

3. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee of the Environmental case; provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Other Persons - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

July 5, 2021

Eric Moore, Citizens for Reasonable Development
853 N. Edgemont St.
Los Angeles, CA 90029

City of Los Angeles, Department of City Planning
200 N. Spring St.
Los Angeles, CA 90012

Appeal of: CEQA APPEAL OF CASE NO.: ENV-2020-4250-CE.
Project Addresses: 4750-4760 Santa Monica Blvd., 1033-1039 N. New Hampshire Ave.

Public Resources Code Section 21151(c) of the California Environmental Quality Act (CEQA) permits an aggrieved party to appeal the approval of a Categorical Exemption (CE) by a non-elected, decision-making body to that agency's elected, decision-making body.

In this case, the City Planning Commission (a non-elected, decision-making body) on June 10, 2021 denied our community-based appeal and sustained the Director of Planning's approval under case number DIR-2020-4249-TOC-SPP-VHCA for a proposed 85-unit, 97-foot-tall Transit Oriented Communities (TOC) project located at 4750-4760 Santa Monica Blvd. and 1033-1039 N. New Hampshire Ave. in East Hollywood. As part of its approval, the Commission issued a June 22, 2021 determination letter re-stating that the project is exempt from CEQA, and that there is no substantial evidence demonstrating that any exceptions regarding significant effects or unusual circumstances applies.

The Commission's determination is wrong. The courts have mandated that categorical exemptions be construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. McQueen v. Mid-Peninsula Regional Open Space (1988) 202 Cal.App.3d 1136.

As noted by public speakers during the Commission's hearing, and in written objections entered into the record, the use of a categorical exemption is improper.

The Project's Categorical Exemption fails to acknowledge the impacts resulting from the proposed development. Per CEQA Guidelines Section 15300.2, a Class 32 exemption must be consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulation. Yet the project is at odds with the General Plan, the Hollywood Community Plan, the Vermont/Western Transit Oriented District Specific Plan, and AB 283.

Furthermore, CEQA Guidelines Section 15300.2 requires environmental review if cumulative impacts are significant. Under CEQA, when an agency is making an exemption determination it may not ignore evidence of an unusual circumstance creating a reasonable possibility of a significant environmental impact. Likewise, an agency may not avoid assessing environmental impacts by failing to gather relevant data. The City argues that environmental review is unnecessary because there were no findings of environmental impacts.

Yet the courts have warned against such a “mechanical application” in situations where agencies have failed to gather the data necessary for an informed decision. Because CEQA places the burden of environmental investigation on government rather than the public, an agency should not be allowed to hide behind its own failure to gather relevant data.

In the case of 4750 Santa Monica Blvd., the unusual circumstances surrounding this project make a categorical exemption inapplicable. Specifically, the project is illegal under the density restrictions of the underlying zoning. The city has improperly reviewed the project under policy guidelines for TOC projects that conflict with the City Charter and the Los Angeles Municipal Code (LAMC), and therefore improperly uses this review to claim that the development fails to meet the threshold necessary for environmental review. This “mechanical application” conflicts with CEQA.

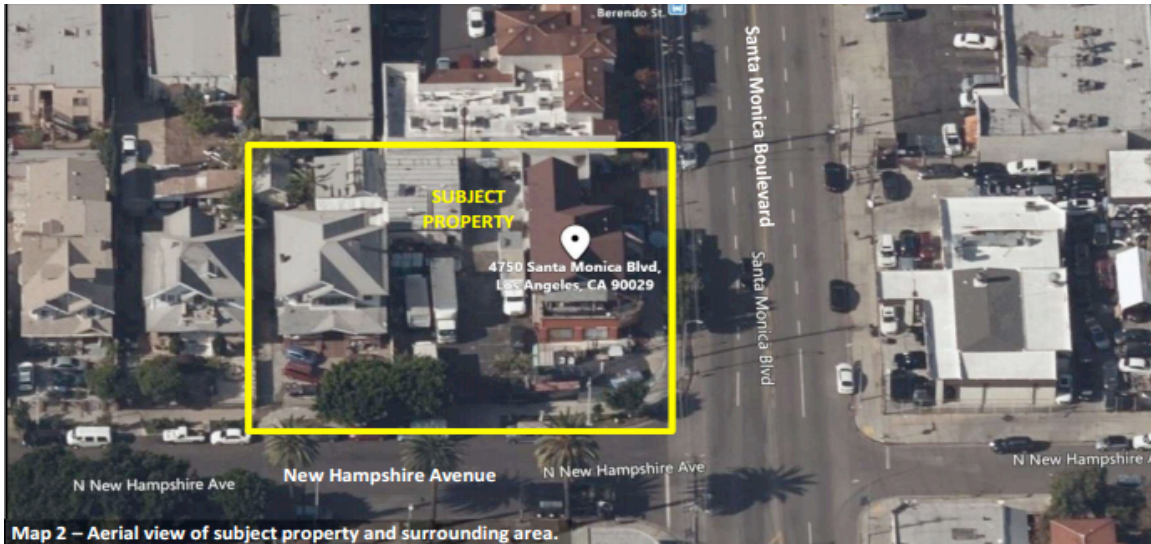
I. PROJECT BACKGROUND

The proposed “4750 Santa Monica” project involves the demolition of two, 2-story Craftsman homes and a vacant commercial office structure located on three contiguous parcels totaling approximately 18,742 sq. ft. The homes, constructed in 1906 and 1910, pre-date the establishment of the Los Angeles State Normal School’s Vermont Ave. campus (later the site of the University of California, Los Angeles). The applicant, Jared Brenner-Goldstein of Canfield Development, Inc. proposes to construct an 8-story, 97-foot-tall mixed-use complex totaling approximately 76,719 sq. ft. The site’s underlying zoning is C2-1D for the two northernmost parcels and R4-1D for the third, and is in Subarea C of the Vermont/Western Transit Oriented District Specific Plan (also known as the Station Neighborhood Area Plan, or SNAP). The existing SNAP subarea permits 46 residential units with a 75-foot height limitation.

The applicant proposes to set aside ten units for low income housing, in exchange for receiving the following generous incentives:

- A) An 80% increase in the allowed density (from 46 units to 85 units);
- B) A decrease in required parking from a maximum of 169 required stalls to no stalls;
- C) A 22-foot increase in the maximum permitted building height, from 75 feet to 97 feet;
- D) A 25% reduction in the required open space, from 9,225 sq. ft. to 6,919 sq. ft.
- E) A 45% increase in the permitted Floor Area Ratio from 3.0:1 to 4.35:1 (NOTE: The underlying zoning has a 0.5 FAR limitation per Ordinance 164686).

Project	Permitted	Approved
Density	46 dwelling units	85 dwelling units, an 80% increase (the city has rounded-up the percentages).
FAR	3:1 per SNAP Subarea C	4.35:1 over the entire site
Open Space	9,225 sq. ft. required	6,919 sq. ft. approved
Height	75 feet	97 feet plus roof attachments
Stepback	30’ in height max 1 st floor	41 feet in height for first floor
Stepback	2 nd Floor 10 feet back	2 nd Floor located zero feet back from first floor
Parking,	141 (minimum required) 169 (maximum allowed)	Zero parking stalls. (The application states that 70 parking stalls may be provided)



Map 2 – Aerial view of subject property and surrounding area.



Photo above: Santa Monica Blvd. looking west from project location.

The Project as approved by the city has no relationship to either the intent or purpose of the Specific Plan, the Hollywood Community Plan, or good planning practice. Put simply, the proposed Project – with a smidgeon of affordable housing units, no required parking, and a height that would exceed anything in the surrounding area – isn't designed for the benefit of our community, but is being utilized to mine the city for profitable land-use entitlements.

The Project is regulated by the zoning restrictions of the Vermont/Western Transit Orientated District Specific Plan. Created in 2001 *"to guide all development, including use, location, height and density, to assure compatibility of uses,"* the Specific Plan is not just a document of egalitarian goals, but is instead a roadmap for the future. Yet the city is using an illegal TOC process to discard this plan and ignore the project's environmental impacts.

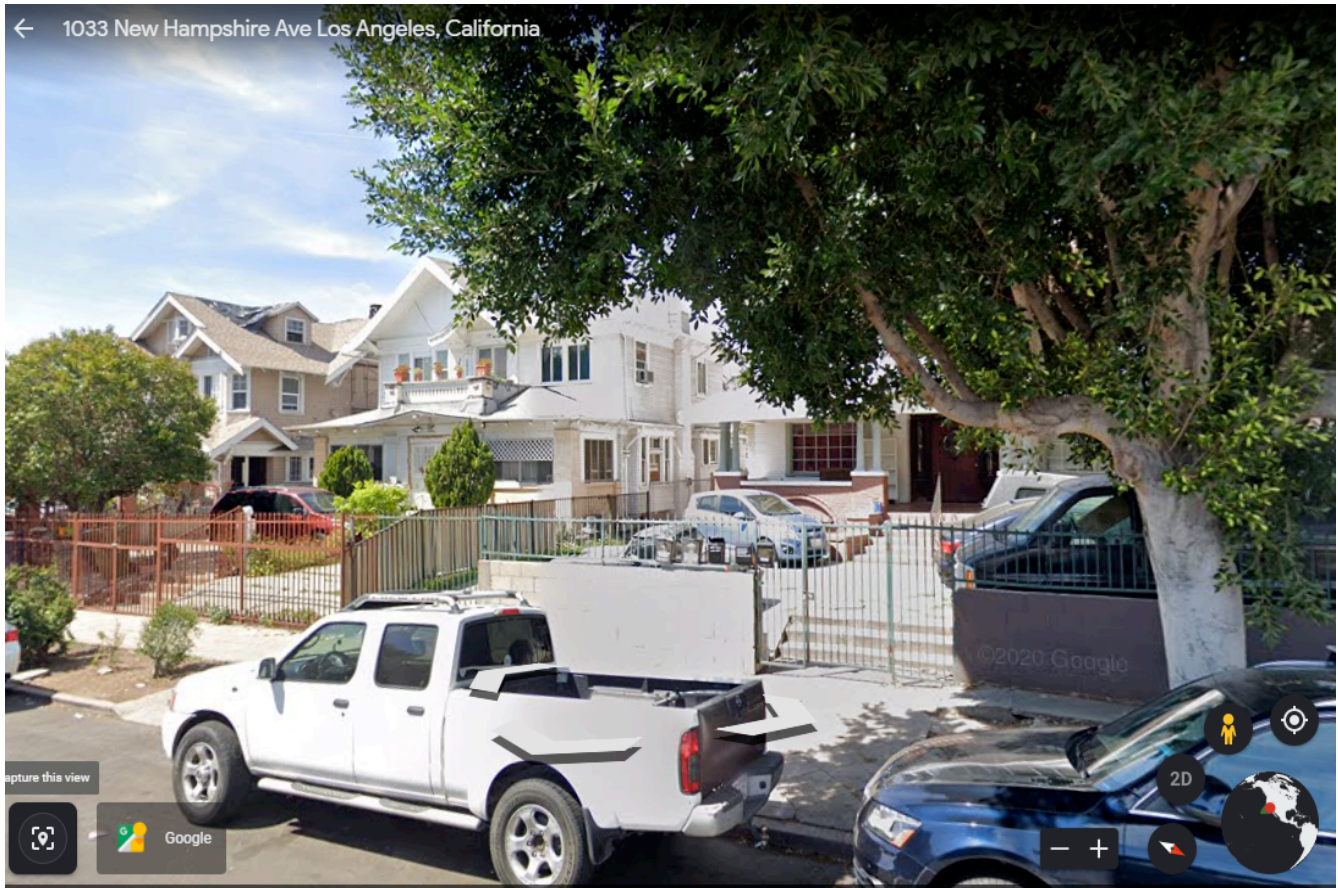


Photo above: 1000 block of New Hampshire Ave.

As noted, the applicant seeks to construct 85 dwelling units, an 80% increase over the allowed base density, and a density of one unit per approximately 220 sq. ft. of lot area, which is a density equivalent to the R5 Zone. A density of R5 is permitted only in the Regional Center Commercial area of the Hollywood Community Plan, which is the area on Hollywood Blvd. and Sunset Blvd. between La Brea Ave. to the west and Gower St. to the east. The proposed project’s density is incompatible with the regulations governing the SNAP.

Land Use Designation	Corresponding Zones	Density Per Net Acre
Low Medium I RD	RD3, RD4, RZ2.5, RZ3, RZ4, RU	10-17
Low Medium II	RW1, RD1.5, RD2	18-29
Medium	R3	30-55
High Medium	R4, [Q]R4	56-109
High	R5, [Q]R5	110-218

The Project as proposed is not in conformance with the above table, which provides guidance for appropriate densities in different zoning classifications. The Project is located within the C2 and R4 Zones, which permit a maximum density of one unit per 400 sq. ft. of lot area. The proposed density of 85 dwelling units calculates to 197 dwelling units per acre.



Above: Applicant's rendering of proposed 97-foot-tall "4750 Santa Monica" project.

In order to achieve the Regional Center density and receive other entitlements inconsistent with the SNAP and the city's General Plan, the city approved the project as a Transit Oriented Communities development. As noted in our prior appeal of the entitlements granted by the Director of Planning, however, TOC projects are illegal and therefore cannot be used as the basis for such significant changes to the underlying zoning restrictions.

In drafting the TOC Guidelines, the Planning Department went far beyond the scope of the incentives set forth in Measure JJJ by adding incentives not included in the initiative and awarding them to projects that do not meet the measure's labor standards. In granting the project incentives not approved by the voters, Planning and the City Planning Commission exceeded the scope of their authority, superseded the scope of Measure JJJ and overturned properly enacted ordinances.

The 4750 Santa Monica Blvd. project has received entitlements that rest upon incentives that invalidly expand the scope of a voter initiative. The project received more incentives than authorized by Measure JJJ, as well as incentives that were not included in the initiative.

The adoption of the TOC Guidelines by the Planning Department is not consistent with Planning's or the City Planning Commission's powers under the City Charter and the LAMC. The Charter and LAMC delineate the powers of the CPC and Director of Planning, as well as the City Council, with respect to regulation of the use of land. Charter Section 558 governs the adoption of "*zoning or other land use regulation concerning permissible uses, height, density, FAR, location or use of buildings or structures, size of yards, open space, setbacks, and other requirements, including specific plan ordinances.*"

Such ordinances may be proposed by the City Council, the CPC, or the Director of Planning, and are to be referred to the CPC for its report and recommendation. It is however up to the City Council to approve the ordinance after review of the CPC's recommendation.

Yet the City Council never reviewed the TOC Guidelines, which remain a policy and not an ordinance, subject to change at any point. The Guidelines supersede and replace the requirements in numerous city ordinances, setting new requirements that contradict the substantive requirements of existing law. The Guidelines were adopted by the Planning Department, not the CPC, which bizarrely merely made a recommendation back to the department. But the TOC Guidelines as approved were not within the Planning Department's power to adopt.

To the contrary, Measure JJJ specifies that TOC Incentives and Eligibility "*may be adjusted for an individual TOC Affordable Housing Incentive Area through a Community Plan update, Transit Neighborhood Plan, or specific plan,*" all of which are legislative processes that require approval by the City Council.

To comply with CEQA, the ordinance must have been reviewed along with the community plan updates, and its effects studied in the environmental documents prepared for each community plan update it is to apply to. This is also mandated by CEQA's prohibition against piecemealing and segmentation, as well as under the provisions applicable for phased projects (Guidelines Sections 15165, 15378).

In order to depart from the incentives established in the ordinance, a legislative process is required. Nowhere does Measure JJJ state that Planning may write its own additional or different incentives than those listed in Measure JJJ. Any contrary interpretation of Measure JJJ would render this aspect of the initiative invalid as an improper delegation of the legislative function from the City's legislative body. There is no authority in Measure JJJ to create what is essentially a zoning overlay, giving greater rights to building intensity and density to lots with the same underlying zoning on the basis of the distance to transit.

Measure JJJ authorized different intensity based upon legislatively created zoning. It did not authorize the Planning Department or the CPC to create what are essentially new zones for properties with the same underlying zoning, regardless of the intensity of the underlying zone.

Likewise, Measure JJJ nowhere authorizes Planning or the CPC to rewrite ordinances involving height, yards, or open space. In addition, the TOC Guidelines omit the requirement for Section 5-compliant labor to qualify for incentives. This omission has resulted in few projects under the TOC program meeting the labor standards, contrary to how the measure was presented to voters.

The TOC Guidelines effectively amend Measure JJJ without following the procedures for the amendment of an initiative ordinance. The TOC Guidelines constitute a change to the scope and effect of Measure JJJ, because the Guidelines expand the applicability of the program to projects that do not utilize the labor standard, offer more incentives and different types of incentives than provided in the Measure, and create a Tier system that alters the rights of property owners apart from their base zoning. The TOC Guidelines alter the scope and substance of Measure JJJ, and thus constitute an impermissible amendment to the initiative.

There is simply no authority granted in Measure JJJ for staff or this commission to step into the shoes of the legislative body and adopt incentives that were not enacted by any ordinance. As such, a CEQA categorical exemption is impermissible.

II. THE PROJECT DOES NOT QUALIFY FOR A CEQA CATEGORICAL EXEMPTION

A) The traffic VMT Calculator improperly identifies the existing use as General Retail when the actual existing use is a vacant house with a permanent yard sale.

The city relies on a May 26, 2020 project trip generation assessment by Crain and Associates to determine that the proposed mixed-use project will not result in any significant increase in daily trips that would trigger the need for a formal transportation impacts analysis. The city's Transportation Assessment Guidelines require a transportation assessment when a project is likely to add 250 or more net daily trips to the street system on a typical weekday.

The Crain assessment gives the project a Vehicle Miles Traveled (VMT) credit of 115 daily vehicle trips for existing uses. When subtracted from the proposed project's estimate of 347 daily vehicle trips, the net increase was estimated to be 232 daily trips, or 18 daily trips less than the arbitrary 250 vehicle trip threshold the city has established that would trigger a traffic report.

Yet the Crain and Associates assessment improperly identified the existing site use as General Retail in order to receive the generous VMT credit, when in fact the existing use is a vacant house with a semi-permanent yard sale and kids' jumper rental business, with no on-site "customer" parking, and no real "customers."

The city's reliance on the Crain and Associates generation assessment is misplaced and a formal traffic study is required. During the Commission's hearing of our appeal staff stated that the trip credit would increase if the vacant housing component were included. This is nonsense, as the point is that the site does not qualify as General Retail, and therefore no credit is justified. Note photos below:



Photos above and below: 4750 Santa Monica project site, misidentified as General Retail for traffic analysis



B) The project's Noise and Vibration analysis acknowledges that construction noise will exceed the threshold for significant impacts.

The applicant submitted two noise and vibration assessment reports by Rincon Consultants. Yet both reports acknowledge that the proposed project will exceed the threshold for significant construction noise impacts.

The June, 2020 Rincon Consultants noise and vibration study states at page 18 that "*construction noise levels may intermittently and temporarily exceed 75 dBA,*" and that "*reducing noise to 75 dBA throughout the duration of construction may not be technically feasible.*" The project site is located immediately adjacent to residential housing to the south and west.

The May 7, 2021 Rincon Consultants noise and vibration report states at page 5 that mitigation measures including "*temporary noise barriers adjacent to noise-sensitive uses (i.e. multi-family residences on the southern and western boundaries of the site)*" would reduce construction noise levels to 74 dBA at 50 feet.

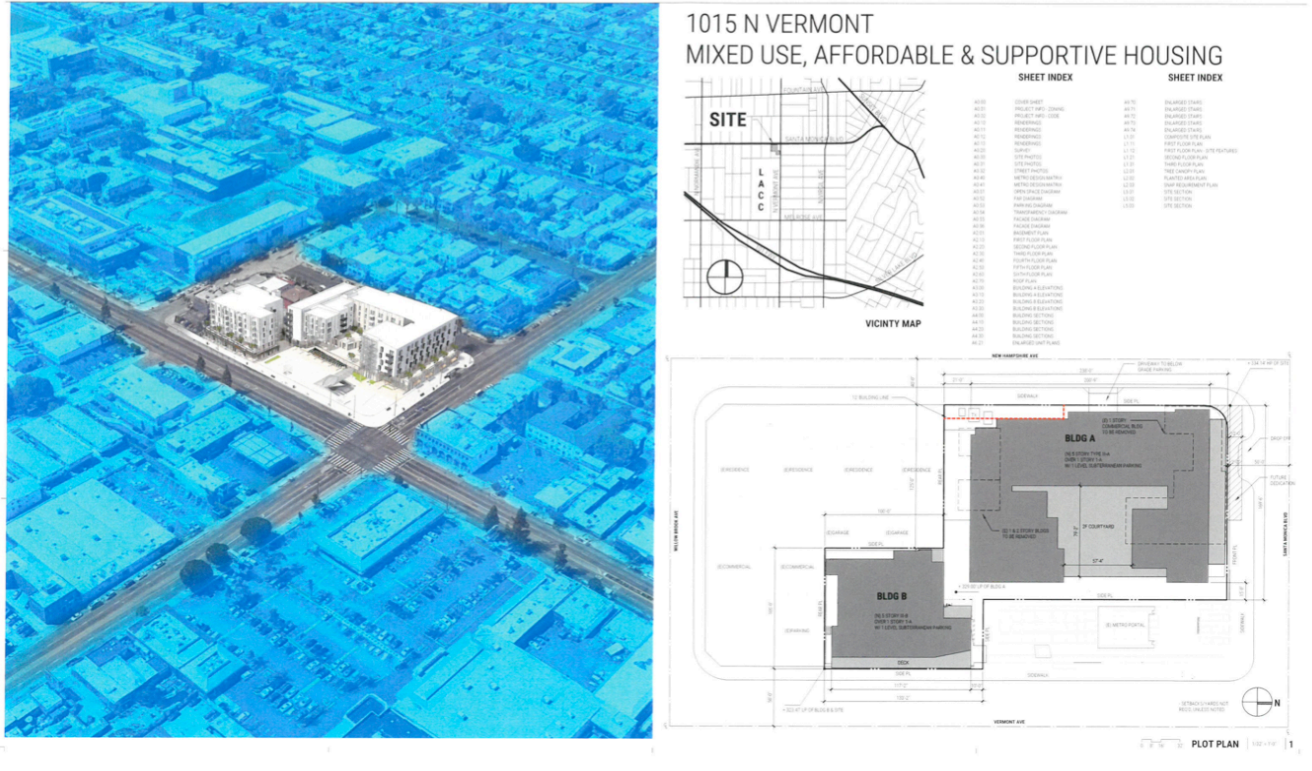
Yet equipment operations may occur as close as 10 feet from the property line. Under typical geometrical spreading loss, the predicted noise level at 10 feet is 14 dBA higher than at 50 feet. That would raise the reference noise level to 89 dBA when operating close to the site boundary. If a distance adjustment is correctly applied, residential uses listed as "adjacent" would in fact experience a 50+ dBA increase. Any conclusions based upon a 74 dBA reference noise level are invalid when equipment operates near the site boundary.

The Rincon report proposes noise barriers with a minimum height of 10 feet. Yet the proposed project would be 97 feet tall, and the determination letter contains no construction noise mitigation measures because the project received a categorical CEQA exemption, precluding the city from imposing any such requirements.

Unless a mitigation measure is included that completely restricts equipment operation closer than 50 feet, the city's CEQA categorical exemption cannot be supported. There is therefore no basis for the city and the applicant to contend that there will be no significant noise impacts.

C) The project's cumulative impacts have not been properly studied, and when combined with the enormous number of other proposed TOC projects in the vicinity will have a significant, adverse impact upon public health and safety.

In the determination letter's list of "*Projects Within a Quarter-Mile from the Subject Site,*" the city references the 1015 Vermont Ave. project, a 187-unit mixed-use project spanning the Metro subway station at the southwest corner of Santa Monica Blvd. and Vermont Ave. (DIR-2019-5645-TOC-SPR-SPP). The bulk of this approved development would in fact not be sited on Vermont Ave., but on New Hampshire Ave., directly across from the 4750 Santa Monica project, as noted in the plans illustrated below:



Rendering above of an approved 187-unit mixed-use development sited primarily on New Hampshire Ave, directly across from the 4750 Santa Monica Project.

The 1015 N. Vermont Ave. development is just one example of how the 4750 Santa Monica project's categorical exemption classification fails to acknowledge the impacts resulting from the tremendous number of proposed projects in the vicinity, none of which have undergone CEQA review.

Per CEQA Guidelines Section 15300.2, a Class 32 exemption must be consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulation.

Yet not only is the 4750 Santa Monica project at odds with the General Plan, the Hollywood Community Plan, the Specific Plan, and AB 283, all other proposed TOC projects in East Hollywood are as well.

CEQA Guidelines Section 15300.2 requires environmental review if cumulative impacts are significant. Under CEQA, when an agency is making an exemption determination it may not ignore evidence of an unusual circumstance creating a reasonable possibility of a significant environmental impact.

Likewise, an agency may not avoid assessing environmental impacts by failing to gather relevant data. The city argues that environmental review is unnecessary because there were no findings of environmental impacts.

Yet because CEQA places the burden of environmental investigation on government rather than the public, an agency should not be allowed to hide behind its own failure to gather relevant data.

The primary purposes of CEQA are to avoid, reduce or prevent environmental damage, and foster an informed and transparent public decision-making process by providing information to decisionmakers and the public concerning the environmental effects either undertaken or approved by lead agencies. None of these purposes is achieved with the city's process of TOC project approval, with no public hearings, public notification, or environmental review.

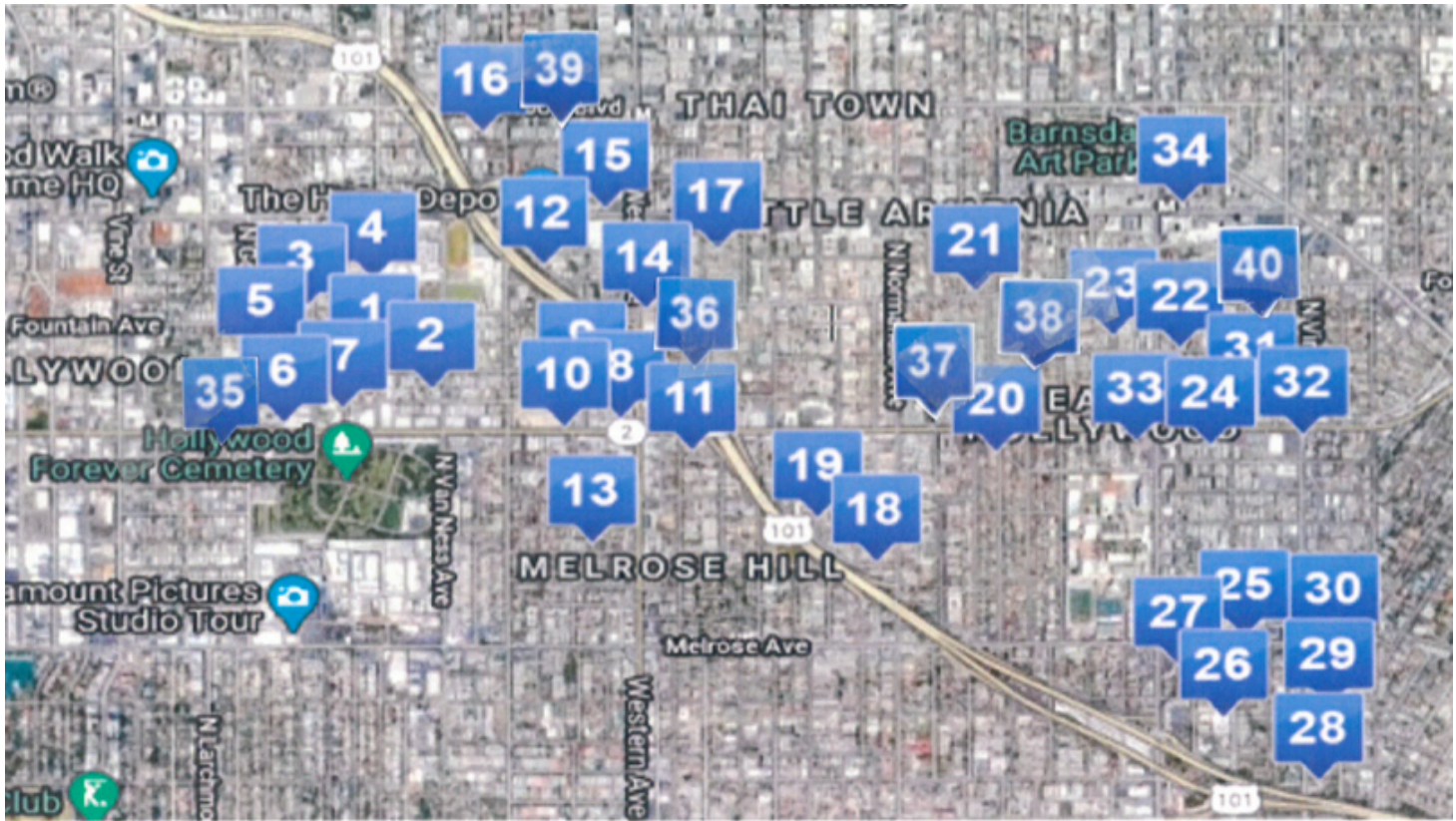
A CEQA categorical exemption is inapplicable when the cumulative impact of successive projects of the same type over time is significant. The cumulative impact of the 4750 Santa Monica project in conjunction with other developments in Hollywood has not been analyzed.

The city cites only 17 other proposed or approved developments within the vicinity of the Project site, using an arbitrary radius of 1,500 feet for analysis. There is no legal basis for this limited scope of this review.

Staff states in its appeal report that our list of 42 TOC/density bonus projects that have been proposed or approved in just the last two years "*appears arbitrary and speculative in nature.*" Yet our list is specific in that it covers projects proposed within the boundaries of two neighborhood councils with established project review committees, East Hollywood Neighborhood Council and the Hollywood Studio District Neighborhood Council. The list is therefore relevant for cumulative review.

Note below the list submitted in the prior appeal:

	Address of proposed TOC/DB projects	Existing	Proposed	Increase	Case No.
1	5817-5823 Lexington Ave.	4 units	21 units	17 units	DIR-2019-5388-DB
2	5806-5812 Lexington Ave.	2 units	17 units	15 units	DIR-2019-7067-TOC
3	1310-1316 N. Gordon St.	None	60 units	60 units	DIR-2019-7670-DB
4	1333-1343 N. Tamarind Ave.	3 units	45 units	45 units	DIR-2019-3141-DB
5	1222 N. Beachwood Dr.	3 units	11 units	8 units	DIR-2019-4192-DB
6	1130-1132 N. Beachwood Dr.	2 units	15 units	13 units	DIR 2018-723-TOC
7	1151-1153 N. Gordon St.	2 units	14 units	12 units	PAR-2018-5490-TOC
8	5530 Virginia Ave.	None	64 units	64 units	PAR-2018-4912-TOC
9	5533 Virginia Ave.	2 units	23 units	21 units	DIR 2017-4807-TOC
10	5537-5547 Santa Monica Blvd.	None	60 units	60 units	PAR-2018-4907-TOC
11	5412 Santa Monica Blvd.	None	60 units	60 units	DIR-2018-5887-TOC
12	5627 Fernwood Ave.	None	60 units	60 units	DIR 2017-4872-TOC
13	5456 Barton Ave.	1 unit	7 units	6 units	PAR-2018-4295-TOC
14	5460 Fountain Ave.	None	49 units	49 units	ADM-2018-3871-TOC
15	5509-5529 Sunset Blvd.	None	412 units	412 units	CPC-2019-4639-CU-DB-SPE
16	5717 Carlton Way	4 units	39 units	35 units	DIR-2017-2680-TOC-SPP
17	1341 - 1349 N. Hobart Blvd.	9 units	29 units	20 units	DIR-2019-790-TOC
18	908 N. Ardmore Ave.	6 units	33 units	27 units	DIR 2018-3931-TOC
19	926-932 N. Kingsley Dr.	5 units	37 units	32 units	DIR-2019-2038-TOC
20	4904-4920 Santa Monica Blvd.	None	62 units	62 units	DIR-2020-667-TOC
21	1301 N. Alexandria Ave.	3 units	16 units	13 units	DIR-2019-5422-TOC
22	1220 N. Vermont Ave.	None	29 units	29 units	DIR-2019-1254-TOC
23	1225 N. Vermont Ave.	None	58 units	58 units	DIR-2019-909-TOC-SPP
24	4626-4644 Santa Monica Blvd.	None	177 units	177 units	DIR-2019-337-SPP-SPPA-TOC-SPR
25	4100 Melrose Ave.	None	33 units	33 units	DIR 2018-7575-TOC
26	627 N. Juanita Ave.	1 unit	17 units	16 units	DIR 2018-1421-TOC-SPP
27	636-642 N. Juanita Ave.	2 units	33 units	31 units	DIR-2019-970-SPP-TOC
28	516 N. Virgil Ave.	1 unit	16 units	15 units	DIR-2019-4185-SPP-TOC
29	611-615 N. Virgil Ave.	None	30 units	30 units	DIR-2019-7613-TOC
30	700-710 N. Virgil Ave.	None	37 units	37 units	DIR-2020-783-TOC
31	4575 Santa Monica Blvd.	None	14 units	14 units	DIR-2018-347-TOC-SPP-SPPA
32	4537-4545 Santa Monica Blvd.	None	23 units	23 units	DIR-2019-2431-TOC
33	4704-4722 Santa Monica Blvd.	4 units	197 units	194 units	DIR-2019-5645-TOC
34	4629-4651 Maubert Ave.	14 units	153 units	139 units	DIR-2019-3760-SPP-TOC
35	1121 N. Gower St.	None	169 units	169 units	CPC-2020-3253-DB-SPR-HCA
36	5430 Virginia Ave.	5 units	65 units	60 units	DIR-2020-4087-RDP-HCA
37	4750 Santa Monica Blvd.	1 unit	85 units	84 units	DIR-2020-4249-TOC-SPP-VHCA
38	1227 N. Berendo St.	1 unit	17 units	16 units	DIR-2020-2780-TOC-SPR-HCA
39	5600 Hollywood Blvd.	14 units	200 units	186 units	CPC-2020-4296-CU-DB-SPP-RDP-SPR-VHCA-PHP
40	1111 N. Madison Ave.	None	41 units	41 units	APCC-2020-3957-SPE-SPP-TOC
41	1114 N. Heliotrope Dr.	1 unit	26 units	25 units	DIR-2021-1238-TOC-SPP-HCA
42	1115 N. Berendo St.	2 units	26 units	24 units	DIR-2021-1538-TOC-SPP-HCA
	Totals	Existing 92 units	Proposed 2,528 units	Increase 2,488 units	41 of the 42 projects claim to be categorically exempt



Above: Map of proposed TOC/density bonus projects within vicinity of the 4750 Santa Monica project.

Since the appeal was filed in late March and heard in June, six more TOC/density bonus projects have already been proposed within the neighborhood councils’ boundaries:

Address of proposed TOC/DB projects	Existing	Proposed	Increase	Case No.
1 505-517 N. Hoover Ave.	2 units	40 units (co-living w/195 beds)	38 units	DIR-2021-2250-TOC-HCA
2 445-447 N. Westmoreland Ave.	3 units	15 units	12 units	DIR-2021-2317-TOCSPP-HCA
3 4216-4232 Melrose Ave.	4 units	30 units	26 units	DIR-2021-4779-TOC-SPP-HCA
4 1309-1311 N. Mariposa Ave.	None	17 units	17 units	DIR-2021-3800-TOC-HCA
5 6104 Santa Monica Blvd.	None	76 units	76 units	DIR-2021-1485-TOC-WDI
6 5817 Virginia Ave.	2 units	12 units	10 units	ADM-2021-4241
Totals new project applications in just the last two months	Existing 11 units	Proposed 190 units	Increase 179 units	All six projects claim to be categorically exempt

As applied to a categorical exemption, CEQA Guidelines Section 15300.2(b) provides an exemption cannot be utilized “when the cumulative impact of successive projects of the same type in the same place over time is significant.” Under CEQA, when an agency is making an exemption determination it may not ignore evidence of an unusual circumstance creating a reasonable possibility of a significant environmental impact. *Committee to Save the Hollywoodland Specific Plan v City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1187 (city approval set aside because city failed to consider proffered evidence regarding historic wall).

Likewise, an agency may not avoid assessing environmental impacts by failing to gather relevant data. The city's determination letter contains no findings to justify the categorical exemption. Instead, the city relies on reports from the applicant's land use consultant, Rincon Consultants, Inc. of Riverside to make its determination of no significance.

As noted in this appeal, the project is NOT consistent with the applicable general plan designation and all applicable general plan policies, as well as with the applicable zoning designation and regulations. The project essentially amends the city's general plan to create a Regional Center development. Approval of the project would result in significant effects relating to noise and vibrations, and air quality, and cumulative impacts that have not been determined. The city cannot claim that this contention is merely speculative, as the city has illegally allowed density increases far beyond the limitations of the underlying zoning.

"The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." Communities for a Better Env't v. Cal. Res. Agency (2002) 103 Cal.App.4th 98, 109 (CBE v. CRA).

III. CONCLUSION

For the above reasons, we request that the city council uphold our appeal and bring some sense to the planning process in Los Angeles.

Thank you,

Eric Moore
Citizens for Reasonable Development



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JUN 22 2021

Case No. DIR-2020-4249-TOC-SPP-VHCA-1A
CEQA: ENV-2020-4250-CE
Plan Area: Hollywood

Council District: 13 – O'Farrell

Project Site: 4750 West Santa Monica Boulevard;
4750 – 4760 West Santa Monica Boulevard;
1033 – 1039 North New Hampshire Avenue

Applicant: Jared Brenner-Goldstein, Canfield Development Inc.
Representative: Matthew Hayden, Hayden Planning

Appellant: Eric Moore, Citizens for Reasonable Development

At its meeting of **June 10, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of one existing commercial building, one storage building, one two-story single-family dwelling and accessory buildings; and the construction, use and maintenance of an eight-story, mixed-use building, with two levels of subterranean parking, 76,650 square feet of floor area, consisting of 85 dwelling units and 1,137 square feet of commercial floor area, within Subarea C of the Vermont/Western SNAP Specific Plan.

1. **Determined**, 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;
2. **Denied** the appeal and **sustained** the Planning Director's determination dated March 12, 2021;
3. **Approved with Conditions**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), an 80 percent increase in density, 36 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 85 dwelling units, reserving 10 units for Extremely Low Income Household occupancy for a period of 55 years, with the following two Additional Incentives:
 - a. Height. A 22-foot increase in height to permit 97 feet of maximum building height in lieu of the maximum 75 feet otherwise permitted per the underlying zone;
 - i. An increase of 11 feet in height to the stepback requirement per the SNAP which requires that no portion of any structure located in Subarea B or C shall exceed more than 30 feet in height within 15 feet of the front property line, along Santa Monica Boulevard; and
 - ii. An increase of one-story in height to the stepback requirement per the SNAP which requires that all buildings with a property line fronting on a major highway, including Santa Monica Boulevard, have the second floor set back 10 feet from the first floor; and

- b. Open Space. A 25 percent reduction to permit a minimum 6,919 square feet of overall usable open space in lieu of the minimum 9,225 square feet otherwise required;
4. **Approved with Conditions**, pursuant to LAMC Section 11.5.7 C and the Vermont/Western Station Neighborhood Area (SNAP) Specific Plan Ordinance No. 186,735, a Project Permit Compliance Review for the demolition of one commercial building, one storage building, one two-story single-family dwelling and accessory buildings; and the construction, use and maintenance of an eight-story, mixed-use building, with two levels of subterranean parking, 76,650 square feet of floor area, consisting of 85 dwelling units and 1,137 square feet of commercial floor area, within Subarea C (Community Center) of the Vermont/Western SNAP Specific Plan;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman
 Second: Dake-Wilson
 Ayes: Choe, Leung, López-Ledesma, Mack, Millman
 Absent: Hornstock

Vote: 7 – 0

Cecilia Lamas (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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.

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedures (CEQA)

c: Jane Choi, Principal City Planner
 Deborah Kahen, Senior City Planner
 Valentina Knox-Jones, City Planner
 Danalynn Dominguez, City Planning Associate

CONDITIONS OF APPROVAL

Entitlement Conditions

TOC Affordable Housing Incentive Program Conditions

1. **Residential Density.** The project shall be limited to a maximum density of 85 residential dwelling units, including On-Site Restricted Affordable Units.
2. **On-Site Restricted Affordable Units.** Ten (10) units shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
3. **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.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 10 units available to Extremely Low Income Households for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of HCIDLA, and in consideration of the project's SB 330 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Background and Housing Replacement (SB 330 Determination) sections of this determination.
5. **Floor Area Ratio (FAR).** The maximum FAR shall be limited to 4.09:1, or 76,650 square feet.
6. **Automobile Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22 A.31, which permits no residential parking for a project located in Tier 4 TOC Affordable Housing Incentive Area and no more than 127 residential parking spaces, 42 guest parking spaces, and two (2) commercial parking spaces, for a total of 171 parking spaces per the SNAP.
 - a. Any future guest parking spaces must be shared with designated commercial spaces.
 - b. If more guest parking spaces are allowed than commercial parking spaces, the proposed project cannot exceed the maximum two (2) spaces allowed per the SNAP.
7. **Height.** The project shall be limited to a maximum building height of 97 feet, 0 inches, as measured from grade to the highest point of the structure pursuant to the TOC Affordable Housing Incentive Program. 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.

8. **Building Stepback.** The project shall set the second floor mezzanine 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 Santa Monica Boulevard.
9. **Open Space.** The project shall provide a minimum of 6,919 square feet of usable open space pursuant to the TOC Affordable Housing Incentive Program, of which 1,730 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 20 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. 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.

SNAP Conditions

10. **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.
11. **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 \$361,200 to the Parks First Trust Fund for the net increase of 84 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 Fee to be paid, the applicant shall make a payment to the Office of the City Administrative Officer (CAO), Parks First Trust Fund. Contact Jennifer Shimatsu of the CAO directly at (213) 978-7628 or Jennifer.Shimatsu@lacity.org to arrange for payment. 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.
12. **Use.** The proposed residential use shall be permitted on the subject property. The project is allowed C4 uses on the subject property. Any change of use within the project site is required to obtain a Project Permit Compliance Review approval before any permit clearance is given. Commercial Uses shall be limited to the ground floor only.
 13. **Bicycle Parking.** The project shall provide a minimum of 48 residential bicycle parking spaces and a minimum of four (4) commercial bicycle parking spaces on site, as shown in Exhibit "A".
 14. **Setback.** No front, side or rear yard setbacks shall be required.
 15. **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. Four (4), 36-inch box shade trees shall be provided in the public right-of-way along Santa Monica Boulevard and five (5) 36-inch box shade trees shall be provided in the public right-of-way along New Hampshire Boulevard, subject to the Bureau of Street Services, Urban Forestry Division requirements. The project site currently includes two (2) existing trees within the 125 feet of frontage along Santa Monica Boulevard and six (6) existing trees within the 150 feet of frontage along New Hampshire Boulevard. Whether the street trees should remain or should be replaced is subject to the Bureau of Street Services, Urban Forestry Division.
 - ii. 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.
 - iii. 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.
 - iv. 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 Santa Monica Boulevard and three (3) simple black painted bike racks shall be provided in the public right-of-way along New Hampshire Boulevard. Bike racks shall be installed three 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 Santa Monica Boulevard subject to the requirements of the Department of Public Works.
16. **Vehicular Access (New Hampshire Avenue).** Vehicular access to the project shall be provided from New Hampshire Avenue. If the project is revised to provide vehicular access from Santa Monica Boulevard, only one curb cut that is 20 feet in width is permitted, 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.
17. **Pedestrian Entrance.** As illustrated in 'Exhibit A', the pedestrian entrance lobby shall be provided along Santa Monica Boulevard and the entrance to the commercial ground floor space shall be provided along Santa Monica Boulevard or at the intersection of Santa Monica Boulevard and New Hampshire Boulevard.
18. **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.
19. **Transparent Elements.** Transparent building elements as windows and doors shall occupy at least 50% of the exterior surface of the ground floor facades of the front and side elevations.
 - a. At least 545.50 square feet of the ground floor façade shall be constructed with transparent building materials along Santa Monica Boulevard, consistent with Exhibit "A", Sheet AC-6.
 - b. At least 805.50 square feet of the ground floor façade shall be constructed with transparent building materials along New Hampshire Avenue, consistent with Exhibit "A", Sheet AC-6
20. **Façade Relief.** As illustrated in 'Exhibit A', exterior walls shall provide a break in plane for every 20 feet horizontally and every 30 feet vertically.
21. **Building Materials.** As illustrated in 'Exhibit A', building facades shall utilize metal, cement plaster, and glass on all elevations, thereby providing at least two types of complimentary building materials on all elevations.
22. **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.
23. **Roof Lines.** As illustrated in 'Exhibit A', all rooflines in excess of 40 feet are broken up through the use of gables, dormers, plant-ons, cutouts, or other appropriate means
24. **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.

25. **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.
26. **Design of Entrance.** The applicant shall submit detailed elevations of the ground floor illustrating that all pedestrian entrances, including entries to commercial and retail stores, 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.
27. **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. All open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities shall be landscaped.
28. **Irrigation Plan.** A final irrigation plan shall be prepared and included.
29. **On-Site Lighting.** The applicant shall install on-site lighting along all vehicular and pedestrian access ways. Installed lighting shall provide $\frac{3}{4}$ -foot-candle of flood lighting intensity as measured from the ground. Lighting must also be shielded from projecting light higher than 15 feet above ground level and away from adjacent property windows. The maximum height of any installed lighting fixture shall not exceed 14 feet in height.
30. **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.
31. **Noise.** The project is allowed to comply with the interior noise study ('Exhibit B') produced by acoustical engineer, Chris Kezon and John LoVerde, dated January 18, 2021, as an alternative means of sound insulation sufficient to reduce interior noise levels below 45 dBA in any habitable room having a line of sight to a public street or alley. In accordance with the noise study, the following materials will be utilized within the project:
 - Zone A shall utilize the following materials: windows with a rating of STC 35 and swing doors with a rating of STC 31.
 - Zone B shall utilize the following materials: windows with a rating of STC 33, swing doors with a rating of STC 31, and sliding door with a rating of STC 33.
 - Zone C shall utilize the following materials: windows with a rating of STC 28, swing doors with a rating of 28, and sliding doors with a rating of 28.
 - The remaining units shall not have an STC requirement but it is recommended to incorporate materials with an STC rating of 28.

Revised plans shall be submitted at the time of condition clearance to notate the Window and Door Schedules for Zones A-C and document compliance with these STC ratings.

32. **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 are prohibited. Canned/Cabinet signs should not be used.
33. **Freestanding Walls.** New freestanding walls and fences shall be decorative with an architectural element at intervals of no more than 20 feet. All freestanding walls and fences shall be set back from the property line adjacent to a public street with a three-foot landscaped buffer. No chain-link, barbed and concertina fences shall be permitted.

Administrative Conditions

34. **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.
35. **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.
36. **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.
37. **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.
38. **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.
39. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
40. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

41. **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.
42. **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.

FINDINGS

Entitlement Findings

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 4 TOC Affordable Housing Incentive Area according to the TOC Referral Form dated November 9, 2020. As part of the proposed development, the project is required to reserve at least 11 percent, or 10 units, of the total 85 units for Extremely Low Income Households. The project proposes 10 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 approximately 295 feet from the Vermont/Santa Monica Metro Red Line Station and Metro Rapid Bus 704. 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 and Community Investment Department (HCIDLA) dated September 28, 2020, one (1) dwelling unit is subject to replacement under SB 330. The one (1) unit must be of equivalent type, with the one (1) unit restricted to Extremely Low Income household. The proposed project is reserving 10 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, Community Plan Implementation Overlay (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 11 percent, or 10 units, of the total 85 units for Extremely Low Income Households to receive the Base Incentives listed in Section VI of the TOC Guidelines. The project is seeking two (2) Additional Incentives as follows: (1) 22-foot increase in height to permit 97 feet of maximum building height in lieu of the maximum 75 feet otherwise permitted in Subarea C; and (2) a 25 percent reduction to permit a minimum 6,919 square feet of overall usable

open space in lieu of the minimum 9,225 square feet otherwise required. The project is required to set aside seven (7) percent, or four (4) units, of the base 47 units for Extremely Low Income Households to qualify for the additional incentives. The applicant is proposing to set aside a total of 10 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 two (2) 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 three (3) contiguous lots, which are all located within a Tier 4 TOC Affordable Housing Incentive Area according to the TOC Referral Form dated November 9, 2020. 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 as defined in California Health and Safety Code Section 50052.5 or Section 50053 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. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent 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 on-menu 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 the 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 10 units for Extremely Low Income Households.

Height: The applicant requests a 22-foot increase in height to permit 97 feet of maximum building height in lieu of the maximum 75 feet otherwise permitted in Subarea C. 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 Area: The applicant requests a 25 percent reduction to permit a minimum 6,919 square feet of overall usable open space in lieu of the minimum 9,225 square 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 project proposes the demolition of one (1) commercial building, one (1) storage building, one (1) two-story single-family dwelling, and accessory buildings and the construction, use and maintenance of an eight-story, mixed-use building, with two (2) levels of subterranean parking, 76,650 square feet of floor area, consisting of 85 dwelling units and 1,137 square feet of commercial floor area, resulting in a net increase of 84 residential units. The project is therefore required to pay a total of \$361,200 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 9.A of the Vermont/Western Specific Plan states that residential uses permitted in the R4 Zone by LAMC Section 12.11 and commercial uses permitted in the C4 Commercial Zone by LAMC Section 12.16 shall be permitted by-right on any lot located within Subarea C of the Specific Plan area. The subject site is 18,741.81 square feet in size, allowing a maximum of 47 base dwelling units per the underlying zone. However, the applicant is seeking a 80 percent increase in the maximum allowable density permitted in the SNAP to allow 85 dwelling units in lieu of the otherwise permitted 47 dwelling units, in exchange for setting aside 11 percent, or 10 units, of the total 85 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 10 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 80 percent increase from the total density permitted by the SNAP. The project site is allowed C4 uses on the subject property and is proposing 1,137 square feet of commercial uses. Any change of use within the project site, for a use allowed under the C4 designation, is required to obtain a Project Permit Compliance Review approval before any permit clearance is given. Section 9.A.1. states that commercial uses in a Mixed-Use Project shall be limited to the Ground Floor. As illustrated in Exhibit A, and as conditioned, the commercial space shall be located on the ground floor. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 9.A of the Specific Plan.
- C. Height and Floor Area.** Section 9.B of the Vermont/Western Specific Plan requires that mixed-use projects shall not exceed a maximum building height of 75 feet and 100 percent commercial projects shall not exceed a maximum building height of 35 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 project proposes an eight-story, mixed-use building, with two (2) levels of subterranean parking, 76,650 square feet of floor area, consisting of 85 dwelling units and 1,137 square feet of commercial floor area with a maximum height of 97 feet.

The applicant is proposing an increase of 22 feet to the overall height limit of 75 feet, resulting in a total height of 97 feet to the top of the parapet for mixed-use buildings within Subarea C of the SNAP. The applicant is also requesting an increase of 11 feet in height to the stepback requirement per the SNAP which requires that no portion of any structure exceed 30 feet in height within 15 feet of the front property line and an increase of one-story in height to the stepback requirement per the SNAP which requires that all buildings with a property line fronting on a major highway, including Santa Monica Boulevard, have the second-floor set back 10 feet from the first-floor. The applicant has requested a total of two (2) Additional Incentives, regarding height and open space, and as such, the applicant is required to provide seven (7) percent of the 47 base units, or four (4) units, for Extremely Low Income Households. The applicant is already proposing to set aside an overall of 10 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.

Height Increase			
	Limit	With TOC	Proposed
SNAP Overall Height	75'	75' + 22' = 97'	75' + 22" = 97'
SNAP Stepback #1	No portion of any structure shall exceed 30 feet in height within 15 feet of the front property line	Addition of 11-foot increase	No portion of any structure shall exceed 41 feet in height within 15 feet of the front property line
SNAP Stepback #2	2 nd floor must be set back 10 feet from 1 st floor	Addition of one floor	2 nd mezzanine floor set back 10 feet from 2 nd floor

Moreover, a mixed-use project shall not exceed a 3:1 FAR, however, the applicant is seeking an FAR increase to 4.35:1 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 11 percent, or 10 units, of the total 85 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program.

FAR Increase			
	Limit	With TOC	Proposed
SNAP FAR Mixed Use Project	3:1	3:1 + 45% = 4.35:1	3:1 + 36.33% = 4.09:1

The project site contains 18,741.81 square feet of lot area and the proposed building contains a combined floor area of 76,650 square feet, resulting in a FAR of 4.09:1 FAR which is within the maximum allowable 4.35:1 FAR per the TOC incentive, which is a 45 percent increase. Typically, TOC Guidelines would permit a 55 percent increase for properties in Tier 4, however TOC Guideline 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 36.33 percent increase

in FAR. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 9.B of the Specific Plan.

- D. Transitional Height.** Section 9.C of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea C adjoining or abutting a lot within Subarea A shall not exceed 25 feet in height, 33 feet in height, and 61 feet in height when located within 0-49 feet, 50-99 feet, and 100-200 feet respectively. The project site does not abut any properties located within Subarea A. Therefore, Section 9.C. of the Specific Plan does not apply.
- E. Usable Open Space.** Section 9.D of the Vermont/Western Specific Plan states that residential projects with two 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 75 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	70	100	7,000
Dwelling Units with 3 Habitable Rooms	8	125	1,000
Dwelling Units with More than 3 Habitable Rooms	7	175	1,225
Total Minimum Usable Open Space			9,225
25% located at grade or first habitable room level			2,306.25

However, the applicant is seeking a 25 percent decrease in the minimum open space requirement in the SNAP in exchange for setting aside eleven (11) percent, or ten (10) units, of the total 85 units for Extremely Low Income Households. The applicant is proposing to set aside an overall of 10 units for Extremely Low Income households.

Open Space reduction			
	Required	With TOC Tier 4	Proposed
Total	9,225	9,225 – 25% = 6,918.75	6,930
25% located at grade or first habitable room level			1,729.75

The project is therefore required to provide a total of 6,918.75 square feet of open space of which 1,729.75 square feet must be located at grade level or first habitable room level. The project proposes a total of 6,930 square feet of usable open space with 1,916 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 9.D of the Specific Plan.

- F. Project Parking Requirements.** Section 9.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 Parking Spaces			
	Parking Space Per Square Feet / Unit	Units	Parking Spaces
Dwelling Units with Less than 3 Habitable Rooms	1	15	15
Dwelling Units with 3 Habitable Rooms	1	55	55
Dwelling Units with More than 3 Habitable Rooms	1.5	15	22
Total <u>Residential</u> Required Spaces			92
Guest	.25	85	21
Total Minimum Required Spaces (inclusive of guest parking)			113

SNAP Maximum Parking Spaces			
	Parking Space Per Square Feet / Unit	Units	Parking Spaces
Dwelling Units with Less than 3 Habitable Rooms	1	15	15
Dwelling Units with 3 Habitable Rooms	1.5	55	82
Dwelling Units with More than 3 Habitable Rooms	2	15	30
Total <u>Residential</u> Allowed Spaces			127
Guest	.50	85	42
Total Maximum Allowed Spaces (inclusive of guest parking)			169

However, the applicant proposes to utilize the Automobile Parking Incentive under the TOC Housing Incentive Program, which allows zero (0) spaces per unit in Tier 4 of TOC, inclusive of guest parking spaces, in exchange for setting aside the required percentage of affordable units. The TOC Automobile Parking Incentive replaces the minimum parking requirement in the SNAP; however, the project is still subject to the maximum parking requirement per the SNAP. The SNAP limits the maximum number of residential automobile parking spaces to 127, with an additional 42 spaces allowed for guest parking, for a total of 169 parking spaces. The project will provide 72 residential parking spaces without any guest parking spaces (as permitted by TOC), which is within the minimum and maximum requirements. Therefore, as conditioned

and in conjunction with the reduced residential parking spaces per TOC, the project complies with Section 9.E of the Specific Plan.

Bicycles. Section 9.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 85 residential units, thus, requiring 42 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 project proposes 1,137 square feet of commercial floor area, thereby requiring two (2) commercial parking spaces. The applicant proposes 48 residential bicycle parking spaces and four (4) commercial bicycle parking spaces within a bicycle parking room located in first through third floor levels.

Commercial Vehicle Parking. Section 9.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 project proposes 1,137 square feet of commercial floor area, thereby allowing a maximum of two (2) commercial parking spaces. The project proposes two (2) commercial parking spaces which does not exceed the maximum SNAP requirement of two (2) commercial spaces. If guest parking spaces are designated at a later time, they must be shared with commercial spaces and the commercial parking spaces cannot be in addition to guest parking spaces. Moreover, if more guest parking spaces are allowed than commercial parking spaces, the proposed project cannot exceed the maximum two (2) spaces allowed per the SNAP.

Therefore, as proposed and conditioned, the project complies with Sections 9.E.1, 9.E.2, and 9.E.3 of the Specific Plan.

- G. Conversion Requirements.** Section 9.F of the Vermont/Western Specific Plan sets forth requirements pertaining to the conversion of existing structures to residential condominium uses. The project proposes the demolition of one (1) commercial building, one (1) storage building, one (1) two-story single-family dwelling, and accessory buildings, and the construction, use and maintenance of an eight-story, mixed-use building, with two (2) levels of subterranean parking, 76,650 square feet of floor area, consisting of 85 dwelling units and 1,137 square feet of commercial floor area. Therefore, Section 9.F of the Specific Plan does not apply.
- H. Yards.** Section 9.H 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 C. The project proposes no yard setbacks. Therefore, the project complies with Section 9.H of the Specific Plan.
- I. Pedestrian Throughways.** Section 9.G 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 125 feet of frontage along the southerly side of Santa Monica Boulevard and 150 feet of frontage along the westerly side of New Hampshire Avenue. As such, a pedestrian throughway is not required as part of the design of the project site. Therefore, Section 9.G of the Specific Plan does not apply.

- J. Development Standards.** Section 7.I of the Vermont/Western Specific Plan requires that all Projects be in substantial conformance with the following Development Standards and Design Guidelines.

Development Standards

- (1). Landscape Plan.** The Development Standard for Subarea C 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. All landscaped areas shall be landscaped in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor. The landscape plan in Exhibit "A" shows that adequate landscaping will be provided throughout the project site. The project will provide five (5) street trees along the New Hampshire Avenue public right-of-way, four (4) street trees along Santa Monica Boulevard public right-of-way. The 2nd, 3rd, and 7th Floor will be landscaped with shrubbery and trees. The applicant has been conditioned to submit a final landscape plan prepared by a licensed landscape architect and a final irrigation plan. Therefore, as conditioned, 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 and patios shall have a minimum dimension of 10 feet. Common open space areas, balconies, or 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. The applicant is asking for a 25 percent reduction to permit a minimum 6,919 square feet of overall usable open space in lieu of the minimum 9,225 square feet otherwise required, in exchange for setting aside affordable housing units. The applicant has requested a total of two (2) Additional Incentives, regarding height and open space, and as such, the applicant is required to provide seven (7) percent of the 47 base units, or four (4) units, for Extremely Low Income Households. The applicant is already proposing to set aside an overall of 10 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 commensurating with the amount of private open space provided. The applicant proposes multiple common open space areas throughout the building in forms of amenity spaces, patios, and balconies for a total area of 3,980 square feet common open space and 2,950 square feet of private open space. Therefore, 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 another major and secondary highways, to conform to the standards and design intentions for improvement of the public right-of-way.

- a) **Street Trees.** The Development Standards require that one 36-inch box shade tree be planted and maintained in the sidewalk for every 30 feet of street frontage. The project site has approximately 125 feet of frontage along the southerly side of Santa Monica Boulevard and has approximately 150 feet of frontage along the westerly side of New Hampshire Avenue. Thus, requiring four (4) street trees along the public right-of-way of the project site along Santa Monica Boulevard and five (5) street trees along the public right-of-way of the project site along New Hampshire Avenue. The project proposes four (4) shade street trees within the 125 feet of street frontage along Santa Monica Boulevard and proposes five (5) street trees within the 150 feet of street frontage along New Hampshire Avenue. 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 proposes four (4) shade street trees within the 125 feet of street frontage along Santa Monica Boulevard and proposes five (5) street trees within the 150 feet of street frontage along New Hampshire Avenue. The project does not propose tree well covers as the street trees are proposed on the public parkways. The project is conditioned to provide tree well covers to the satisfaction of Bureau of Street Services. 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 125 feet of frontage along the southerly side of Santa Monica Boulevard and has approximately 150 feet of frontage along the westerly side of New Hampshire Avenue. Thus, two (2) bike racks are required along the public right-of-way of the project site along Santa Monica Boulevard and three (3) bike racks are required along the public right-of-way of the project site along New Hampshire Avenue. The project has been conditioned to provide two (2) bike racks along the public right-of-way of the project site along Santa Monica Boulevard and three (3) bike racks along the public right-of-way of the project site along New Hampshire Avenue. 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 125 feet of frontage along the southerly side of Santa Monica Boulevard and has approximately 150 feet of frontage along the westerly side of New Hampshire Avenue. Santa Monica Boulevard is considered a Major Highway, thus requiring one (1) trash receptacle along the public right-of-way along Santa Monica Boulevard. New Hampshire Avenue is not considered a Major or Secondary Highway. As such, this Development Standard does not apply to New Hampshire Avenue. The project has been conditioned to provide one (1) trash receptacle along the public right-of-way along Santa Monica Boulevard. 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 125 feet of

frontage along the southerly side of Santa Monica Boulevard and has approximately 150 feet of frontage along the westerly side of New Hampshire Avenue. Therefore, this Development Standard does not apply.

- (4). **Pedestrian/Vehicular Circulation. 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 Santa Monica Boulevard. 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 a surface parking lot, but rather vehicle parking within the one (1) level of at-grade enclosed parking area and two (2) levels of subterranean parking area. 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 lots do not have access to an alley or public street at the rear. The project proposes to provide all parking requirements within its subterranean parking levels and at-grade level. 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 project proposes its vehicle ingress and egress along the New Hampshire Avenue, a local street. Therefore, this Development Standard does not apply.
 - 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 project proposes a main pedestrian lobby entrance along Santa Monica Boulevard. Moreover, the retail entrance is located at the corner of Santa Monica Boulevard and New Hampshire Avenue. 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 residential entrance for the project is located along Santa Monica Boulevard and will primarily lead residents from the street to the lobby area, mailboxes, and stair and elevator access points. Moreover, the retail entrance is located at the corner of Santa Monica Boulevard and New Hampshire Avenue. 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 project site has approximately 125 feet of frontage along the southerly side of Santa Monica Boulevard and has approximately 150 feet of frontage along the westerly side of New Hampshire Avenue. 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 a front property line along Santa Monica Boulevard. As such, the project is subject to both stepback requirements along Santa Monica Boulevard. The applicant is requesting an increase of 11 feet in height to the stepback requirement per the SNAP which requires that no portion of any structure exceed 30 feet in height within 15 feet of the front property line and an increase of one-story in height to the stepback requirement per the SNAP which requires that all buildings with a property line fronting on a major highway, including Santa Monica Boulevard, have the second-floor set back 10 feet from the first-floor, in exchange for setting aside seven (7) percent, or four (4) units, of the base 47 units for Extremely Low Income households. As seen on Sheet A3.2, A3.4 and A4.5 of "Exhibit A", the project satisfies Stepback No. 1 and Stepback No. 2. 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 north elevation that faces Santa Monica Boulevard and an east elevation that faces New Hampshire Boulevard. The southern and western façades are along an interior lot line that face existing buildings, not a street or surface parking area. Per “Exhibit A”, Sheet AC-6, the project has a ground floor elevation area of 1,091 square feet along Santa Monica Boulevard and is providing 588 square feet of transparency. The project also has a ground floor elevation area of 1,611 square feet along New Hampshire Avenue and is providing 846 square feet of transparency. 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” the project proposes horizontal and vertical plane breaks through the use of the façade incrementally stepped away from the street, change in material, recessed windows, 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. The project proposes the use of metal, cement plaster, 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 do not indicate the location of surface mechanical equipment. However, in the event surface mechanical equipment is constructed, the Conditions of Approval require surface mechanical equipment to match the colors and materials of the building which they serve. Therefore, as 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 A3.1 – A3.4, all roof lines are continuously broken up to not exceed a horizontal roof line of 40 feet or greater. 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 currently shows 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-foot trash and recycle enclosure located within the first-floor level. 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 project proposes a perimeter wall along the southern elevation and western elevation. As seen in "Exhibit A", Sheet A3.4b, the freestanding walls are continuously broken up to not exceed 20 feet. Therefore, 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. The parking for the project is located at parking areas which are enclosed at-grade and within 2 subterranean levels. 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 parking for the project is located

at parking areas which are enclosed at-grade and within 2 subterranean levels. 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 elevations, Sheets A3.3 and A3.4, which depicts the windows of the existing adjacent structures to the south and west superimposed onto the proposed project. The elevation shows that none of the windows of adjacent property will be marginally affected by the new construction. Therefore, 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 Santa Monica Boulevard and New Hampshire Avenue. The project team submitted an alternative acoustical study, dated January 18, 2021 and prepared by Veneklasen Associates, Inc., specifying that the alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room during case processing. As such, a Condition of Approval has been included requiring the Project to adhere to the alternative acoustical study, dated January 18, 2021 (‘Exhibit B’) and prepared by Veneklasen Associates to reduce interior noise levels below 45dBA in any habitable room. Therefore, as conditioned, the project complies with this Development Standard.
- (21). **Required Ground Floor Uses.** The Development Standards states that 100 percent of street level uses within Subarea C must be commercial uses up to a depth of 25

feet. The applicant proposes 1,137 square feet of retail space at the corner of Santa Monica Boulevard and New Hampshire Avenue with a depth of up to 27 feet, 6 inches. 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 Santa Monica Boulevard and New Hampshire Avenue by providing over 50 percent transparency increasing visibility into the ground floor from the street. The project has also been conditioned to include bike racks and shade trees along the 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 cement plaster finish. 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 seventh floor. 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 white, slate gray, and french 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 Planning Department 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), Case No. ENV-2020-4250-CE.

The proposed project is for demolition of the existing one (1) commercial building, one (1) storage building, one (1) two-story single-family dwelling, and accessory buildings, and the construction, use and maintenance of an eight-story, mixed-use building, with two (2) levels of subterranean parking, 76,650 square feet of floor area, consisting of 85 dwelling units and 1,137 square feet of commercial floor area, measuring 97 feet in height. The project consists of 3,980 square feet of common open space, 13 parking spaces at grade, and 59 parking spaces within two (2) subterranean levels. The project is setting aside 11 percent of the total 85 units and more than seven (7) percent of the base 47 units, respectively, for Extremely Low Income Households. The building will contain 76,650 square feet of floor area with a 4.09:1 FAR. The unit mix will be comprised of 21 studios, 57 one-bedroom units, 2 two-bedroom units, and 5 four-bedroom units. There will be 72 residential automobile parking spaces, 2 commercial automobile parking spaces, 48 residential bicycle parking spaces, four (4) commercial bicycle parking spaces, and 6,930 square feet of usable open space. The number of units and size is not unusual for the vicinity of the subject site and is similar in scope to other existing multi-family dwellings in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

There are five (5) Exceptions which must be considered in order to find a project exempt under CEQA: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

The project is located at 4750 West Santa Monica Boulevard (4750, 4760 W. Santa Monica Boulevard; 1033, 1037, 1039. N. New Hampshire Avenue) within the Hollywood Community Plan. There are currently 17 projects dating back to January 29, 2015, which are either currently filed with the Department of City Planning or have received a Letter of Determination from the Department of City Planning, but have yet to receive a Certificate of Occupancy from the Los Angeles Department of Building and Safety (LADBS). As such, there are projects within 1,500 feet of the same type and in the same place as the subject project at the time of filing, July 17, 2020, which is the CEQA baseline.

PROJECTS WITHIN A QUARTER-MILE FROM THE SUBJECT SITE			
(filed or filed and approved prior to the CEQA baseline, July 17, 2020)			
Address	Case Number	Date Filed	Scope of Work
1245 N. New Hampshire Avenue	DIR-2016-3002-SPP	08/15/2016	New 9-unit residential project

1227 N. Berendo Street	DIR-2020-2780-TOC-SPP-HCA	04/24/2020	New 17-unit residential project
1225 N. Vermont Avenue	DIR-2019-909-TOC-SPP	02/13/2019	New 58-unit mixed-use building
1223 N. Edgemont Street	DIR-2017-2402-DB-SPP	06/15/2017	New 13-unit residential project
4647 W. Lexington Avenue	DIR-2017-3139-SPP	08/07/2017	New 5-unit residential project
4651 W. Lexington Avenue	DIR-2017-3138-SPP	08/07/2017	New 5-unit residential project
1200 N. Vermont Avenue	DIR-2019-1254-TOC-SPP	03/04/2019	New 29-unit mixed-use building
1179 N. Heliotrope Drive	DIR-2015-435-SPP	01/29/2015	New 2-unit residential project
1148 N. Berendo Street	DIR-2020-1371-TOC-SPP-HCA	03/02/2020	New 8-unit residential project
1114 N. Vermont Avenue	DIR-2016-1282-SPP	04/12/2016	New 9,321 square-foot commercial building
1119 N. Berendo Street	DIR-2017-1989-SPP-SPPA	05/18/2017	New 4-unit residential project
1111 N. Kenmore Avenue	DIR-2017-2254-DB	06/07/2017	New 24-unit residential project
4575 W. Santa Monica Boulevard	DIR-2018-347-TOC-SPP-SPPA	01/19/2018	New 16-unit residential project
4632 W. Santa Monica Boulevard	DIR-2019-337-SPP-SPPA-TOC-SPR	01/16/2019	New 177-unit mixed use building
1015 N. Vermont Avenue	DIR-2019-5645-TOC-SPP-SPR	09/23/2019	New 187-unit mixed use building

1040 N. Kenmore Avenue	DIR-2020-667-TOC-SPP-SIP	01/30/2020	New 62-unit residential project
866 N. Edgemont Street	DIR-2019-7479-SPP	12/16/2019	New 2-unit residential project

According to SCAQMD, individual construction projects that do not exceed the SCAQMD's recommended daily thresholds for project-specific impacts would not cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. Construction-related daily emissions at the project site would not exceed SCAQMD's regional or localized significance thresholds. Furthermore, an Air Quality Study prepared by Rincon Consultants, Inc. in June 2020, concluded that any cumulative impacts would be less than significant. Therefore, the project's contribution to cumulative construction-related regional emissions would not be cumulatively considerable and therefore would be less than significant. Construction of the project also would have a less-than-significant impact with regard to localized emissions.

As noise is a localized phenomenon and decreases in magnitude as distance from the source increases, only projects and ambient growth in the nearby area could combine with the proposed project to result in cumulatively considerable noise impacts. These above noted projects will begin construction and end construction at different timelines, with minor overlap between projects. Furthermore, a Noise Study prepared by Rincon Consultants, Inc. in June 2020, concluded that any cumulative impacts would be less than significant. Thus, the construction of these known projects will be staggered and therefore do not have the potential to cumulatively contribute to air quality, construction traffic, and noise levels.

As mentioned, the project proposes a mixed-use building containing 85 dwelling units in an area zoned and designated for such development, through the use of an 80% density increase through the TOC Affordable Housing Incentive Program in exchange for affordable housing. All surrounding lots are developed with multi-family buildings, mixed-use, and commercial buildings. The project proposes a FAR of 4.09:1 which is within the maximum 4.35:1 FAR otherwise permitted by Subarea C of the SNAP in conjunction with a 45 percent increase permitted per the TOC Affordable Housing Incentive Program in exchange for affordable housing. The proposed building will be eight-stories, with at-grade parking and two levels of subterranean parking levels, in an area that is currently developed with buildings that range in height from one- to two-stories. In conjunction with the TOC Affordable Housing Incentive Program, the proposed building will not be unusual for the vicinity of the subject site, and will be similar in scope to future mixed use or residential buildings in the area that use the TOC Affordable Housing Incentive Program in exchange for affordable housing. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

As it relates to development along a Scenic Highway, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately 17 miles to the west of the subject property. Therefore, the subject site will not create any impacts within a designated state scenic highway. In regards to Hazardous Waste sites, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste

site. As such, the project would not be developed on a site identified as a hazardous site pursuant to Section 65962.5 of the Government Code.

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Furthermore, a Historic Resource Assessment Report prepared by Rincon Consultants, Inc. on June 2020, concluded that the existing mixed-use building, storage building, and two-story single-family dwelling are not historic resources for purposes of CEQA. The Department of City Planning, Office of Historic Resources confirmed that the existing mixed-use building, storage building, and two-story single-family dwelling are not considered historic for the purposes of CEQA per an email dated January 17, 2020. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as a habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

Lots 18 and 19 are zoned C2-1D and Lot 20 is zoned R4-1D and have a General Plan Land Use Designation of Highway Oriented Commercial. As shown in the case file, the project is consistent with the applicable Hollywood Community Plan designation and policies and all applicable zoning designations and regulations in conjunction with the TOC Affordable Housing Incentive Program. The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.43 acres. The surrounding area is characterized by level topography, improved streets and residential development. Properties to the north, west and east are zoned C2-1D and R4-1D, developed with commercial and residential uses, and located within Subarea C (Community Center) of the SNAP. The property to the south is zoned RD1.5-1XL and is developed with residential uses and located within Subarea C (Community Center) of the SNAP.

The site previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. Moreover, a Tree Report prepared on January 19, 2020 by Leonard Markowitz, Certified Arborist #WE0342, concluded that there are no protected trees on-site and nine (9) existing nonsignificant trees in the public right of way. The nine (9) street trees are proposed to be removed from the public right-of-way. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations, and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the City of Los Angeles Vehicle Miles Traveled (VMT) Calculator resulted in the proposed project having a net increase of 232 daily vehicle trips and a net increase of

1,336 daily VMT. Based on the VMT Calculator, the project is not required to perform VMT analysis under the VMT standards. The project provided a Trip Generation Analysis prepared by Crain and Associates, dated May 26, 2020 to the City of Los Angeles Department of Transportation (LADOT). On July 17, 2020, LADOT confirmed that a traffic study is not required for this project. Therefore, no foreseeable cumulative impacts are expected. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of a mixed-use building will be on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32. As the project has been found to be categorically exempt from CEQA, the project is not anticipated to have a negative effect on the environment and no mitigation measures are required.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

Applicant Copy
 Office: Downtown
 Application Invoice No: 73538

City of Los Angeles
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



6800173538



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number:070721EBF-55B03A15-BEFE-4F39-8CF4-E6E1459EA3AB, Amount:\$109.47, Paid Date:07/07/2021

Applicant: MOORE, ERIC (B:323-6874521)
Representative: SAME AS ABOVE
Project Address: 1033 N NEW HAMPSHIRE AVE, 90029

NOTES: CEQA APPEAL BY AN AGGRIEVED PARTY FOLLOWING THE FINAL DECISION OF DIR-2020-4249-TOC-SPP-VHCA-1A DATED JUNE 22, 2021.

ENV-2020-4250-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 13
 Plan Area: Hollywood
 Processed by NGUYEN, MINDY on 07/07/2021

Signature: _____

Building & Safety Copy
 Office: Downtown
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City of Los Angeles
 Department of City Planning



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Council District: 13
 Plan Area: Hollywood
 Processed by NGUYEN, MINDY on 07/07/2021

Signature: _____