

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
PRESIDENT

CAROLINE CHOE  
VICE-PRESIDENT

DAVID H. J. AMBROZ

HELEN LEUNG  
KAREN MACK

DANA M. PERLMAN

YVETTE LOPEZ-LEDESMA  
AJAY RELAN

JENNA HORNSTOCK



ERIC GARCETTI  
MAYOR

VINCENT P. BERTONI, AICP  
DIRECTOR

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER

SHANA M.M. BONSTIN  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

VACANT  
DEPUTY DIRECTOR

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

March 12, 2021

**Applicant**

Jared Brenner-Goldstein  
Canfield Development Inc.  
10474 Santa Monica Boulevard,  
Suite 402  
Los Angeles, CA 90025

**Property Owner**

Pedro Davila  
4750 West Santa Monica Boulevard  
Los Angeles, CA 90029

**Representative**

Matthew Hayden  
Hayden Planning  
10100 Venice Boulevard  
Los Angeles, CA 90232

**Case No.** DIR-2020-4249-TOC-SPP-VHCA

**CEQA:** ENV-2020-4250-CE

**Specific Plan Subarea:** C – Community Center

**Location:** 4750 West Santa Monica  
Boulevard (4750-4760 West  
Santa Monica Boulevard, 1033-  
1039 North New Hampshire  
Avenue)

**Council District:** 13 – O'Farrell

**Neighborhood Council:** East Hollywood

**Community Plan Area:** Hollywood

**Land Use Designation:** Highway Oriented Commercial

**Zone:** C2-1D, R4-1D

**Legal Description:** Lots 18-20,  
WESTMORELAND PARK  
TRACT

**Last Day to File an Appeal:** March 29 2021

**DETERMINATION**

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22 A.31, as the designee of the Director of Planning, I hereby:

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

**Approve with Conditions** 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 (2) 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 setback 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.
  - (ii) An increase of one-story in height to the setback 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.
- 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; and

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

**Approve with Conditions** a Project Permit Compliance Review for the demolition of 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, within Subarea C (Community Center) of the Vermont/Western SNAP Specific Plan;

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

## CONDITIONS OF APPROVAL

### 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](mailto:rap.parkfees@lacity.org), by phone at (213) 202-2682 or in person at the public counter at 221 N. Figueroa St., Suite 400 (4<sup>th</sup> 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](mailto: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.

## PROJECT BACKGROUND

The subject site consists of three (3) contiguous parcels with 125 feet of frontage along the southerly side of Santa Monica Boulevard and 150 feet of frontage along the westerly side of New Hampshire. The subject site is 18,741.81 square feet in size according to a survey prepared by Justin Denver Holt, Land Surveyor, License No. 9008. The project site is located within the Hollywood Community Plan and Subarea C (Community Center) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. Lots 18 and 19 are zoned C2-1D and Lot 20 is zoned R4-1D, the entirety of the site is designated for Highway Oriented Commercial land uses and is currently improved with one (1) commercial building, one (1) storage building, one (1) two-story single-family dwelling, and accessory buildings. All structures on-site will be demolished.

The applicant requests a Project Permit Compliance to permit for 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 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, and measuring 97 feet in height. The project provides 6,930 square feet of open space, two (2) commercial parking spaces, 72 residential parking spaces, and no guest parking spaces.

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

### Base Incentives:

1. 80 percent increase in density;
2. 36 percent increase in Floor Area Ratio (FAR);
3. No residential parking

### Additional Incentives:

1. Height increase to the maximum building height per the SNAP and stepback requirements per the SNAP;
2. 25 percent reduction in the overall usable open space requirement,

The surrounding area is characterized by level topography, improved streets and commercial and multi-residential buildings. 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.

### Urban Design Review

On October 14, 2020, the proposed project was taken to Urban Design Studio's (UDS) Office Hours for review. UDS' Office Hours function is to provide input directly to the project planner at meetings. The Studio's feedback focuses on ways a project can be improved to comply more fully with the Studio's three (3) design approaches which are: 1) Pedestrian First Design, 2) 360 Degree Design, and 3) Climate Adaptive Design. At this meeting, UDS had comments relating to the size of the pedestrian lobby, location of the long-term bicycle parking spaces, the transformer screening, landscaping, and exterior color choices. In response, the applicant has expanded the pedestrian lobby, created a wider entrance to the long-term bike parking area, changed the screening of the transformer to a low shrub, replaced planting, and changed the building colors to lighter colors.

## **HOUSING REPLACEMENT (SB 330 DETERMINATION) BACKGROUND**

Pursuant to LAMC Section 12.22-A,31(b)(1), a Housing Development located within a Transit Oriented Communities (TOC) Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets any applicable replacement requirements of California Government Code Section 65915(c)(3) (California State Density Bonus Law).

Assembly Bill 2222 (AB 2222) amended the State Density Bonus Law to require applicants of density bonus projects filed as of January 1, 2015 to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

On September 28, 2016, Governor Brown signed Assembly Bill 2556 (AB 2556) which further amended the State Density Bonus Law. The amendments took effect on January 1, 2017. AB 2556 clarifies the implementation of the required replacement of affordable units in Density Bonus projects, first introduced by AB 2222. AB 2556 further defines “equivalent size” to mean that as a whole, the new units must contain at least the same total number of bedrooms as the units being replaced.

In addition to the requirements of California State Density Bonus Law, on October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2025. During the duration of the statewide housing emergency, SB 330, among other things, creates new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant “Protected Units” unless the proposed housing development project replaces those units. The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated September 28, 2020, that one (1) unit is subject to replacement pursuant to requirements of the Housing Crisis Act of 2019 (SB 330).

As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Sections 65915(c)(3) (State Density Bonus Law) and 66300 (Housing Crisis Act of 2019).

## **TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND**

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

The TOC Guidelines, adopted September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project’s distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased

incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

The project site is located within 295 feet from the Vermont/Santa Monica Metro Red Line Station and Metro Rapid Bus 704, which qualifies the site as Tier 4 of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Guidelines) according to the TOC Referral Form dated November 9, 2020.

Pursuant to the TOC Guidelines, the project is eligible for Base Incentives and up to three (3) Additional Incentives for setting aside 10 percent of the total 85 units and 11 percent of the base 47 units, respectively, for Extremely Low Income Households. Base Incentives include: (1) an increase of the maximum allowable number of dwelling units permitted by 80 percent, (2) an increase of the maximum allowable floor area ratio (FAR) by 36 percent; and (3) a zero residential automobile parking requirement. The applicant requests two (2) Additional Incentives as follows: (1) 22-foot, 0-inch 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 site is zoned C2-1D on Lots 18 and 19 and zoned R4-1D on Lot 20. C2-1D allows R4 density, which complies with Subarea C Section 9.A of the SNAP which states that only R4 density is allowed regardless of the underlying zone. Thus, residential density of the subject property is limited to a maximum of one dwelling unit for each 400 square feet of lot area. The R4 density allows a maximum base density of 47 units on a 18,741.81 square-foot site. The project is permitted an 80 percent increase in density, which allows a maximum of 85 units. The project proposes a total of 85 units, which is within the maximum density permitted.

The TOC Guidelines allow a 45 percent increase in the maximum 3:1 FAR permitted for a mixed-use development per the SNAP Subarea C, thereby allowing a maximum 4.35:1 FAR. The project will contain 76,650 square feet of floor area, which results in a maximum 4.09:1 FAR, which is within the maximum permitted FAR.

Per the TOC Guidelines, the project containing 85 dwelling units within Tier 4 has no residential parking space requirements. The project proposes 72 residential parking spaces and 0 guest parking spaces which is within the TOC minimum requirement and SNAP maximum requirement, thereby satisfying this requirement.

## **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.

<b>Height Increase</b>			
	<b>Limit</b>	<b>With TOC</b>	<b>Proposed</b>
<b>SNAP Overall Height</b>	75'	75' + 22' = <b>97'</b>	75' + 22" = <b>97'</b>
<b>SNAP Stepback #1</b>	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
<b>SNAP Stepback #2</b>	2 <sup>nd</sup> floor must be set back 10 feet from 1 <sup>st</sup> floor	Addition of one floor	2 <sup>nd</sup> mezzanine floor set back 10 feet from 2 <sup>nd</sup> 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.

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

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:

<b>SNAP Minimum Usable Open Space</b>			
	<b>Units</b>	<b>Sq. Ft. Required</b>	<b>Usable Open Space (sq. ft.)</b>
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
<b>Total Minimum Usable Open Space</b>			<b>9,225</b>
25% located at grade or first habitable room level			<b>2,306.25</b>

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.

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

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:

<b>SNAP Minimum Parking Spaces</b>			
	<b>Parking Space Per Square Feet / Unit</b>	<b>Units</b>	<b>Parking Spaces</b>
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
<b>Total Residential Required Spaces</b>			<b>92</b>
Guest	.25	85	21
<b>Total Minimum Required Spaces (inclusive of guest parking)</b>			<b>113</b>

<b>SNAP Maximum Parking Spaces</b>			
	<b>Parking Space Per Square Feet / Unit</b>	<b>Units</b>	<b>Parking Spaces</b>
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
<b>Total Residential Allowed Spaces</b>			<b>127</b>
Guest	.50	85	42
<b>Total Maximum Allowed Spaces (inclusive of guest parking)</b>			<b>169</b>

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 7.1 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 2<sup>nd</sup>, 3<sup>rd</sup>, and 7<sup>th</sup> 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.
- a) **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.
- d) **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.

<b>PROJECTS WITHIN A QUARTER-MILE FROM THE SUBJECT SITE</b>			
<b>(filed or filed and approved prior to the CEQA baseline, July 17, 2020)</b>			
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.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.



## TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

## VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

## APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

**The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination** unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>.

Planning Department public offices are located at:

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

**Marvin Braude San Fernando  
Valley Constituent Service Center**  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

**West Los Angeles**  
1828 Sawtelle Boulevard  
2<sup>nd</sup> Floor  
Los Angeles, CA 90025  
(310) 231-2901

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles, the Marvin Braude Building in the Valley, or West LA office. In order to assure that you receive service with a minimum amount of waiting, Applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org>, or by calling (213) 482-7077, (818) 374-5050, or (310) 231-2901. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP  
Director of Planning

Approved by:

*Deborah Kahen*

Deborah Kahen, AICP, Senior City Planner

Reviewed by:

*Valentina Knox-Jones*

Valentina Knox-Jones, City Planner

Prepared by:

*Danallynn Dominguez*

Danallynn Dominguez, City Planning Associate  
danallynn.dominguez@lacity.org