

## FINDINGS

### ENTITLEMENT FINDINGS

#### 1. Project Permit Compliance Review Findings

Following is a delineation of the findings and the application of the relevant facts as related to the request to allow the demolition of a gas station, a one-story single-family residence and a one-story duplex; and the construction, use and maintenance of a new five-story, approximately 97,334 square foot mixed-use building containing 87 residential units, 6,000 square feet of ground floor commercial space, within Subareas A (Neighborhood Conservation) and B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

**a) 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 Site includes the demolition of an existing gas station, single-family residence and duplex; and the construction, use and maintenance of a mixed-use development containing 87 residential units and approximately 6,000 square feet of ground floor commercial, resulting in a net increase of 84 units, thus requiring a payment of \$361,200 to the Parks First Trust Fund. All residential units in a project set aside as affordable for Very Low or Low income residents 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. The calculation of a Parks First Trust Fund fee to be paid or actual park space to be provided pursuant to this Ordinance shall be off-set by the amount of any Quimby Fee (LAMC § 17.12) or dwelling unit construction tax (LAMC § 21.10.1, et seq.) paid as a result of the project. This requirement is reflected in the Conditions of Approval. Therefore, as conditioned, the Project complies with Section 6.F of the Specific Plan.

**B. Residentially Zoned Properties.** Section 7.A. of the Vermont/Western Specific Plan states that uses allowed by the existing residential zoning classification of any lot located within Subarea A shall be permitted, provided that no more than two lots have a total combined lot area of 15,000 square feet, may be tied together to form a single building site. Furthermore, parking shall be prohibited in required front yard areas. Section 8.A. of the Vermont/Western Specific Plan states that residential uses permitted in the R3 Zone by LAMC Section 12.10 and commercial uses permitted in the C1.5 Limited Commercial Zone by LAMC Section 12.13.5 shall be permitted by-right on any lot located within Subarea B of the Specific Plan area.

The Project Site is comprised of seven (7) contiguous lots having a total combined area of 38,276 square feet; is located within both Subareas A (Neighborhood Conservation) and B (Mixed Use Boulevards) of the Vermont/Western SNAP. Subarea A defers to the density permitted by the underlying zoning designation, which includes both R3-1 and C4-1D Zones. Subarea B permits residential uses based on the R3 Zone. The C4 Zone permits R4 density, or one dwelling unit for every 400 square feet of lot area. The R3 Zone permits one dwelling unit for every 800 square feet of lot area. A breakdown of the applicable regulations are provided in the Table below:

Address	APN	Zone	Subarea
1868 N Western Avenue	5544-006-053	C4-1D	B
None			B
None	5544-006-052		B
None	5544-006-051	R3-1	A
1860 N Western Avenue		C4-1D / R3-1	B/A
5448 W Franklin Avenue	5544-006-024	C4-1D / R3-1	A
5440, 5546 W Franklin Avenue	5544-006-025	R3-1	A

Lot Area / Buildable Area							
	Subarea A	Density <sup>1</sup>	Total Units <sup>2</sup>	Subarea B	Density <sup>3</sup>	Total Units	Project Site
C4 Lot Area	4,146 sf	1/400	11	20,302 sf	1/800	26	-
R3 Lot Area	13,828 sf	1/800	18	-	-	-	-
<b>Total Units</b>			<b>29</b>			<b>26</b>	<b>55</b>

Based on the area regulations of each respective Subarea and corresponding zone where applicable, the Project Site is allowed a base density of 55 units. The Proposed Project qualifies for a maximum 35 percent increase in residential density, or an additional 20 dwelling units for a total of 75 dwelling units, and an on-menu incentive requesting to average FAR, density, parking, open space and permitting vehicular access. In conjunction with the density bonus, the Applicant also requests an off-menu waiver of development standards to allow seven (7) lots having a combined lot area of 38,276 square feet to be tied together to form a single building site for residentially zoned properties in Subarea A. In addition, the Applicant is requesting a Conditional Use for a density bonus increase of 57.5 percent in order to permit 87 residential units. Parking is located within the building on the ground level and in one subterranean parking level, and not within the required front yard setback. The Project also proposes 6,000 square feet of ground floor commercial uses comprised of three (3) commercial tenants, located only within the boundaries of Subarea B, which includes a 4,031 square-foot anchor tenancy with a 585 square-foot uncovered outdoor seating area at the southeast corner of Franklin and Western Avenues (Retail A), and two smaller tenancies: one comprised of 869 square feet (Retail B) and 1,100 square feet (Retail C), fronting along Western Avenue. While the tenants have not been identified at this time, a Condition of Approval has been incorporated to limit commercial uses to those permitted in the C1.5 Zone.

<sup>1</sup> Pursuant to Section 7.A of the SNAP, the permitted density is regulated by the underlying zone.

<sup>2</sup> Pursuant to AB 2501, all base units shall be rounded up to the next whole number.

<sup>3</sup> Pursuant to Section 8.A of the SNAP, the permitted density is regulated by the R3 Zone.

Therefore, as conditioned and in conjunction with the approval for the Density Bonus with the requested on-menu incentive and off-menu waiver, and the Conditional Use to increase density, the Project complies with Sections 7.A and 8.A of Specific Plan.

- C. Commercially Zoned Properties.** Section 7.B. of the Vermont/Western Specific Plan states that commercial uses on commercially zoned properties are limited to those uses defined as “Neighborhood Retail” and “Neighborhood Serving” in LAMC Section 13.07 and limited to the ground floor only; and that no more than two lots, having a combined lot area of 10,000 square feet may be tied together to form a single building site. Section 8.B of the Vermont/Western Specific Plan states that the height of any building for a Mixed-Use Project shall not exceed a maximum building height of 50 feet, provided 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 limited 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 maximum permitted FAR for a Mixed-Use Project shall be 2:1, of which commercial uses are limited to an FAR of 1.5:1.

The Project proposes 6,000 square feet of ground floor commercial uses comprised of up to three (3) commercial tenants, located only within the boundaries of Subarea B, which includes a 4,031 square-foot anchor tenancy with a 585 square-foot uncovered outdoor seating area at the southeast corner of Franklin and Western Avenues (Retail A), and two smaller tenancies: one comprised of 869 square feet (Retail B) and 1,100 square feet (Retail C), fronting along Western Avenue.

The Project includes the construction of a mixed-use development with a total FAR of 2.78, and a commercial FAR of 0.29:1, measuring 60 feet in height. All proposed roof structures are located a minimum of 10 feet from the roof perimeter, and will not be visible from the street level. The Proposed Project qualifies for a maximum 35 percent increase in residential density, or an additional 20 dwelling units for a total of 75 dwelling units, and two (2) on-menu incentives for a 3:1 Floor Area Ratio (FAR) over the entire Project Site in lieu of the permitted 1:1 FAR in the C4-1D portion of Subarea A and the 2:1 FAR for a Mixed-Use Project in Subarea B; and averaging floor area ratio, density, parking, open space, and permitting vehicular access within the C4-1D and R3-1 Zones and Subareas A and B. In conjunction with the density bonus, the Applicant also requests an off-menu waiver of development standards to permit a building height of 60 feet, in lieu of the maximum permitted building height of 50 feet for a Mixed-Use Project in Subarea B; and for a combined lot area of 38,568 square feet to be tied together to form a single building site for commercially zoned properties in Subarea A. Therefore, as conditioned and in conjunction with the approval for the Density Bonus with the requested on-menu incentives and off-menu waivers, the Project complies with Sections 7.B and 8.B of the Specific Plan.

- D. Schools, Child Care and Community Facilities.** Section 7.C. of the Vermont/Western Specific Plan states that public or private schools, child care facilities, parks, community gardens, Community Facilities, shall be permitted on any lot or lots provided that the building site for those uses has no more than two acres of combined lot area. The Project does not include any school, child care or community facilities uses. Therefore, Section 7.C. of the Specific Plan does not apply.

- E. Transitional Height.** Section 7.D. of the Vermont/Western Specific Plan states that the maximum height of any new building within Subarea A shall not exceed a height that is within 15 feet of the height of the shortest adjacent building on any adjacent lot within the same Subarea, not to exceed the maximum height permitted by the underlying zone, or 45 feet for the R3-1 zoned lot. There is no height limitation for the underlying C4-1D Zone within Subarea A. Section 8.C of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea B shall not exceed 25 feet in height when located 0-49 feet from an abutting lot in Subarea A; or 33 feet when located 50-99 feet from an abutting lot in Subarea A.

The adjacent structure to the portion of the Project site located within Subarea A include: 5432 Franklin Avenue to the east, measuring 43 feet, 5 inches in height; and 5429-5435 Russell Ave and 5437-5441 Russell Avenue to the south, measuring 34 feet, 4 inches and 28 feet, 11 inches in height, respectively. As such, the maximum permissible transitional height per Section 7.D of the Specific Plan is 43 feet, 11 inches.

The Project Site has a frontage of approximately 210 feet along Franklin Avenue, and approximately 191 feet along Western Avenue. The portion of the Project Site located within Subarea A occupies the easterly half of the Site, for a width of 95 feet along Franklin Avenue. The portion of the Project Site located within Subarea B occupies the westerly half of the Site, for a width of 113 feet along Franklin Avenue. Given that the Project Site is located within both Subareas, the transitional height limitations of Section 8.C would require that the entire portion of the lot located within Subarea B be limited to 25 feet, and 33 feet, with the exception of the last 97 feet along the westerly side of Franklin Avenue.

The Project proposes a maximum height 60 feet across the Site. The Proposed Project qualifies for a maximum 35 percent increase in residential density, or an additional 20 dwelling units for a total of 75 dwelling units, and an off-menu incentive to increase in the transitional height over the entire Project Site. In conjunction with the density bonus, the Applicant also requests an off-menu waiver of development standards to increase the transitional building height over the entire Project Site. Therefore, as conditioned and in conjunction with the Density Bonus with the requested off-menu incentive and waiver, the Project complies with Sections 7.D and 8.C of the Specific Plan.

- F. Building Setback.** Section 7.E. of the Vermont/Western Specific Plan states that all buildings shall face a public street. Section 7.E. of the Vermont/Western Specific Plan also states that the exterior wall of the building frontage shall be located no closer to the street and no farther from the street than the exterior walls of the adjacent buildings within the same Subarea. As mentioned, the portion of the lot located within Subarea A occupies the easterly half of the Site, for a width of 95 feet along Franklin Avenue. The Proposed Project includes a residential lobby along the Franklin Avenue frontage. In addition, the building frontage on the adjoining property to the east is located 9 feet, 1 inch from the front property line. The portion of the Project located within Subarea A proposes a building setback of 9 feet, 1 inch. Therefore, as proposed, the Project complies with Section 7.E. of the Specific Plan.
- G. Usable Open Space.** Section 7.F. and 8.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, which requires 100 square feet for each unit having less than three habitable rooms; 125 square feet for each unit having three habitable rooms; and 175 square feet for each unit having more than three habitable rooms. The Specific Plan further stipulates that 50 percent of the total open space must be provided at ground 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. The proposed development consists of 87 residential units, comprised of 13 studio units, 58 one-bedroom units and 16 two-bedroom units. The table below summarizes the required open space for the Project based on this information:

Required Open Space			
Use	Amount	Rate	Total size (sf)
< 3 habitable rooms	71 units	100 sf / unit	7,100
= 3 habitable rooms	16 units	125 sf / unit	2,000
> 3 habitable rooms	0 units	175 sf / unit	0
<b>Total</b>			<b>9,100</b>
<b>Required @ Ground Floor or First Habitable Room Level (50 percent)</b>			<b>4,550</b>
<b>Maximum Credit Allotted for Interior Usable Open Space (25 percent)</b>			<b>2,275</b>

The Project provides a total of 12,566 square feet of usable open space, of which a total of 5,717 square feet (credited) is located on the ground floor. Proposed usable open space consists of: a ground floor lounge, indoor and outdoor gym, and dog run; a second floor podium courtyard with a pool deck and spa; and 3,360 square feet of private open space by way of open space decks for individual units throughout Levels 2-5, as summarized below:

Proposed Open Space				
	Location	Use	Total	
Common Open Space	Ground Level Interior	Lobby Lounge	679	
		Amenity	2,101	
		Fitness	2,397	
	<b>Total</b>			<b>5,177</b>
	<b>Maximum Credit Allotted (25 percent)</b>			<b>2,275</b>
	Ground Level Uncovered	Rear Yard	<b>3,442</b>	
	<b>Total Ground Floor</b>			<b>5,717</b>
Private Open Space	Podium Level – Second Floor	Courtyard	<b>3,489</b>	
	Levels 2-5	Private Open Space Decks	<b>3,360</b>	
<b>Total Open Space Provided</b>			<b>12,566</b>	

Therefore, the Project complies with Section 7.F of the Specific Plan.

- H. Project Parking Requirements.** Section 7.G.1 and 8.E.1 of the Vermont/Western Specific Plan sets forth minimum and maximum parking standards (including required guest parking) for residential projects based on the number of habitable

rooms per unit. Additionally, Section 8.E.1 of the Specific Plan also states that a Project which includes non-residential uses shall be limited to two (2) parking spaces for each 1,000 square feet of combined floor area of non-residential uses, which is to be shared with guest parking spaces for residential uses in mixed-use projects.

The Applicant proposes to utilize Government Code Section 65915, which supersedes the minimum parking requirement of the Specific Plan. However, the Specific Plan still governs the maximum amount of parking permitted. The Project as proposed consists of 87 residential units, comprised of 13 studio units, 58 one-bedroom units and 16 two-bedroom units. For the purposes of parking, the Department of Building and Safety considers the kitchen a habitable room. The minimum and maximum residential parking requirements are summarized in the tables below.

<b>Government Code Section 65915 Minimum Residential Parking Requirements</b>				
	<b>Number of Bedrooms</b>	<b>Parking / Bedroom</b>	<b>Quantity</b>	<b>No. Spaces</b>
<b>Studio Units (0-bedroom)</b>	1	0.5	13	<b>6.5</b>
<b>One Bedroom</b>	1	0.5	58	<b>29</b>
<b>Two Bedroom</b>	2	0.5	16	<b>16</b>
<b>Total Minimum Required Spaces</b>				<b>51.5 = 52</b>

<b>Subarea A SNAP Maximum Residential Parking Permitted</b>			
	<b>Space Per Unit</b>	<b>Quantity</b>	<b>No. Spaces</b>
<b>Units with &lt; 3 Habitable Rooms</b>	1	11	<b>11</b>
<b>Units with = 3 Habitable Rooms</b>	1.5	32	<b>48</b>
<b>Units with &gt; 3 Habitable Rooms</b>	2	0	<b>0</b>
<b>Residential Guest (Shared w/Retail)*</b>	.25	43	<b>10.75</b>
<b>Total Maximum Required Spaces*</b>			<b>69.75 = 70</b>

<b>Subarea B SNAP Maximum Residential Parking Permitted</b>			
	<b>Space Per Unit</b>	<b>Quantity</b>	<b>No. Spaces</b>
<b>Units with &lt; 3 Habitable Rooms</b>	1	2	<b>2</b>
<b>Units with = 3 Habitable Rooms</b>	1.5	26	<b>39</b>
<b>Units with &gt; 3 Habitable Rooms</b>	2	16	<b>32</b>
<b>Residential Guest (Shared w/Retail)*</b>	.50	44	<b>22</b>
<b>Total Maximum Required Spaces*</b>			<b>95</b>

Additionally, Section 7.G.2 and 8.E.2 of the Vermont/Western Specific Plan requires any residential Project with two or more residential units to provide one-half (0.5) bicycle parking space per residential unit; and one (1) bicycle parking space for every 1,000 square feet of non-residential floor area for the first 10,000 square feet of floor area for projects which include non-residential uses. The Project, as proposed, consists of 87 residential units and 6,000 square feet of

commercial floor area, and is therefore required to provide 43 residential and six (6) commercial bicycle parking spaces, for a total of 49 bicycle parking spaces.

Section 8.E.3 of the Specific Plan requires two (2) parking spaces for each 1,000 square feet of combined floor area of non-residential uses, which is to be shared with guest parking spaces for residential uses in mixed-use projects. The Project proposes 6,000 square feet of commercial floor area, and is therefore required to provide, and is limited to, 12 commercial parking spaces.

The Project proposes a total of 100 residential parking spaces, and 12 commercial parking spaces, for a total of 112 parking spaces. In addition, the Project proposes a total of 56 bicycle parking spaces. Therefore, as conditioned and in conjunction with the Density Bonus request, the Project complies with Sections 7.G.1-G.2, 8.E.1-E.2 and 8.E.3 of the Specific Plan.

- I. **Conversion Requirements.** Section 7.H. and 8.F. of the Vermont/Western Specific Plan sets forth requirements pertaining to the conversion of existing structures to residential condominium uses. The Project proposes to demolish an existing gas station, one-story single-family residence and one-story duplex; and construct a mixed-use development consisting of 87 residential units and 6,000 square feet of ground floor commercial. The Project does not include the conversion of existing structures to residential condominium uses. Therefore, Section 7.H. of the Specific Plan does not apply.
- J. **Yards.** Section 8.G of the Vermont/Western Specific Plan specifies that no front, side or rear yard setbacks shall be required for the development of any project within Subarea B. The Project Site has a frontage of approximately 210 feet along Franklin Avenue, and approximately 191 feet along Western Avenue. The portion of the Project Site located within Subarea B occupies the westerly half of the Site, for a width of 113 feet along Franklin Avenue, and a depth of approximately 191 feet along Western Avenue. The Project proposes a 9-foot, 1-inch setback along the northerly property line along Franklin Avenue, a 0-foot setback along the westerly property line along Western Avenue, a variable setback of 10 feet to 12 feet, 4 inches on the southerly property line, and a variable setback of 21 feet, 6 inches to 30 feet, 2 inches along the easterly property line. Therefore, as proposed, the Project complies with Section 8.G of the Specific Plan.
- K. **Pedestrian Throughways.** Section 8.H of the Vermont/Western Specific Plan requires a pedestrian walkway, throughway or path for every 250 feet of street frontage for a project. The Project Site has a frontage of approximately 210 feet along Franklin Avenue, and approximately 191 feet along Western Avenue. The portion of the Project Site located within Subarea B occupies approximately 113 feet of street frontage along Franklin Avenue; and approximately 191 feet of street frontage along Western Avenue. The Project does not occupy 250 feet along any street frontage. Therefore, this Development Standard does not apply.
- L. **Development Standards.** Section 7.I. and 8.I. of the Vermont/Western Specific Plan requires that all projects be in substantial conformance with the following Development Standards and Design Guidelines.

### Development Standards

- M. **Landscaped Focal Point – Subarea A.** The Development Standards require all new development projects to be designed around a landscaped focal point or

courtyard. The Project includes a courtyard located on the podium level, along the Franklin Avenue frontage, and around which the residential units are designed. The courtyard contains a raised pool deck and spa, with outdoor tables, chairs and a barbeque area. The courtyard provides buffer planting, raised planter areas and a specimen tree. In addition to the courtyard, the Project provides landscaping at the street level which includes eight (8) 36-inch box street trees along the Franklin Avenue frontage; and five (5) 36-inch box street trees and two (2) 24-inch box landscape buffer trees, 36-inch wide landscape buffers with clinging vines and continuous groundcover along the Western Avenue frontage. Therefore, as proposed, the Project complies with this Development Standard.

- N. Landscape Plan – Subareas A & B.** The Development Standards require that all open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities shall be landscaped by lawns and other ground coverings. The Project will be constructed with minimal setbacks and does not contain many open areas other than for those described above. However, as mentioned in the previous Finding, the Project provides landscaping at the street level which includes eight (8) 36-inch box street trees along the Franklin Avenue frontage; and five (5) 36-inch box street trees and two (2) 24-inch box landscape buffer trees, 3-foot landscape buffers containing clinging vines along adjacent walls and continuous groundcover along the Western Avenue frontage. Therefore, as proposed, the Project complies with this Development Standard.
- O. Usable Open Space – Subareas A & B.** The Development Standards require that common usable open space must have a dimension of 20 linear feet, a common open space area of 400 square feet for projects under ten dwelling units, and 600 square feet for projects 10 dwelling units or more; and a minimum dimension of six feet for balconies and 10 feet for patios, which may reduce the required usable open space directly commensurate with the amount of private open space provided. For Subarea B, up to 75 percent of the usable open space may be provided above the ground floor regardless of the underlying zone. The proposed development consists of 87 residential units, and proposes common open space areas with minimum dimensions of 20 feet, with no area measuring less than a total of 697 square feet in size. In addition, the Project also includes 46 private balconies with variable minimum dimensions of 6 feet to 6 feet, 4 inches. Therefore, as proposed, the Project complies with this Development Standard.
- P. Streetscape Elements**
- (i) Street Trees – Subareas A & B.** For Subarea A, the Development Standards require one, 24-inch box shade tree to be planted and maintained in the public right-of-way for every 20 feet of street frontage. The portion of the Project Site located within Subarea A occupies approximately 95 feet of street frontage along Franklin Avenue. Therefore, the Project is required to provide four (4) street trees along Franklin Avenue. The Project proposes five (5) 36-inch box trees along the portion of Franklin Avenue located within Subarea A. Therefore, as proposed, the Project complies with this Development Standard.

For Subarea B, 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 portion of the Project Site located within Subarea B occupies approximately 113 feet of street frontage along Franklin Avenue; and approximately 191 feet of street frontage along Western Avenue. Therefore, the Project is required to provide three (3) shade trees along the Franklin



Avenue street frontage, and six (6) shade trees along the Western Avenue street frontage. The Project proposes two (2) 36-inch box trees along the portion of Franklin Avenue located within Subarea B; and five (5) 36-inch box trees along the Western Avenue street frontage. A Condition of Approval has been included requiring five (3) 36-inch box shade trees along Franklin Avenue; and six (6) shade trees along Western Avenue. Therefore, as conditioned, the project complies with this Development Standard.

- (ii) **Tree Well Covers – Subarea B.** 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 a black cast iron tree well cover for each new street tree. Therefore, as proposed, the Project complies with this Development Standard.
- (iii) **Bike Racks – Subarea B.** The Development Standards require one bike rack for every 50 feet of street frontage. The portion of the Project Site located within Subarea B occupies approximately 113 feet of street frontage along Franklin Avenue; and approximately 191 feet of street frontage along Western Avenue. Therefore, the Project is required to provide two (2) bike racks along Franklin Avenue, and three (3) bike racks along Western Avenue. The Project proposes two (2) bike racks along Franklin Avenue, and three (3) bike racks along Western Avenue. Therefore, as proposed, the Project complies with this Development Standard.
- (iv) **Trash Receptacles – Subarea B.** 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 is located on the southeast corner of Franklin Avenue, currently designated as a Modified Avenue II and formerly designated as a Secondary Highway; and Western Avenue, currently designated at a Modified Avenue I and formerly designated as a Major Highway Class II. The portion of the Project Site located within Subarea B occupies approximately 113 feet of street frontage along Franklin Avenue; and approximately 191 feet of street frontage along Western Avenue. Therefore, the Project is required to provide one (1) trash receptacle each along both Franklin and Western Avenues. The Project proposes one (1) trash receptacle along Franklin Avenue, and two (2) trash receptacles along Western Avenue. Therefore, as proposed, the Project complies with this Development Standard.
- (v) **Public Benches – Subarea B.** 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 is located on the southeast corner of Franklin Avenue, currently designated as a Modified Avenue II and formerly designated as a Secondary Highway; and Western Avenue, currently designated at a Modified Avenue I and formerly designated as a Major Highway Class II. The portion of the Project Site located within Subarea B occupies approximately 113 feet of street frontage along Franklin Avenue; and approximately 191 feet of street frontage along Western Avenue. The Project does not occupy 250 feet along any street frontage. However, the Project proposes one (1) public bench each along both Franklin and Western Avenues. Therefore, as proposed, the Project complies with this Development Standard.

**Q. Pedestrian/Vehicular Circulation – Subarea B**

- (i) **Parking Lot Location.** The Development Standards require that surface parking lots be placed at the rear of structures. The Project provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and does not include a surface parking lot. Therefore, this Development Standard does not apply.
- (ii) **Waiver.** The Director of Planning may authorize a waiver from the requirement to provide parking in the rear of the lot. Project provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and does not include a surface parking lot. Therefore, this Development Standard does not apply.
- (iii) **Curb Cuts – Subareas A & B.** For Subarea A, the Development Standards allow no more than one curb cut per lot or 100 feet of lot frontage and further require curb cuts to be a maximum of 20 feet in width unless more is required by the Department of Transportation (DOT) or the Department of Building and Safety (DBS). The portion of the Project Site located within Subarea A occupies the easterly half of the Site, for a width of 95 feet along Franklin Avenue. For Subarea B, 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 portion of the Project Site located within Subarea B occupies approximately 113 feet of street frontage along Franklin Avenue; and approximately 191 feet of street frontage along Western Avenue. The Project proposes one (1), 27-foot, 4-inch curb cut for a driveway along Franklin Avenue; and one (1) 27-foot, 4-inch curb cut for a driveway along Western Avenue. The Department of Transportation (DOT) has submitted written correspondence stating that the standard two-way driveway is 30 feet and, given the Project size and location on streets with higher speeds and volumes, a 20-foot driveway would not be adequate. Therefore, as proposed, the Project complies with this Development Standard.

**R. Pedestrian Entrance – Subareas A & B.** The Development Standards require that all buildings that front on a public street shall provide a pedestrian entrance at the front of the building. The Project is for a mixed-use development located on the southeast corner of Franklin and Western Avenues. A pedestrian entrance for the residential lobby is located on the easterly side of the building along Franklin Avenue, as well as on the center of the building facade along Western Avenue. The proposed ground floor retail is comprised of three (3) commercial tenants, which include two tenancies along Western Avenue with individual pedestrian entrances; and an anchor tenant located on the corner of Western and Franklin Avenues, with pedestrian entrances located along both the Western and Franklin Avenue frontages. Therefore, the Project complies with this Development Standard.

**S. Design of Entrances – Subarea B.** 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. A pedestrian entrance for the residential lobby is located on the easterly side of the building along Franklin Avenue and, due to the function of a down-sloping site from north to south, is designed with an

architectural “porch” feature that includes steps which lead up from the main building entrance to the street. The proposed ground floor retail is comprised of three (3) commercial tenants, which include two tenancies along Western Avenue with individual pedestrian entrances; and an anchor tenant located on the corner of Western and Franklin Avenues, with pedestrian entrances located along both the Western and Franklin Avenue frontages. The entrances for the anchor tenancy is framed by two half-arched elements which project horizontally and meet at the corner to create a large overhang above a recessed corner glass storefront. The other two tenancies also have glass storefronts slightly recessed behind a continuous row Spanish style arches repeated along the entire Western Avenue frontage. Therefore, as proposed, the Project complies with this Development Standard.

- T. Inner Block Pedestrian Walkway – Subarea B.** The Development Standards require that applicants provide a pedestrian walkway, thoroughway or path for every 250 feet of street frontage for a project. The portion of the Project Site located within Subarea B occupies approximately 113 feet of street frontage along Franklin Avenue; and approximately 191 feet of street frontage along Western Avenue. The Project does not occupy 250 feet along any street frontage. Therefore, this Development Standard does not apply.
- U. 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 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.
- V. Utilities – Subareas A & B.** The Development Standards require all new utility lines which directly service the lot or lots to be installed underground. There are no utilities proposed at this time. However, in the event that utilities are proposed in the future, a Condition of Approval has been included requiring all proposed utilities on the Proposed Site to be placed underground. If underground service is not currently available, provisions shall be made for future underground service. Therefore, as conditioned, the Project complies with this Development Standard.
- W. Pedestrian Access – Subarea A.** The Development Standards require that pedestrian access shall be in the form of walks provided from the public street to the main building entrance. The Project proposes an architectural “porch” feature that includes steps which lead up from the main building entrance along the Franklin Avenue frontage to the street. Therefore, the Project complies with this Development Standard.
- X. Alley Access – Subarea A.** The Development Standards require vehicle and pedestrian access from existing alleys or side streets to be preserved and enhanced. The subject site is not accessible via an alley. Therefore, this Development Standard does not apply.
- Y. Driveways – Subarea A.** The Development Standards require that the first 25 feet in length of driveways to be constructed of Portland cement concrete, pervious cement, grass-crete, or any other porous surface that reduces heat radiation and/or increases surface absorption, thereby reducing runoff. The Project proposes one (1) driveway along Western Avenue. The plans do not indicate the materials of which the driveway will be constructed. As such, a Condition of Approval has been included requiring a revised Landscape Plan showing Portland cement concrete or

other semi-pervious paving surface for the driveway. Therefore, as conditioned, the Project complies with this Development Standard.

- Z. Parking Lots and Structures – Subarea A.** The Development Standards require surface parking lots, structures, garages and carports to be located at the rear of buildings. Furthermore, surface parking lots shall be paved with Portland cement concrete, pervious cement, grass-crete, or any other porous surface that will reduce the heat radiation and/or increase the surface absorption. The Project provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and does not include a surface parking lot. Therefore, this Development Standard does not apply.
- AA. Trash, Service Equipment and Satellite Dishes – Subarea A.** The Development Standards require that trash, service equipment and satellite dishes to be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. Additionally, the trash area shall be enclosed by a minimum six-foot high decorative masonry wall. The Project proposes a trash and recycling area within the grade-level parking area. However, the plans submitted as part of this application do not indicate the location of service equipment and satellite dishes. In the event that service equipment and satellite dishes are proposed in the future, a Condition of Approval has been included requiring that said equipment and be located away from Franklin Avenue. Therefore, as proposed and conditioned, the Project complies with this Development Standard.

**BB. Building Design**

- (i) Stepbacks – Subarea B.** The Development Standards require that no portion of any structure exceed more than 30 feet in height within 15 feet of the front property line, and that all buildings with a property line fronting on a Major Highway shall set the second floor back from the first floor frontage at least ten feet. The Project proposes a maximum height of 19 feet, 2 inches within 15 feet of the front property line along Western Avenue. The Project Site is located on the southeast corner of Franklin Avenue, currently designated as a Modified Avenue II and formerly designated as a Secondary Highway; and Western Avenue, currently designated at a Modified Avenue I and formerly designated as a Major Highway Class II. Therefore, a 10-foot stepback is required along the Western Avenue frontage. The Project provides a 15-foot stepback on the second floor from the first floor frontage along the Western Avenue frontage. Therefore, the Project complies with this Development Standard.
- (ii) Transparent Building Elements – Subarea B.** 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. The elevations in Exhibit A include a transparency analysis of the amount of glass that is provided on the ground floor wall coverage. The Project proposes 53 percent transparency on the front elevation along Western Avenue and 51.1 percent transparency on the side elevation along Franklin Avenue with a glass storefront system. However, the plans do not show the percentage of transparency on the southerly side elevation. As such, a Condition of Approval has been included to require the Applicant to provide updated elevations demonstrating that at least 50 percent of the ground floor façade on the

southerly side elevation will be occupied by transparent building elements such as windows and doors. The Project does not propose a surface parking in the rear of the building and is not required to provide transparent building elements to occupy 20 percent of the ground floor façade of the rear elevation. Therefore, as proposed and conditioned, the Project complies with this Development Standard.

- (iii) Façade Relief – Subareas A & B.** The Development Standards require that exterior walls provide a break in plane, or a change in material for every 20 feet horizontally and every 30 feet vertically, created by an articulation or architectural detail. The Applicant has provided elevations with dimensions of the façade profile, demonstrating major breaks in plane. The Project incorporates various materials and articulation through projecting facades, for every 20 feet or less, both horizontally and vertically. All elevations comply with this requirement by stepping back the upper stories above the ground and first floor levels, with recessed and projecting balconies. In addition to the changes in planes, the Project also proposes a variety of building materials which include fiber cement and terra cotta panel systems, stucco, brick cladding and stucco, accented by metal railings and awnings. Therefore, as proposed, the Project complies with this Development Standard.
- (iv) Building Materials – Subarea B.** The Development Standards require that building facades be comprised of at least two types of complimentary building materials. The materials proposed for the mixed-use building consist of fiber cement and terra cotta panel systems, stucco, brick cladding and stucco, accented by metal railings and awnings. Therefore, as proposed, the Project complies with this Development Standard.
- (v) Surface Mechanical Equipment – Subarea B.** 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 Project proposes a transformer at the northeasterly corner of the property along Franklin Avenue. However, the Applicant has not indicated how the proposed equipment will be screened. Therefore, a Condition of Approval has been included to require the Applicant to provide an elevation demonstrating that the proposed transformer will be adequately screened from public view and treated to match the colors and materials of the building. Therefore, as conditioned, the Project complies with this Development Standard.
- (vi) Roof Lines – Subareas A & B.** The Development Standards require that all rooflines in excess of 40 feet are broken up. The Elevations provided in Exhibit A show multiple horizontal changes in planes which visually appear as a varied roofline. Therefore, as proposed, the Project complies with this Development Standard.

**CC. Roofs and Rooftop Appurtenances – Subareas A & B.** The Development Standards require that all rooftop equipment be screened from public view or architecturally integrated into the design of the building. The Project proposes ventilation shafts and mechanical equipment on the rooftop, all of which are set back more than 10 feet from both Franklin and Western Avenues; and cannot be seen beyond the parapet of the proposed building. In the event that additional rooftop equipment is incorporated into the Project at a later time, the Applicant is required in the Conditions of Approval to screen all rooftop equipment, building

appurtenances and ducts behind screening that shall be solid and match the exterior materials, design and color of the building. Therefore, as conditioned, the Project complies with this Development Standard.

**DD. Privacy – Subareas A & B.** 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. There are two adjacent two-story residential structures to the south, located at 5447 and 5439 Russell Avenue; and one adjacent four-story residential structure to the east, located at 5432 Franklin Avenue. The Applicant has provided elevations that superimpose the window locations of adjacent structures onto the elevations of the Proposed Project. These elevations show that there are only partially overlapping windows that are generally staggered and/or off-set with the buildings to the south and east. Given the constraints as an infill development located in an urbanized area, the Applicant has demonstrated efforts to arrange windows to avoid directly facing windows across property lines, or private open space of other residential units. Therefore, as proposed, the Project complies with this Development Standard.

**EE. Pavement – Subarea B.** 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 will be constructed with minimal setbacks; however, all paved areas other than for parking or driveways are proposed to be constructed of scored concrete paving. Therefore, as proposed, the Project complies with this Development Standard.

**FF. Freestanding Walls – Subarea B.** 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. The Project proposes a six-foot high fence and masonry wall along the easterly property line, set back over 10 feet from the Franklin Avenue frontage; and a six-foot high fence along the southerly elevation. Both fences consists of horizontal tubular steel posts with a square steel top rail, and vertical posts every six feet on center. However, it is unclear whether or not the fence along the southerly property line fronting along Western Avenue is set back. As such, a Condition of Approval has been included to require the Applicant to provide a revised Site Plan showing that the proposed location of the fence is set back from Western Avenue. Therefore, as proposed and conditioned, the Project complies this Development Standard.

**GG. Parking Structures – Subarea B**

**(i) Required Commercial Frontage.** The Development Standards require parking structures with building frontages along Major or Secondary Highways for a parking structure be used for commercial, community facilities, or other non-residential uses to a minimum depth of 25 feet. The Project provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and does not include a separate parking structure. Therefore, this Development Standard does not apply.

**(ii) Façade Treatment.** The Development Standards require parking structures be designed to match the style, materials and colors of the main building. The Project provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and

does not include a separate parking structure. Therefore, this Development Standard does not apply.

- HH. Parking Structures Across from Residential Uses – Subarea B.** 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. The Project provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and does not include a separate parking structure. Therefore, this Development Standard does not apply.
- II. Surface Parking Lots – Subarea B.** The Development Standards require surface parking lots to conform to standards regarding paving and landscaping. The Project provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and does not include a surface parking lot. Therefore, this Development Standard does not apply.
- JJ. Surface Parking Abutting Residential – Subarea B.** 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 provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and does not include a surface parking lot. Therefore, this Development Standard does not apply.
- KK. On-Site Lighting – Subarea B.** 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.
- LL. Security Devices – Subarea B.** The Development Standards require security devices to be screened from public view. The plans submitted by the Applicant do not indicate any security devices that will be installed on the site. A Condition of Approval has been included requiring all proposed devices to be integrated into the design of the building, concealed and retractable, in the event that security devices are installed in the future. Therefore, as conditioned, the Project complies with this Development Standard.
- MM. Hours of Operation – Subarea B.** 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 Project provides parking at-grade behind the proposed ground floor retail space and residential amenities, and within one level of subterranean parking; and does not include a parking lot. However, a Condition of Approval has been included requiring on-site trash and recycling to be limited to the hours of operation listed above. Therefore, as conditioned, the Project complies with this Development Standard.

- NN. Noise Control – Subarea B.** 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. A Condition of Approval has been included requiring any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley to be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. Therefore, as conditioned, the Project complies with this Development Standard.
- OO. Required Ground Floor Uses – Subarea B.** The Development Standards allow any residential, community facility or commercial use permitted by the Specific Plan Ordinance to be on the ground floor. The ground floor retail is comprised of a residential lobby and amenities along the Franklin Avenue frontage; and three (3) commercial tenants, which include two tenancies along Western Avenue, and an anchor tenant located on the southeast corner of Western and Franklin Avenues, for which the Applicant has not identified use or operators at this time. The Specific Plan limits commercial uses within Subarea B to those permitted in a C1.5 Zone; and while the Project does not propose live entertainment at this time, it should be noted that live entertainment is not permitted in the C1.5 Zone. A Condition of Approval has been included to limit future commercial uses, and ensure that live entertainment is not added at a later time, or through the pending application for alcohol sales and consumption. Therefore, as proposed and conditioned, the Project complies with this Development Standard.

### Design Guidelines

- PP. General Building Design – Subarea A.** The Design Guidelines recommend that buildings should be compatible in form with the existing neighborhood atmosphere. The Proposed Project is a five-story building with an overall height of 60 feet and an approximate height of 50 feet as measured from the Franklin Avenue frontage. The adjacent neighboring building to the east (5432 Franklin Avenue) is developed with a three-story apartment over one level of garage, for a total of four-stories and a height of 43-feet, 5-inches as measured from Franklin Avenue. Existing buildings of similar massing and height include 1857 Wilton Place (5 stories), 5640 Franklin Avenue (5 stories) and 5757 Franklin Avenue (4 stories), located three, two and four blocks to the west of the Project Site, respectively. In order to soften the transition in height between the Project Site and adjoining properties, the proposed building design steps back at the ground and first floor levels in order to reduce the bulk and mass along the street frontage. The Project also incorporates several Spanish style architectural features throughout the Site, such as repeated arches that visually mimic an arcade, white stucco and terra cotta accents that reference the Spanish Revival architectural style prevalent in the single-family homes located north of the Project Site. Therefore, as proposed, the Project satisfies this Design Guideline.
- QQ. Shade – Subarea A.** The Design Guidelines recommend that canopies, building overhangs and arbors be incorporated into the design of new structures to provide shade. The Project includes architectural features along all elevations by way of metal awnings, varying wall planes and projecting balconies which create ample shade opportunities. Therefore, as proposed, the Project satisfies this Design Guideline.



- RR. Architectural Features – Subareas A & B.** The Design Guidelines encourage courtyards, balconies, arbors, roof gardens, water features, and trellises. The Guidelines also encourage appropriate visual references to historic building forms in new construction. The Project includes an open courtyard on the podium level along Franklin Avenue, which includes a pool deck, spa and ample landscaping. In addition, based on feedback from the Professional Volunteer Program (PVP), and consultation with the Council District 13 Design Committee and community, the Applicant redesigned the exterior of the building to include details that reference the Spanish Revival architectural style prevalent in the single-family homes located north of the Project Site. The Project uses modern versions of features found in Spanish Revival buildings, such as arches, white stucco and terra cotta accents. In addition, the Project proposes metal canopies, and balconies with metal decks and railings to accent the other materials proposed for the building such as brick, fiber cement panel systems, and metal; and architectural features which add interest to the building façade, such as varying building planes. Therefore, as proposed, the Project satisfies this Design Guideline.
- SS. Building Color – Subareas A & B.** The Design Guidelines encourage buildings be painted three colors: a dominant color, a subordinate color and a “grace note” color. The Proposed Project consists of a variety of building materials which vary in color and texture, and include fiber cement panels in Equitone and GeoLam, Terra Cotta panels, white brick cladding and white stucco, accented by metal railings, decks and awnings. Therefore, as proposed, the Project satisfies this Design Guideline.
- TT. Signs – Subareas A & B.** The Design Guidelines provides 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. The Design Guidelines further stipulate that when a building contains two or more businesses, signs should complement one another in color and shape and be located in the same relative position on each storefront. The applicant does not propose any signage as part of this application; however, as conditioned, should the applicant propose signage in the future, such signs shall be subject to the Vermont/Western Station Neighborhood Area Plan regulations and Design Guidelines.
- UU. Urban Form – Subarea B.** 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 Proposed Project includes the construction of a new five-story, mixed-use building, comprised of 87 residential units and three (3) ground floor commercial tenants, which include two tenancies along Western Avenue, and an anchor tenant located on the southeast corner of Western and Franklin Avenues. The anchor tenant proposes an outdoor dining area along the Franklin Avenue frontage. In addition, the Project provides at least 50 percent transparency on both facades facing Franklin and Western Avenues, which includes glass storefront systems for the commercial tenants and residential lobbies and amenities at the street level for active pedestrians. Therefore, as proposed, the Project satisfies this Design Guideline.

**VV. Building Form – Subarea B.** The Design Guidelines encourage every building to have a clearly defined ground plane, roof expression and middle or shaft that relates the two. Both of the Franklin and Western Avenue ground floor frontages are defined by large windows, residential and commercial building entrances and the parking garage entrances. The Project proposes a white brick cladding in the form of a two-dimensional arcade with repeated arches along the ground floor frontages of Franklin and Western Avenues against a backdrop of white stucco broken up by vertical elements comprised of dark fiber cement panels in GeoLam. Connecting the vertical elements to the ground floor façade relates the ground plane and the roof expression. Therefore, as proposed, the Project complies with this Design Guideline.

**WW. Plant Material on Facades.** The Design Guidelines encourage façade plant materials in addition to permanent landscaping. The Conceptual Landscape Plan shows the Project provides landscaping at the street level which includes eight (8) 36-inch box street trees along the Franklin Avenue frontage; and five (5) 36-inch box street trees and two (2) 24-inch box landscape buffer trees, 36-inch wide landscape buffers with clinging vines and continuous groundcover along the Western Avenue frontage. Therefore, as proposed, the Project satisfied this Design Guideline.

- b) 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.**

A Mitigated Negative Declaration, ENV-2016-1995-MND and Errata dated March 23, 2017 and January 16, 2018 were prepared for the Proposed Project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval), there is no substantial evidence that the Proposed Project will have a significant effect on the environment. The attached Mitigated Negative Declaration and Errata reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

## **2. Density Bonus/Affordable Housing Incentives Program Findings**

Following is a delineation of the findings and the application of the relevant facts as related to the request for a 35 percent Density Bonus, in conjunction with two (2) On-Menu Incentives and one (1) Off-Menu Incentive to allow for the construction, use and maintenance of a five-story, mixed-use building containing 87 residential units, 6,000 square feet of ground floor commercial space, and 112 automobile parking spaces across seven (7) contiguous lots totaling 38,276 square feet in size. Pursuant to Section 12.22 A.25(g) of the LAMC and Government Code Section 65915, the Commission shall approve a Density Bonus and requested Incentive(s) unless the Commission finds that:

- a) The incentives do not result in identifiable and actual cost reductions 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.**

### On-Menu Incentives

The record does not contain substantial evidence that would allow the Commission to make a finding that the requested on-menu incentives do not result in identifiable and actual cost reductions 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 on-menu incentives in 12.22 A.25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Department will always arrive at the conclusion that the density bonus on-menu incentives will result in identifiable and actual cost reductions that provide for affordable housing costs because the incentives by their nature increase the scale of the project.

The requested on-menu incentives, an increase in Floor Area Ratio (FAR) and averaging of FAR, density, parking or open space, and permitting vehicular access, are expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentives allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased. These incentives support the Applicant's decision to set aside 11 Very Low Income dwelling units for 55 years.

*Floor Area Ratio Increase:* The subject site is zoned R3-1 and C4-1D, and is located within Subareas A and B of the Vermont/Western SNAP. Subarea A defers to the density permitted by the underlying zoning designation, which includes both R3-1 and C4-1D Zones. The R3-1 Zone allows a maximum FAR of 3:1; therefore, the incentive request applies only to the C4-1D portion of Subarea A, which is limited to 1:1 FAR; and the entire portion of Subarea B (also located within the C4-1D Zone), which for a Mixed-Use Project is limited to a 2:1 FAR.

The FAR Increase incentive permits a 3:1 FAR for a Project that is located in a commercial zone in Height District 1, and fronts on a Major Highway as identified in the City's General Plan; includes the number of Restricted Affordable Units sufficient to qualify for a 35 percent Density Bonus; and where 50 percent or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center. The Project Site is located approximately 1,100 feet north of the Metro Red Line Hollywood/Western Station.

As shown below, the total maximum floor area allowed across the entire site is 104,931 square feet or a 3:1 FAR. However, while the Project qualifies for a maximum 3:1 FAR, it proposes a maximum floor area of 97,334 square feet, or a 2.78 FAR. The proposed 2.78 FAR creates 20,997 additional square feet.

Lot Area			
	Subarea A	Subarea B	Total
C4 Lot Area	4,146 sf	20,302 sf	<b>24,448 sf</b>
R3 Lot Area	13,828 sf	-	<b>13,828 sf</b>
<b>Total Lot Area</b>	<b>17,974 sf</b>	<b>20,302 sf</b>	<b>38,276 sf</b>
Buildable Area (Gross Lot Area Minus Required Yards)			
	Subarea A	Subarea B	Total
C4 Lot Area	4,146 sf	20,302 sf	<b>24,448 sf</b>
R3 Lot Area	10,529 sf	-	<b>10,529 sf</b>
<b>Total Lot Area</b>	<b>14,675 sf</b>	<b>20,302 sf</b>	<b>34,977 sf</b>

Floor Area Ratio					
	Subarea A		Subarea B		Total
Floor Area Permitted By-Right					
C4 Lot Area	1:1	4,146	2:1	40,604	<b>44,750 sf</b>
R3 Lot Area	3:1	31,587	-		<b>31,587 sf</b>
<b>Total Lot Area</b>		<b>45,994 sf</b>		<b>40,604 sf</b>	<b>76,337 sf</b>
Floor Area Requested					
Residential	3.10:1	45,443	2.26:1	45,891	<b>91,334 sf</b>
Commercial	-		0.30:1	6,000	<b>6,000 sf</b>
<b>Total Lot Area</b>		<b>45,443 sf</b>		<b>51,891 sf</b>	<b>97,334 sf</b>
<b>Total FAR</b>		<b>3.10</b>		<b>2.56</b>	<b>2.78</b>

These incentives support the Applicant's decision to set aside 11 Very Low Income units for 55 years.

*Averaging of Floor Area Ratio, Density, Parking or Open Space, and Permitting Vehicular Access:* The Proposed Project is comprised of two different zones, C2-1D and R3-1, within two different Subareas of the Vermont/Western SNAP, A (Neighborhood Conservation) and B (Mixed Use Boulevards), which have different by-right allowable maximum densities and FARs. Subarea A defers to the density and FAR permitted by the underlying zoning designation, which includes both R3-1 and C4-1D Zones. The R3-1 Zone permits one dwelling unit for every 800 square feet of floor area, and permits a maximum FAR of 3:1. The C4-1D Zone permits R4 density, or one dwelling unit for every 400 square feet of floor area, and is limited to a maximum FAR of 1:1, per the "D" Limitation contained in Ordinance No. 164,701. Subarea B permits residential uses permitted in the R3 Zone, and a maximum FAR of 2:1 for Mixed Use Projects. Based on the area regulations of each respective Subarea and corresponding zone where applicable, the Project Site allows for 55 units by-right. The breakdown of this information is shown in the tables below:

Base Density							
	Subarea A			Subarea B			Total
Density Permitted By-Right							
	Lot Area	Density	Units	Lot Area	Density	Units	
C4 Lot Area	4,146	1/400	10.3 = 11	20,302	1/800	25.3 = 26	37
R3 Lot Area	13,828	1/800	17.3 = 18	-			18
<b>Total Units</b>		<b>29</b>		<b>26</b>		<b>55</b>	
<b>w/ 35 percent Density Bonus</b>		<b>39.15</b>		<b>35.1</b>		<b>74.25 = 75</b>	

With a requested Density Bonus of 35 percent, the maximum amount of dwelling units allowed within Subarea A is 40 units, within Subarea B is 36 units, or 75 units across the two zones. The Project is proposing a total of 87 units in conjunction with a Conditional Use Permit to exceed the maximum density permitted in LAMC Section 12.22 A.25.

With Government Code Section 65915, a minimum of 52 residential parking spaces is required. Pursuant to the Vermont/Western SNAP commercial parking limitations, 12 commercial spaces are required. The Project proposes to provide a total 100 residential parking spaces and 12 commercial parking spaces, for a total of 112 parking spaces.

The Project is required to provide a minimum of 9,100 square feet of usable open space, for which 50 percent of what is required within Subarea A, and 25 percent of what is required within Subarea B must be located on the ground floor. The Project proposes a total of 12,566 square feet of usable open space, of which a total of 5,717 square feet, or approximately 63 percent of the required usable open space is located on the ground floor. Proposed usable open space consists of: a ground floor lounge, indoor and outdoor gym, and dog run and a second floor podium courtyard with a pool deck and spa; and 3,360 square feet of private open space by way of decks for individual residential units between Levels 2-5.

The Proposed Project provides one driveway along Western Avenue, located within Subarea B. However, the parking is provided at grade level and within one subterranean parking level across the entire Project Site. Permitting vehicular access from a less restrictive zone to a more restrictive zone will allow circulation throughout the Site.

The FAR, density, parking and open space averaging permits the total allowable development requirements for each individual zone and subareas to be allocated across the entire Site, thereby allowing for efficiency in construction and design, and will allow the developer to expand the Project's building, such that the restricted affordable units can be constructed and the overall space dedicated to residential units, and access to related amenities is increased.

### **Off-Menu Incentives**

*Transitional Height:* The Applicant has requested an off-menu incentive pursuant to LAMC Section 12.22 A.25(g)(3) to permit a building height of 60 feet across the entire Project Site, in lieu of the transitional height limitations required by the following Sections of the Specific Plan:

- 1) From, Section 7.D of the Specific Plan, which limits the height to 43 feet, 10 inches, within Subarea A; and

- 2) From Section 8.C of the Specific Plan, which limits the height of buildings within a distance of 0 to 49 feet from an abutting lot in Subarea A to 25 feet; and within a distance of 50 to 99 feet from an abutting lot in Subarea A to 33 feet.

In order to comply with transitional height requirements, the Project would be required to provide varying building heights throughout the Project Site, getting progressively lower towards the middle of the Project Site, thereby restricting the number and size of dwelling units. As proposed, the off-menu incentive to exceed the transitional height limitations per the Vermont/Western SNAP will allow for the construction of a five-story building with maximum building height of 60 feet, which would to accommodate 22 additional units as well as provide usable common open space. The transitional height limitation would restrict the ability to develop the site to its maximum density and provide dwelling units of a sufficient size with outdoor amenities, while also setting aside dwelling units for Restricted Affordable housing. Therefore, there is substantial evidence that the transitional height incentive provides actual or identifiable cost reductions to provide for the affordable housing costs of the Project, as the additional height is needed to build units beyond what would be allowable with the 35 percent density increase.

- b) The Incentive will 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.

### **3. Density Bonus Off-Menu Waiver of Development Standards Findings**

Following is a delineation of the findings and the application of the relevant facts as related to the recommendation for three (3) Off-Menu Waivers to allow for the construction, use and maintenance of a five-story, mixed-use building containing 87 residential units, 6,000 square feet of ground floor commercial space, and 112 automobile parking spaces across seven (7) contiguous lots totaling 38,276 square feet in size. Pursuant to Government Code Section 65915, the Commission shall approve a Density Bonus and requested waivers unless the Commission finds that:

- a) The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).**

A project that provides 57.5 percent of its base units for Very Low Income households qualifies for three (3) incentives and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)). Therefore, the request for the following waivers are recommended as Off-Menu Waiver of Development Standards:

- 1) A Waiver of Development Standards from Section 8.B.1 of the Vermont/Western SNAP Specific Plan to permit a building height of 60 feet over the entire Project Site, in lieu of the maximum permitted building height of 50 feet for a Mixed-Use Project in Subarea B.
- 2) A Waiver of Development Standards from Section 7.A of the Vermont/Western SNAP Specific Plan to allow seven (7) lots having a combined lot area of 38,568 square feet to be tied together to form a single building site, in lieu of a maximum of two lots having a combined lot area of 15,000 square feet to be tied together to form a single building site for residentially zoned properties in Subarea A.
- 3) A Waiver of Development Standards from Section 7.B of the Vermont/Western SNAP Specific Plan to allow seven (7) lots having a combined lot area of 38,568 square feet to be tied together to form a single building site, in lieu of a maximum of two lots having a combined lot area of 10,000 square feet to be tied together to form a single building site for commercially zoned properties in Subarea A.

These development standards would have the effect of physically precluding construction of a development providing 87 residential units, of which 11 units, or 20 percent of the base density will be set aside for Very Low Income units. Compliance with the underlying height limitations would require the removal of a significant amount of floor area that could otherwise be dedicated to the number, configuration and livability of affordable housing units. Compliance with the lot assembly limitations would similarly reduce the lot area on which the Project could be built, the base density is calculated, and the arrangement of amenities provided for the residential units proposed. By waiving these development standards, the Project is able to maximize ground floor square footage for other required uses. The increased height permits additional floor area for residential units, and allowing the lot assembly over residential and commercial properties ensures a configuration of amenities that will be accessible to all of the residents within the affordable housing development. The off-menu incentive and off-menu waivers as recommended will allow the developer to build the proposed 87 residential units and expand the Project’s building envelope so that the units being constructed are of sufficient size, configuration, and quality.

- b) The Incentive will 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 waivers 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 waivers will have a specific adverse impact on public health and safety.

## DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section §65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all Low and Very Low Income units that qualified the applicant" for the density bonus.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for "averaging" of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

California State Assembly Bill 2222 went into effect January 1, 2015, and with that Density Bonus projects filed as of that date must 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 (including Rent Stabilization Ordinance); or is occupied by Low or Very Low Income Households (i.e., income levels less than 80 percent of the area median income [AMI]). The replacement units must be equivalent in size, type, or both and be made available at affordable rent/cost to, and occupied by, households of the same or lower income category as those meeting the occupancy criteria. Prior to the issuance of any Director's Determination for Density Bonus and Affordable Housing Incentives, the Housing and Community Investment Department (HCIDLA) is responsible for providing the Department of City Planning, along with the applicant, a determination letter addressing replacement unit requirements for individual projects. The City also requires a Land Use Covenant recognizing the conditions be filed with the County of Los Angeles prior to granting a building permit on the project.

Assembly Bill 2222 also increases covenant restrictions from 30 to 55 years for projects approved after January 1, 2015. This determination letter reflects these 55 year covenant restrictions.

Under Government Code Section § 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify Zoning Code standards which may prevent,



preclude or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City's development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

### **AB 744 LEGISLATION BACKGROUND**

Assembly Bill 744 (AB 744) amended sections of the State Density Bonus Law, Government Code § 65915, and went into effect on January 1, 2016. Upon request from a developer, AB 744 requires local jurisdictions to approve alternative parking ratios for two types of eligible projects: 1) 100 percent affordable developments consisting solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families; and 2) mixed-income developments consisting of the maximum number of very low- or low-income units provided for in density bonus law, which is 11 percent and 20 percent respectively (calculated prior to any units added through a density bonus). The vehicular parking ratios, inclusive of handicapped and guest parking, that may be requested for different project types are as follows: 1) 0.5 parking spaces per unit for 100 percent affordable rental projects located within one half mile of a major transit stop, as defined in Subdivision (b) of Section 211 of the Public Resources Code; 2) 0.5 parking spaces per unit for 100 percent affordable rental senior projects having either paratransit service or unobstructed access, within one half mile, to fixed bus route service that operates at least eight times per day; 3) 0.3 parking spaces per unit for 100 percent affordable rental special needs projects having either paratransit service or unobstructed access, within one half mile, to fixed bus route service that operates at least eight times per day; or, 4) 0.5 parking spaces per bedroom for mixed income projects within one half mile of a major transit stop to which the project has unobstructed access.

### **FINANCIAL ANALYSIS/PRO-FORMA**

Pursuant to the Affordable Housing Incentive Density Bonus provisions of the LAMC (Section 12.22 A.25), proposed projects that involve on-menu incentives are required to complete the Department's Master Land Use Permit Application form, and no supplemental financial data is required. The City typically has the discretion to request additional information when it is needed to help make required findings. However, the City has determined that the level of detail provided in a pro forma is not necessary to make the findings for on-menu incentives. This is primarily because each of the City's eight on-menu incentives provides additional buildable area, which, if requested by a developer, can be assumed to provide additional project income and therefore provide for affordable housing costs. When the menu of incentives was adopted by ordinance, the impacts of each were assessed in proportion to the benefits gained with a set-aside of affordable housing units. Therefore, a pro-forma illustrating construction costs and operating income and expenses is not a submittal requirement when filing a request for on-menu incentives. The City's Density Bonus Ordinance requires "a pro forma or other

documentation” with requests for off-menu incentives but has no such requirement for on-menu requests.

### 3. Site Plan Review Findings

Following is a delineation of the findings and the application of the relevant facts as related to the request for a project that results in 87 residential dwelling units.

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

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City’s Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The Project is in compliance with the following Elements of the General Plan: Framework Element, Housing Element, Mobility Element and the Land Use Element – Hollywood Community Plan.

#### **Framework Element**

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City’s already diverse urban, suburban, and rural land use patterns. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The Proposed Project would be in conformance with following goals of the Framework as described below.

#### **Chapter 3: Land Use**

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

***Policy 3.4.1:*** Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City’s major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

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

**Objective 3.10:** Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.

**Objective 3.13:** Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrate commercial, housing, and/or public services.

The Framework Element establishes land use categories whose locations are depicted on the Long-Range Land Use Diagram. These categories are broadly described by ranges of intensity, density, height, and use. The Project Site is designated for Neighborhood Office Commercial Land Uses. Neighborhood Commercial areas contain a diversity of uses that serve daily needs, such as restaurants, retail outlets, grocery stores, community meeting rooms, pharmacies, religious facilities and other similar uses. The clustering of uses minimizes automobile trips and encourages walking to and from adjacent residential neighborhoods.

The Proposed Project involves the construction of a five-story, mixed-use project that includes 87 dwelling units and approximately 6,000 square feet ground floor commercial floor area. The Project Site is located approximately 0.2 miles north of the Metro Red Line Hollywood/Western Station that provides access to Hollywood and San Fernando Valley, with connecting services to the Metro Orange Line serving the west Valley and Chatsworth and Metro Purple Line serving Koreatown and Downtown. Metro Purple Line provides connecting services to the Metro Gold Line serving Azusa and East Los Angeles, Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Proposed Project will not only concentrate residential and commercial development near existing commercial corridors, but will provide opportunities for neighborhood-serving uses and increase the amount of pedestrian activity and safety by introducing more permanent eyes on the street. By increasing opportunities for employees to live near their jobs and residents to live near amenities, the Proposed Project would be consistent with the Framework Element.

### **Housing Element**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Proposed Project would be in conformance with following goals of the Housing Element as described below.

#### **Goal 1: Housing Production and Preservation**

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

**Policy 1.1.2:** Expand affordable rental housing for all income groups that need assistance.

**Policy 1.2.2:** Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.

**Policy 1.4.1:** Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.

Goal 2: Safe, Livable, and Sustainable Neighborhoods

**Objective 2.2:** Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

**Policy 2.2.2:** Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework Element, as reflected in Map ES.1.

**Policy 2.2.3:** Promote and facilitate a jobs/housing balance at a citywide level.

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

**Policy: 2.4.1:** Promote preservation of neighborhood character in balance with facilitating new development.

**Objective 2.5:** Promote a more equitable distribution of affordable housing opportunities throughout the City.

**Policy 2.5.2:** Foster the development of new affordable housing units citywide and within each Community Plan area.

The Proposed Project will replace three (3) existing residential units with 87 residential dwelling units, which reserves 20 percent, or 11 units, of the 55 by-right base density units for Very Low Income Households, and approximately 6,000 square feet of ground floor commercial space, along the corner of Franklin and Western Avenues and within 0.2 miles north of the Metro Red Line Hollywood/Western Station and several local and regional bus lines. The project will result in a net increase of 84 dwelling units on the site in close proximity to jobs, transit and other amenities. The Housing Element encourages more housing units to accommodate the City's projected growth and also envisions a variety of unit types and sizes and amenities that can satisfy the needs and demand of people of all income levels, races, and ages. The Housing Element indicates that not only are more housing units needed to accommodate the City's growth, but that these units need to be a broader array of typologies to meet evolving household types and sizes. The Project will offer a range of apartment types and sizes, with a mix of studio, one-, and two-bedroom units. To ensure the livability of these housing units, especially in such an urban location, the Project includes 12,566 square feet of open space for residents, including a ground floor lounge, gym and outdoor recreational area, a podium level courtyard with a pool deck and spa, and private balconies. In addition, by providing 11 Very Low Income units, the Proposed Project will be achieving the Housing Element goal of promoting mixed-income developments in mixed-use communities.

### Mobility Element

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The

Proposed Project would be in conformance with following goals of the Housing Element as described below.

Chapter 3: Access for All Angelenos

**Objective:** *Ensure that 90 percent of households have access within one mile to the Transit Enhanced Network by 2035.*

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

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

The proposed mixed-use building is a pedestrian-oriented development that provides affordable and market-rate housing and retail uses in proximity to several transit options. As previously mentioned, the Project Site is located within approximately 0.2 mile of the Metro Hollywood/Western Station that serves Red Line with connecting service to various rail lines, including the Metro Gold and Purple Lines, Amtrak passenger rail, and Metrolink commuter rail; and several Metro Bus lines. These transit stations provide access to employment centers and jobs, local and regional destinations, and other neighborhood services for project residents. The Proposed Project will also allow for reduction of vehicle trips by placing high density residential within proximity to public transit, as well as existing retail and amenities along Western Avenue to the west, and Franklin Avenue to the north. The Project is consistent with the Mobility Element because residents will have easy access to work opportunities and essential services, and greater mobility is assured by the plentiful transit options offered by the Metro Rail and Metro Bus lines, mentioned above. The availability of many transit options along the commercial corridors of Franklin and Western Avenues creates a lesser need for the use of personal vehicles. Furthermore, the location of the ground floor residential lobby and commercial will facilitate a pedestrian-oriented environment by providing transparency at the street level, and activating the streets with greater pedestrian activity, as residents will be encouraged to walk and use public transit. In addition, the Mobility Plan incorporates the complete streets principles to accommodate all modes of transportation including foot traffic and bicyclists. The commercial spaces front on Western Avenue, from which pedestrians will have direct access. The Project also provides 56 bicycle parking spaces within a convenient, secure, and easily accessible parking facility. As such, the Project conforms to the goals, objectives, and policies of the Mobility Element.

Land Use Element – Hollywood Community Plan

The Hollywood Community Plan was adopted by the City Council on December 13, 1988. The Community Plan's purpose is to "promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community." The Proposed Project would be in conformance with following goals of the Land Use Element as described below.

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

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

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

**Objective 3:** *To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.*

**Objective 6:** *To make provision for a circulation system coordinated with land uses and densities adequate to accommodate traffic; and to encourage the expansion and improvement of public transportation service.*

The Hollywood Community Plan designates the site for Neighborhood Office Commercial land uses with corresponding zones of C1, C2, C4, P, RAS3 and RAS4. The Project Site is located within Subareas A (Neighborhood Conservation) and B (Mixed Use Boulevards) of the Vermont/Western SNAP. Subarea A defers to the density permitted by the underlying zoning designation, which includes both R3-1 and C4-1D Zones. Subarea B is limited to residential uses in the R3 and C1.5 Zones. Based on the area regulations of each respective Subarea and corresponding zone, where applicable, the Project Site allows for 55 units by-right, up to 75 units in conjunction through the Density Bonus Ordinance and up to 87 units, as proposed, with a Conditional Use for an increase in density in excess of 35 percent pursuant to LAMC 12.24 U.26.

The Project proposes a mixed-use development in an area that is close to a major transit station (Metro Hollywood/Western Station) and various bus routes, connecting the Project Site to other regional and local destinations as well as employment centers and retail services. The Project will contribute to the Hollywood area as a medium- to high-density mixed-use development that provides housing, employment, and retail/commercial services for residents and visitors of the area. Furthermore, the Project has been conditioned to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition, for any dwelling units with their exterior wall having a line of sight to a public street or alley. This will meet the Standards and Criteria of the Hollywood Community Plan to soundproof new apartments. In addition, the Project provides adequate usable open space at a ratio of 100 square feet or more per dwelling unit, pursuant to LAMC Section 12.21 G. As such, the Project conforms to the goals, objectives, and policies of the Hollywood Community Plan.

### **Vermont/Western SNAP Specific Plan**

The Specific Plan was adopted by the City Council on January 23, 2001 (Ordinance No. 173,749) and became effective on March 1, 2001. As part of the Specific Plan, Development Standards and Design Guidelines have also been adopted by the City Planning Commission on August 10, 2000. A subsequent Ordinance No. 184,414, amending Ordinance No. 173,749 was adopted by the City Council on July 1, 2016 and became effective on July 7, 2016. The Project meets the following purposes of the SNAP:

- D. Improve the quality of housing stock in the neighborhood through the construction of affordable housing units available for home ownership, in Mixed Use buildings along transit corridors;*
- E. Guide all development, including use, location, height and density, to assure compatibility of uses and to provide for the consideration of transportation and public facilities, aesthetics, landscaping, open space and the economic and social well-being of area residents;*
- H. Promote increased flexibility in the regulation of height and bulk of buildings as well as the design of sites and public streets in order to ensure a well-planned combination of commercial residential uses with adequate open space.*

The Proposed Project consists of 87 residential dwelling units and approximately 6,000 square feet of ground floor commercial space. The Project will reserve 20 percent, or 11 units, of the 55 by-right base density units for Very Low Income Households, and the remaining 76 of 87 units will be rented out as market rate units. The Applicant requests two (2) on-menu incentives: (1) a 3:1 FAR over the entire Project Site, in lieu of the permitted 1:1 FAR in the C4-1D portion of Subarea A and the 2:1 FAR for Mixed-Use Project in Subarea B; and (2) averaging of the FAR, density, parking, open space and permitting vehicular access over the entire Project Site within the C4-1D and R3-1 Zones and Subareas A and B. Additionally, the Applicant requests four (4) off-menu incentives (which are recommended as one (1) off-menu incentive and three (3) off-menu waivers) from the Vermont/Western Station Neighborhood Area Plan (SNAP) to allow the construction of a five-story, mixed-use development containing approximately 97,334 square feet of floor area with a maximum building height of 60 feet on a 38,276-square-foot site. The on- and off-menu incentives and waivers will allow the Applicant to construct a building that combines both commercial and residential uses with adequate open space consisting of approximately 12,566 square feet within a ground level interior space, uncovered common area, podium level pool deck, and balconies.

As previously mentioned, the proposed mixed-use project will be located along a transit corridor in close proximity to the Metro Hollywood/Western Station and bus routes. The Project will utilize Government Code Section 65915 to provide 100 residential parking spaces and 12 retail and guest parking spaces, while providing 56 bicycle parking stalls and a bike spa accessible from the pedestrian entry along Franklin Avenue. As such, the Project conforms to the purposes of the Specific Plan to improve the quality of housing stock in the neighborhood with a mixed-use project that will be located along a transit corridor that is compatible with the existing residential and commercial character in the neighborhood.

- b) The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

Development of the Project Site into a mixed-use building would be consistent and compatible with existing and future development on neighboring and other properties within close proximity, which is generally developed with commercial and residential uses and public facilities. Furthermore, the Project provides a variety of architectural features and elements including projecting balconies, changes in the plane, and colors and materials that articulate the building façade and enhance visual interest.

### Building Arrangement (Height, Bulk and Setbacks)

The Project Site is comprised of seven (7) contiguous lots having a total combined area of 38,276 square feet, located within Subareas A (Neighborhood Conservation) and B (Mixed Use Boulevards) of the Vermont/Western SNAP. The R3 Zone permits one dwelling unit for every 800 square feet of lot area. Based on the area regulations of each respective Subarea and corresponding zone where applicable, the Project Site is allowed a base density 55 units. The Proposed Project qualifies for a maximum 35 percent increase in residential density, or an additional 20 dwelling units for a total of 75 dwelling units, with two (2) on-menu incentives to allow a 3:1 FAR across the Project Site, and to average FAR, density, parking, open space and permitting vehicular access; and four (4) off-menu incentives and waivers to allow seven (7) lots having a combined lot area of 38,276 square feet to be tied together to form a single building site, in lieu of a maximum of two lots having a combined lot area of 15,000 square feet to be tied together to form a single building site for residentially zoned properties; a combined lot area of 10,000 square feet to be tied together to form a single building site for commercially zoned properties within Subarea A; and an overall building height of 60-feet, in lieu of the underlying maximum building height and transitional building height limitations. In addition, the Applicant is requesting a Conditional Use for a density bonus increase of 57.5 percent in order to permit 87 residential units.

Section 7.D. of the Vermont/Western Specific Plan states that the maximum height of any new building within Subarea A shall not exceed a height that is within 15 feet of the height of the shortest adjacent building on any adjacent lot within the same Subarea, not to exceed the maximum height permitted by the underlying zone, or 45 feet for the R3-1 zoned lot. There is no height limitation for the underlying C4-1D zone within Subarea A. Section 8.C of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea B shall not exceed 25 feet in height when located 0-49 feet from an abutting lot in Subarea A; or 33 feet when located 50-99 feet from an abutting lot in Subarea A. The adjacent structure to the portion of the Project site located within Subarea A include: 5432 Franklin Avenue to the east, measuring 43 feet, 5 inches in height; and 5429-5435 Russell Ave and 5437-5441 Russell Avenue to the south, measuring 34 feet, 4 inches and 28 feet, 11 inches in height, respectively. As such, the maximum permissible transitional per Section 7.D of the Specific Plan is 43 feet, 11 inches. The Project Site has a frontage of approximately 210 feet along Franklin Avenue, and approximately 191 feet along Western Avenue. The portion of the Project Site located within Subarea A occupies the easterly half of the Site, for a width of 95 feet along Franklin Avenue. The portion of the Project Site located within Subarea B occupies the westerly half of the Site, for a width of 113 feet along Franklin Avenue. Given that the Project Site is located within both Subareas, the transitional height limitations of Section 8.C would require that the entire portion of the lot located within Subarea B be limited to 25 feet, and 33 feet, with the exception of the last 97 feet along the westerly side of Franklin Avenue. The Project proposes a maximum height 60 feet across the Site. As previously mentioned, the Project qualifies for a Density Bonus with an off-menu incentive requesting a Waiver of Development Standards to permit relief from transitional height limitations over the entire Project Site.

Section 7.E. of the Vermont/Western Specific Plan states that all buildings shall face a public street. Section 7.E. of the Vermont/Western Specific Plan also states that the exterior wall of the building frontage shall be located no closer to the street and no farther from the street than the exterior walls of the adjacent buildings within the same Subarea. As mentioned, the portion of the lot located within Subarea A occupies the easterly half of the Site, for a width of approximately 97 feet along Franklin Avenue. The building frontage on the adjoining property to the east is located 9 feet, 1 inch from the



front property line. The portion of the Project located within Subarea A proposes a building setback of 9 feet, 1 inch. Section 8.G of the Vermont/Western Specific Plan specifies that no front, side or rear yard setbacks shall be required for the development of any project within Subarea B. However, the Project proposes a 9-foot, 1-inch setback along the northerly property line along Franklin Avenue, a 0-foot setback along the westerly property line along Western Avenue, a variable setback of 10 feet to 12 feet, 4 inches on the southerly property line, and a variable setback of 21 feet, 6 inches to 30 feet, 2 inches along the easterly property line.

The maximum FAR permitted on the Project Site varies by zoning classification and Subarea designation. The SNAP is silent on the FAR within Subarea A, so the maximum FAR for the portion of the site within Subarea A is regulated by the underlying zoning. The "D" Limitation on the C4-1D portion of the site within Subarea A (4,146 square feet) limits the FAR to 1:1, allowing a maximum of 4,146 square feet of floor area. The R3-1 portion of the site within Subarea A (13,828 square feet) is permitted a 3:1 FAR pursuant to LAMC Section 12.21.1 A.1, allowing a maximum floor area of 31,587 square feet. Section 8.B. of the Vermont/Western Specific Plan states that residential and mixed-use development shall not exceed a 2:1 FAR and commercial uses in a mixed-use project shall be limited to a 1.5:1 FAR. The portion of the site within Subarea B is permitted a maximum floor area of 40,604 square feet, of which 30,453 square feet may be allocated to commercial floor area. The Applicant is requesting two (2) on-menu incentives to allow: (1) a 3:1 FAR over the entire Project Site, in lieu of the permitted 1:1 FAR in the C4-1D portion of Subarea A and the 2:1 FAR for a Mixed-Use Project in Subarea B; and (2) an averaging of FAR, density, parking, open space and permitting vehicular access within the C4-1D and R3-1 Zones and Subareas A and B, which would allow a total floor area of 45,443 square feet. The proposed building will have a 2.78:1 FAR with approximately 97,334 square feet of floor area.

Properties located to the north are developed with a single- and two-story LADWP pumping station and single-family homes. Properties to the northwest are developed with two- to three-story Immaculate Heart High School and Middle School and multi-family developments. Properties to east are developed with two- to four-story multi-family residential developments. Properties to the west and south are developed with one- to three-story retail and commercial developments and multi-family residential developments. While the Proposed Project is taller than surrounding developments by at least one story and larger in bulk and massing, the Proposed Project is permitted to increase the maximum permitted FAR and height to 3:1 and 60 feet, respectively, through on- and off-menu Density Bonus incentives and waivers for setting aside at least 20 percent, or 11 units, of the 55 by-right base density units for Restricted Affordable Units per State Law. Additionally, the four-story apartment building located directly to the east of the site is approximately 43 feet in height, while developments to the south range in height between approximately 34 to 56 feet. As such, the proposed development is consistent with the Density Bonus Ordinance and compatible with the neighboring commercial and residential character of the existing neighborhood in conjunction with the approval of the requested on- and off-menu incentives and waivers.

#### Off-Street Parking Facilities and Loading Areas

The proposed development consists of 87 residential units, comprised of 13 studio units, 58 one-bedroom units and 16 two-bedroom units. The Applicant proposes to utilize Government Code Section 65915, from which the Project is required to provide a minimum of 52 residential parking spaces. Additionally, Section 8.E.3 of the Specific Plan requires two (2) parking spaces for each 1,000 square feet of combined floor area of non-residential uses. The Project proposes 6,000 square feet of commercial floor

area, and is therefore required to provide, and is limited to, 12 commercial parking spaces. The Project proposes 100 residential spaces (including 10 tandem spaces), and 12 commercial parking spaces, with 27 spaces within the ground floor parking level, and 85 spaces within the subterranean parking level. Retail and residential guest parking will be located on the ground level, with commercial parking restricted to the portion of the Site located within Subarea B. The remainder of the proposed parking is located within both the ground and basement parking level.

### Lighting

The project plans submitted do not indicate the type or location of proposed lighting. However, the Vermont/Western Specific Plan Development Standard No. 17 specifies requirements for on-site lighting that include lighting shielded, light mounting height and lamp color. As conditioned by the Project Permit Compliance Review, the Applicant is required to install onsite lighting along all vehicular and pedestrian access ways. Installed lighting is required to 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 light source cannot be visible from above, and the maximum height of any installed lighting fixture cannot exceed 14 feet in height. As conditioned, the Project will not result in a substantial amount of light that would adversely affect the day or night time views in the project vicinity.

### Landscaping

The SNAP Development Standards require all new development projects to be designed around a landscaped focal point or courtyard and all open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities must be landscaped by lawns and other ground coverings. The courtyard contains a raised pool deck and spa, with outdoor tables, chairs and a barbeque area. The courtyard provides buffer planting, raised planter areas and a specimen tree. In addition to the courtyard, the Project provides landscaping at the street level which includes eight (8) 36-inch box street trees along the Franklin Avenue frontage; and five (5) 36-inch box street trees and two (2) 24-inch box landscape buffer trees, 36-inch wide landscape buffers with clinging vines and continuous groundcover along the Western Avenue frontage.

### Trash Collection

The Vermont/Western SNAP Development Standard No. 9 specifies requirements for the location and design of trash storage and recycling areas. The first floor plan shows a trash and recycling room is provided within the proposed building, which will be enclosed and screened from public view.

### Fences and/or Walls

The Project proposes a six-foot high fence and masonry wall along the easterly property line, set back over 10 feet from the Franklin Avenue frontage; and a six-foot high fence along the southerly elevation. Both fences consists of horizontal tubular steel posts with a square steel top rail, and vertical posts every six feet on center.

- c) **The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The Project proposes a total of 12,566 square feet of open space, including 5,177 square feet of ground floor interior common space comprised of a lobby lounge, amenity area and gym; a 3,442 square-foot outdoor gym and dog run; a 3,489 square-foot courtyard with pool and deck with outdoor tables, chairs and a barbeque area at the podium level; and 3,360 square feet of private open space by way of balconies. As such, the Proposed Project provides recreational and service amenities that would improve habitability for its residents and minimize impacts on neighboring properties.

#### 4. Conditional Use Findings (Density Bonus Over 35 percent and Alcohol)

The following is a delineation of the findings and the application of the relevant facts as related to the request for a Conditional Use Permit to allow a 57.5 percent Density Bonus, or 87 residential units; and for a Master Conditional Use Permit to allow the sales and service of a full-line of alcoholic beverages for on- and off-site consumption in conjunction with three (3) ground floor commercial tenancies totaling 6,000 square feet in size.

- a) **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The Project requests a Density Bonus for a 35 percent density increase (from the base of 55 units up to 75 units) and a Conditional Use for an increase in density in excess of 35 percent pursuant to LAMC 12.24 U.26, for a total of 87 units. The Proposed Project is allowed 55 units by-right per R3 and C4 zoning designations within Subarea A, the R3 density permitted within Subarea B, and pursuant to the “rounding up” procedures required per California State Assembly Bill (AB) 2501. Using the Density Bonus Ordinance, LAMC 12.22 A.25, the Applicant could build up to 75 units in exchange for setting aside 11 percent of the 55 base dwelling units for Very Low Income Households. This would result in seven (7) units for Very Low Income Households in exchange for 20 additional Density Bonus units. The Project requests a 57.5 percent density increase above the base density ([55 base units] plus [55 base units multiplied by 57.5 percent]), results in 86.6 total units, which is rounded up to 87 units) in exchange for setting aside 11 units, or 20 percent of the 55 base density units, for Very Low Income Households. This calculation of set aside affordable units is found to be consistent with the requirement that any project which requests a density bonus increase beyond 35 percent should appropriately extend the existing set aside charts located in the City’s Density Bonus Ordinance, LAMC 12.22 A.25. As shown below, the percentage of Density Bonus is increased by 2.5 percent for every additional 1 percent of Very Low Income Units provided.

Percentage of Base Units (Very Low Income)	Percentage of Density Bonus Eligible	Percentage of Base Units (Very Low Income)	Percentage of Density Bonus Eligible
11	35	16	47.5
12	37.5	17	50
13	40	18	52.5
14	42.5	19	55
15	45	20	57.5

According to the 2013 Housing Element of the City of Los Angeles General Plan, pages 1-14, 29 percent of total households in Los Angeles City are in the Very Low Income Category and 16.1 percent are in the Low Income Category; therefore, almost half of the City's residents are in the Very Low or Low Income Categories. Additionally, the Housing Element shows that of the 29 percent Very Low Income Households, 82 percent are renters and 18 percent are owners; and of the 16.1 percent Low Income households, 73 percent are renters and 27 percent are owners, demonstrating that a significant number of Los Angeles' Very Low and Low Income Households are renters. The City has determined that the shortage of affordable housing is an ongoing crisis in the City of Los Angeles. Therefore, the increased intensity of the proposed development will be offset by the Project's ability to provide the number of affordable units required by the City's Density Bonus policy.

In addition, the Applicant is also requesting a Master Conditional Use Permit to allow the sale and dispensing of a full-line of alcoholic beverages for on- and off-site consumption for up to three (3) tenant spaces consisting of 6,000 square feet of floor area within the ground floor commercial space of the Proposed Project. Neighboring properties to the west and south along Western Avenue are zoned C4-1D and located within Subarea B of the Vermont/Western Station Neighborhood Area Plan (SNAP), which allows commercial uses permitted in the C1.5 Zone. These properties are developed with neighborhood-serving retail, commercial and market uses, including a flower shop, dry cleaners, liquor store, ice cream parlor, Rite Aid pharmacy, gym, and hardware and home goods stores. Adjacent and neighboring properties to the north, west, east and south are zoned R1-1, RE9-1, and R3-1 and developed with single- and multi-family residential developments and a private school. There are currently no café or restaurant uses which serve alcoholic beverages in the immediate area for the residents in the neighborhood. Approval of the Master Conditional Use Permit would allow these three (3) tenant spaces to be occupied with neighborhood-serving cafes, bars and/or restaurants that could provide a gathering space to eat, drink and socialize. Additionally, the request will complement the new commercial development within the mixed-use building and foster a compact, walkable urban environment where residents in the neighborhood will have easy, car-free access to these venues serving and/or selling alcoholic beverages; and the proposed outdoor seating area for the corner tenant will help activate the street.

By providing additional housing, jobs and neighborhood serving amenities, the Proposed Project will establish a place to live, work and play near a major transit node. Therefore, it can be found that the Proposed Project would provide a service that would be beneficial to the community, city and region.

- b) The project's location, size, height, operation and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The Proposed Project involves the demolition of a gas station, a one-story single-family residence and a one-story duplex; and the construction, use and maintenance of a new five-story, approximately 97,334 square-foot mixed-use development, located at the southeast corner of Franklin and Western Avenues. The Project will measure 60 feet in height and be comprised of 87 residential units, of which 11 units, or 20 percent, will be set aside for Very Low Income households, above 6,000 square feet of ground floor retail, and 112 automobile and 56 bicycle parking spaces within two levels of parking, one of which is subterranean. The Project Site is comprised of seven (7) contiguous lots, with approximately 210 feet of frontage along the southerly side Franklin Avenue, and

approximately 191 feet of frontage along the easterly side Western Avenue, for a total lot size of approximately 38,276 square feet.

The Proposed Project is located within Subareas A (Neighborhood Conservation) and B (Mixed Use Boulevards) of the Vermont/Western SNAP. The project is allowed 55 units per R3 and C4 zoning designations within Subarea A, and the R3 density permitted within Subarea B. However, the Project request includes a Density Bonus for a 35 percent density increase (from the base of 55 units up to 75 units) and a Conditional Use for an increase in density in excess of 35 percent pursuant to LAMC 12.24 U.26, for a total of 87 units. The SNAP provides regulations and incentives for development within its boundaries, and takes precedence over those in the LAMC wherever the Specific Plan contains provisions which require or permit greater or lesser controls on development. However, the Density Bonus Ordinance regulations implement the provisions of State Law and therefore supersedes the Specific Plan. Given this, there will be circumstances where a Projects' height and size may be larger than what would be typically developed within certain Subareas of the SNAP, in order to accommodate the additional affordable units. As such, while the Proposed Project may not be entirely compatible with the adjacent properties, it can be found that it is not entirely incompatible with the surrounding neighborhood.

The Project Site is located approximately 0.2 miles north of the Metro Red Line Hollywood/Western Station. The surrounding area is primarily developed with low- to medium-density development. However, there are a number of buildings which are comparable in size within proximity to the Project, such as the adjacent neighboring building to the east (5432 Franklin Avenue), which is developed with a three-story apartment over one level of garage, for a total of four-stories and a height of 43 feet, 5 inches as measured from Franklin Avenue. In addition, existing buildings of similar massing and height include 1857 Wilton Place (5 stories), 5640 Franklin Avenue (5 stories) and 5757 Franklin Avenue (4 stories). Furthermore, the Project Site is located on a prominent corner which provides a unique opportunity to create an architectural marker for the neighborhood. As previously mentioned, the Project also underwent significant design changes to enhance its compatibility with the existing neighborhood by referencing the Spanish Revival architectural style prevalent in the surrounding area. Last, given the prominent location of the Project Site, the Proposed Project functions as a bookend for the commercial corridor which stretches along Western Avenue and ends at Franklin Avenue.

Mitigation measures identified in the environmental clearance have been imposed as conditions of this grant to minimize potential impacts to the surrounding neighborhood. In addition, the request for a Master Conditional Use Permit to allow the sales and service of a full-line of alcoholic beverages for on- and off-site consumption in conjunction with three (3) ground floor retail spaces includes general conditions which will be supplemented by more tailored conditions designed to address the specific characteristics of each venue through the Plan Approval determination. These conditions may include, but are not limited to a term grant, security, hours of operation, seating, size and any other conditions which are intended to minimize impacts on surrounding uses. Under each review, at its discretion, the Police Department will also have an opportunity to comment and recommend any conditions. Moreover, the sale of alcoholic beverages will serve to supplement other retail establishments in the area.

Thus, as conditioned and in conjunction with the approval of the on- and off-menu Density Bonus incentives and waivers, Site Plan Review and Project Permit Compliance with the SNAP, the Proposed Project would not adversely affect or further degrade the

adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

**c) The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable Community Plan, and any applicable Specific Plan.**

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The Project is in compliance with the following Elements of the General Plan: Framework Element, Housing Element, Mobility Element and the Land Use Element – Hollywood Community Plan.

**Framework Element**

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The Proposed Project would be in conformance with following goals of the Framework as described below.

**Chapter 3: Land Use**

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

***Policy 3.4.1:*** Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

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

***Objective 3.10:*** Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.

**Objective 3.13:** *Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrate commercial, housing, and/or public services.*

The Framework Element establishes land use categories whose locations are depicted on the Long-Range Land Use Diagram. These categories are broadly described by ranges of intensity, density, height, and use. The Project Site is designated for Neighborhood Office Commercial Land Use. Neighborhood Commercial areas contain a diversity of uses that serve daily needs, such as restaurants, retail outlets, grocery stores, community meeting rooms, pharmacies, religious facilities and other similar uses. The clustering of uses minimizes automobile trips and encourages walking to and from adjacent residential neighborhoods.

The Proposed Project involves the construction of a five-story, mixed-use project that includes 87 dwelling units and approximately 6,000 square feet ground floor commercial floor area. The Project Site is located approximately 0.2 miles north of the Metro Red Line Hollywood/Western Station that provides access to Hollywood and San Fernando Valley, with connecting services to the Metro Orange Line serving the west Valley and Chatsworth and Metro Purple Line serving Koreatown and Downtown. Metro Purple Line provides connecting services to the Metro Gold Line serving Azusa and East Los Angeles, Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Proposed Project will not only concentrate residential and commercial development near existing commercial corridors, but will provide opportunities for neighborhood-serving uses and increase the amount of pedestrian activity and safety by introducing more permanent eyes on the street. By increasing opportunities for employees to live near their jobs and residents to live near amenities, the Proposed Project would be consistent with the Framework Element.

### **Housing Element**

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Proposed Project would be in conformance with following goals of the Housing Element as described below.

#### **Goal 1: Housing Production and Preservation**

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

**Policy 1.1.2:** *Expand affordable rental housing for all income groups that need assistance.*

**Policy 1.2.2:** *Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.*

**Policy 1.4.1:** *Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.*

#### **Goal 2: Safe, Livable, and Sustainable Neighborhoods**

**Objective 2.2:** *Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.*

**Policy 2.2.2:** *Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework Element, as reflected in Map ES.1.*

**Policy 2.2.3:** *Promote and facilitate a jobs/housing balance at a citywide level.*

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

**Policy: 2.4.1:** *Promote preservation of neighborhood character in balance with facilitating new development.*

**Objective 2.5:** *Promote a more equitable distribution of affordable housing opportunities throughout the City.*

**Policy 2.5.2:** *Foster the development of new affordable housing units citywide and within each Community Plan area.*

The Proposed Project will replace three (3) existing residential units with 87 residential dwelling units, which reserves 20 percent, or 11 units, of the 55 by-right base density units for Very Low Income Households, and approximately 6,000 square feet of ground floor commercial space, along the corner of Franklin and Western Avenues and within 0.2 miles north of the Metro Red Line Hollywood/Western Station and several local and regional bus lines. The project will result in a net increase of 84 dwelling units on the site in close proximity to jobs, transit and other amenities. The Housing Element encourages more housing units to accommodate the City's projected growth and also envisions a variety of unit types and sizes and amenities that can satisfy the needs and demand of people of all income levels, races, and ages. The Housing Element indicates that not only are more housing units needed to accommodate the City's growth, but that these units need to be a broader array of typologies to meet evolving household types and sizes. The Project will offer a range of apartment types and sizes, with a mix of studio, one-, and two-bedroom units. To ensure the livability of these housing units, especially in such an urban location, the Project includes 12,566 square feet of open space for residents, including a ground floor lounge, gym and outdoor recreational area, a podium level courtyard with a pool deck and spa, and private balconies. In addition, by providing 11 Very Low Income units, the Proposed Project will be achieving the Housing Element goal of promoting mixed-income developments in mixed-use communities.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The Proposed Project would be in conformance with following goals of the Housing Element as described below.

#### **Chapter 3: Access for All Angelenos**

**Objective:** *Ensure that 90 percent of households have access within one mile to the Transit Enhanced Network by 2035.*



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

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

The proposed mixed-use building is a pedestrian-oriented development that provides affordable and market-rate housing and retail uses in proximity to several transit options. As previously mentioned, the Project Site is located within approximately 0.2 mile of the Metro Hollywood/Western Station that serves Red Line with connecting service to various rail lines, including the Metro Gold and Purple Lines, Amtrak passenger rail, and Metrolink commuter rail; and several Metro Bus lines. These transit stations provide access to employment centers and jobs, local and regional destinations, and other neighborhood services for project residents. The Proposed Project will also allow for reduction of vehicle trips by placing high density residential within proximity to public transit, as well as existing retail and amenities along Western Avenue to the west, and Franklin Avenue to the north. The Project is consistent with the Mobility Element because residents will have easy access to work opportunities and essential services, and greater mobility is assured by the plentiful transit options offered by the Metro Rail and Metro Bus lines, mentioned above. The availability of many transit options along the commercial corridors of Franklin and Western Avenues creates a lesser need for the use of personal vehicles. Furthermore, the location of the ground floor residential lobby and commercial will facilitate a pedestrian-oriented environment by providing transparency at the street level, and activating the streets with greater pedestrian activity, as residents will be encouraged to walk and use public transit. In addition, the Mobility Plan incorporates the complete streets principles to accommodate all modes of transportation including foot traffic and bicyclists. The commercial spaces front on Western Avenue, from which pedestrians will have direct access. The Project also provides 56 bicycle parking spaces within a convenient, secure, and easily accessible parking facility. As such, the Project conforms to the goals, objectives, and policies of the Mobility Element.

### **Land Use Element – Hollywood Community Plan**

The Hollywood Community Plan was adopted by the City Council on December 13, 1988. The Community Plan's purpose is to "promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community." The Proposed Project would be in conformance with following goals of the Land Use Element as described below.

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

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

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

**Objective 3:** *To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.*

**Objective 6:** *To make provision for a circulation system coordinated with land uses and densities adequate to accommodate traffic; and to encourage the expansion and improvement of public transportation service.*

The Hollywood Community Plan designates the site for Neighborhood Office Commercial land uses with corresponding zones of C1, C2, C4, P, RAS3 and RAS4. The Project Site is located within Subareas A (Neighborhood Conservation) and B (Mixed Use Boulevards) of the Vermont/Western SNAP. Subarea A defers to the density permitted by the underlying zoning designation, which includes both R3-1 and C4-1D Zones. Subarea B is limited to residential uses in the R3 and C1.5 Zones. Based on the area regulations of each respective Subarea and corresponding zone, where applicable, the Project Site allows for 55 units by-right, up to 75 units in conjunction through the Density Bonus Ordinance and up to 87 units, as proposed, with a Conditional Use for an increase in density in excess of 35 percent pursuant to LAMC 12.24 U.26.

The Project proposes a mixed-use development in an area that is close to a major transit station (Metro Hollywood/Western Station) and various bus routes, connecting the Project Site to other regional and local destinations as well as employment centers and retail services. The Project will contribute to the Hollywood area as a medium- to high-density mixed-use development that provides housing, employment, and retail/commercial services for residents and visitors of the area. Furthermore, the Project has been conditioned to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition, for any dwelling units with their exterior wall having a line of sight to a public street or alley. This will meet the Standards and Criteria of the Hollywood Community Plan to soundproof new apartments. In addition, the Project provides adequate usable open space at a ratio of 100 square feet or more per dwelling unit, pursuant to LAMC Section 12.21 G. As such, the Project conforms to the goals, objectives, and policies of the Hollywood Community Plan.

#### **Vermont/Western SNAP Specific Plan**

The Specific Plan was adopted by the City Council on January 23, 2001 (Ordinance No. 173,749) and became effective on March 1, 2001. As part of the Specific Plan, Development Standards and Design Guidelines have also been adopted by the City Planning Commission on August 10, 2000. A subsequent Ordinance No. 184,414, amending Ordinance No. 173,749 was adopted by the City Council on July 1, 2016 and became effective on July 7, 2016. The Project meets the following purposes of the SNAP:

- D. Improve the quality of housing stock in the neighborhood through the construction of affordable housing units available for home ownership, in Mixed Use buildings along transit corridors;*
- E. Guide all development, including use, location, height and density, to assure compatibility of uses and to provide for the consideration of transportation and public facilities, aesthetics, landscaping, open space and the economic and social well-being of area residents;*

*H. Promote increased flexibility in the regulation of height and bulk of buildings as well as the design of sites and public streets in order to ensure a well-planned combination of commercial residential uses with adequate open space.*

The Proposed Project consists of 87 residential dwelling units and approximately 6,000 square feet of ground floor commercial space. The Project will reserve 20 percent, or 11 units, of the 55 by-right base density units for Very Low Income Households, and the remaining 76 of 87 units will be rented out as market rate units. The Applicant requests two (2) on-menu incentives: (1) a 3:1 FAR over the entire Project Site, in lieu of the permitted 1:1 FAR in the C4-1D portion of Subarea A and the 2:1 FAR for Mixed-Use Project in Subarea B; and (2) averaging of the FAR, density, parking, open space and permitting vehicular access over the entire Project Site within the C4-1D and R3-1 Zones and Subareas A and B. Additionally, the Applicant requests four (4) off-menu incentives (which are recommended as one (1) off-menu incentive and three (3) off-menu waivers) from the Vermont/Western Station Neighborhood Area Plan (SNAP) to allow the construction of a five-story, mixed-use development containing approximately 97,334 square feet of floor area with a maximum building height of 60 feet on a 38,276-square-foot site. The on- and off-menu incentives and waivers will allow the Applicant to construct a building that combines both commercial and residential uses with adequate open space consisting of approximately 12,566 square feet within a ground level interior space, uncovered common area, podium level pool deck, and balconies.

As previously mentioned, the proposed mixed-use project will be located along a transit corridor in close proximity to the Metro Hollywood/Western Station and bus routes. The Project will utilize Government Code Section 65915 to provide 100 residential parking spaces and 12 retail and guest parking spaces, while providing 56 bicycle parking stalls and a bike spa accessible from the pedestrian entry along Franklin Avenue. As such, the Project conforms to the purposes of the Specific Plan to improve the quality of housing stock in the neighborhood with a mixed-use project that will be located along a transit corridor that is compatible with the existing residential and commercial character in the neighborhood.

**d) Additional Findings required per 12.24 U.26**

**i. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.**

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

**Goal 1: Housing Production and Preservation**

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

***Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.***

***Policy 1.1.4: Expand location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.***

***Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and***

*conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.*

***Policy 1.4.1:*** *Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.*

**Goal 2:** *Safe, Livable, and Sustainable Neighborhoods*

***Objective 2.2:*** *Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.*

***Policy 2.2.2:*** *Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework Element, as reflected in Map ES.1.*

***Policy 2.2.3:*** *Promote and facilitate a jobs/housing balance at a citywide level.*

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

***Policy: 2.4.1:*** *Promote preservation of neighborhood character in balance with facilitating new development.*

***Objective 2.5:*** *Promote a more equitable distribution of affordable housing opportunities throughout the City.*

***Policy 2.5.2:*** *Foster the development of new affordable housing units citywide and within each Community Plan area.*

The intent of the SNAP, as described above, is to appropriately guide density and assure new development conforms to existing neighborhood character. In granting a Conditional Use for a density increase above 35 percent, affordable housing is required above and beyond that required per the State Density Bonus Law and the City's Density Bonus Ordinance, pursuant to an extension of the density bonus tables located in these sections. This ensures that, while the density exceed what is permitted, the City is receiving a significant amount of affordable housing units in return, and that all relevant findings can be made. In the case of the Proposed Project, the amount of affordable housing units complies with the City's Density Bonus Policy.

The Project requests a 57.5 percent density increase above the base density ([55 base units] plus [55 base units multiplied by 57.5 percent], results in 86.6 total units, which is rounded up to 87 units) in exchange for setting aside 11 units, or 20 percent of the 55 base density units, for Very Low Income Households. This calculation of set aside affordable units is found to be consistent with the requirement that any project which requests a density bonus increase beyond 35 percent should appropriately extend the existing set aside charts located in the City's Density Bonus Ordinance, LAMC 12.22 A.25. As shown below, the percentage of Density Bonus is increased by 2.5 percent for every additional 1 percent of Very Low Income Units provided.

Percentage of Base Units (Very Low Income)	Percentage of Density Bonus Eligible	Percentage of Base Units (Very Low Income)	Percentage of Density Bonus Eligible
11	35	16	47.5
12	37.5	17	50
13	40	18	52.5
14	42.5	19	55
15	45	20	57.5

Given that the Project requests a 57.5 percent density bonus, and sets aside 20 percent of its base density, or 11 units, for Very Low Income Households, the Proposed Project is consistent with the California Government Code Section 65915(b) as described in the table above. Therefore, the Project is consistent with the goals, policies and objectives of the Housing Element.

**ii. The project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b).**

California Government Code Section 65915(b) is the State of California's Density Bonus Law and states that a city shall grant a density bonus, as described in Section 65915(f) when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to Section 65915, that will contain at least any one of the following: ten percent of the total units of a housing development for lower income households; five percent of the total units of a housing development for very low income households; a senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing of older persons pursuant to Section 798.76 or 799.5 of the Civil Code; and ten percent of the total dwelling units in a common interest development, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase. As stated, these percentages are minimum thresholds.

For housing developments that are intending to set aside units for Very Low Income Households, the Government Code provides a chart that grants up to a 35 percent increase in density. Beginning with a set aside of 5 percent that grants a 20 percent density bonus, the chart incrementally increases the amount of density bonus granted by 2.5 percent for each additional 1 percent of the total units that are set aside for Very Low Income Households. While the density bonus charts provided in the Government Code max out at 35 percent, the Government Code states in Section 65915(f) that the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the previously described minimum percentages. As such, in instances where a project is seeking a density bonus increase that is more than 35 percent of the amount of required units that are set aside as affordable units shall vary depending on the requested amount of density bonus.

The Project requests a Density Bonus for a 35 percent density increase (from the base of 55 units up to 75 units) and a Conditional Use for an increase in density in excess of 35 percent pursuant to LAMC 12.24 U.26, for a total of 87 units. The Project is allowed 55 units by right. Using the Density Bonus Ordinance, LAMC 12.22 A.25, the Applicant could build up to 75 units (a 35 percent density bonus) in exchange for setting aside 11 percent of the 55 base dwelling units for Very Low Income Households. This would result in seven (7) units for Very Low Income Households in exchange for 20 additional Density Bonus units.

Through the Conditional Use process, the Applicant is requesting 32 additional Density Bonus units, which represents a 57.5 percent density increase above the base density ([55 base units] plus [55 base units multiplied by 57.5 percent], results in 86.6 total units, which is rounded up to 87 units) in exchange for setting aside 11 units, or 20 percent of the 55 base density units, for Very Low Income Households. The Project requests a 57.5 percent density bonus, and sets aside 20 percent of its base density, or 11 units, for Very Low Income Households. Therefore, the Proposed Project is consistent with the California Government Code Section 65915(b) as described in the table above, in addition to other findings as delineated.

**iii. The project addresses with the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.**

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. These were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. The City of Los Angeles Housing and Community Investment Department (HCIDLA) utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010 the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance. Therefore, where there is a conflict between the Guidelines and the current Density Bonus Ordinance, the Density Bonus Ordinance prevails. While many of the Guidelines are embedded within the City's Density Bonus Ordinance, there are some unique Guidelines, including design and location of affordable units to be comparable to the market rate units, the equal distribution of amenities, HCIDLA monitoring requirements, affordability levels, and procedures for obtaining HCIDLA sign-offs for building permits.

The Project requests a 57.5 percent density increase above the base density ([55 base units] plus [55 base units multiplied by 57.5 percent], results in 86.6 total units, which is rounded up to 87 units) in exchange for setting aside 11 units, or 20 percent of the 55 base density units, for Very Low Income Households. Given that the Project requests a 57.5 density bonus, and sets aside 20 percent of its base density, or 11 units, for Very Low Income Households, the Proposed Project is consistent with the California Government Code Section 65915(b), which the Affordable Housing Incentives Guidelines implement. Therefore, the Project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

e) **Additional required findings for the sale of alcoholic beverages:**

- (i) **The proposed use will not adversely affect the welfare of the pertinent community.**

The approval of the Master Conditional Use to permit the sale of alcoholic beverages for on- and off-site consumption within three (3) establishments will not adversely affect the welfare of the community. There are only three (3) licensed establishments that sell alcoholic beverages within 1,000 square feet of the Project Site: Rite Aid at 1841 N Western Avenue; Pink Element Liquor at 1836 N Western Avenue; and Ralph's Supermarket at 5429 Hollywood Boulevard. As such, there are no café or restaurant uses that currently serve alcohol within the immediate area. The approval of the Master CUP will allow the project to provide a gathering space for the residents in the neighborhood to eat, drink and socialize. Additionally, no piano bar, dancing or live entertainment, movies, karaoke, or video game machines are currently proposed for these tenant spaces. As conditioned herein, each establishment would be required to file for a Plan Approval application in order for the City to review and condition the operations of the proposed tenants as appropriate. These conditions can be additive to the proposed Master Conditional Use Permit contained in this recommendation depending on each individual venue. Therefore, as conditioned, the proposed use will not adversely affect the welfare of the pertinent community.

- (ii) **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, two (2) on-site and one (1) off-site licenses are authorized for the subject Census Tract Number 1904.02. Per ABC's website, there are currently four (4) on-site and three (3) off-site licenses that are active in the subject Census Tract Number 1904.02, and only two (2) off-site establishments are licensed for alcoholic beverages within 1,000 square feet of the Project Site: Pink Element Liquor at 1836 N Western Avenue and Ralph's Supermarket at 5429 Hollywood Boulevard.

While the number of active licenses permitting the sale of alcoholic beverages exceeds the number allotted by the ABC for this Census Tract, an additional three (3) venues selling alcoholic beverages for either on-site or off-site consumption is not anticipated to create an undue burden of premises dispensing alcoholic beverages. The request involves a number of establishments which will be monitored as a part of the entire complex's operational oversight as well as by specific conditions imposed under each individual Plan Approval determination. The Plan Approval for each of the three (3) venues included in the Master Conditional Use Permit application will be used to impose tailored operational restrictions to minimize any impacts which might be created by a new establishment selling alcoholic beverages.

According to statistics provided by the Los Angeles Police Department's Northeast Division Vice Unit, within Crime Reporting District No. 1118, which has jurisdiction over the subject property, a total of 235 crimes were reported in 2016 (163 Part I and 72 Part II crimes), compared to the total area average of 223.85 crimes for the same reporting period. Part II Crimes reported include, (1), Narcotics (1), Liquor Laws (1), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI related (10) and other offenses (21). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The above statistics indicate that the crime rate in the census tract where the subject site is located is slightly higher than the area average reported. A number of conditions to help safeguard the community and to provide for a reasonable operation, such as the security and maintenance provision, have been imposed as a part of the action related to the Master Conditional Use permit approval. Additionally, the three (3) tenant spaces are part of a larger development, which will benefit from oversight of the building complex as a whole. Likewise, any concerns associated with any individual venue can be addressed in more detail through the Plan Approval determination, which is an opportunity to consider more specific operational characteristics when a tenant is identified and the details of each venue are highlighted. As conditioned herein, the use is not expected to negatively impact the surrounding uses and is not expected to increase or contribute to the area's crime rate.

- (iii) The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive uses are located within 1,000-foot radius of the Project Site:

School

Immaculate Heart High School                      5515 Franklin Avenue

Church

Los Feliz United Methodist Church                      1800 North Western Avenue

The Project Site is located within proximity to existing single- and multi-family residential developments in addition to the above-referenced school and church. However, the plans submitted by the Applicant show that the three (3) tenant spaces will be fronting on Western Avenue, a transit and commercial corridor, designated as a Modified Avenue I by the Mobility Plan 2035. Properties along Western Avenue are developed with neighborhood-serving retail, commercial, and office buildings, and the proposed on- and off-site sale of a full line of alcoholic beverages would be compatible with the existing retail and commercial character along Western Avenue. Moreover, included in this grant are a number of general conditions that will act to minimize any impacts that might be generated by alcohol serving establishments. As a condition of this grant, each individual venue seeking to utilize a permit to sell alcoholic beverages for on-site or off-site consumption as a part of this Master Conditional Use must apply for a Plan Approval. The Plan Approval process will allow the Department of City Planning to tailor conditions to each individual Applicant and establishment, and create measures, which will minimize any impact that might be generated by each individual establishment seeking



to sell alcoholic beverage. Furthermore, all mitigation measures identified in the environmental clearance for the project have been incorporated as conditions of this grant. Therefore, as conditioned, the Proposed Project is anticipated to not have a detrimental effect on any sensitive use in the area.

### **CEQA FINDING**

A Mitigated Negative Declaration, ENV-2016-1995-MND, and Errata dated March 23, 2017 and January 16, 2018, were prepared for the Proposed Project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the Proposed Project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. Included is the response to comments that adequately addresses the concerns raised during the environmental comment period. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a "reporting or monitoring program for the changes made to the project or conditions of project approval. The Mitigation Monitoring program with Case No. ENV-2016-1955-MND is adopted in compliance to Section 21081.6 of the Public Resources Code and includes the necessary mitigation measures identified herein.