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December 21, 2021

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

Attention: PLUM Committee

Dear Honorable Members:

APPEAL RESPONSE; Council File No. 21-0383-S1

5600-5606 W. Hollywood Boulevard; 1655-1679 N. St. Andrews Place; 5607 W. Carlton Way
CPC-2020-4296-CU-DB-SPP-SPR-VHCA-PHP-1A

On October 12, 2021, the Los Angeles City Planning Commission, under Case No. CPC-2020-4296-CU-DB-SPP-SPR-VHCA-PHP, approved a Conditional Use and Density Bonus Determination to permit a 115-percent Density Bonus allowing a total of 200 dwelling units in lieu of the base density of 93 units, reserving 40 units for Very Low-Income Households. The City Planning Commission also approved Off-Menu Incentives to permit 75 percent of the required open space to be located above the first habitable level (as otherwise required by the SNAP), to permit a 1,707 square-foot publicly accessible plaza (in lieu of a 5,000 square-foot plaza required by the SNAP), and to permit 22-percent transparent elements along the eastern ground floor façade along St. Andrews Place (in lieu of 50% required by the SNAP). The project also entailed a Project Permit Compliance for the demolition of an existing two-story commercial structure, a three-story 14-unit apartment and associated surface parking lot, a vacant lot, and the construction of a 200-unit apartment building, on an approximately 37,135 square-foot (0.85 acre) site within Subarea C of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan; and a Site Plan Review for a development project which creates 50 or more dwelling units.

At its meeting on June 29, 2021, where a public hearing was conducted, the City Council found that based on the whole of the administrative record, determined in their independent judgement that the Project was statutorily exempt from CEQA as a Sustainable Communities Project ("SCP") pursuant to PRC 21155.1 (Council File No. 21-0383).

On October 27, 2021, a partial appeal of the City Planning Commission's action was appealed by one (1) aggrieved party. The appeal pertains to the Conditional Use for 115-percent density increase, the Project Permit Compliance Review, and the Site Plan Review, but does not challenge the Off-Menu Incentives as those are not appealable. Appeals were not filed by any other aggrieved parties, other than the aforementioned.

The following represents a summary and response to the appeal points identified in the appeal:

Appellant, Susan Winsberg – Franklin Corridor Communities

A-1 The project is inconsistent with the applicable regulations, findings, standards and provisions of the Specific Plan and Hollywood Redevelopment Plan, and the Project is inconsistent with the purposes, intent and provisions of the Community Plan.

The appellant claims that the Project's density is inconsistent with the zoning regulations of the Vermont-Western Transit Oriented District Station Neighborhood Area Plan (SNAP) Specific Plan and the Hollywood Redevelopment Plan.

However, as indicated in the Letter of Determination dated October 12, 2021, the proposed project complies with the Goals, Policies, and Objectives of the Vermont/Western SNAP and Hollywood Community Plan. The project site is located within Subarea C (Community Center) of the Vermont/Western Station Neighborhood Area Plan Specific Plan (SNAP), which defers to the density permitted by the underlying zone [Q]R5-2 and R4-2. Ordinance Number 165,668 established the Qualified [Q] designating properties within the [Q]R5-2 Zone to be limited to residential uses permitted in the R4 Zone. Per the R4-2 Zone, the base density permitted on the subject property is 93 units.

The Density Bonus Ordinance permits a density bonus of up to 35-percent in exchange for setting aside 11-percent of the 93 base density units for Very Low Income Households. The State Density Bonus Law (Government Code Section 65915(n)) allows a city to grant a density bonus greater than 35 percent for a development, if permitted by a local ordinance. Moreover, AB2345, effective January 1, 2021, provides for a by-right density bonus of up to 50% for projects providing the requisite amount of affordable housing. The City adopted the Value Capture Ordinance (Ordinance No. 185,373), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35-percent with the approval of a Conditional Use. Both the City's Value Capture Ordinance and Conditional Use Permit for additional density bonus in excess of 35%, are both fully consistent with, and permitted by, the State Density Bonus Law. In exchange for the increased density, the Value Capture Ordinance requires projects to set aside one (1) additional percent of base density units above the 11-percent for Very Low Income Households for every additional 2.5-percent density increase above the 35-percent.

The applicant requested a Conditional Use to increase the density by 115-percent to allow a total of 200 units in lieu of 93 base density units. As such, the applicant was required to set aside 43-percent, that is 40 units, of the 93 base density units for Very Low Income Households in exchange for the 115-percent density increase requested. The applicant proposed to set aside 40 units for Very Low Income. As such, the project satisfied the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 115-percent density increase. Therefore, the project complied with the density permitted through the Density Bonus Law, which superseded the residential density permitted in the SNAP Specific Plan and the [Q]R5-2 and R4-2 Zones.

In regards to the Hollywood Redevelopment Plan, as noted in the original determination letter, the project site is subject to the land use provisions contained in Section V Land Uses Permitted in the Project Area, Sections 501-521, of the Hollywood Redevelopment Plan (Redevelopment Plan). The project site is currently designated as High Residential

by the Redevelopment Plan. The proposed building is 17-story, 200 feet tall, with two (2) subterranean and three (3) above ground parking levels. The building will contain a total of 222,234 square feet of floor area with a floor area ratio (FAR) of 6.0:1. The project contains 200 residential units, 40 of which are restricted to Very Low Income Households. On June 12, 2020, the City Planning Redevelopment Plan Unit determined the project complied with the land use provisions of the Redevelopment Plan and that no adjustments were required pursuant to the Redevelopment Project Area – Hollywood Administrative Review and Referral form. Additionally, the Redevelopment Plan Unit determined that the Project is outside of the Regional Center Commercial area and therefore Section 506.2 of the Hollywood Redevelopment Plan is not applicable to the Project. As such, the Project is in conformance with the Hollywood Redevelopment Plan.

Therefore, the appellants assertion that the Project does not comply with the Vermont Western SNAP Specific Plan and Hollywood Redevelopment Plan are incorrect. Moreover, the appellant incorrectly references the Transit Oriented Communities (TOC) Incentive Program, and its relationship with the Hollywood Redevelopment Plan, although the subject case has not utilized a TOC entitlement. Under State Law, both the Density Bonus entitlement and the Value Capture Conditional Use for greater density are appropriate, and the Los Angeles City Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A-2 *The 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 are not compatible with existing and future development on adjacent properties and neighboring properties*

The appellant claims that the project's height and massing are incompatible with the surrounding built environment, and as such, the Los Angeles City Planning Commission erred in approving the Site Plan Review entitlement. However, as noted in the Letter of Determination dated October 12, 2021, the use, height, and floor area are regulated by the underlying [Q]R5-2 and R4-2 Zones, pursuant to LAMC Sections 12.11 and 12.21.1, which allow for residential uses, unlimited height, and a floor area of 6:1 FAR. As such, the height and massing were permitted by-right per the Los Angeles Municipal Code and are permitted on other similarly zoned properties.

Regarding the appropriateness of the Project in relationship to the surrounding character, the City Planning Commission noted in their Site Plan Review Findings that the massing of the structure is sensitively designed and that the building will be compatible with adjacent developments. Although the proposed building is taller than the general heights of buildings found in the immediate neighborhood, the design incorporates a series of height transitions and massing elements to reconcile the contrasting intensity found along Hollywood Boulevard, a busy major corridor, and Carlton Way, a quieter lower scale residential area. The building is lower for those areas fronting Carlton Way and then steps up in height as the bulk of the structure transitions toward the Hollywood Boulevard frontage.

Along Carlton Way, the project is designed with a height element of seven stories which is compatible with surrounding residential uses and the design includes two-story volume walk-up townhome style units at the ground level. At the fourth level, there is an outdoor garden terrace along the western edge of the site for approximately half the building length which provides a break in massing for the properties to the west. At the eighth story facing the Carlton Way frontage, the project includes a large outdoor amenity deck, pool and indoor lounge and fitness center as the building height steps up

in height moving towards Hollywood Boulevard. The height further steps up again towards Hollywood Boulevard at the thirteen level which includes a planted roof element. As a result, the building's tiered height approach responds to the site's unique frontages and characteristics while creating greater architectural interest and variety on each of the three (3) frontages.

The Design Guidelines encourage every building to have a clearly defined ground plane, roof expression and middle or shaft that relates the two. The ground plane of the project is defined by the entry pavilion and public plaza on Hollywood Boulevard and the walk-up townhomes units along Carlton Way. The middle base is clad with a precast concrete panel system shaped to evoke the Art-Deco context and textured with a refined herringbone pattern. Furthermore, the 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. On Hollywood Boulevard, the neighboring historical California Bank campanile is referenced in the proportions of the project's split north elevation and the shaped façade panels that hint at the art-deco styling of the Campanile. Cladding the project is a precast concrete panel system shaped to evoke the Art-Deco context and textured with a refined herringbone pattern. The ridges and facets of these panels catch sunlight throughout the day which create different textures of tones and shades. These features aid the building and has the building blend in with the neighboring structures. As such, the height and massing of the structure are appropriate.

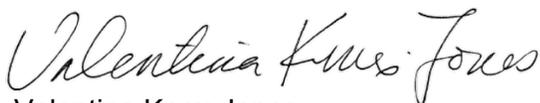
The Site Plan Review Findings also note the manner in which the Project design engages the pedestrian realm, provides sufficient setbacks, off-street parking, landscaping, useable open space, appropriate lighting, and sufficient loading area and trash collection areas. As such, the Project's location, size, height, operations, and other significant features were found to be compatible with, and would not adversely affect or further degrade, adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. As such, the Los Angeles City Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

Conclusion

The appeal and referenced comment letters address specific concerns and focus on the adequacy of the Density Bonus, Conditional Use, and Site Plan Review entitlement, including comments regarding the entitlement findings. Upon careful consideration of the Appellant's points, the Appellant has failed to adequately disclose how the City erred or abused its discretion. Therefore, the appeal should be denied and the actions of the City Planning Commission should be sustained.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Valentina Knox-Jones
City Planner

VPB:DK:VKJ

c: Craig Bullock, Planning Director, Council District 13