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November 15, 2022

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:

**REVISED PROJECT AND APPEAL RESPONSE FOR THE PROJECT LOCATED AT 5600
WEST HOLLYWOOD BOULEVARD; CF No. 21-0383 and 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 100 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 judgment 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.

On April 8, 2022, Judge James P. Arguelles issued a ruling (the “Court Ruling”) in AIDS Healthcare Foundation vs. City of Los Angeles (Sacramento County Superior Court Case No. 34-2020-80003462). Among other things, the Court Ruling determined that it is unlawful within the Hollywood Redevelopment Plan (HRP) for the City to grant a conditional use permit (CUP) under LAMC Section 12.24 U.26 to allow density bonus that exceeds that required by Density Bonus Law in Government Code Section 65915 without complying with the HRP's own provisions governing deviations from the HRP's density limits.

Based upon the Court Ruling, the Applicant has revised the Project to decrease the units from 200 to 150 with an associated reduction in floor area. The Applicant has submitted revised plans for approval by the PLUM Committee and City Council and has requested a withdrawal of the CUP application. By providing 15 units set aside for Very Low Income households, the Applicant has provided 15 percent of the 100 unit base density provide for by the the Hollywood Redevelopment Plan) and is thereby entitled to a by-right 50 percent density bonus under Government Code Section 65915(f)(2) and three incentives under Government Code Section 65915(d)(2)(C). The Applicant seeks the same incentives as for the original Project, therefore, the Density Bonus/Affordable Housing Incentives Program Determination does not need to be modified. Meanwhile, the Specific Plan Project Permit Compliance and Site Plan Review would remain applicable to the reduced Project. The Project's environmental clearance, the SCP exemption, would remain applicable to the reduced Project, as noted in the Addendum dated November 2022.

The revised project description is as follows:

The Project proposes demolition of an existing three-story vacant apartment structure, a two-story structure occupied by an auto body use and associated surface parking, and a vacant lot on an approximately 37,135 (0.85 acre) square-foot site; and construction, use, and maintenance of a 14-story, 170 feet in height building containing 150 residential dwelling units, including 15 units set aside for Very Low Income households, and 171,125 square feet of floor area, resulting in a floor area ratio (FAR) of 4.6:1. The Project proposes 208 parking spaces within two subterranean levels and three partial above-ground levels and 91 bicycle parking stalls (76 long-term stalls and 15 short-term stalls).

The Applicant withdrew the request for the CUP Density Bonus pursuant to LAMC Section 12.24 U.26 on August 16, 2022 when a revised DCP application was submitted and formally on November 7, 2022 when a signed letter was submitted to the Council file. Therefore, the requested action is as follows:

1. Permit the proposed Project pursuant to Government Code Section 65915 as amended by AB2345, for a 50 percent Density Bonus, in exchange for setting aside 15 percent of the 100 unit base permitted density under the Hollywood Redevelopment Plan, or 15 units, for Very Low Income households, in conjunction with parking permitted under AB 2345, and pursuant to Los Angeles Municipal Code (LAMC) Section 12.22.A.25 for the following off-menu incentives:
 - a. Permit 100 percent of the required open space to be located above the first habitable level in lieu of the maximum 75 percent permitted by Section 9.D of the Vermont-Western Corridor Specific Plan (SNAP).
 - b. Permit a 1,707 square-foot publicly accessible plaza in lieu of the minimum 5,000 square feet to satisfy the SNAP's alternative pedestrian throughway requirement in SNAP Section 9.G.

- c. Permit 22 percent transparent building elements (1,140 square feet) on the eastern ground floor façade along St. Andrews Place in lieu of 50 percent (2,603 square feet) otherwise required per SNAP Development Standards and Design Guidelines Section V.6.
2. Grant, pursuant to LAMC Section 11.5.7.C, a Project Permit Compliance Review for the Vermont-Western Corridor Specific Plan; and
3. Grant, pursuant to LAMC Section 16.05, a Site Plan Review for a project which creates, or results in an increase of 50 or more dwelling units.

On December 21, 2021, the Department of City Planning submitted an appeal response, responding to the appeal points submitted by Susan Winsberg of the Franklin Corridor Communities. Below is a revised response, incorporating the revised changes to the project:

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 HRP.

The proposed Project complies with the zoning regulations of the Vermont-Western Transit Oriented District Station Neighborhood Area Plan (SNAP) Specific Plan and the HRP. 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. The Site is located within the boundaries of the Hollywood Redevelopment Project Area, which designates the Site as High Residential and permits the Project's proposed multi-family uses. Pursuant to Section 505, the High Residential land use category permits a residential density of 80 units per gross acre. The Plan defines a gross acre as the site area plus one half of any abutting street(s) and alley(s). The Project Site is bounded on three sides by streets, which results in a gross acreage of 1.25 (54,409.5 square feet), which permits 100 residential units. See, LAMC 11.5.14.B.2 ("Whenever the Redevelopment Regulations conflict with provisions contained in Chapter 1 of this Code or any other relevant City ordinances, the Redevelopment Regulations shall supersede those provisions, unless the applicable Redevelopment Regulations specifically provide otherwise or are amended.")

Assembly Bill (AB) 2345, which amended State Density Bonus Law, provides that a city that has adopted an ordinance or housing program that incentivizes development of affordable housing that allows for density bonuses that exceed the density bonuses required by state Density Bonus law effective through December 31, 2020, (*i.e.* 35 percent) is not required to amend or update its ordinance or affordable housing incentive program to comply with the state law amendments and is exempt from complying with the incentive and concession calculation amendments made by the state law amendments. The City incentivizes development of affordable housing beyond 35 percent through

LAMC Section 12.24.U.26 which allows a density bonus greater than 35 percent with approval of a CUP. However, the recent Court Ruling in *AIDS Healthcare Foundation vs. City of Los Angeles* has rendered LAMC Section 12.24.U.26 inapplicable to the residentially designated areas of the HRP. Therefore, the exemption from AB 2345 does not apply in these areas, and projects therein that provide the required amount of affordable units are entitled to a 50 percent density bonus under AB 2345.

The revised entitlement request is to increase the density by 50-percent to allow a total of 150 units in lieu of 100 base density units. As such, the Applicant was required to set aside 15 percent, that is 15 units, of the 100 base density units for Very Low Income Households. The applicant has proposed to set aside 15 units for Very Low Income. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 50-percent density increase through the AB2345 Density Bonus. Therefore, the project complies with the density permitted through the Density Bonus Law, which supersedes the residential density permitted in the SNAP Specific Plan, [Q]R5-2 and R4-2 Zones, and the HRP.

In regards to the HRP, as noted in the original determination letter, the project site is subject to Section V Land Uses Permitted in the Project Area, Sections 501-521, of the HRP. The project site is currently designated as High Residential by the HRP. The proposed building is 14-story, 170 feet tall, with one (1) subterranean and three (3) above ground parking levels. The building will contain a total of 171,125 square feet of floor area with a floor area ratio (FAR) of 4.6:1. The project contains 150 residential units, 15 of which are restricted to Very Low Income Households. On June 12, 2020, the City Planning Redevelopment Plan Unit determined the project complied with Section V of the HRP and that no adjustments were required. Additionally, the Redevelopment Plan Unit determined that the Project is outside of the Regional Center Commercial area and therefore Section 506.2 of the HRP is not applicable to the Project. As such, the Project is in conformance with the HRP with density bonus required by state law.

Therefore, the Appellant's assertion that the Project does not comply with the Vermont Western SNAP Specific Plan and HRP are incorrect. Moreover, the Appellant incorrectly references the Transit Oriented Communities (TOC) Incentive Program, and its relationship with the HRP, although the subject case has not utilized a TOC entitlement. Therefore, the project should be approved 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.

The building height is reduced along Carlton Way and the height of the structure increases towards the Hollywood Boulevard frontage (which is along a major commercial thoroughfare). Along Carlton Way, the Project is designed with a height of six stories, which is compatible with surrounding residential uses and the facade is designed with townhome-style units at the ground level. An expansive outdoor garden terrace is provided on the fifth floor, along the western edge of the site thereby providing a break in the massing along the western side of the building. Atop the seventh story, near the Carlton Way frontage, a large outdoor amenity deck is provided, as well as an indoor lounge, and the building height increases in height moving towards Hollywood Boulevard. The height further steps up again towards Hollywood Boulevard at the Level 13, which includes a landscaped area. 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 frontages.

The SNAP 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 concern the adequacy of the Density Bonus, Conditional Use, and Site Plan Review entitlement, including comments regarding the entitlement findings. The comments regarding the use of the Conditional Use no longer apply because the Applicant has withdrawn the Conditional Use entitlement.

Upon careful consideration of the Appellant's points, the Appellant has failed to adequately disclose how the proposed Project as amended fails to comply with any applicable law or regulation. Therefore, the appeal should be denied and the project should be approved with the recommended revised Conditions of Approval and the revised Findings submitted to the file.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

 for

Deborah Kahen, AICP
Senior City Planner

VPB:DK:VKJ

c: Craig Bullock, Planning Director, Council District 13