

## FINDINGS

(As amended by the Central Area Planning Commission on October 26, 2021)

### Entitlement Findings

#### 1. Findings for Conditional Use per LAMC Section 12.24 W.

- 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 subject property is a L-shaped lot encompassing a total of approximately 14,478 square-feet of lot area. The parcel is located at the southeast corner Western Avenue and Harold Way. The subject property is currently developed with a surface parking lot and a duplex. The applicant is requesting two Conditional Uses: one to permit the sale and dispensing of a full-line of alcoholic beverages in conjunction with 36 hotel guest rooms and a 2,082 square-foot rooftop bar/lounge containing 32 outdoor seats, and a second to permit a hotel within 500 feet of residential uses.

The project site is located in one of the most heavily trafficked areas in the city, along the central part of the Hollywood Walk of Fame. The area is a major tourist and commercial hub; as a commercial service, the project will contribute to the vibrancy and economic activity of the area. In addition, by providing alcoholic beverages, the proposed restaurant will provide a new and unique amenity and a viable dining destination for both visitors and residents alike, who wish to order beer or wine in conjunction with their meal. The abutting site is developed with a hotel that also offers alcoholic beverages to its occupants.

Although the project site is immediately adjacent to residential uses, the uses on Harold Way east of the site are multi-family buildings ranging in size from four (4) to 20 dwelling units. Single-family dwellings are located on North Serrano Avenue, over 300 feet away from the subject site. Immediately north of the site is another hotel with a bar and further north and northwest are a retail strip mall, a three (3) story apartment building, retail storefronts, a four (4) story apartment building, and a motel. Immediately south of the site is a five (5) story apartment building, a Walgreens drug store, a warehouse shoe store, and a Target retail store.

The residential dwelling units are located on the second floor of the building with balconies located on the eastern façade. Guestrooms are located on the higher floors of the building but do not have attached balconies. As such, the project is designed to avoid excessive noise from guestrooms which would be disruptive to the adjacent residential uses.

Conditions have been imposed to assure that the service of alcohol is not disruptive to the community. The proposed hotel is located in a part of Hollywood that continues to be the focus of rejuvenation efforts. The proximity of the proposed restaurant to movie and live theater venues, as well as other retail and restaurant uses, including a subway station stop at Hollywood and Highland, contributes to the potential viability of the project given the context of the area. As proposed, the use will continue to serve the public convenience and welfare and as sited, the location is compatible with the character of the surrounding uses. Therefore, in conjunction with the imposition of operational conditions for the hotel and the alcohol use, the request should result in the continuation of a use which is compatible with and an asset to the local neighborhood and the community at large.

- b. **The project's location, size, height, operations 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 subject property is a L-shaped lot encompassing a total of approximately 14,478 square-feet of lot area. The parcel is located at the southeast corner Western Avenue and Harold Way. The subject property is currently developed with a surface parking lot and a duplex. The applicant is requesting a Conditional Use to permit the sale and dispensing of a full-line of alcoholic beverages in conjunction with 36 hotel guest rooms and a 2,082 square-foot rooftop bar/lounge containing 32 outdoor seats.

The surrounding properties are primarily zoned either C2-1 and located within the Vermont/Western SNAP Subarea C or [Q]R4-2 and located within the SNAP Subarea The property on the southeast corner of Harold Way and Western Avenue, to the north and west of the Project site, is a Super 8 Motel with 54 guest rooms and a cocktail bar. The property to the south is a 56-unit apartment building and corner shopping center containing a Walgreens pharmacy and a Verizon Wireless Retail Store. The property to the west, across Western Avenue, is a WSS Shoe Store. The properties to the east consist of a two-story, 10-unit apartment building and other multi-family buildings, and are located within Subarea A (Neighborhood Conservation) of the Vermont/Western SNAP. The project site is located in one of the most heavily trafficked areas in the city, in close proximity to the Hollywood Walk of Fame. The area is a major tourist and commercial hub; as a commercial service, the project will contribute to the vibrancy and economic activity of the area.

The grant authorized herein incorporates a number of conditions. These conditions are intended to ensure that the proposed operation with the full line of alcohol sales will be compatible with other uses in the surrounding community. While the hours of operation for the hotel will be 24 hours, the sale of alcohol will be limited to 11:00 a.m. to 12:00 a.m., from Sunday to Thursday, and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. No after-hour use of the facility is permitted other than for routine cleanup and maintenance. Conditions have also been imposed to control any ambient indoor and outdoor music/noise, and not permit it to be audible beyond the subject premises.

The sale of alcohol is regulated by the State of California through the issuance of an Alcoholic Beverage Control License. The Department of City Planning has recommended a set of Conditions related to alcohol sales and distribution for consideration by the State of California Department of Alcoholic Beverage Control and the LAPD that will safeguard adjacent properties while maintaining public health, safety, and welfare. These conditions include the prohibition of off-site alcohol sales, restrictions on signage and no incentives to promote alcohol sales and consumption. Such conditions are not imposed by the Department of City Planning in order to preclude intruding upon the jurisdiction of the ABC.

LAPD did not oppose the project. No opposition comment was submitted to the case file prior to the public hearing. It is anticipated that the subject Conditional Use will effectively regulate the on-site land use, mode and character, live entertainment, responsive operation, noise, site maintenance, loitering, lighting, and security issues. The land use conditions imposed herein, combined with the enforcement authority of ABC and the LAPD will ensure that the limited sale of alcohol will not be detrimental to the public health, safety, and welfare.

- 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 Hollywood Community Plan designates the property for Highway Oriented Commercial land uses with corresponding zones of C1, C2, P, RAS3, RAS4 and Height District 1. The project site is zoned C2-1 and consistent with the Plan. A hotel with a bar/lounge is permitted in the C2 Zone. Moreover, residential apartment units are also permitted within the underlying zone. The sale of a full line of alcoholic beverages and the hours of operation are permitted through the conditional use process, and all requests are subject to specific findings which have been made herein. Neither the operation of a hotel nor the sale of alcoholic beverages are specifically addressed in the Plan but are permitted subject to specific findings as noted herein. The proposed uses of the subject site is consistent with and advances the following policies, and objectives identified in the Hollywood Community Plan and the General Plan.

**Objective 1:** *To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.*

The request is also consistent with General Plan Framework Element objectives:

**Objective 7.2:** *Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

**Objective 7.3:** *Maintain and enhance the existing businesses in the City.*

Hollywood 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 will activate the existing space by providing additional services for permanent residents and visiting tourists. The hotel will continue to be a convenient and unique option for not only visitors to Hollywood but also potential residents, thereby meeting the objective of the Community Plan. Therefore, the project substantially conforms with the purpose, intent and provisions of the General Plan and Hollywood Community plan.

Vermont/Western Station Neighborhood Plan Area (SNAP)

The Vermont/Western SNAP was adopted by the Los Angeles City Council and became effective on March 1, 2001. The proposed project meets the following purposes of the SNAP as outlined in Section 2 of the Specific Plan:

- A. *Implement the goals and policies of the Hollywood Community Plan, the Wilshire Community Plan, the City General Plan Framework Element and the Transportation Element, including the new formats and terminology regarding land use designations created by the General Plan Framework.*
- 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.*

There are multiple hotel uses, restaurants, and bars that sell alcohol within the vicinity. The proposed hotel will allow for sufficient guest rooms to be in place to accommodate the

touristic destination that is Hollywood. Furthermore, the additional 10 residential units will add to the current housing stock. The height of the proposed hotel will not be unusual for the area and the project proposes landscaping and open space for the residents.

### **ALCOHOLIC BEVERAGE FINDINGS**

#### **2. The proposed use will not adversely affect the welfare of the pertinent community.**

The property is designated for Highway Oriented Commercial with a corresponding C2 Zone within the Hollywood Community Plan. The property will be utilized for a hotel and residential use with the sale and dispensing of alcoholic beverages for on-site consumption. The hotel is capable and aimed to serve the local community as well as large number of visitors and tourists. The conditions of this grant will ensure that the development will not adversely affect the community.

The Central Area Planning Commission has imposed several security conditions in the grant to ensure the safety and the welfare of the immediate community. Therefore, it is anticipated that the proposed project will not adversely affect the welfare of the community.

#### **3. 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 State ABC licensing criteria, there are currently four (4) on-sale and two (2) off-sale active licenses in Census Tract 1905.10. Within 600-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- (3) Type 41 On-Sale Beer and Wine for Bona Fide Public Eating Place
- (1) Type 47 On-Sale General for Bona Fide Public Eating Place
- (1) Type 48 On-Sale Beer and Wine – Public Premises

When factoring in the proposed project, the number of on-site licenses is above the number currently allocated (four (4) on-site and two (2) off-site), however, no evidence was submitted for the record establishing any link between the subject property and crime rates in the community. The location is within a predominantly commercial corridor, where a concentration of retail and restaurants exists. The project has been reviewed closely by the Police Department which did not oppose the request and submitted conditions of approval.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 648, which has jurisdiction over the subject property, a total of 231 crimes were reported in 2020, compared to the citywide average of 141 crimes and the high crime reporting district average of 169 crimes for the same period. In 2020, Part 1 Crimes for the reporting district included: Homicide (1), Robbery (21), Aggravated Assault (47), Burglary (15), Auto Theft (32), and Larceny (112). Part 2 Crimes for the reporting district include: Other Assaults (18), Narcotics/Drug Violations (21), DUI Related (3), and Misc. Other Violations (27).

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 property is located in an area of high crime and the number of ABC licenses exceeds the ABC threshold.

Overconcentration can be undue when the addition of a license will negatively impact a neighborhood; overconcentration is not undue when it benefits public convenience and the general welfare of the community. Though the number of active ABC license exceeds ABC thresholds, the sale of alcohol within the mini-fridges and the rooftop bar/lounge will not cause undue concentration. As such, it will continue to be a neighborhood- serving and visitor-friendly use, where operations are not solely centered on the sales of alcohol.

Nonetheless, conditions of approval have been imposed to mitigate any adverse impacts on the area, including a requirement for noise compliance, operators, surveillance cameras, prohibiting loitering, limited signs on exterior windows and glass doors to permit surveillance into the establishment, and limited hours of operation. As noted, the Police Department has also suggested operational and alcohol-related conditions to be considered by the State upon issuance of the alcohol license. Therefore, the request is anticipated to not adversely affect the welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages after giving consideration to the State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration and crime rates in the area.

Standard Conditions of Approval from the Los Angeles Police Department have been included to the determination ensuring the use will not be materially detrimental to the character and the development in the immediate neighborhood.

Said conditions include, but are not limited to: limited hours of operation; the prohibition of entertainment and live music; and the requirement for on-site surveillance cameras, and a 24-hour hotline. Additional conditions have also been recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sales of alcohol to prevent potentially negative impacts to neighborhood. Therefore, based on the information herein and in conjunction with the operational conditions, the proposed use will not adversely affect the welfare of the pertinent community.

- 4. 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:

Educational Facilities

Grant Early Education Center  
Grant Elementary School

1559 N. St. Andrews Pl.  
1530 N. Wilton Pl.

Residential Uses

Single-Family Dwellings,  
Apartments, and Condos

Since the site is located in a prime commercial and tourist area, the diversity amongst the uses is not uncommon. This grant has placed numerous conditions on the proposed project and not authorized uses of the property which might create potential nuisances for the surrounding area. Such imposition of conditions will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case. The existing

restaurant is fully enclosed within the building. The entrance is oriented directly along Hollywood Boulevard and away from residential uses. This grant also imposes numerous conditions on the operation of the property, which will minimize nuisances for the surrounding residential uses.

To ensure that the nearby sensitive uses are adequately buffered from any potential adverse impacts of this project, conditions of approval have been imposed to ensure that nearby sensitive uses are adequately buffered from any potential adverse impacts of this project. These include prohibition on any form of coin-operated games or video machines on the premises. Additionally, any music, sound or noise shall not be audible beyond the subject premises. The applicant is also responsible for maintaining the premises and areas adjacent to premises, over which the applicant has control, free of litter and loitering. As such, the establishment will be within a contained environment where monitoring is facilitated through the enforcement of numerous conditions that will minimize the potential to create nuisances for the surrounding sensitive uses. Therefore, as conditioned, the proposed use will not detrimentally affect the nearby residentially zoned communities or sensitive uses in the neighborhood.

**5. Findings for Specific Plan Exception per LAMC Section 11.5.7 F.**

- a. **The strict application of the policies, standards and regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.**

Commercial Uses

The proposed project includes the demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level, within Subarea C of the SNAP. Section 9.A.1 "Use. Commercial Uses" of the Vermont/Western SNAP requires that:

*Commercial uses in a Mixed-Use Project shall be limited to the Ground Floor.*

Section 9.A.1 of the SNAP restricts commercial uses to the ground floor in order to activate the public right-of-way and create a better pedestrian experience. This regulation has helped create a more vibrant pedestrian experience when new traditional mixed-use projects are proposed. However, the strict application of this regulation would make it difficult for a mixed-use building proposing hotel uses and residential uses to be constructed. A hotel use is considered a commercial use, which would restrict any guest rooms to the ground floor, only. Therefore, the 36 guest rooms that are being proposed could not be accommodated. The L-shaped lot would make it difficult to place all 36 guest rooms for an adequate hotel on the ground floor as the project needs to take into account the lobby, amenity rooms, and other hotel utilities.

In a non-SNAP designated lot, the proposed project would be allowed to place hotel rooms above the ground floor without this limitation. Additionally, if the project were not proposing residential units, there would be no limitation on the location of guestrooms above the ground floor. The surrounding area, including the building directly abutting the subject site, has existing hotels that are within the SNAP Subarea C. These hotels do not incorporate a mixed-use component that provides residential units. Thus, the proposed mixed-use building would not only serve visitors, but those searching for a permanent dwelling. Although the project team can decide to build a fully functioning hotel without being subject to the provision under Section 9.A.1, the City would not be able to add dwelling

units to its current housing stock. The strict application of Section 9.A.1 to the subject property will result in practical difficulties inconsistent with the general purpose and intent of the SNAP Subarea C.

Transitional Height

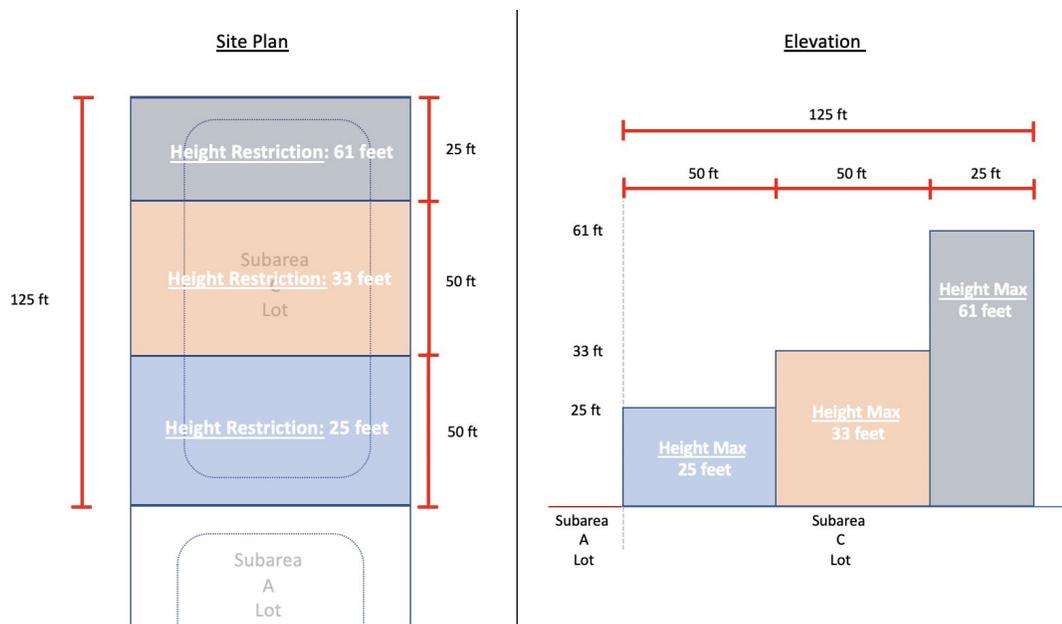
Under Section 9.C.1 of the Vermont/Western SNAP, Subarea C projects that are constructing a new building are subject to Transitional Height limitations if they abut a Subarea A lot. The Transitional Height limitations are set forth in Table 1 below.

Table 1

Distance (from Subarea Lot)	Height (restriction)
0 to 49 feet	25 feet
50 to 99 feet	33 feet
100 to 200 feet	61 feet

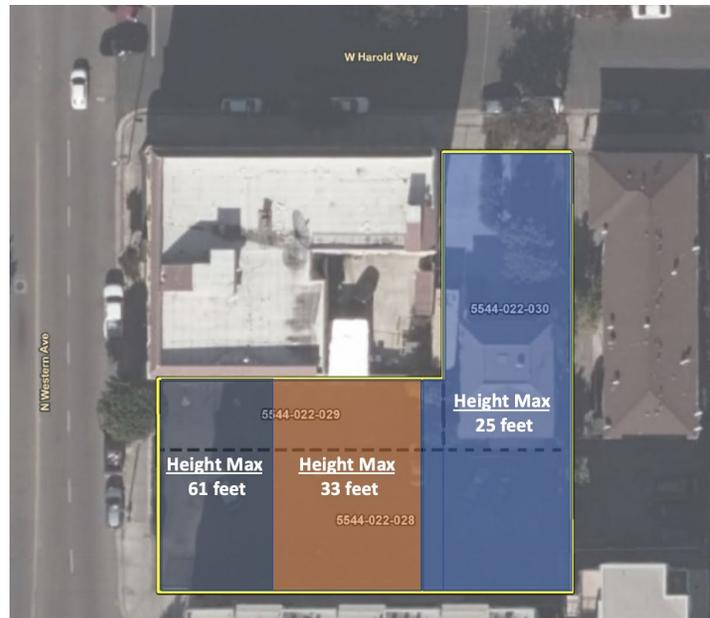
Figure 1 below illustrates the intention of the SNAP’s provision.

Figure 1



The Transitional Height provision is meant to move the bulk and height of the building away from the Subarea A lots. This works best when the Subarea C lot abuts a Subarea A lot to the rear. In a situation where the Subarea A lot abuts the Subarea C lot at the rear, the height distance restrictions are taken from the rear lot line towards the front lot line. However, the proposed location abuts a Subarea A lot to the east, which is the side yard. This reduces the maximum height allowed to 25 feet for the section of the lots that have a length of 50 feet or less. Due to the L-shaped design of the lot, the entirety of the lots closest to Harold Way cannot take advantage of the increase in height to 33 feet or 61 feet the same way the two lots facing Western Avenue can. Figure 2 below illustrates the Transitional Height restrictions for the subject site.

Figure 2



The proposed building will have a maximum height of 60 feet across the entire project site. The abutting hotel has a maximum height of approximately 50 feet and consists of four-stories. As stated above, the Transitional Height provision is meant to move the bulk and height of the proposed building away from the Subarea A lots. This is primarily because the buildings within Subarea A tend to have lower height restrictions. These height restrictions are commonly 30 feet or 45 feet. However, multi-family buildings along the north and south side of North Harold Way have heights of 45 feet or greater. The site directly east of the subject lot is zoned [Q]R4-2 which allows for an unlimited height. The Q classification on that property limits the height to a maximum of 45 feet. Therefore, if the proposed project is subject to the Transitional Height limitations, the hotel has the potential to be 20 feet lower in the first Transitional Height segment and 12 feet lower in the second segment than the site to the east if the property was redeveloped in the future. Therefore, it can be found that the strict application of the regulations of the Specific Plan creates an unnecessary hardship and would be in conflict with the purpose and intent of the Specific Plan.

- b. **There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.**

### Commercial Uses

As previously mentioned, the proposed project includes the demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level, within Subarea C of the SNAP. Section 9.A.1 requires that all commercial uses be limited to the ground floor of any mixed-use building. A hotel use is considered a commercial use, which would keep the proposed project from adding guest rooms above the ground floor. This would make it difficult to build a mixed-use hotel and residential project on the subject site. If the project team proposed a hotel building only, this regulation would not keep the proposed hotel from placing hotel rooms at any floor. However, the applicant would like to add residential units to increase the housing stock in the City of Los Angeles along with the hotel use. Furthermore, two (2) of the units will be restricted to Very Low and Low Income

Households. The multiple existing hotels found within a 1,000-foot radius, such as the Super 8, Hollywood Stars Inn, The Dixie Hotel, Hollywood City Inn, etc., do not add a residential component that can benefit not only visitors, but those people looking for a permanent residence. Therefore, there is an exceptional circumstance to the intended use that does not apply to other properties within the SNAP.

### Transitional Height

As previously mentioned, the Transitional Height provision is meant to move the bulk and height of the building away from the Subarea A lots. This works best when the Subarea C lot abuts a Subarea A lot to the rear. In a situation where the Subarea A lot abuts the Subarea C lot at the rear, the height distance restrictions are taken from the rear lot line towards the front lot line. However, the proposed location abuts a Subarea A lot to the east, which is the side yard. This reduces the maximum height allowed to 25 feet for the section of the lots that have a length of 50 feet or less. Due to the L-shaped design of the lot, the entirety of the lots closest to Harold Way cannot take advantage of the increase in height to 33 feet or 61 feet the same way the two lots facing Western Avenue can. If the proposed project was built on the two (2) abutting lots that has the existing Super 8 hotel, those lots would not have to abide by the Transitional Height provisions because they are not abutting a Subarea A lot. A mixed-use building on those two (2) lots would be allowed a maximum height of 75 feet. There are no other lots within the vicinity that are L-shaped, developed with a hotel use, and are abutting a Subarea A lot, which would need to abide by the Transitional Height. Therefore, it can be found that there are special circumstances applicable to the site which do not generally apply to other properties within Subarea C of the Specific Plan.

- c. **The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The project site is located within Subarea C of the Vermont/Western SNAP. The applicant proposes the demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level. Two (2) of the units will be restricted to Very Low and Low Income Households. The applicant requests a Specific Plan Exception to allow commercial uses above the ground-floor, as well as, to allow the proposed building to exceed the Transitional Height limits for a project abutting a Subarea A lot.

### Commercial Uses

The purpose of keeping commercial uses on the ground floor for mixed-use projects is to make sure the public right-of-way is activated for the pedestrian realm. However, the SNAP did not take into consideration a non-traditional mixed-use building made up of a hotel use and residential units. The SNAP would allow a 100 percent hotel to place its guest rooms on any floor and not be subject to the ground floor. Since a hotel use is considered a commercial use, a mixed-use building within Subarea C would restrict any guest rooms to the ground floor. Therefore, the 36 guest rooms that are being proposed could not be accommodated. The L-shaped lot would make it difficult to place all 36 guest rooms for an adequate hotel on the ground floor as the project needs to take into account the lobby, amenity rooms, and other hotel utilities.

### Transitional Height

Based on the L-shaped configuration of the subject lot, the proposed building would not be able to achieve the height the SNAP designates as a maximum for mixed-use buildings. As previously mentioned, the Transitional Height provision is meant to move the bulk and height of the building away from the Subarea A lots. This works best when the Subarea C lot abuts a Subarea A lot to the rear. In a situation where the Subarea A lot abuts the Subarea C lot at the rear, the height distance restrictions are taken from the rear lot line towards the front lot line. However, the proposed location abuts a Subarea A lot to the east, which is the side yard. The other lots within the vicinity that are within Subarea C and abut a Subarea A lot, abut the Subarea A lot to the rear. This allows for a better distribution of the building height and allows those lots to reach a maximum height of 61 feet. Therefore, it can be found that the requested Exception is necessary for the preservation and enjoyment of a substantial property right generally possessed by other properties within the Specific Plan.

- d. **The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.**

The proposed project includes demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level. The applicant requests a Specific Plan Exception to allow commercial uses above the ground-floor, as well as, to allow the proposed building to exceed the Transitional Height limits for a project abutting a Subarea A lot. As demonstrated in Finding No. 6 below, aside from the two (2) requests for the Specific Plan Exceptions to allow a commercial uses above the ground floor and exceed the Transitional Height provisions, the project otherwise complies with the Subarea C regulations and applicable Development Standards and Design Guidelines of the Specific Plan. Granting commercial uses above the ground floor for a hotel and allowing an increase in Transitional Height would not impact the public welfare. Therefore, it can be found that granting the Exception will not be detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the property.

- e. **The granting of the exception is consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.**

As discussed in Finding No. 1.c., the granting of the exception would allow the construction of a new mixed-use development which would be consistent with principles, intent and goals of the SNAP and the applicable elements of the General Plan.

## **6. Findings for Project Permit Compliance per LAMC Section 11.5.7 C.**

- a. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

(1) **Parks First.** Section 6.F of the Vermont/Western Specific Plan requires the applicant to pay a Parks First Trust Fund of \$4,300 for each new residential unit, prior to the issuance of a Certificate of Occupancy. The project proposes the demolition of an existing duplex and the construction, use and maintenance of a 10-unit mixed-use building, resulting in a net increase of eight (8) residential units. The project is therefore required to pay a total of \$34,400 into the Parks First Trust Fund. The calculation of a Parks First Trust Fund fee to be paid or actual park space to be provided pursuant to

the Parks First Ordinance shall be off-set by the amount of any fee pursuant to LAMC Section 17.12 or dwelling unit construction tax pursuant to LAMC Section 21.10.1, et seq. This requirement is reflected in the Condition of Approval. As conditioned, the project complies with Section 6.F of the Specific Plan.

**(2) Use.** Section 9.A of the Vermont/Western Specific Plan states that residential uses permitted in the R4 Zone by LAMC Section 12.11 and commercial uses permitted in the C4 Commercial Zone by LAMC Section 12.16 shall be permitted by-right on any lot located within Subarea C of the Specific Plan area. The subject site is 14,478 square feet in size, allowing a maximum of 36 base dwelling units per the underlying zone. The project proposes a total of 10 residential units. Two (2) of the units will be restricted to Very Low and Low Income Households. The project site is allowed C4 uses on the subject property and is proposing 17,380 square feet of hotel uses. A Hotel use that is within 500 feet of a R Zone property is allowed via a Conditional Use Permit. Any change of use within the project site, for a use allowed under the C4 designation, is required to obtain a Project Permit Compliance Review approval before any permit clearance is given. Therefore, as proposed and conditioned, the project complies with Section 9.A of the Specific Plan.

**(3) Height and Floor Area.** Section 9.B of the Vermont/Western Specific Plan requires that mixed-use projects shall not exceed a maximum building height of 75 feet and 100 percent commercial projects shall not exceed a maximum building height of 35 feet; except that roofs and roof structures for the purposes specified in Section 12.21.1 B.3 of the Code, may be erected up to 10 feet above the height limit established in this section, if those structures and features are setback a minimum of 10 feet from the roof perimeter and are screened from view at street level by a parapet or a sloping roof. The project proposes a four-story, mixed-use building with a maximum height of 60 feet, which is below the 75-foot maximum.

Moreover, a mixed-use project shall not exceed a 3:1 FAR of which 1.5:1 is the maximum allowed for commercial uses.

FAR Breakdown				
	Limit	Hotel	Residential	Overall Proposed
<b>SNAP FAR</b> Mixed Use Project	3:1	17,380 sf= <b>1.2:1</b>	8,700 sf = <b>0.6:1</b>	26,080 sf = <b>1.8:1</b>

The project site contains 14,478 square feet, and the proposed building contains a combined floor area of 26,080 square feet, resulting in a FAR of 1.8:1, which is within the maximum allowable 3:1 FAR. Therefore, as conditioned, the project complies with Section 9.B of the Specific Plan.

**(4) Transitional Height.** Section 9.C of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea C adjoining or abutting a lot within Subarea A shall not exceed 25 feet in height, 33 feet in height, and 61 feet in height when located within 0-49 feet, 50-99 feet, and 100-200 feet respectively. The project site does abuts a Subarea A lot to the east. The applicant is requesting a Specific Plan Exception to exceed two (2) of the height limitations set forth by Transitional Height. The table below shows the Transitional Height limitations and the proposed height for each segment.

Distance (from Subarea A Lot)	Height (restriction)	Height Proposed
0 to 49 feet	25 feet	60
50 to 99 feet	33 feet	60
100 to 200 feet	61 feet	60

As discussed in Finding No. 2 above, the Transitional Height provision is meant to move the bulk and height of the building away from the Subarea A lots. This works best when the Subarea C lot abuts a Subarea A lot to the rear. In a situation where the Subarea A lot abuts the Subarea C lot at the rear, the height distance restrictions are taken from the rear lot line towards the front lot line. The other lots within the vicinity that are within Subarea C and abut a Subarea A lot, abut the Subarea A lot to the rear. This allows for a better distribution of the building height and allows those lots to reach a maximum height of 61 feet. Thus, the applicant is requesting a Specific Plan Exception to allow the project to reach 60 feet in height in lieu of 25 feet and 33 feet when located within 0-49 feet and 50-99 feet from a Subarea A lot. The proposed building complies with the Transitional Height provision for the distances located 100 to 200 feet from the Subarea A lot. Therefore, in conjunction with the approval of the Specific Plan Exception, the project complies with Section 9.C of the Specific Plan.

- (5) Usable Open Space.** Section 9.D of the Vermont/Western Specific Plan states that residential projects with two or more dwelling units must provide specified amounts of common and private open space pursuant to the standards set forth in LAMC 12.21 G.2 of the Code. The Specific Plan further stipulates that up to 75 percent of the total open space may be located above the grade level or first habitable room level of the project, and that roof decks may be used in their entirety as common or private open space, excluding that portion of the roof within 20 feet of the roof perimeter. Units containing less than three (3) habitable rooms require 100 square feet of open space per unit. Units containing three (3) habitable rooms require 125 square feet of open space per unit. Units containing more than three (3) habitable rooms require 175 square feet of open space per unit. The Vermont/Western SNAP sets forth the minimum usable open space requirement, as shown in the table below:

SNAP Minimum Usable Open Space			
	Units	Sq. Ft. Required	Usable Open Space (sq. ft.)
Dwelling Units with Less than 3 Habitable Rooms	10	100	1,000
Dwelling Units with 3 Habitable Rooms	0	125	0
Dwelling Units with More than 3 Habitable Rooms	0	175	0
<b>Total Minimum Usable Open Space</b>			<b>1,000</b>
25% located at grade or first habitable room level			<b>250</b>

The project proposes a total of 1,596 square feet of usable open space with 580 square feet of open space located at grade or first habitable room level. Therefore, as conditioned, the project complies with Section 9.D of the Specific Plan.

**(6) Project Parking Requirements.** Section 9.E of the Vermont/Western Specific Plan sets forth a minimum and maximum parking standard for residential projects, as shown in the tables below:

<b>SNAP Minimum Parking Spaces</b>			
	<b>Parking Space Per Square Feet / Unit</b>	<b>Units</b>	<b>Parking Spaces</b>
Dwelling Units with Less than 3 Habitable Rooms	1	10	10
Dwelling Units with 3 Habitable Rooms	1	0	0
Dwelling Units with More than 3 Habitable Rooms	1.5	0	0
<b>Total Residential Required Spaces</b>			<b>10</b>
Guest	.25	10	2
<b>Total Minimum Required Spaces (inclusive of guest parking)</b>			<b>12</b>

<b>SNAP Maximum Parking Spaces</b>			
	<b>Parking Space Per Square Feet / Unit</b>	<b>Units</b>	<b>Parking Spaces</b>
Dwelling Units with Less than 3 Habitable Rooms	1	10	10
Dwelling Units with 3 Habitable Rooms	1.5	0	0
Dwelling Units with More than 3 Habitable Rooms	2	0	0
<b>Total Residential Allowed Spaces</b>			<b>10</b>
Guest	.50	10	5
<b>Total Maximum Allowed Spaces (inclusive of guest parking)</b>			<b>15</b>

The project will provide 10 residential parking spaces and five (5) guest parking spaces, which is within the minimum and maximum requirements. Therefore, as conditioned, the project complies with Section 9.E of the Specific Plan.

**Bicycles.** Section 9.E.2 of the Vermont/Western Specific Plan requires any residential project with two (2) or more dwelling units to provide one-half (0.5) bicycle parking space per residential unit. The proposed development consists of 10 residential units, thus, requiring five (5) bicycle parking spaces. Furthermore, the SNAP requires one (1) parking space for every 1,000 square feet of commercial floor area for the first 10,000 square feet, and one (1) parking space for every additional 10,000 square feet of floor area thereafter. The project proposes 17,380 square feet of commercial floor area, thereby requiring 11 commercial parking spaces. The applicant proposes 18 residential bicycle parking spaces and six (6) commercial bicycle parking spaces within the basement level of the building.

**Commercial Vehicle Parking.** Section 8.E.3 of the Vermont/Western Specific Plan requires two (2) parking spaces per 1,000 square feet of commercial floor area, which must be shared with any guest parking spaces being proposed. The project proposes 17,380 square feet of commercial floor area, thereby allowing a maximum of 35 commercial parking spaces. The project proposes 35 commercial parking spaces which does not exceed the maximum SNAP requirement of 35 commercial spaces allowed. Of the 35 commercial parking spaces, five (5) shall be shared with guest

parking spaces and the commercial parking spaces cannot be in addition to guest parking spaces.

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

- (7) **Conversion Requirements.** Section 9.F of the Vermont/Western Specific Plan sets forth requirements pertaining to the conversion of existing structures to residential condominium uses. The project proposes the construction, use and maintenance of a four-story mixed-use hotel and residential project. Therefore, Section 9.F of the Specific Plan does not apply.
- (8) **Yards.** Section 9.H of the Vermont/Western Specific Plan specifies that no front, side or rear yard setbacks shall be required for the development of any project within Subarea C. The project proposes no yard setbacks. Therefore, the project complies with Section 9.H of the Specific Plan.
- (9) **Pedestrian Throughways.** Section 9.G states that applicants shall provide one public pedestrian walkway, throughway, or path for every 250 feet of street frontage for the project. The pedestrian throughway shall be accessible to the public and have a minimum vertical clearance of 12 feet and a minimum horizontal clearance of 10 feet. The proposed building occupies approximately 45 feet of frontage along the southerly side of Harold Way and approximately 75 feet on the easterly side of Western Avenue. As such, a pedestrian throughway is not required as part of the design of the project site. Therefore, Section 9.G of the Specific Plan does not apply.
- (10) **Development Standards.** Section 9.I of the Vermont/Western Specific Plan requires that all projects with new development and extensive remodeling be in substantial conformance with the following Development Standards and Design Guidelines. The proposed project conforms to Development Standards and Design Guidelines as discussed in the Findings below.

### Development Standards

- a. **Landscape Plan.** The Development Standard for Subarea C requires that all open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities shall be landscaped by lawns and other ground coverings, allowing for convenient outdoor activity. All landscaped areas shall be landscaped in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor. The landscape plan in Exhibit "A" shows that adequate landscaping will be provided throughout the project site. The project will provide one (1) new street tree along Harold Way and two (2) new street trees along Western Avenue. The 1<sup>st</sup> Floor, 2<sup>nd</sup> Floor, and Roof will be landscaped with shrubbery and trees. The applicant has been conditioned to submit a final landscape plan prepared by a licensed landscape architect and a final irrigation plan. Therefore, as conditioned, the project complies with this Development Standard.
- b. **Usable Open Space.** This Development Standard requires that common usable open space must have a dimension of 20 feet when measured perpendicular from any point on each of the boundaries of the open space area and a minimum common open space area of 400 square feet for projects with less than 10 dwelling units and 600 square feet for projects with 10 dwelling units or more. Balconies shall have a minimum dimension of six feet. Common open space areas or

balconies not meeting the minimum dimension requirements when measured perpendicular from any point on each of the boundaries of the open space area cannot be counted towards the square-footage allocated towards meeting the overall usable open space requirement. The Development Standard further stipulates that private usable open space, such as balconies with a minimum dimension of six feet, may reduce the required usable open space directly commensurating with the amount of private open space provided. The applicant proposes a total of 1,596 square feet of open space, of which 763 square feet is common open space and 580 square feet of private open space. Therefore, the project complies with this Development Standard.

- c. **Streetscape Elements.** The Development Standards require that any project along Vermont Avenue, Virgil Avenue, Hollywood Boulevard between the Hollywood Freeway and Western, or referred to in the Barnsdall Park Master Plan, or projects along another major and secondary highways, to conform to the standards and design intentions for improvement of the public right-of-way.
  - I. **Street Trees.** The Development Standards require that one 36-inch box shade tree be planted and maintained in the sidewalk for every 30 feet of street frontage. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue, thus, requiring four (4) street trees along the public right-of-way of the project site. The project proposes a total of three (3) street trees, with two (2) street trees placed along Western Avenue and one (1) along Harold Way. The project has been conditioned to provide the required four (4) street trees, unless Bureau of Street Services, Urban Forestry Division determines otherwise. Therefore, as conditioned, the project complies with this Development Standard.
  - II. **Tree Well Covers.** The Development Standards require that a tree well cover be provided for each new and existing street tree in the project area. The project proposes a total of three (3) street trees, with two (2) street trees placed along Western Avenue and one (1) along Harold Way. The project has been conditioned to provide the required four (4) street trees, unless Bureau of Street Services, Urban Forestry Division determines otherwise. Therefore, as conditioned, the project complies with this Development Standard.
  - III. **Bike Racks.** The Development Standards require one bike rack for every 50 feet of street frontage. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue, thus, requiring two (2) bike rack along the public right-of-way. The project has been conditioned to provide two (2) bike rack along the public right-of-way of the project site. Therefore, as conditioned, the project complies with this Development Standard.
  - IV. **Trash Receptacles.** The Development Standards require one trash receptacle be provided in the public right of way for every 100 feet of lot frontage along a Major or Secondary Highway. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue. Therefore, this Development Standard does not apply.

- V. **Public Benches.** The Development Standards require that one public bench be provided in the public right of way for every 250 feet of lot frontage on a Major or Secondary Highway. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue. Therefore, this Development Standard does not apply.
- d. **Pedestrian/Vehicular Circulation.** The Development Standards require that projects fronting on a main commercial street shall avoid pedestrian/vehicular conflicts by adhering to standards related to parking lot location, curb cuts, pedestrian entrances, pedestrian walkways and speed bumps. The subject property fronts along Vermont Avenue. Therefore, the following Development Standards apply.
- I. **Parking Lot Location.** The Development Standards require that surface parking lots be placed at the rear of structures. The project does not propose a surface parking lot, but rather vehicle parking within one subterranean level and one at-grade parking area which is enclosed. 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 for mid-block lots that do not have through access to an alley or public street at the rear. The project lot has access through the alley. Therefore, this Development Standard does not apply.
- III. **Curb Cuts.** The Development Standards allow one curb cut that is 20 feet in width for every 150 feet of street frontage when a project takes its access from a Major or Secondary Highway, unless otherwise required by the Departments of Public Works, Transportation or Building and Safety. The project proposes its vehicle ingress and egress along Western Avenue and Harold Way. The applicant proposes a 24-foot curb cut along Western Avenue and Harold Way. The project has been conditioned to provide a 20-foot curb cut unless otherwise required by the Departments of Public Works, Transportation or Building and Safety. Therefore, as conditioned, the project complies with this Development Standard.
- IV. **Pedestrian Entrance.** The Development Standards require that all buildings that front on a public street shall provide a pedestrian entrance at the front of the building. As shown on "Exhibit A" the project proposes a main pedestrian lobby entrance along Western Avenue. Therefore, the project complies with this Development Standard.
- V. **Design of Entrances.** The Development Standards require that entrances be located in the center of the façade or symmetrically spaced if there are more than one and be accented by architectural elements such as columns, overhanging roofs or awnings. The entrance for the hotel along Western Avenue is located approximately at the center of the façade and will primarily lead residents from the street to the lobby area, mailboxes, and stair and elevator access points. The entry along the Harold Way façade is also approximately located at the center of the facade. Therefore, as proposed, the project complies with this Development Standard.

- VI. **Inner Block Pedestrian Walkway.** The Development Standards require that applicants provide a pedestrian walkway, throughway or path for every 250 feet of street frontage for a project. The pedestrian path or throughway shall be provided from the rear property line or from the parking lot or public alley or street if located to the rear of the project, to the front property line. The pedestrian walkway shall be accessible to the public and have a minimum vertical clearance of twelve feet, and a minimum horizontal clearance of ten feet. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue. Therefore, this Development Standard does not apply.
- VII. **Speed Bumps.** The Development Standards require speed bumps be provided at a distance of no more than 20 feet apart when a pedestrian walkway and driveway share the same path for more than 50 lineal feet. The proposed project does not contain a pedestrian walkway and driveway that share the same path for more than 50 lineal feet. Therefore, this Development Standard does not apply.
- e. **Utilities.** The Development Standards require that when new utility service is installed in conjunction with new development or extensive remodeling, all proposed utilities on the project site shall be placed underground. The project does not propose any installation of new utility service at this time. However, in the event new utility lines are to be installed on the site, the Conditions of Approval require all new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service. Therefore, as conditioned, the project complies with this Development Standard.
- f. **Building Design.** The purpose of the following provisions is to ensure that a project avoids large blank expenses of building walls, is designed in harmony with the surrounding neighborhood, and contributes to a lively pedestrian friendly atmosphere. Accordingly, the following standards shall be met:
- I. **Stepbacks.** The Development Standards require that 1) no portion of any structure exceed more than 30 feet in height within 15 feet of the front property line, and 2) that all buildings with a property line fronting on a Major Highway, including Hollywood Boulevard, Sunset Boulevard, Santa Monica Boulevard, and Vermont Avenue, shall set the second floor back from the first floor frontage at least ten feet. The proposed building has a front property line along Vermont Avenue, which is classified as an Avenue I, previously classified as a Secondary Highway. Therefore, the proposed project is subject to the first requirement along Harold Way and second stepback requirement along Western Avenue. As seen on Sheet A-3.2 of "Exhibit A", the project satisfies Stepback No. 1 along Harold Way. However, as seen on Sheet A-3.1 of "Exhibit A", the project does not fully comply with Stepback No. 2 along Western Avenue. The building is setting back the second floor by 15 feet in a segment of the façade, however, that portion is covered with a trellis, The other half of the stepback section is enclosed. As stated above, no portion of any structure can be within the stepback areas. As such, the project has been conditioned to revise these elevations in order to fully comply with Stepback No 2 along Western Avenue. Therefore, as conditioned, the project complies with this Development Standard.
- II. **Transparent Building Elements.** The Development Standards require that transparent building elements such as windows and doors occupy at least 50

percent of the ground floor facades on the front and side elevations and 20 percent of the surface area of the rear elevation of the ground floor portion which has surface parking in the rear of the structure. Moreover, a “side elevation ground floor façade” has been interpreted by Staff to only mean those facades which face a street or alley and not facades along interior lot lines that face other buildings. The subject site currently has a northern and western façade that face a street. The southern and eastern façades are along an interior lot line that face existing buildings, not a street or surface parking area. Per Exhibit A, Sheet A-0.5, the project has a ground floor elevation area of 1,199 square feet along Western Avenue and is providing 689 square feet of transparency. The project also has a ground floor elevation area of 526 square feet along Harold Way and is providing 355 square feet of transparency. Therefore, as conditioned, the project complies with this Development Standard.

- III. **Façade Relief.** The Development Standards require that exterior walls provide a break in plane for every 20 feet horizontally and every 30 feet vertically. As seen in “Exhibit A” the project proposes horizontal and vertical plane breaks through the use of the façade incrementally stepped away from the street, change in material, recessed windows, transparency, and lineal orientation of the façade construction. Therefore, the project complies with this Development Standard.
  - IV. **Building Materials.** The Development Standards require that building facades be comprised of at least two types of complimentary building materials. The project proposes the use of cement, wood, metal, and glass on all elevations of the structure. Therefore, the project complies with this Development Standard.
  - V. **Surface Mechanical Equipment.** The Development Standards require that all surface or ground mounted mechanical equipment be screened from public view and treated to match the materials and colors of the building which they serve. The plans do not indicate the location of surface mechanical equipment. However, in the event surface mechanical equipment is constructed, the Conditions of Approval require surface mechanical equipment to match the colors and materials of the building which they serve. Therefore, as conditioned, the project complies with this Development Standard.
  - VI. **Roof Lines.** The Development Standards require that all rooflines in excess of 40 feet are broken up through the use of gables, dormers, plant-ons, cutouts, or other appropriate means. As seen in Exhibit A, Sheet A-3.1 – A3.2, the western façade facing Western Avenue and the northern façade facing Harold Way have roof lines that are continuously broken up to not exceed a horizontal roof line of 40 feet or greater. However, sections of the eastern façade and southern façade have horizontal roof lines of 40 feet or greater. As such, the project has been conditioned to revise these elevations in order to fully comply with this provision. Therefore, as conditioned, the project complies with this Development Standard.
- g. **Rooftop Appurtenances.** The Development Standards require that all rooftop equipment and building appurtenances shall be screened from public view or architecturally integrated into the design of the building. The proposed project will have no mechanical equipment placed on the roof. In the event that rooftop mechanical

- equipment is constructed, a Condition of Approval has been included requiring said equipment and ducts be screened from view from any street, public right-of-way or adjacent property and the screening shall be solid and match the exterior materials, design and color of the building. Therefore, as conditioned, the project complies with this Development Standard.
- h. **Trash and Recycling Areas.** The Development Standards require that trash storage bins be located within a gated, covered enclosure constructed of identical building materials, be a minimum of six feet high, and have a separate area for recyclables. The proposed project provides a minimum six-foot trash and recycle enclosure located within the basement garage level. Therefore, the project complies with this Development Standard.
  - i. **Pavement.** The Development Standards require that paved areas not used as parking and driveway areas consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers. The project site does not currently contain areas not being used as parking and driveway access that would require enhance paving at the ground level. Therefore, as conditioned, the project complies with this Development Standard.
  - j. **Freestanding Walls.** The Development Standards require that all freestanding walls contain an architectural element at intervals of no more than 20 feet and be set back from the property line adjacent to a public street. This project does not propose any freestanding walls. Therefore, this Development Standard does not apply.
  - k. **Parking Structures – Required Commercial Frontage.** The Development Standards require that all of the building frontage along major or secondary highways, for a parking structure shall be for commercial, community facilities, or other non-residential uses to a minimum depth of 25 feet. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
  - l. **Parking Structures – Façade Treatments.** The Development Standards require parking structures be designed to match the style, materials and colors of the main building. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
  - m. **Parking Structures Across from Residential Uses.** The Development Standards require parking structures abutting or directly across an alley or public street from any residential use or zone conform to standards regarding the façade facing the residential use or zone. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
  - n. **Surface Parking Lots.** The Development Standards require at least 10 percent of the surface parking lot to be landscaped with: one (1) 24-inch box shade tree for every four parking spaces, spaced evenly to create an orchard-like effect; a landscaped buffer around the property line; and a three and a half foot solid decorative masonry wall behind a three-foot landscaped buffer. The trees shall be located so that an overhead canopy effect is anticipated to cover at least 50 percent of the parking area after 10 years of growth. The project does not propose a surface parking lot. The parking for the project is located within a subterranean level and at-grade parking areas which are enclosed. Therefore, this Development Standard does not apply.

- o. **Surface Parking Abutting Residential.** The Development Standards require surface parking abutting or directly across an alley or public street from any residential use or zone conform to standards regarding a decorative wall and landscaping buffer. The project does not propose a surface parking lot. The parking for the project is located within a subterranean level and at-grade parking areas which are enclosed. Therefore, this Development Standard does not apply.
- p. **On-Site Lighting.** The Development Standards require that the project include on-site lighting along all vehicular and pedestrian access ways. The Development Standards specify that the acceptable level of lighting intensity is  $\frac{3}{4}$  foot-candle of flood lighting measured from the ground, a maximum mounting height of light sources shall be 14 feet, and "white" color corrected lamp color shall be used for ground level illumination. A Condition of Approval has been included to ensure that any lighting shall meet the on-site lighting standards mentioned above. Therefore, as conditioned, the project complies with this Development Standard.
- q. **Security Devices.** The Development Standards require security devices to be screened from public view. The proposed project does not contain any type of security devices at this time. In the event that additional security devices are installed in the future, a Condition of Approval has been included requiring all proposed devices to be integrated into the design of the building, concealed and retractable. Therefore, the project complies with this Development Standard.
- r. **Privacy.** The Development Standards require that buildings be arranged to avoid windows facing windows across property lines, or the private open space of other residential units. The applicant has provided an elevation, Sheet A-0.5, which depicts the windows of the existing adjacent structure to the northwest superimposed onto the proposed project. 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. Any overlap that may occur is minor and would be less than significant. Therefore, the project complies with this Development Standard.
- s. **Hours of Operation.** The Development Standards require that parking lot cleaning and sweeping, trash collection and deliveries be limited between 7:00 a.m. - 8:00 p.m. Monday through Friday, and 10:00 a.m. - 4:00 p.m. on Saturdays and Sundays. The applicant has been required in the Conditions of Approval to comply with this Development Standard. Therefore, as conditioned, the project complies with this Development Standard.
- t. **Noise Control.** The Development Standards require that any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. The developer, as an alternative, may retain an acoustical engineer to submit evidence, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room. The proposed building has multiple windows along the façades with a line of sight directly to Harold Way and Western Avenue. The project team has not submitted any evidence by an acoustical engineer specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room during the case processing. Therefore, the alternative method of noise control cannot be taken into account for this project. As such, 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.

- u. **Required Ground Floor Uses.** The Development Standards states that 100 percent of street level uses within Subarea C must be commercial uses up to a depth of 25 feet. The applicant proposes a Specific Plan Exception to allow for commercial uses above the ground floor. Therefore, with approval of the Specific Plan Exception, the project complies with this Development Standard.

### Design Guidelines

- v. **Urban Form.** The Design Guidelines encourage transforming commercial streets away from a highway oriented, suburban format into a distinctly urban, pedestrian oriented and enlivened atmosphere by providing outdoor seating areas, informal gathering of chairs, and mid-block pedestrian walkways. The Guidelines also indicate that streets should begin to function for the surrounding community like an outdoor public living room and that transparency should exist between what is happening on the street and on the ground floor level of the buildings. The project is designed to enhance the pedestrian experience along Western Avenue and Harold Way by providing over 50 percent transparency increasing visibility into the ground floor from the street. The project has also been conditioned to include bike racks and shade trees along the public right-of-way. Therefore, as proposed, the project complies with this Design Guideline.
- w. **Building Form.** The Design Guidelines encourage every building to have a clearly defined ground plane, roof expression and middle or shaft that relates the two. The ground plane of the project is defined by facades that consist of glass aluminum cladding. The upper floors are defined by various planes that consist of different material, windows, and projections. The roof plane varies in height and material, which adds articulation to the building. Therefore, as proposed, the project complies with this Design Guideline.
- x. **Architectural Features.** The Design Guidelines encourage courtyards, balconies, arbors, roof gardens, water features, and trellises. Appropriate visual references to historic building forms – especially Mediterranean traditions – are encouraged in new construction. The proposed project provides multiple private balconies on the second floor. Furthermore, all street-facing elevations employ a variety of building materials and articulation by way of changes in building plane and transparency. Therefore, the project complies with this Design Guideline.
- y. **Building Color.** The Design Guidelines encourage buildings be painted three colors: a dominant color, a subordinate color and a “grace note” color. The proposed project includes colors such as grey and blue. Therefore, the project complies with this Design Guideline.
- z. **Signs.** The Design Guidelines provide extensive guidance related to the placement, type, and style of signage to be used for projects. The Guidelines identify appropriate signs for the Specific Plan area to include: wall signs, small projecting hanging signs, awnings or canopy signs, small directory signs, and window signs. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights (digital signs) are prohibited. The applicant does not propose signs as part of this application. However, all future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western SNAP and Design Guidelines. Filing for a Project Permit

shall not be necessary unless a Project Permit Adjustment, Exception, or Amendment is required. Therefore, as conditioned, the project complies with this Development Standard.

- aa. **Plant Materials on Facades.** The Design Guidelines encourage facade plant materials in addition to permanent landscaping. Plants can be arranged in planters, containers, hanging baskets, flower boxes, etc. The applicant does not propose any plant materials on facades. Therefore, this Design Guideline does not apply.
- 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.**

The Department of City Planning found, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, Case No. ENV-2019-4339-MND, as circulated on August 19, 2021, ("Mitigated Negative Declaration"), and all comments received, there is no substantial evidence that the project will have a significant effect on the environment.