



# APPLICATIONS

## APPEAL APPLICATION Instructions and Checklist

### RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

### PURPOSE

This application is for the appeal of Los Angeles City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals.

### APPELLATE BODY

**Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.**

- Area Planning Commission (APC)       City Planning Commission (CPC)       City Council
- Zoning Administrator (ZA)       Director of Planning (DIR)

### CASE INFORMATION

**Case Number:** CPC-2021-10706-CU-DB-SPR-HCA

**Project Address:** 5000, 5004, 5006, 5010 Vineland Avenue; 10950 Hesby Street

**Final Date to Appeal:** January 19, 2024

### APPELLANT

**For main entitlement cases, except for Building and Safety Appeals:**

**Check all that apply.**

- Person, other than the Applicant, Owner or Operator claiming to be aggrieved
- Representative       Property Owner       Applicant       Operator of the Use/Site

**For Building and Safety Appeals only:**

**Check all that apply.**

- Person claiming to be aggrieved by the determination made by **Building and Safety**<sup>1</sup>
- Representative       Property Owner       Applicant       Operator of the Use/Site

<sup>1</sup> Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 12.26 K, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2.

## APPELLANT INFORMATION

Appellant Name: Supporters Alliance for Environmental Responsibility

Company/Organization: Lozeau Drury LLP (representing Appellant)

Mailing Address: 1939 Harrison St Suite 150

City: Oakland State: CA Zip Code: 94612

Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

Self  Other: \_\_\_\_\_

Is the appeal being filed to support the original applicant's position?  YES  NO

## REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Brian Flynn

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison St Suite 150

City: Oakland State: CA Zip Code: 94612

Telephone: (510) 836-4200 E-mail: brian@lozeaudrury.com

## JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?  Entire  Part

Are specific Conditions of Approval being appealed?  YES  NO

If Yes, list the Condition Number(s) here: Density Bonus On-Menu Incentive, Conditional Use Permit, and Site Plan Review

On a separate sheet provide the following:

- Reason(s) for the appeal
- Specific points at issue
- How you are aggrieved by the decision
- How the decision-maker erred or abused their decision

## APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature:  Date: 1/10/2024

## GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$166 -

Reviewed & Accepted by (DSC Planner): J. Chan

Receipt No.: 110124CID-9940AFF9 Date: 1/11/24

Determination authority notified  Original receipt and BTC receipt (if original applicant)

## **Justification/Reason for Appeal**

5000 Vineland Avenue Mixed-Use Building

(CPC-2021-10706-CU-DB-SPR-HCA, ENV-2021-10707-CE)

### **I. REASON FOR THE APPEAL**

The Categorical Exemption prepared for the 5000 Vineland Avenue Mixed-Use Building (CPC-2021-10706-CU-DB-SPR-HCA, ENV-2021-10707-CE) (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”). Furthermore, the approval of the Site Plan Review and Conditional Use Permit entitlements by the City Planning Commission on November 16, 2023, is in error because (1) the City of Los Angeles (“City”) must fully comply with CEQA prior to any approvals in furtherance of the Project and (2) the findings are not supported by substantial evidence. Therefore, the City of Los Angeles (“City”) must set aside the Site Plan Review and Conditional Use Permit entitlements and prepare and circulate an environmental impact report (“EIR”) prior to considering approvals for the Project.

### **II. SPECIFICALLY THE POINTS AT ISSUE**

For the specific reasons set forth in the attached comment letter dated November 13, 2023, the Project does not qualify for a categorical exemption pursuant to Section 15332 of the CEQA Guidelines (“Infill Exemption”). Furthermore, proper CEQA review must be complete *before* the City approves the Project’s entitlements. (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved.”].) As such, the approval of the Project’s Site Plan Review and Conditional Use Permit entitlements was in error. Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

### **III. HOW YOU ARE AGGRIEVED BY THE DECISION**

Members of appellant Supporters Alliance for Environmental Responsibility (“SAFER”) live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

### **IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION**

The City Planning Commission approved the Site Plan Review and Conditional Use Permit and approved a Categorical Exemption for the project pursuant to Section 15332 of the CEQA Guidelines, despite a lack of substantial evidence in the record that the Project met the requirements for the Infill Exemption. Rather than exempt the Project from CEQA, the City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project’s entitlements until proper CEQA review has been completed.



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richard@lozeaudrury.com

November 13, 2023

**VIA EMAIL**

City Planning Commission of LA  
Samantha Millman, President  
Monique Lawshe, Vice President  
Maria Cabildo, Commissioner  
Caroline Choe, Commissioner  
Ilissa Gold, Commissioner  
Helen Leung, Commissioner  
Karen Mack, Commissioner  
Jacob Noonan, Commissioner  
Elizabeth Zamora, Commissioner

Stephanie Escobar, City Planning Associate  
200 North Spring Street, Rm 763  
Los Angeles, CA 90012  
[stephanie.escobar@lacity.org](mailto:stephanie.escobar@lacity.org)

Cecilia Lamas  
Commission Executive Assistant II  
200 North Spring Street, Rm 763  
Los Angeles, CA 90012  
[cpc@lacity.org](mailto:cpc@lacity.org)

**Re: Comment on Infill Exemption for the Proposed 5000 Vineland Avenue Mixed-Use Building (CPC-2021-10706-CU-DB-SPR-HCA, ENV-2021-10707-CE), November 16, 2023, City Planning Commission Agenda Item 5b**

Dear Commission President Millman, Vice-President Lawshe, Honorable Commissioners, Ms. Escobar, and Ms. Lamas:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”), regarding the 5000 Vineland Avenue Mixed-Use Building (CPC-2021-10706-CU-DB-SPR-HCA, ENV-2021-10707-CE), which proposes the construction of a new 123,918 square foot, seven-story, mixed-use residential building containing 139 residential units located at 5000, 5004, 5006, 5010 Vineland Avenue and 10950 Hesby Street in the City of Los Angeles (“Project”), which is scheduled to be heard by the City Planning Commission on November 9, 2023 as Agenda Item 5b.

SAFER objects to the City’s decision to exempt the Project from environmental review under the California Environmental Quality Act (“CEQA”) based on a Class 32 Categorical Exemption (In-fill Development). Exempting the Project from CEQA based on the Class 32

November 13, 2023

Comment on CEQA Class 32 Infill Exemption

5000 Vineland Avenue Mixed-Use Building (CPC-2021-10706-CU-DB-SPR-HCA, ENV-2021-10707-CE)

City Planning Commission Agenda Item 5b

Page 2 of 3

Exemption violates CEQA because terms of the Class 32 exemption do not apply. SAFER requests that an initial study be conducted and a CEQA document prepared to analyze and mitigate the Project's environmental impacts. The Planning Commission should decline to approve the Project until proper CEQA review is completed.

#### **A. Soil Contamination.**

SAFER is concerned that the Project site may be contaminated with hazardous chemicals. The site is currently used as an automobile repair shop. Such facilities are often contaminated with hazardous chemicals. However, the staff report appears to contain no analysis of soil contamination. At the very least, a Phase 1 environmental site assessment should be performed. The presence of hazardous substances is an environmental issue that must be addressed at a Project's outset, and cannot be deferred to a future time to avoid CEQA review. *McQueen v. Bd. of Directors* (1988) 202 Cal. App. 3d 1136, 1148.

#### **B. Energy Impacts.**

The City's analysis improperly analyzes energy impacts. The standard under CEQA is whether the Project would result in wasteful, inefficient, or unnecessary consumption of energy resources. Failing to undertake "an investigation into renewable energy options that might be available or appropriate for a project" violates CEQA. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 213.) Energy conservation under CEQA is defined as the "wise and efficient use of energy." (CEQA Guidelines, app. F, § I.) The "wise and efficient use of energy" is achieved by "(1) decreasing overall per capita energy consumption, (2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and (3) increasing reliance on renewable energy resources." (*Id.*) Noting compliance with the California Building Energy Efficiency Standards (Cal.Code Regs., tit. 24, part 6 (Title 24) does not constitute an adequate analysis of energy. (*Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 264-65 (*Ukiah Citizens*)).) Similarly, the court in *City of Woodland* held unlawful an energy analysis that relied on compliance with Title 24, that failed to assess transportation energy impacts, and that failed to address renewable energy impacts. (*City of Woodland, supra*, 225 Cal.App.4th at pp. 209-13.)

The Staff Report states that the Project will have a "solar ready" roof. However, there is no requirement for installing solar photovoltaic panels. A solar ready roof does nothing to reduce energy impacts unless solar panels are actually installed. Installation of solar panels is clearly feasible, particularly since the project will have a solar-ready roof. Solar panels would dramatically reduce energy demands for the Project. Since solar PV panels are feasible, the City must require their use or at least analyze their feasibility in a CEQA document.

November 13, 2023

Comment on CEQA Class 32 Infill Exemption

5000 Vineland Avenue Mixed-Use Building (CPC-2021-10706-CU-DB-SPR-HCA, ENV-2021-10707-CE)

City Planning Commission Agenda Item 5b

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### **C. Diesel Particulate Matter.**

CEQA requires implementation of all feasible mitigation measures to reduce significant impacts. Project construction will require large amounts of diesel construction equipment. Diesel construction equipment releases large amounts of Diesel Particulate Matter (DPM), which is listed by the State of California as a known human carcinogen under Proposition 65.

The conditions of approval for the Project require the use of Tier 3 construction equipment. However, Tier 4 construction equipment has been available since at least 2015, and would reduce diesel particulate matter emissions by over 80% compared to Tier 3 equipment. This would dramatically reduce airborne cancer risks to construction works and nearby residents and workers. Since Tier 4 equipment is feasible and would mitigate impacts of the Project, it must be required.

### **D. Traffic.**

The Planning Commission staff report concludes that the Project will increase vehicle miles travelled. It will also increase delays at several nearby intersections that are already operating at Level of Service F (LOS F), which is the lowest possible rating.

CEQA lead agencies must analyze a project's transportation impacts using vehicle miles traveled (VMT). VMT measures the per capita number of car trips generated by a project and distances cars will travel to and from a project. CEQA Guidelines Section 15064.3. Since the Project will increase VMT, it will have a significant adverse impact, which must be analyzed and mitigated in a CEQA document.

### **CONCLUSION**

For the foregoing reasons, SAFER requests that the Planning Commission should decline to approve the CEQA exemption for the Project and instead require preparation of a CEQA document to analyze and mitigate the Project's adverse environmental impacts.

Sincerely,



Richard Drury  
Lozeau Drury LLP





# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: JAN 04 2024

Case No. CPC-2021-10706-CU-DB-SPR-HCA

Council District: 2 – Krekorian

CEQA: ENV-2021-10707-CE

Plan Area: North Hollywood – Valley Village

**Project Site:** 5000, 5004, 5006, 5010 Vineland Avenue; 10950 Hesby Street

**Applicant:** Alan Kleinman, NoHo Properties, LLC  
Representative: Athena Novak, AHN & Associates

At its meeting of **November 16, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Removal of a truck rental facility and a surface parking lot and the construction of a new approximately 123,918 square foot, seven-story, 78 feet and six inches in height, mixed-use residential building containing 139 residential units with 19 units set aside for Very Low Income Households. The Project will also provide 2,855 square feet of commercial space on the ground floor and 126 parking spaces within one subterranean and one at-grade parking level.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25(g) of the Los Angeles Municipal Code (LAMC), a Density Bonus for a housing development project consisting of 139 dwelling units, of which 19 will be set aside for Very Low Income Households and with the following On- and Off-Menu Incentives and Waivers of Development Standards:
  - a. An On-Menu Incentive to permit averaging of Floor Area Ratio (FAR) and density over two zones and to permit vehicular access from a less restrictive zone to a more restrictive zone;
  - b. An Off-Menu Incentive to permit an increase in FAR to allow a total FAR of 3.84:1 in the C4 and R3 Zones in lieu of the otherwise permitted 1.5:1 FAR in the C4 Zone and 3:1 FAR in the R3 Zone;
  - c. An Off-Menu Incentive to waive the otherwise required transitional height requirements pursuant to LAMC Section 12.21.1 in the C4 Zone;
  - d. A Waiver of Development Standards to permit an easterly side yard setback of zero feet in lieu of the otherwise required 10 feet;
  - e. A Waiver of Development Standards to permit a westerly side yard setback of zero feet in lieu of the otherwise required 10 feet; and
  - f. A Waiver of Development Standards to waive the otherwise required 800 square feet of loading space;
3. **Approved**, pursuant to LAMC Section 12.24 U.26, a Conditional Use Permit to allow a Density Bonus for a housing development project in which the density increase is greater than otherwise permitted by LAMC Section 12.22 A.25;



4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project that results in more than 50 dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Noonan  
 Second: Choe  
 Ayes: Cabildo, Lawshe, Leung  
 Recuse: Gold  
 Absent: Mack, Millman, Zamora

**Vote: 5 – 0**




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Cecilia Lamas, Commission Executive Assistant II  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Density Bonus Off-Menu Incentives and Waivers of a Development Standard are not appealable. The Density Bonus On-Menu Incentive, Conditional Use, and Site Plan Review are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

**FINAL APPEAL DATE: JAN 19 2024**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures

c: Heather Bleemers, Senior City Planner  
 More Song, City Planner  
 Stephanie Escobar, City Planning Associate

## CONDITIONS OF APPROVAL

Pursuant to Sections 12.22 A.25, 12.24 U.26 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### A. Development Conditions

#### Density Bonus

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans dated October 23, 2023, submitted by the Applicant, stamped "Exhibit A," and /attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 139 dwelling units.
3. **Affordable Units.**
  - a. A minimum of 19 units, that is at least 22 percent of the base dwelling units permitted in the C4-1-CA and [Q]R3-1 Zones, shall be reserved as Very Low Income Households, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
  - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make at least 22 percent of the site's base density units (86 units) available to Very Low Income Households, for sale or rental as determined to be affordable to such Households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD, and in consideration of the project's SB 8 Determination, dated July 27, 2023. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination for more information.
5. **Housing Replacement.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD), and in compliance with LAHD's July 27, 2023, SB 8 Determination Letter. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination for more information.

On-site Restricted Affordable Units may be used to satisfy the Housing Replacement units required pursuant to SB 8 provided such units meet the income levels, to the satisfaction of LAHD.

## 6. Incentives.

- a. **Floor Area.** The project shall be permitted an off-menu incentive to permit an increase in floor area ratio (FAR) to allow a total FAR of 3.84:1 in the C4 and R3 zones in lieu of the otherwise permitted 1.5:1 FAR in the C4 Zone and 3:1 FAR in the R3 Zone; and
- b. **Waived Transitional Height.** The project shall be permitted an off-menu incentive to waive the otherwise required transitional height requirements pursuant to 12.21.1 in the C4-1-CA Zone,.
- c. **Averaging of FAR, Density, and Vehicular Access.** The project shall be permitted an on-menu incentive to allow averaging of FAR and density over two zones and to permit vehicular access from a less restrictive zone to a more restrictive zone.

## 7. Waivers of Development Standards.

- a. **Easterly Side Yard Setback.** The project shall be permitted a waiver of development standards to permit an easterly side yard setback of zero feet in lieu of the otherwise required 10 feet; and
- b. **Westerly Side Yard Setback.** The project shall be permitted a waiver of development standards to permit a westerly side yard setback of five (5) feet in lieu of the otherwise required 10 feet; and
- c. **Waived Loading Space.** The project shall be permitted a waiver of development standards to waive the loading space requirement in lieu of the otherwise required 800 square foot loading space area,

## Site Plan Review

## 8. Parking.

- a. **AB 2097.** The project shall not be required to provide any minimum vehicle parking, consistent with AB 2097. The applicant may choose to provide a greater amount of vehicle parking.
- b. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by LAHD.
- c. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.

9. **Street Trees:** Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units). Per Exhibit A and 12.21.G.3, a total of 44 street trees shall be provided or maintained to the satisfaction of the Urban Forestry Division.

**10. Landscaping:**

a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.

**b. Tree Wells.**

i. The minimum depth of tree wells on the rooftop or any other location where planters are used shall be as follows:

(1) Minimum depth for trees shall be 42 inches.

(2) Minimum depth for shrubs shall be 30 inches.

(3) Minimum depth for herbaceous plantings and ground cover shall be 18 inches.

(4) Minimum depth for an extensive green roof shall be 3 inches.

ii. The minimum amount of soil volume for tree wells on the rooftop or any other location where planters are used shall be based on the size of the tree at maturity:

(1) 600 cubic feet for a small tree (less than 25 feet tall at maturity).

(2) 900 cubic feet for a medium tree (25-40 feet tall at maturity).

(3) 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).

**11. Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.

**12. Solar.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.04.211 and 99.05.211, to the satisfaction of the Department of Building and Safety.

**13. Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

**14. Materials.** All building façades shall utilize a minimum of two different materials. Windows, doors, balcony railings, decorative features (such as light fixtures, planters, etc.), and perimeter walls (e.g. walls along a street that are not a part of the building) are excluded from meeting this requirement.

**15. Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard or Vine Street side yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).

**16. Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.

17. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
18. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.

## **B. Administrative Conditions**

21. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
22. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval attached herein as a cover sheet and shall include any modifications or notations required herein.
23. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
24. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
25. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
26. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
27. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

- 28. Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
- 29. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 30. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 31. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 32. Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
- 33. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve

- the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.





## FINDINGS

### Density Bonus/Affordable Housing Incentives Compliance Findings

1. Pursuant to Section 12.22 of the LAMC and Section 65915 of the California Government Code, the City shall approve a density bonus and requested incentive(s) unless it finds that:

- a. *The Incentive(s) does not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The project substantially complies with the applicable regulations, standards, and provisions of the State Density Bonus Program. The project includes 22 percent of the project's base density as Very Low Income restricted affordable units, for a total 19 residential units. No substantial evidence has been entered into the record indicating that any of the requested Off-Menu Incentives do not result in identifiable and actual cost reductions to provide for the project's affordable housing costs (as defined in California Health and Safety Code Sections 50052.5 or 50053) and/or accommodate the restricted very low income unit rents.

In exchange for providing at least 15 percent of the base density for Very Low Income Households, the applicant is entitled to three (3) incentives under both Government Code Section 65915 and the LAMC. The request for FAR increase, waive transitional height requirements, and averaging of FAR and density and allowing vehicular access from a less restrictive zone to a more restrictive zone qualify as requested Incentives. The remaining requests to allow for reduction in side yard setbacks and waived loading space requirements are waivers of development.

#### Averaging of FAR and Density and Vehicular Access

The subject property is zoned C4-1-CA and [Q]R3-1 with two different FAR and density requirements as well as vehicular access limitations. Thus, pursuant to LAMC Section 12.22.A,25 the applicant is requesting an On-Menu Incentive to allow the averaging of FAR and density across two zones and permit vehicular access from a less restrictive zone to a more restrictive zone. Granting of the incentive would result in a building design and construction efficiencies that provide for or reduce affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed, and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentive supports the applicant's decision to set aside a minimum 19 dwelling units for Very Low Income Households for 55 years.

Therefore, the On-Menu incentive to allow averaging of FAR and density and allow vehicular access across two zones is necessary to provide for affordable housing costs.

### Floor Area Ratio

The subject property is zoned C4-1-CA and [Q]R3-1. The C4 Zone limits the FAR of the property to 1.5 to 1 and the R3 Zone limits the property to an FAR of 3 to 1. Thus, pursuant to LAMC Section 12.22-A,25 the applicant is requesting an Off-Menu incentive to allow a FAR increase from 1.5:1 and 3:1 to 3.84:1 to allow 123,918 square feet in floor area.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed, and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. The increased floor area allows certain fixed development costs to be spread out over more floor area resulting in a lower per-square-foot development cost. In addition, the additional floor area allows the construction of additional market rate floor area whose rents will support the operational costs of the affordable units. This Incentive supports the applicant's decision to set aside a minimum 19 dwelling units for Very Low Income Households for 55 years.

### Waived Transitional Height

The subject property is zoned C4-1-CA and [Q]R3-1 within 100 feet from an A1 Zone. Pursuant to LAMC Section 12.21.1.A.10 the project is required to comply with transitional height requirements due to its proximity to the A1 zone. The transitional height requirements set forth in LAMC Section 12.21.1.A.10 limit the proposed project to a maximum height of 61 feet. Thus, pursuant to LAMC Section 12.22-A,25 the applicant is requesting an Off-Menu Incentive to waive the transitional height requirements and allow a maximum height of 78 feet and six (6) inches in lieu of the otherwise required 61 feet.

The requested incentive to allow waived transitional height requirements will allow for the construction of affordable units and retail space within a zone that allows for such uses. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs ; it enables the developer to be able to utilize the sites full potential so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased through the increased height from 61 maximum feet to 78 feet and six (6) inches in height. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentive supports the applicant's decision to set aside a minimum 19 dwelling units for Very Low Income Households for 55 years.

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

A project that provides at least 5 percent of its base density for Very Low Income Households may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

### Easterly Side Yard Setbacks

Pursuant to LAMC Section 12.11-C,3 the project is required to provide 10-foot side yard setbacks. The project has requested to provide a zero-foot easterly side yard. The additional 10 feet of building depth allows the project to accommodate the requested density of 139 dwelling units with 19 units set aside for Very Low Income Households and the requested floor area. Adherence to the 10-foot side yard setback would physically preclude the construction of the floor area granted in the incentives and prevent the construction of the units and floor area that currently encroach into the yard. Thus, waiver supports the applicant's decision to provide 19 units as affordable housing units reserved for Very Low Income Households.

### Westerly Side Yard Setbacks

Pursuant to LAMC Section 12.11-C,3 the project is required to provide 10-foot side yard setbacks. The project has requested to provide a five (5)-foot westerly side yard. The additional 10 feet of building depth allows the project to accommodate the requested density of 139 dwelling units with 19 units set aside for Very Low Income Households and the requested floor area. Adherence to the 10-foot side yard setback would physically preclude the construction of the the floor area granted in the incentives and prevent the construction of the units and floor area that currently encroach into the yard. Thus, waiver supports the applicant's decision to provide 19 units as affordable housing units reserved for Very Low Income Households.

### Waived Loading Space

Pursuant to LAMC Section 12.21.C.6 the project is required to provide a 800 square foot loading space. The project has requested to waive the imposed loading space requirements. The proposed project will provide 2,855 square feet of commercial ground floor space which does not anticipate needing a loading space as the goods could be handled through other access points in the proposed building. Additionally, adherence to the 800 square foot loading space requirement would physically preclude the construction of the project as proposed with the floor area granted in the incentives and affect the quantity of affordable households supplied by the applicant. Provision of the loading space would preclude the construction of the units and floor area that currently are proposed in that space. Thus, waiver supports the applicant's decision to provide 19 units as affordable housing units reserved for Very Low Income Households

***c. The Incentive(s) and/or Waivers will have a Specific Adverse Impact upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific adverse impact upon the public health or safety.***

There is no evidence that the proposed incentives and waivers will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Accordingly, the project will not have a significant impact on any on-site resource or any resource in the surrounding area. The property is not located on a substandard street in a Hillside area or in a Very High Fire Hazard Severity Zone, Methane Zone, or any other special hazard area; accordingly, the project will not have a specific

adverse impact upon public health and safety or the physical environment. The project is required to comply with all other pertinent regulations including those governing construction, use, and maintenance, and will not create any significant direct impacts on public health and safety. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives and waivers, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

***d. The Incentive(s) and/or Waivers is/are contrary to State/federal law.***

There is no substantial evidence in the record indicating that the requested Incentives and Waivers are contrary to any State or federal laws.

**Conditional Use Permit Findings**

**3. That 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 rectangular-shaped site comprised of four (4) parcels, totaling 33,953 square feet. The property has street frontages of approximately 275 feet along Vineland Avenue, 109 feet along Hesby Street, and 109 feet and seven (7) inches along Morrison Street. The site is currently improved with a truck rental facility and an auto repair shop. The property does not contain any existing residential housing units.

The Conditional Use for an additional 27.5 percent density bonus (beyond the 35 percent permitted through a by-right density bonus, resulting in a total density bonus of 62.5 percent) approved herein results in an additional 22 housing units, for a total of 139 units. In exchange, the project will set aside at least 22 percent (19 units) of the base density for Very Low Income Households for a minimum of 55 years.

The proposed building reaches a height of 78-feet, and will have a Floor Area Ratio (FAR) of 3.84:1. The project includes 2,855 square feet of commercial ground floor uses and 126 parking spaces (114 residential parking spaces and 12 commercial parking spaces) within one subterranean and one at-grade parking level.

The proposed building will replace an existing truck rental facility and an auto repair shop thereby providing a function that is both essential and beneficial to the North Hollywood – Valley Village Community Plan area and the City of Los Angeles by providing 139 dwelling units including 19 Very Low Income units in a region with high demand for affordable housing and housing in general.

The proposed building will serve an essential function by providing housing including low income housing and separately that will enhance the environment by replacing an existing auto repair shop and truck rental facility with a new and modern building with street façade transparency, active uses, and landscaping.

By redeveloping the subject site with a new mixed-use residential building with active pedestrian level uses such as retail uses and residential amenities, the project will contribute to increased eyes on the street and resident activity. Therefore, the proposed project will add a function that is beneficial to the community by providing retail amenities to the surrounding community and by increasing pedestrian safety.

Therefore, the proposed 139-unit development, will provide 120 new market rate and 19 new Very Low Income affordable housing units, and thus is performing a function, the provision of adequate

housing that is affordable to households of various income levels, that is essential and beneficial to the city and the region.

4. **That 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 proposed project involves the demolition of a truck rental facility and an auto repair shop and the construction of a new approximately 123,918 square foot, seven-story, 78 feet and six (6) inches in height, mixed-use residential building containing 139 residential units, including 19 units set aside for Very Low Income Households, as well as approximately 2,855 square feet of commercial space on the ground floor. The project will provide 126 vehicle parking spaces within one subterranean and one at-grade parking level. The project will also provide 96 long-term and 11 short-term bicycle parking spaces

The approval herein is for a Conditional Use to allow an additional 27.5 percent density bonus (for a total of a 62.5 percent density bonus from the base density) to allow for a total of 139 dwelling units, representing an increase of 22 units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the additional requested 27.5 percent density bonus, the project must set aside at least 22 percent of the base density, equal to 19 units, for Very Low Income units. The project will provide 19 units for Very Low Income households in exchange for the requested Density Bonus. As such, the Density Bonus request results in 139 units and the Conditional Use request results in an additional 22 units for a total of 139 dwelling units with 19 affordable units.

The subject property is zoned C4-1-CA and [Q]R3-1. The C4 Zone limits the FAR of the property to 1.5 to 1 and the R3 Zone limits the property to an FAR of 3 to 1. Thus, Pursuant to LAMC Section 12.22-A,25 the applicant is requesting an Off-Menu incentive to allow a FAR increase from 1.5:1 and 3:1 to 3.84:1 to allow 123,918 square feet in floor area. The surrounding area primarily consists of Medium Residential uses including multi-story mixed-use residential buildings and apartment complexes. Therefore, there are buildings near the subject site that are of similar size and scale to the proposed project.

The property is located within the North Hollywood – Valley Village Community Plan, a densely populated portion of the City of Los Angeles. The project site is located in an urbanized area surrounded by medium residential and commercial zones that are generally developed with a combination of commercial and residential. The subject property is not adjacent to any single-family zoned properties. Rather, it is surrounded by properties zoned for Community Commercial and Medium Residential uses. Therefore, construction of the housing development with a retail component will serve to benefit the neighborhood rather than degrade it. The façades are well-articulated and feature a prominent ground design that distinguishes it from the upper levels. The residential lobby and retail component at the ground level engage pedestrians along Vineland Avenue. Therefore, the project is compatible with the surrounding neighborhood and will not adversely affect nor degrade adjacent properties, surrounding neighborhood, or the public health, safety, or welfare.

With the exception of the requests herein, the proposed project is otherwise entirely consistent with the requirements of the underlying zone. The project's significant features, including the proposed building's use, density, height, and FAR, are permitted by the underlying zone and the provisions of Density Bonus law. The project has been thoughtfully designed to include landscaping and on-site parking.

Given the proposed project's location within the North Hollywood – Valley Village Community Plan area, along with the existing development in the immediate vicinity of the subject property and its

proximity to commercial thoroughfares, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

**5. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The project site is located within the Hollywood Community Plan (adopted in 1988), which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Community Commercial land uses with corresponding zones of CR, C1, C1.5, C2, C4, RAS3, RAS4, P and PB. The project site is zoned C4-1-CA and [Q]R3-1 and is thus consistent with the existing land use designation, as shown in the following zoning map of the property.

The proposed project is consistent with the following goals, objectives and policies of the Community Plan:

Objective 3: To make provisions for housing as is required to satisfy the needs and desires of various age, income, and ethnic groups of the community, maximizing the opportunity for individual choice.

Objective 3a: To encourage the preservation and enhancement of the of the varied and distinctive residential character of the community, and to preserve the stable single-family residential neighborhoods.

The proposed project protects the surrounding residential neighborhoods from encroachment by higher density residential uses by allowing for the development of a 139-unit (including 19 units reserved for Very Low Income Households), mixed-use residential building within a commercially zoned property various multi story residential buildings and close proximity to commercial uses. The project increases the housing stock and satisfies the needs and desires of all economic segments of the community by maximizing the opportunity for individual housing choice with the provision of affordable units.

The Conditional Use approved herein is for a 62.5 percent Density Bonus which allows for the construction of a mixed-use residential development with 139 dwelling units, of which 19 units are restricted for families or persons of Very Low Income, and 2,855 square feet of commercial ground floor uses. The 35 percent by-right density bonus would allow for 117 units (equal to an increase of 31 units beyond the 86 unit base density) to be constructed on the project site therefore, the density bonus request results in 117 units and the Conditional Use request results in an additional 22 units for a total of 139 dwelling units with 19 affordable units. The project's Very Low Income and market rate units satisfy both the needs of affordable housing as well as the City's need for more housing overall. The project will result in the net addition of 19 covenanted affordable dwelling units in a community in-need of more affordable housing.

The project is further consistent with other elements of the General Plan, including the Framework Element, the Housing Element, and the Mobility Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide polices regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.



The project supports the following goal and objective of the Framework Element:

Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

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

The project enhances the quality of life for the City's existing residents by providing a modern and upgraded residential structure in an area that needs new housing supply. The increased density is compatible with the nearby surrounding area. The project is located on three streets; Vineland Avenue, Hesby Street and Morrison Street, with multiple transit options. Residents will be able to utilize transit and are within walking distance to retail, restaurants, bars, offices, hotels, fast food, and entertainment uses

The Housing Element of the General Plan (2021-2029) will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.1: Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Policy 1.1.6: Allocate citywide housing targets across Community Plan areas in a way that seeks to address patterns of racial and economic segregation, promote jobs/ housing balance, provide ample housing opportunities, and affirmatively further fair housing

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

Objective 2.3: Preserve, conserve and improve the quality of housing.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Objective 3.1: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

Policy 3.1.5: Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

Policy 3.1.6: Establish plans and development standards that promote positive health outcomes for the most vulnerable communities and populations.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.1: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing.

With the approval of the Conditional Use for a 62.5 percent density bonus the project is able to provide 139 total units, including 19 units affordable for Very Low Income Households. The additional market rate and affordable units that are allowed with the approval of the Conditional Use promote the objectives of the Housing Element by adding to the City's housing stock and contributing to the need for mixed-income housing. The project site is currently developed with a truck rental facility and an auto repair shop. The project will expand affordable rental housing (19 units) while utilizing the property to its full potential, resulting in a net gain of 139 units to the City's housing stock. It is within close proximity to various major employment and retail centers, along with several major transportation lines, thereby connecting residents to jobs, amenities, services, and transit.

The project's proposed 139 market-rate units and 19 Very Low Income units fulfill the Community Plan, Framework Element, and Housing Element goals and objectives of providing quality housing for all persons in the community, including those who otherwise might not be housed. The project utilizes development incentives to provide a higher number of residential units than would otherwise be permitted, thereby facilitating the creation of a higher number of affordable units and addressing the need for affordable housing in the City.

The Mobility Element of the General Plan, also known as Mobility Plan 2035, adopted in 2016, provides policies with the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

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

Policy 5.2: Support ways to reduce vehicle miles traveled (VMT) per capita.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

Additionally, the project's location is one block east of Lankershim Boulevard, a commercial corridor with many commercial uses including retail, restaurants, bars, offices, hotels, fast food, and entertainment uses that are all walking distance from the proposed project. The proposed project will be walking distance from. Thus, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT.

In addition, the project has been conditioned to comply with the electric vehicle requirements of state law. The project has also been conditioned to provide solar infrastructure. Together, these conditions further support applicable policies in the Health and Wellness Element, Air Quality Element, and Mobility Element of the General Plan by reducing the level of pollution/greenhouse gas emissions, ensuring new development is compatible with alternative fuel vehicles, and encouraging the adoption of low emission fuel sources and supporting infrastructure. These conditions also support good planning practice by promoting overall sustainability and providing additional benefits and conveniences for residents, workers, and visitors.

The project contributes to and furthers several applicable goals, objectives, and policies of the plans that govern land use and development in the City. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Hollywood Los Angeles Community Plan.

**In addition to the above findings set forth in Section 12.24 E of the LAMC, the City Planning Commission shall find that:**

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

The City's Housing Element for 2013-2021 was adopted by the City Council on December 3, 2013 and is the City's blueprint for meeting housing and growth challenges. The Housing Element identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of City programs to create sustainable, mixed- income neighborhoods across the City. The project supports the following goals and objectives of the Housing Element:

Goal 1: "HOUSING PRODUCTION AND PRESERVATION."

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

Goal 2: "SAFE, LIVEABLE, AND SUSTAINABLE NEIGHBORHOODS."

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

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

The project proposes a new mixed-use residential and commercial development with 139 housing units, with 19 units set aside for Very Low Income households. Accordingly, the project fulfills the Housing Element goal of providing quality housing for all persons in the community. The project utilizes development incentives to provide a higher number of residential units than would otherwise be permitted, thereby facilitating the creation of a higher number of affordable units and addressing the need for affordable housing in the City. By providing housing in general and also affordable housing for Very Low Income households, the project directly supports the goals, objectives, and policies of the Housing Element that relate to the provision of affordable housing. Therefore, the project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.

**7. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application.**

The subject property is zoned C4-1-CA and [Q]R3-1 with approximately 33,653 square feet of buildable area including half of the existing alleyway in the C4-1-CA zone and 825 square feet in the [Q]R3-1 zone. The C4-1-CA zone limits the project's density to one (1) dwelling unit per 400 square feet of lot area and the [Q]R3-1 limits the density to one (1) dwelling unit per 800 square feet of lot area. The subject property has a total lot area of 33,953 square feet and as such, the permitted base density on the subject property is 86 unit

Pursuant to the LAMC and California Government Code Section 65915, a Housing Development Project that sets aside a certain percentage of units as affordable, either in rental or for-sale units, shall be granted a corresponding density bonus, up to a maximum of 35 percent. While these provisions are limited to 35 percent, Government Code Section 65915(f) states that “the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established.” As such, in instances where a project is seeking a density bonus increase that is more than 35 percent, the amount of required units that are set aside as affordable shall vary depending on the requested amount of density bonus. Therefore, it is appropriate that any project that requests a density bonus increase beyond 35 percent would extend the existing set-aside charts located in Section 12.22 A.25 of the LAMC. Section 12.24 U.26 of the LAMC, which implements this provision of State law, states that a project may be granted a Conditional Use Permit for additional density increases beyond the 35 percent maximum by providing additional affordable housing units. Consistent with this Section, Table 1 below illustrates how the maximum allowable Density Bonus increases for every unit set aside for Very Low Income Households (2.5 percent density increase for every additional one [1] percent of Very Low Income units provided), based on the base density and the chart prescribed in LAMC Section 12.22 A.25.

Table 1: Density Bonus Percentages

Very Low Income Units (Percentage of Base Density)	Maximum Density Bonus Permitted (Based on Base Density)
5 %*	20 %*
6 %*	22.5 %*
7 %*	25 %*
8 %*	27.5 %*
9 %*	30 %*
10 %*	32.5 %*
11 %*	35 %*
19%	55%
20%	57.5%
21%	60%
22%	62.5%
23%	65%

\*Existing set-aside chart as listed in Section 12.22 A.25 of the LAMC

The project proposes to develop 139 units, equal to an increase of 22 units and a density bonus of 62.5 percent based on the base density on 86 units. Therefore, in order to obtain a 62.5 percent density bonus, the proposed project must set aside at least 22 percent of the base density, equal to 19 units, for Very Low Income Households. Accordingly, the project proposes to set aside 19 units for Very Low Income Households in exchange for the requested Density Bonus.

**8. The project meets any applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).**

The project proposes the demolition of an existing truck rental facility and an auto repair shop. Pursuant to the Los Angeles Housing Department Determination letter dated July 27, 2023, a single family house existed on the site in the past five (5) years and was demolished in 2020. There were no found income records found for this previous property, therefore the applicant is conditioned to provide one (1) replacement unit pursuant to LAHD requirements.

**9. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.**

The proposed project has been conditioned to record a covenant for affordability restriction of a period of 55 years from the issuance of the Certificate of Occupancy, to the satisfaction of the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.

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

The City Planning Commission approved the Affordable Housing Incentives Guidelines (under Case No. CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by the City Council on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. LAHD utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. The Guidelines prescribe

that the design and location of affordable units be comparable to the market rate units, the equal distribution of amenities, LAHD monitoring requirements, affordability levels, and procedures for obtaining LAHD sign-offs for building permits.

The project will result in 139 new dwelling units, with 19 units set aside as affordable units for Very Low Income households. All residents of the proposed project will have access to all common and open space amenities within the building. The restricted units will comply with affordability requirements in the Guidelines set for the by LAHD in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of LAHD who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

### **Site Plan Review Findings**

#### **2. That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located in the Hollywood Community Plan area and is not subjected to any applicable specific plans.

#### **North Hollywood - Valley Village Community Plan**

The project site is located within the Hollywood Community Plan (adopted in 1988), which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Community Commercial land uses with corresponding zones of CR, C1, C1.5, C2, C4, RAS3, RAS4, P and PB. The project site is zoned C4-1-CA and [Q]R3-1 and is thus consistent with the existing land use designation, as shown in the following zoning map of the property.

The proposed project is consistent with the following goals, objectives and policies of the Community Plan:

Objective 3: To make provisions for housing as is required to satisfy the needs and desires of various age, income, and ethnic groups of the community, maximizing the opportunity for individual choice.

Objective 3a: To encourage the preservation and enhancement of the of the varied and distinctive residential character of the community, and to preserve the stable single-family residential neighborhoods.

The proposed project protects the surrounding residential neighborhoods from encroachment by higher density residential uses by allowing for the development of a 139-unit (including 19 units reserved for Very Low Income Households), mixed-use residential building within a commercially zoned property various multi story residential buildings and close proximity to commercial uses. The project increases the housing stock and satisfies the needs and desires of all economic segments of the community by maximizing the opportunity for individual housing choice with the provision of affordable units.

The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

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



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

The proposed project will result in the development of a mixed-use residential building that will provide 139 dwelling units, including 19 units reserved for Very Low Income Households, thereby contributing toward and facilitating the City's long-term housing demands and vision for a more liveable city.

Additionally, the project site is located within close proximity to multiple transit options including the following bus lines: Lankershim Boulevard and Hesby Street Metro Bus Line 224 located within 0.2 miles from the project, Lankershim Boulevard and Vineland Avenue Metro Bus Lines 501 and 224 located within 0.3 miles from the project and the Magnolia Boulevard and Vineland Avenue Metro Bus Line 94 located within 0.3 miles from the project. The numerous transit options in the area will allow future residents to reduce their single-occupancy vehicular trips.

The project site is currently occupied by a truck rental facility and an auto repair shop. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts by allowing controlled growth away from such neighborhoods and districts. Therefore, the proposed 139-unit residential building is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

The proposed mixed-use residential development increases the current housing stock with a residential building that will provide 139 units as well as ground floor commercial uses that will help supply the diverse economic and physical needs of residents in the North Hollywood – Valley Village Community Plan area. The project will also enhance the appearance of the surrounding neighborhood as it implements good urban design practices and aligns with the Citywide Design Guidelines such as landscaping that is visible from the street, commercial ground floor uses and street trees. The project's architecture will enhance the visual appearance of the community and it has been designed and conditioned to enhance the public realm with conditions regulating landscaping and street trees and provide a safe environment for pedestrians by enabling increased eyes on the street through the commercial uses proposed along the frontage of the property. The two driveways along Hesby Street will have a width of 19 feet and 16 feet and the driveway along Morrison will have a width of 16 feet. Therefore, the project is consistent with the North Hollywood – Valley Village Community Plan.

The **Housing Element** of the General Plan (2021-2019) is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.1: Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Policy 1.1.6: Allocate citywide housing targets across Community Plan areas in a way that seeks to address patterns of racial and economic segregation, promote jobs/ housing balance, provide ample housing opportunities, and affirmatively further fair housing

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

Objective 2.3: Preserve, conserve and improve the quality of housing.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Objective 3.1: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

Policy 3.1.5: Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

Policy 3.1.6: Establish plans and development standards that promote positive health outcomes for the most vulnerable communities and populations.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.1: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing

The proposed project implements the Housing Element by increasing the housing supply consistent with the Community Commercial land use designation. The subject site consists of auto uses and surface parking lot space. The approval of the request permits 139 units with 19 units set aside for Very Low Income Households. As such, the project would achieve the production of new housing opportunities, meeting the needs of the city, while ensuring a range of different housing types (studio, one- and two-bedroom rental units) that address the needs of the city's households. Therefore, the project is consistent with the Housing Element goals, objectives and policies of the General Plan.

The **Mobility Element** of the General Plan (Mobility Plan 2035) will not be affected by the recommended action herein. Vineland Avenue, adjoining the Property to the west, is a designated Boulevard II, dedicated with an approximately 110 foot right-of-way. Hesby Street, adjoining the property to the north, is designated as a Local Street - Standard, dedicated with a 60 foot right-of-way. Morrison Street, adjoining the property to the south, is designated as a Collector street, dedicated with a 66 foot right-of-way. The project as designed will support the development of these Networks and meets the following policy objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

The building includes parking within one subterranean parking garage and one at grade parking garage. Parking can be accessed from an egress driveway along Hesby Street for the ground level parking garage and an additional ingress/egress driveway along Hesby for the subterranean parking garage. Additionally, the egress driveway for the ground level parking garage is located along Morrison Street.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

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

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

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

Additionally, the project site is located within close proximity to multiple transit options including the following bus lines: Lankershim Boulevard and Hesby Street Metro Bus Line 224 located within 0.2 miles from the project, Lankershim Boulevard and Vineland Avenue Metro Bus Lines 501 and 224 located within 0.3 miles from the project and the Magnolia Boulevard and Vineland Avenue Metro Bus Line 94 located within 0.3 miles from the project. The numerous transit options in the area will allow future residents to reduce their single-occupancy vehicular trips. The proposed project is located within close proximity to public transit which will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of the air quality.

In addition, the project will provide a total of 126 parking spaces in one (1) subterranean parking garage and one (1) at grade parking garage. The project will also provide bicycle parking including 94 long term and nine (9) short term residential bicycle parking as well as two (2) long term and two (2) short term commercial bicycle parking spaces.

Policy 5.4 Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, all electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.04.106 of Article 9, Chapter IX of the LAMC to immediately accommodate electric vehicles within the parking areas.

Therefore, the project is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project shall provide a solar-ready roof in compliance with the Los Angeles Municipal Green Building Code, Section 99.04.211.1. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and does not conflict with any applicable regulations or standards.

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

The subject property is a rectangular-shaped site comprised of four (4) parcels, measuring 33,953 square feet. The property fronts approximately 275 feet along Vineland Avenue, feet along Hesby Street and 109 feet and seven (7) inches along Morrison Street and Hesby Street. The site is currently improved with a truck rental facility and an auto repair shop (see Figure X below). The property does not contain any existing residential housing units.

The subject property is zoned C4-1-CA and [Q]R3-1 within the North Hollywood - Valley Village Community Plan with a Community Commercial land use designation. The surrounding area consists of multi-story medium residential housing developments and commercial uses. Properties to the north, across Hesby Street, are zoned C4-1-CA with a land use designation of Community Commercial and developed with a one and two-story commercial uses including a pet store and a doggie daycare facility. Properties to the east, abutting the subject, are zoned

[Q]R3-1 with a land use designation of Medium Residential and developed with medium residential housing including a multi-story apartment building abutting the subject property. Properties to the south, across Morrison Street, are zoned C4-1-CA with a land use designation of Community Commercial and developed with one and two story commercial uses and one-story residential structures. Properties to the west, across Vineland Avenue, are zoned R4-1VL with a land use designation of High Medium Residential and developed with multiple multi-story apartment complexes.

The proposed project involves the removal of a truck rental facility and an auto repair shop and the construction of a new approximately 123,918 square foot, seven-story, 78 feet and six (6) inches in height with an FAR of 3.84:1, mixed-use residential building containing 139 residential units with 19 units set aside for Very Low Income Households. The project will also provide 2,855 square feet of commercial space on the ground floor and 126 parking spaces within one subterranean and one at-grade parking level. Bicycle parking?

The project's unit mix includes 16 studios, 82 one-bedroom units, and 41 two-bedroom units. Floors four through seven each propose a combination of studio, one-bedroom, and two-bedroom units.

The project provides 126 total parking spaces, with 114 residential spaces and 12 commercial spaces. The building includes parking within one subterranean parking garage and one at grade parking garage. Parking can be accessed from an egress driveway along Hesby Street for the ground level parking garage and an additional ingress/egress driveway along Hesby for the subterranean parking garage. Additionally, the egress driveway for the ground level parking garage is located along Morrison Street.

### Height

The project is zoned C4-1-CA and [Q]R3-1. The Height District 1 allows unlimited height and stories in the C4 and R3 Zones. However, the subject property is located within 100 feet from an A1 Zone. Pursuant to LAMC Section 12.21.1.A.10 the project is required to comply with transitional height requirements due to its proximity to the A1 zone. The transitional height requirements set forth in LAMC Section 12.21.1.A.10 limit the proposed project to a maximum height of 61 feet. Thus, pursuant to LAMC Section 12.22-A,25 the applicant is requesting an Off-Menu Incentive to waive the transitional height requirements and allow a maximum height of 78 feet and six (6) inches in lieu of the otherwise required 61 feet. The proposed height of 78 feet and six (6) inches is in compliance with the permitted height requirements under the designated zone. The building height is compatible with the existing development in the immediate surrounding area and the zoning for the surrounding area. Therefore, in conjunction with the density bonus, conditional use, and site plan review requests, and consideration of other development in the area, the project is consistent with the surrounding area.

### Bulk

The subject property is zoned C4-1-CA and [Q]R3-1. The C4 Zone limits the FAR of the property to 1.5 to 1 and the R3 Zone limits the property to an FAR of 3 to 1. Thus, Pursuant to LAMC Section 12.22-A,25 the applicant is requesting an Off-Menu incentive to allow a FAR increase from 1.5:1 and 3:1 to 3.84:1 to allow 123,918 square feet in floor area. As such, the project complies with the required FAR.

The bulk of the subject project is consistent with the existing development in the immediate surrounding area and with the underlying C4 and R3 Zones. Therefore, in conjunction with the density bonus, conditional use, and site plan review requests, and consideration of other development in the area, the project is consistent with the surrounding area.

### Setbacks

Pursuant to LAMC Section 12.11-C,3 the project is required to provide 10-foot side yard setbacks. The project has requested a waiver of development standard to provide a zero-foot easterly side yard. The additional 10 feet of building depth allows the project to accommodate the requested density of 139 dwelling units with 19 units set aside for Very Low Income Households and the requested floor area.

Additionally, the project is required to provide 10-foot side yard setbacks. The project has requested an additional waiver of development standard to provide a five (5)-foot westerly side yard. The additional 10 feet of building depth allows the project to accommodate the requested density of 139 dwelling units with 19 units set aside for Very Low Income Households and the requested floor area.

The project has been granted a reduction in the required side yard setbacks as permitted through the Density Bonus Waivers of Development Standards and LAMC. As such, the project complies with the required setbacks.

Furthermore, the project will comply with the setback requirements for the front and rear yard setbacks which requires a five (5) foot front yard for the R3 Zone, a zero front yard for the C4 Zone and a zero foot rear yard for the C4 Zone. As such, the project is in compliance with the C4 and R3 Zones.

The setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying C4 and R3 Zones. Therefore, in conjunction with the density bonus, conditional use, and site plan review requests, and consideration of other development in the area, the project is consistent with the surrounding area.

### Parking

Pursuant to LAMC Section 12.22-A,25(d), Parking Option 2, the proposed project would be required 128 parking spaces. Furthermore, the applicant is requesting to utilize Parking Option 2 pursuant to LAMC Section 12.21-A,4(a), reduced parking requirements for restricted affordable units and up to 40% of required parking for restricted affordable units may be compact stalls, or for the project 128 parking spaces for the 139 dwelling units. The minimum requirement of 173 parking spaces alone would limit the ability to construct the residential dwelling units and the Restricted Affordable Units of a sufficient size.

In addition, the project will provide a total of 126 parking spaces in one (1) subterranean parking garage and one (1) at grade parking garage. The project will also provide bicycle parking including 94 long term and nine (9) short term residential bicycle parking as well as two (2) long term and two (2) short term commercial bicycle parking spaces.

The project provides 126 total parking spaces, with 114 residential spaces and 12 commercial spaces. The building includes parking within one subterranean parking garage and one at grade parking garage. Parking can be accessed from an egress driveway along Hesby Street for the ground level parking garage and an additional ingress/egress driveway along Hesby for the subterranean parking garage. Additionally, the egress driveway for the ground level parking garage is located along Morrison Street. The proposed driveways will not interrupting the commercial uses, lobby amenities, and pedestrian entrances to the building along the facade of the project. Therefore, the parking will be compatible with the existing and future developments in the area.

### Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate the building, entrances, walkways and parking areas. As conditioned, the project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

### On-Site Landscaping

The project consists of 139 total dwelling units including six 16 studio, 82 one-bedroom, and 41 two-bedroom units. The project provides a total of 15,891 square feet of open space, including indoor and outdoor amenities for residents of which 2,888 square feet of space will be landscaped, which exceeds the minimum required 773 square feet of landscaping for the outdoor common open space areas. A total of 41 new on-site trees to be accommodated throughout the project, meeting the LAMC requirement.

The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

### Loading/Trash Area

The project has requested relief from providing the required 800 square feet of loading space area. Residents of the building will be able to utilize the various access points to load items into the building.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, the service area for trash collection is to be located in the parking garage at the ground level. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project is a seven-story mixed-use residential development, with parking on-site for residents and commercial parking spaces, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

## **12. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The project consists of 139 total dwelling units including 16 studio, 82 one-bedroom, and 41 two-bedroom units, therefore pursuant to LAMC the project is required to provide 15,175 square feet of open space and exceeds this requirement by providing 15,981 square feet of open space. The project provides a total of 15,981 square feet of open space, including indoor and outdoor amenities for residents. The project provides 3,350 square feet of private balconies, 1,625 square feet of covered pool house, 600 square feet of gym space, and approximately 10,010 square feet of common open space including a 4,750 square foot open to sky roof deck. Additionally, the project will provide a total of 44 trees throughout the project which is 10 trees more than the required 34 trees.

As such, the project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

### **Environmental Findings**

- 13. Class 32 CEQA Exemption.** The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of “In-fill Projects”. The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated November 2023 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.
  
- 14. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.





## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

**Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

**Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

**West Los Angeles DSC**

(CURRENTLY CLOSED)  
(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online Appeal Filing



QR Code to Forms for In-Person Filing