



DEPARTMENT OF CITY PLANNING APPEAL RECOMMENDATION REPORT

City Planning Commission

Date: October 24, 2019
Time: After 8:30 am
Place: Van Nuys City Hall
Council Chambers, 2nd Floor
14410 Sylvan Street
Van Nuys, CA 91401

Public Hearing: No

Appeal Status: Not Further Appealable

Expiration Date: November 11, 2019

Multiple Approvals: No

Case No.: DIR-2018-4336-TOC-1A
CEQA No.: ENV-2018-4337-CE
Council No.: 2 – Krekorian
Plan Area: Sherman Oaks – Studio City –
Toluca Lake – Cahuenga Pass
Specific Plan: none
Certified NC: Studio City
GPLU: Medium Residential
Zone: R3-1-RIO

Applicant: Abe Abraham &
Keyvan Moradian

Representative: Daniel Ahadian
Nur-Development/Consulting

Appellants: Roy Matlen, Steven Kelley,
Herbert Kouba, Paul Westphal,
Birgitta Westphal, Danny Smith,
and Kaitlyn Smith

PROJECT LOCATION: 3862, 3864, 3864 ½ N. Riverton Avenue and 10867 W. Fruitland Drive

PROPOSED PROJECT: The project is the demolition of the existing duplex and triplex (5-units total) and the construction of a new five-story, 19-unit apartment building with a height of 56 feet to the parapet line and 70 feet to the top of the rooftop structures, with one level of underground parking, and at-grade level parking. The site is located in a Tier 3 Transit Oriented Community area and is setting aside 14 percent of the total units (3 units) for Very Low Income households.

APPEAL: An appeal of the entire August 28, 2019 Director's Determination which:

1. **Determined** that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved** a 70 percent increase in density, a 50 percent increase in Floor Area Ratio (FAR) and automobile parking consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Tier 3 incentives to permit

19 dwelling units by reserving 14 percent of the units for Very Low Income Households, in addition to the following additional incentives:

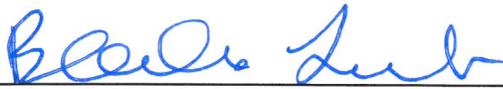
- a. **Height.** An increase in height of 22 feet allowed by Tier 3 additional incentives to permit a maximum height of 67 feet in lieu of the 45 height limit in Height District 1, in accordance with the maximum 22-foot height increase. This height increase will include the building as well as a portion of the stairs/elevator shaft. Any additional height needed for the stairs/elevator shaft will be allowed pursuant to 12.21.1 B.3;
 - b. **Open Space.** A 16 percent reduction in the minimum required open space as permitted by Tier 3 additional incentives to permit a minimum of 1,892 square feet of open space in lieu of the minimum 2,225 square feet required by LAMC Section 12.21 G.; and
 - c. **Side Yards.** A 30 percent reduction in side yards as permitted by Tier 3 additional incentives to provide 5.6-foot easterly and westerly side yards in lieu of the required 8-foot side yards required by LAMC Section 12.10.
3. **Adopted** the attached Findings and Conditions of Approval.

**RECOMMENDED
ACTIONS:**

1. **Determine** that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. **Deny the appeal and Sustain** the Director's Determination approving a Transit Oriented Communities (TOC) Affordable Housing Incentive project allowing a 70 percent increase in density, a 50 percent increase in Floor Area Ratio (FAR) and automobile parking consistent with the provisions of the TOC Affordable Housing Incentive Program Tier 3 incentives to permit 19 dwelling units by reserving 14 percent of the units for Very Low Income Households, in addition to the following additional incentives:
 - a. **Height.** An increase in height of 22 feet allowed by Tier 3 additional incentives to permit a maximum height of 67 feet in lieu of the 45 height limit in Height District 1. This height increase will include the building as well as a portion of the stairs/elevator shaft. Any additional height needed for the stairs/elevator shaft will be allowed pursuant to 12.21.1 B.3;
 - b. **Open Space.** A 16 percent reduction in the minimum required open space as permitted by Tier 3 additional incentives to permit a minimum of 1,892 square feet of open space in lieu of the minimum 2,225 square feet required by LAMC Section 12.21 G.; and
 - c. **Side Yards.** A 30 percent reduction in side yards as permitted by Tier 3 additional incentives to provide 5.6-foot easterly and westerly side yards in lieu of the required 8-foot side yards required by LAMC Section 12.10.

3. **Adopt** the Director of Planning's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP
Director of Planning



Blake Lamb, Principal City Planner



Michelle Levy, Senior City Planner



Sarah Hounsell, City Planner



Lucerito Martinez, Planning Associate
818.374.5058 / lucy.martinez@lacity.org

ADVICE TO PUBLIC: The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 272, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commissions meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Exhibits:

Exhibit A: Project Plans

Exhibit B: Appeal Documents

Exhibit C: Director's Determination DIR-2018-4336-TOC

Exhibit D: Categorical Exemption (ENV-2018-4337-CE)

Exhibit E: Transit Oriented Communities (TOC) Guidelines

PROJECT ANALYSIS

Project Summary

On August 28, 2019, the Director of Planning approved a Transit Oriented Communities Affordable Housing Incentive Program (TOC) for a project totaling 19 dwelling units with 3 units (or 14 percent of the total units) reserved for Very Low Income Household occupancy for a period of 55 years. The project has a height of 56 feet to the parapet of the roof and 70 feet to the top of the elevator shaft and is providing 26 parking spaces on one level of subterranean parking and one at-grade parking level. The project includes 10 one-bedroom, seven two-bedroom, and two three-bedroom units.



Background

Subject Property

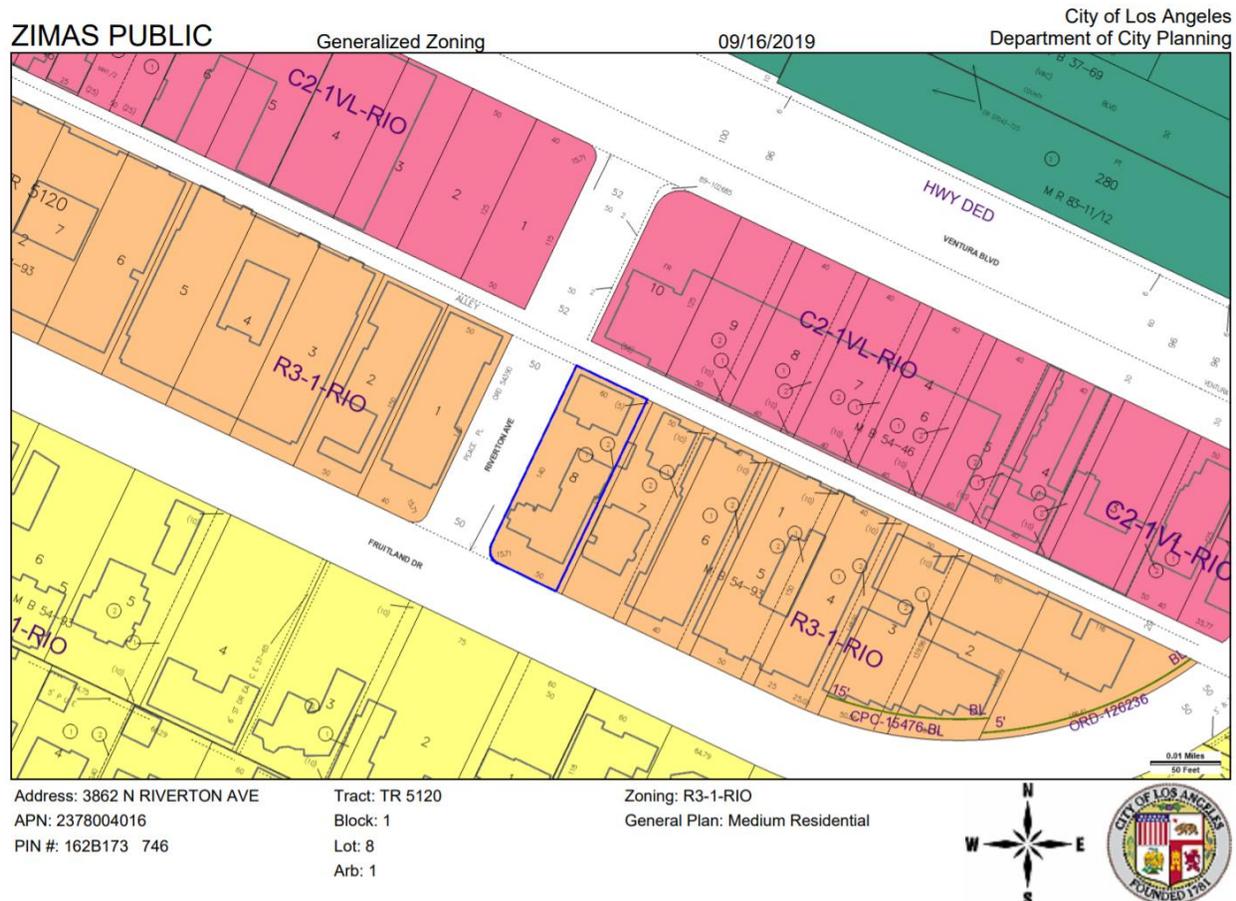
The site is a level, rectangular-shaped, corner lot, approximately 8,228 square feet in area, located on the northeast corner of Fruitland Drive and Riverton Avenue, south of a 20-foot alley. The site is zoned R3-1-RIO and is developed with a duplex and a triplex.

Zoning, Land Use Designation, and Surrounding Properties

The site is located within the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan Area and has a General Plan Land Use designation of Medium Residential with the corresponding zone of R3. The site is located within a Tier 3 Transit Oriented Community Area (TOC), a Special Grading Area, a Liquefaction Area, and 0.49 kilometers from the Hollywood Fault.

3862, 3864, 3864 ½ N. Riverton Avenue & 10867 W. Fruitland Drive

The site is adjacent to properties zoned R3-1-RIO and developed with multi-family housing to the east and west fronting Fruitland Drive on the north side of the block. Properties immediately to the north across from a 20-foot alley are zoned C2-1VL-RIO and are developed with a storage facility. The property to the south across from Fruitland Drive is zoned R1-1-RIO and developed with a duplex. The project is approximately 600 feet to the south of the 101 Freeway, approximately 0.3 miles south from the Los Angeles River, and approximately 0.3 miles to the west from the Studio City/Universal Metro Red Line Station.



Streets

Riverton Avenue is designated as a standard Local Street with a dedicated right-of-way of 60 feet and a dedicated roadway width of 36 feet. It has a current right of way width of 50 feet and is improved with an asphalt roadway.

Fruitland Drive is designated as a standard Local Street with a dedicated right-of-way of 60 feet and a dedicated roadway width of 36 feet. It has a current approximate right-of-way width of 50 feet and is improved with an asphalt roadway.

The Alley is dedicated and improved to a 20-foot width.

Approved Actions

On August 28, 2019, the Director of Planning issued a Letter of Determination which determined that the project is exempt from CEQA pursuant to State CEQA Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption

pursuant to Section 15300.2 applies, and approved the following Base and Additional Incentives under the TOC Affordable Housing Incentive Program as described below.

Transit Oriented Communities

Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22 A.31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure requires the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) for all Housing Developments located within a one-half mile (or 2,640-foot) radius of a Major Transit Stop. These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22 A.31.

The TOC Guidelines, establish a tier-based system with development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

A qualifying TOC Project shall be granted Base Incentives with regard to increased residential density, increased floor area ratio, and reduced automobile parking requirements. In addition to these Base Incentives, an eligible project may be granted Additional Incentives with regard to yards and setbacks, open space, lot coverage, lot width, density calculation, height, and developments in public facilities zones. Up to three (3) Additional Incentives may be granted in exchange for providing the requisite set aside of affordable housing as enumerated in the TOC Guidelines.

The project is located in a TOC Tier 3 area and is setting aside 14 percent of total proposed units for Very Low Income Households, which makes the project eligible for the following Base and Additional Incentives:

Base Incentives:

1. **Density.** The project is located in the R3-1-RIO zone which allows one dwelling unit for every 800 square feet. The lot is approximately 8,228 square feet in area and with added half of the alley (approximately 550 square feet) for a total of 8,778 square feet as allowed by LAMC Section 12.22 C.16 would allow 10.91 units, which when rounded up yields a base density of 11 units. TOC Tier 3 allows an increase of up to 70 percent in the number of base dwelling units allowed. The project includes a 70 percent increase in dwelling units for a total of 19 residential units.
2. **Floor Area Ratio (FAR).** The project is in the R3-1-RIO zone which allows an FAR of 3:1. Tier 3 TOC allows a 70 percent increase in the base FAR, which would allow a 4.5:1 FAR onsite. The project proposes an FAR of 4.5:1.
3. **Automobile Parking Reductions.** The project is eligible to provide 0.5 parking spaces per unit as allowed in Tier 3. The project includes 19 units which would result in 10 required parking spaces. The project is proposing 26 parking spaces.

Additional Incentives:

Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the Tier 3 Project is eligible for and has been granted three (3) Additional Incentives in order to construct the proposed project:

1. **Height.** The site is located in Height District 1 which allows a maximum building height of 45 feet and LAMC Section 12.21.1 B.3. allows 10 additional feet to accommodate rooftop structures. TOC Tier 3 incentives allow a height increase of up to 22 feet. The project is proposing a height of 56 feet to the parapet of the roof and a maximum height of 70 feet to the top of the elevator shaft. The request for increase in height is to accommodate one additional story and a portion of the rooftop structures/elevator shaft in order to allow the proposed 14-foot rooftop structures. Any structures above 56 feet are set back a minimum of 15 feet from Riverton Avenue and Fruitland Drive to comply with the TOC Guidelines which require that any structures above 56 feet be stepped-back a minimum of 15 feet along the street facing elevations.
2. **Open Space.** The project includes 10 one-bedroom, seven two-bedroom, and two three-bedroom units. As a result, LAMC Section 12.21 G requires a total of 2,225 square feet of open space onsite. TOC Tier 3 allows up to a 25 percent decrease in open space, which would reduce the open space requirement to 1,669 square feet. The project includes a 16 percent reduction to provide 1,892 square feet.
3. **Side Yard Setbacks.** The R3 zone requires an 8-foot side yard setback for a five-story building (i.e. minimum 5-foot side yard setback plus one foot added for each story above two stories). TOC Tier 3 allows up to a 30 percent reduction in two side yards or the rear yard setback. The project includes a 30 percent reduction on the two side yards to provide 5.6-foot side yards.

| Base Incentives | | | |
|---------------------------|---|---------------------------------------|---|
| | LAMC | TOC-Tier 3 | Project |
| Density | 11 units | 70% increase/ 19 units total | 19 units |
| FAR (Floor Area Ratio) | 3:1 | 50% increase/ 4:5:1 | 4.5:1 |
| Parking | 33 | 10 | 26 |
| Additional Incentives | | | |
| | LAMC | TOC-Tier 3 | Project |
| Height | 45 feet to the parapet of the roof & 55 feet to the top of the rooftop structures | 22 additional feet | 56 feet to the parapet of the roof & 70 feet to the top of the elevator shaft |
| Open Space | 2,225 square feet | 25% reduction/ 1,669 square feet | 16% reduction 1,892 square feet |
| Side Yards | 8-foot side yards | 30% reduction/ 5.6-foot side yards | 5.6-foot side yards |

APPEAL ANALYSIS

An appeal was filed in a timely manner on September 12, 2019 by abutting owners collectively. A copy of the original appeal and appeal points are provided in Exhibit "B" and summarized as follows:

Appeal Point No. 1: The increases allowed by TOC Affordable Housing Incentive Program increase profits for developers.

Staff's Response:

Measure JJJ was approved by voters in November 2016. The Measure required the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines - Exhibit "E") for all Housing Developments located within 1/2 mile radius of a Major Transit Stop. The program encourages affordable housing by providing additional density, reduced parking, and other incentives for projects that include covenanted affordable units. The project is 1/3 of a mile from the Studio City/Universal Metro Red Line Station and is setting aside three units (14 percent of the total units) for Very Low Income Households.

The developer is designing the project to the allowable (Tier 3) TOC Guidelines as follows:

Base Incentives

- A 70 percent increase in density.
- A 50 percent increase if Floor Area Ratio (FAR)
- Reduced Parking

Additional Incentives

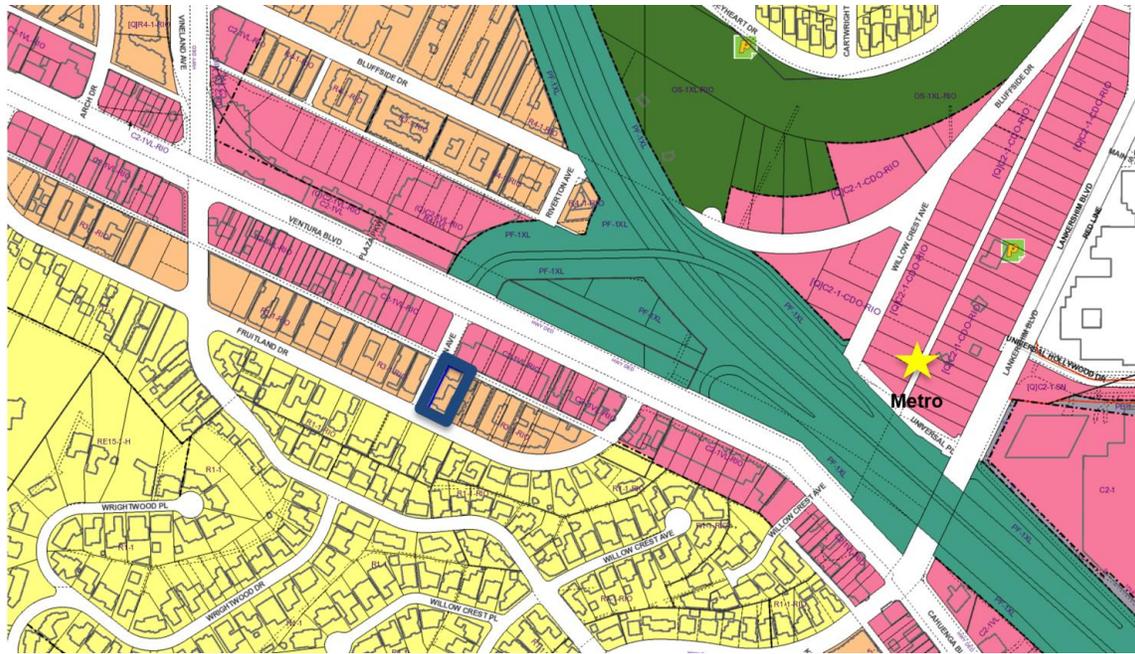
- An increase of 22 feet in height.
- A 16 percent reduction in open space.
- A 30 percent reduction in each side yard.

The base incentives and additional incentives enable the developers to offset the costs of development and provide the required percentage of set aside units for Extremely Low Income, Very Low Income and Low Income Households required under the tier in which the site is located (based on the proximity to transit).

Appeal Point No. 2: TOC incentives are incompatible with the area.

Staff Response:

The site is located 0.3 miles from the Studio City/Universal Metro Red Line station and a number of connecting bus lines. The area is developed with a mix of commercial, multi-family, and single-family dwellings. Properties south of Ventura Boulevard are zoned C2-1VL-RIO. Properties south of these commercially zoned lots area separated by a 20-foot alley are zoned R3-1-RIO. The R3 zoned properties create a buffer zone between commercial properties and the single-family dwellings to the south. Properties to the south of Fruitland Drive are zoned R1-1-RIO. Properties to the north of Ventura Boulevard are zoned PF-1XL and [Q]C2-1-CDO-RIO and include 101 and 170 Freeways, the Studio City/Universal Metro Red Line Station, and a commercial shopping center with a grocery store and neighborhood serving uses such as a pharmacy, a bank, and some restaurants.



Appeal Point No. 3: The density and height increases proposed by the project are incompatible with the neighborhood, set a precedent for future development, and would result in the loss of privacy for the adjacent single-family dwellings.

Staff Response:

There are no provisions in the Los Angeles Municipal Code that requires view protection or preservation, or protect privacy.

Any multi-family or commercial-zoned lot within ½ mile from a Metro Line is eligible for the TOC Housing Incentive Program. The site is located 0.3 miles from the Universal City Metro Red Line, is located within a TOC Tier 3, is zoned R3-1-RIO and has a Land Use Designation of Medium Residential with a corresponding zone of R3. The site is not subject to any Specific Plan, [Q] Condition, or overlay which restricts height, density, or development standards. The project is setting aside 14 percent of the total units (three units) for Very Low Income Households which makes the project eligible to the Base Incentives for increased density and FAR and reduced parking as well as the requested additional Incentives for increase in height and reductions in open space and side yard setbacks.

Height – TOC Tier 3 Additional incentives allow up to a 22-foot height increase. The project is on a site that permits a height of 45 feet to the parapet of the roof and 55 feet to the top of the rooftop structures. The request for increase in height is to accommodate one additional story and to allow the proposed 14-foot rooftop structures in lieu of the 10-foot roof structures allowed under LAMC Section 12.21.1 B.3. Any roof structures above a height of 56 feet are required to be set back a minimum of 15 feet from the Riverton Avenue and Fruitland Drive frontages. Pursuant to LAMC Section 12.24 G any rooftop decks shall be set back a minimum of 10 feet from the roof perimeter.

Appeal Point No. 4: Concerns regarding increased traffic.

Staff's Response:

The 19-unit apartment project does not exceed the threshold criteria established by the Department of Transportation (DOT) of 36 dwelling units or 25 peak hour trips for preparing a traffic study, thus the project will have a less than significant impact with respect to traffic. Additionally, the site is within 0.3 miles of a major transit stop, thus is eligible for Tier 3 incentives precisely because it is within close proximity to alternative modes of travel, therefore it is more likely that residents of the project will use alternative modes of travel, other than cars. No evidence, data or analysis, was provided by the appellant to further support their claim or explain how the decision-maker erred.

Appeal Point No. 5: Concerns due to the existing roadway widths, lack of existing improvements, and fire emergency access.

Staff Response:

The project faces two Standard Local Streets (Riverton Avenue and Fruitland Drive). Standard Local Streets are not subject to street dedications and improvements required under LAMC 12.37 (R3 Ordinance). However, the project is easily accessible from Ventura Boulevard (it is approximately 150 feet from the corner of Ventura Boulevard and Riverton Drive) and the project must comply with Fire Department requirements prior to issuance of a building permit. No evidence, data or analysis, was provided by the appellant to further support their claim or explain how the decision-maker erred.

Staff Conclusion and Recommendation

For reasons stated herein, and in the findings of the Director's Determination, the proposed project complies with the applicable provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Guidelines and the California Environmental Quality Act (CEQA). Planning Staff evaluated the proposed project and determined it meets the TOC Tier 3 program requirements and that the project qualifies for a Class 32 Categorical Exemption. Staff finds that the Appellant's argument for appeal does not provide evidence or discussion related to whether there was an error by the decision maker in approving the project.

Therefore, staff recommends that the City Planning Commission affirm that the project is exempt from the Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, 15332 (Class 32), deny the appeal, and sustain the Director of Planning's Determination approving a Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a project totaling 19-units, reserving three units for Very Low Income Household occupancy for a period of 55 years, utilizing the base incentives and three additional incentives for an increase in height, a reduction in open space, and reduced side yards.

NEW 5-STORY 19-UNIT APARTMENT BUILDING

4-LEVEL TYPE III-A RESIDENTIAL BUILDING (INCLUDING ROOF-TOP OPEN SPACE) OVER
1-LEVEL PARKING LEVEL OVER 1-LEVEL SUBTERRANEAN PARKING TYPE I-A FULLY SPRINKLERED
(PROPOSED DEVELOPMENTS PER CITY OF LOS ANGELES T.O.C. ORDINANCE AND AB 744)

PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604

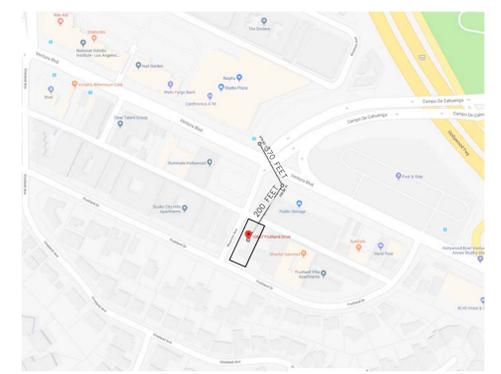
DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN

3719 S. ROBERTSON BLVD, CULVER CITY, CA 90232 (310) 930 1288

ARCHITECT: BABAK BARDI CHAHARMAHALI, AIA

11040 SANTA MONICA BLVD, SUITE 430, LOS ANGELES, CA 90025 TEL:310.430.5565 FAX:310.427.7446

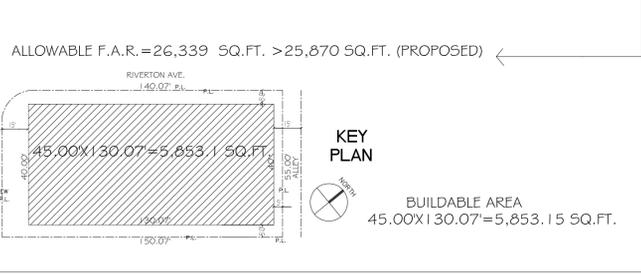
EXHIBIT A



PROPOSED PROJECT
NEW 5-STORY 19-UNIT APARTMENT BUILDING
INCLUDING:
ROOF TOP OPEN SPACE OVER 5-LEVEL RESIDENTIAL BUILDING TYPE III-A OVER
1-LEVEL PARKING AND 1-LEVEL SUBTERRANEAN PARKING STRUCTURE FULLY SPRINKLERED
INCLUDING:
R-2 OCC. (1-LEVEL) (ROOF TOP OPEN SPACE OCC. LESS THAN 50) TYPE III-A CONST. OVER
R-2 OCC. (4-LEVEL) RESIDENTIAL TYPE III-A CONST. OVER
5-2 OCC. (1-LEVEL) PARKING TYPE I-A CONST. OVER
5-2 OCC. (1-LEVEL) SUBTERRANEAN PARKING TYPE I-A CONST.
(FULLY SPRINKLERED NFPA-13)
NOTE:
THIS PROJECT IS 100% PRIVATELY FUNDED
THIS PROJECT IS NOT A PUBLIC HOUSING

ZONE: R3-1-RIO (LOT LOCATED AT TIER -3 T.O.C. ORDINANCE)
BUILDING CODE: C.B.C. 2016 EDITION
L.A.B.C. 2017 /LOS ANGELES MUNICIPAL CODE /LOS ANGELES T.O.C. ORDINANCE

LOT AREA
LOT AREA: 8,228.4 SQ.FT. +1/2 OF REAR ALLEY (550 SQ.FT.)=8,778.4 SQ.FT.
ALLOWABLE BUILDING AREA (ZONING)
ZONE: R3-1 (150.07'-15'-5")X(55'-5'-5")=130.07'X45'=5,853.15 SQ.FT.
FAR: 3XBUILDABLE AREA= ALLOWABLE F.A.R.(BY RIGHT)=5,853.15X3=17,815.1 SQ.FT.
LOT LOCATED AT TOC, TIER-3 17,815.1X1.5(ELIGIBLE FOR 50% INCREASE IN FAR)=26,722.65 SQ.FT.
PROPOSED BUILDING AREA (ZONING)
TOTAL PROPOSED BUILDING AREA=25,870 (ZONING)



LEGAL DESCRIPTIONS
THE LAND REFERRED TO IN THIS SURVEY IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, AND IS DESCRIBED AS FOLLOWS:
LOT 8 OF TRACT NO. 5120 AS PER MAP RECORDED IN BOOK 54 PAGES 930F BLOCK 1 ARB 1 MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
APN: 2378-004-016

BUILDING HEIGHT (ZONING)
ALLOWABLE (BY RIGHT): 45 FEET (ZONE R3-1 RIO)
ALLOWABLE (BY APPLYING TIER-3HEIGHT INCENTIVE): 67 FEET
ALLOWABLE FOR STAIR/ELEVATOR SHAFT: 77 FEET

PROPOSED HEIGHT:
56- FEET UP TO PARAPET LINE
PROPOSED HEIGHT FOR STAIR/ELEVATOR SHAFT=70 FEET
ALLOWABLE DENSITY
ZONE R3-1 RIO 800SF PER DWELLING UNIT
LOT AREA: 800=8,778.4:800=10.97 11 (BASE UNIT)
LOT LOCATED ON TIER-3 OF L.A. T.O.C. ORDINANCE
ALLOWABLE INCREASE IN DENSITY PERCENTAGE: 70%
11X1.70=18.7 19- UNIT ALLOWED (PER T.O.C. ORDINANCE)
REQUIRED SET A SIDE UNIT FOR VERY LOW INCOME (V.L.I.) :
19X14%=2.66 OR 3

REQUIRED OPEN SPACE:
RESIDENTIAL:
10- (ONE-BED RM) UNITS 10X100=1,000 SQ.FT.
7 (TWO-BED RM) UNITS 7X125=875 SQ.FT.
2- (THREE-BED RM) UNITS 2X175=350 SQ.FT.
TOTAL OPEN SPACE REQUIRED: 2,225 (P)
REQUIRED LANDSCAPING AREA= 2,225 SQ.FT.X25%=556.25 SQ.FT.
PROVIDED LANDSCAPING AREA= 640 SQ.FT
REQUIRED TREES (1 PER UNIT)=19:4=4.475 OR 5 TREES REQUIRED
PROVIDED OPEN SPACE 2,225 SQ.FT.X25%=556.25 SQ.FT.

556.25 SQ.FT.(25% INCENTIVE INCENTIVE REDUCTION FOR TIER 3 TOC PROJECT)
PROVIDED ROOF TOP OPEN SPACE =612+634+645SQ.FT.=1,892 SQ.FT.
1,892 SQ.FT.+556.25 SQ.FT.=2,448.25 SQ.FT.>2,225 SQ.FT. REQ'D

| SETBACKS | REQ'D | PROVIDED |
|-----------|---------|---|
| (FRONT) | 15 FEET | 15 FEET |
| (REAR) | 5 FEET | 5 FEET |
| EAST SIDE | 8 FEET | 5.6 FEET (30% REDUCTION APPLIED PER TIER-3 INCENTIVE) |
| WEST SIDE | 8 FEET | 5.6 FEET |

REQUESTED ON MENU INCENTIVES:
REQUESTED INCENTIVES:
1- 30% REDUCTION IN 2-REQUIRED SIDE SETBACKS.
2- ADDITIONAL HEIGHT UP TO 67 FEET FROM 45 FEET ALLOWED
3- 25% REDUCTION IN REQUIRED TOTAL OPEN SPACE (2,225X25%=556.25 SQ.FT)

TRASH ENCLOSURE AND RECYCLE ROOM
1 SPACE EACH-PROVIDED IN THE FIRST. PARKING LEVEL

PARKING REQUIREMENT
0.5 PARKING REQUIRED FOR DWELLING UNIT PER T.O.C TIER-3
19 X0.5=9.5 OR 10 PARKING STALL REQUIRED

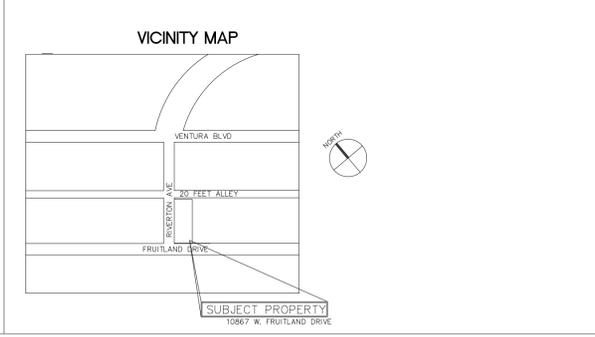
PARKING PROVIDED

| FLOORS | ACCESSIBLE | STANDARD | COMPACT | TOTAL |
|-------------------------------|------------|----------|---------|-----------|
| (STREET LEVEL PARKING) | 2 | 6 | 3 | 11 |
| BASEMENT PARKING | - | 10 | 5 | 15 |
| TOTAL PARKING PROVIDED | | | | 26 |

NOTE: 1-E.V. CAPABLE CAR (INCLUDING ONE WITH 8 FEET WIDE LOADING) PROVIDED AT FIRST FLOOR PARKING LEVEL.

BICYCLE PARKING SPACE:

| REQ'D | LONG TERM | SHORT TERM | TOTAL |
|----------|-----------|------------|-------|
| 19 | 2 | 2 | 21 |
| PROVIDED | 19 | 2 | 21 |



LIST OF ARCHITECTURAL DRAWINGS

| NO. | TITLE |
|-------|----------------------------------|
| A0.0 | COVER PAGE |
| A0.1 | GENERAL NOTES |
| A0.2A | TITLE-24 ENERGY CALCS |
| A0.2B | TITLE-24 ENERGY CALCS |
| A0.3A | PLANNING APPROVAL LETTER |
| A0.3A | PLANNING APPROVAL LETTER |
| A0.4 | ELEVATOR NOTES |
| A0.4A | ACCESSIBILITY DETAILS |
| A0.4B | ACCESSIBILITY DETAILS |
| A0.4C | ACCESSIBILITY DETAILS |
| A0.5A | RESIDENTIAL ACCESSIBILITY NOTES |
| A0.5B | RESIDENTIAL ACCESSIBILITY NOTES |
| A0.5C | RESIDENTIAL ACCESSIBILITY NOTES |
| A0.5D | RESIDENTIAL ACCESSIBILITY NOTES |
| A0.5E | RESIDENTIAL ACCESSIBILITY NOTES |
| A0.5F | RESIDENTIAL ACCESSIBILITY NOTES |
| A0.6A | GREEN NOTES |
| A0.6B | GREEN NOTES |
| A0.7 | SOUND RATING REQUIREMENTS SURVEY |
| A1.0 | SITE PLAN |
| A2.1 | FIRST FLOOR PLAN |
| A2.2 | SUB. PARKING |
| A2.3 | 2ND,3RD,4TH FLOOR PLAN |
| A2.4 | 5TH FLOOR PLAN |
| A2.5 | ROOF PLAN |
| A3.1 | ELEVATIONS |
| A3.2 | ELEVATIONS |
| A4.1 | SECTIONS |
| A4.2 | SECTIONS |
| A5.1 | DOORS SCHEDULE |
| A5.2 | WINDOWS SCHEDULE |
| A6.1 | STAIRS SECTION |
| A7.1 | ARCHITECTURAL DETAILS |
| A7.2 | ARCHITECTURAL DETAILS |
| A7.3 | ARCHITECTURAL DETAILS |
| A7.4 | ARCHITECTURAL DETAILS |
| A7.5 | ARCHITECTURAL DETAILS |
| A7.6 | ARCHITECTURAL DETAILS |
| A7.7 | ARCHITECTURAL DETAILS |

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN
3719 S. ROBERTSON BLVD, CULVER CITY, CA 90232 (310) 930 1288

REVISIONS

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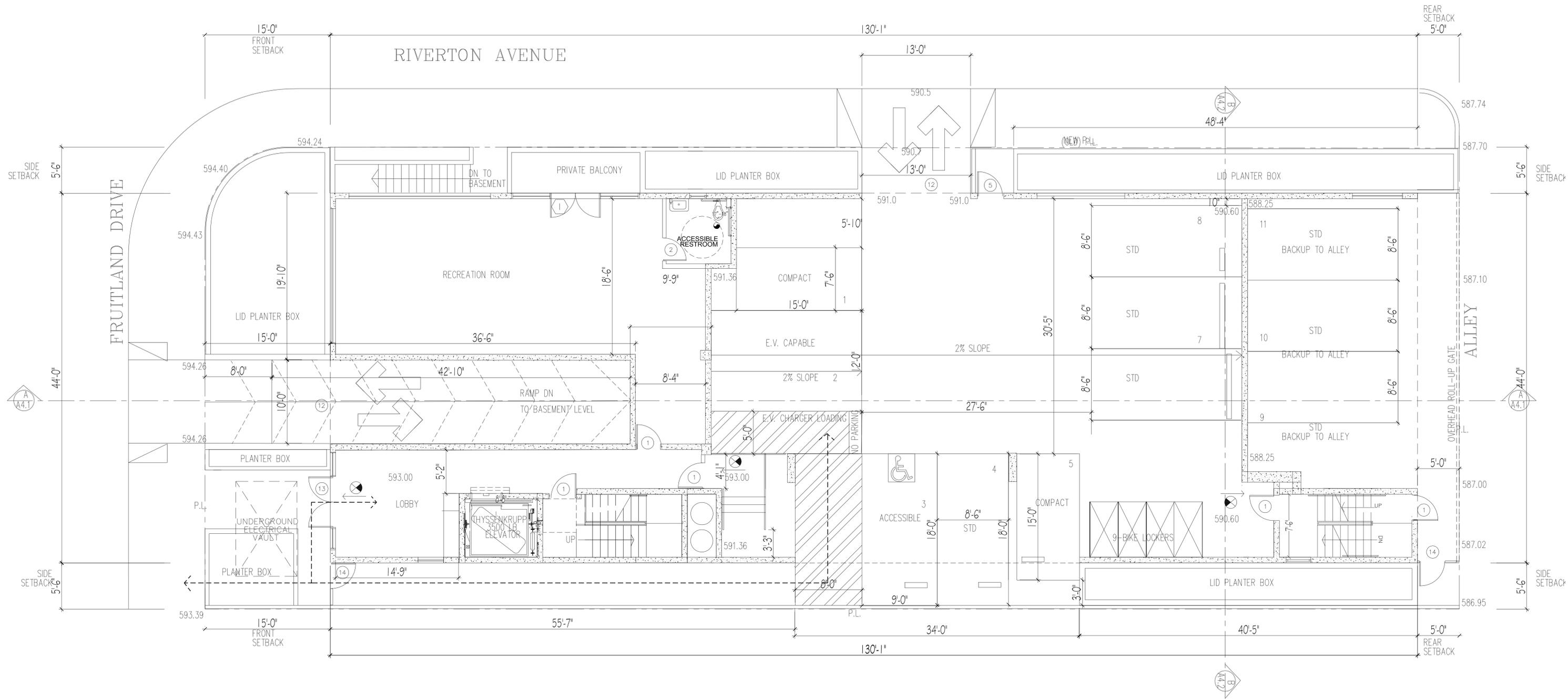
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LOS ANGELES, CA 90025
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EMAIL: CALDDING@AOL.COM
WWW.DESIGNBUILDER.US



DESIGNED BY: B.BARDI
CHECKED BY:
DRAWN BY: E.SANAJOU
DATE DRAWN:
JOB NUMBER: CDD-1413
SCALE:

COVER PAGE **A0.0**
SHEET TITLE: SHEET NO.



1 FIRST FLOOR PLAN
SC: 3/16"=1'-0"

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
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3719 S. ROBERTSON BLVD, CULVER CITY, CA 90232 (310) 930 1288

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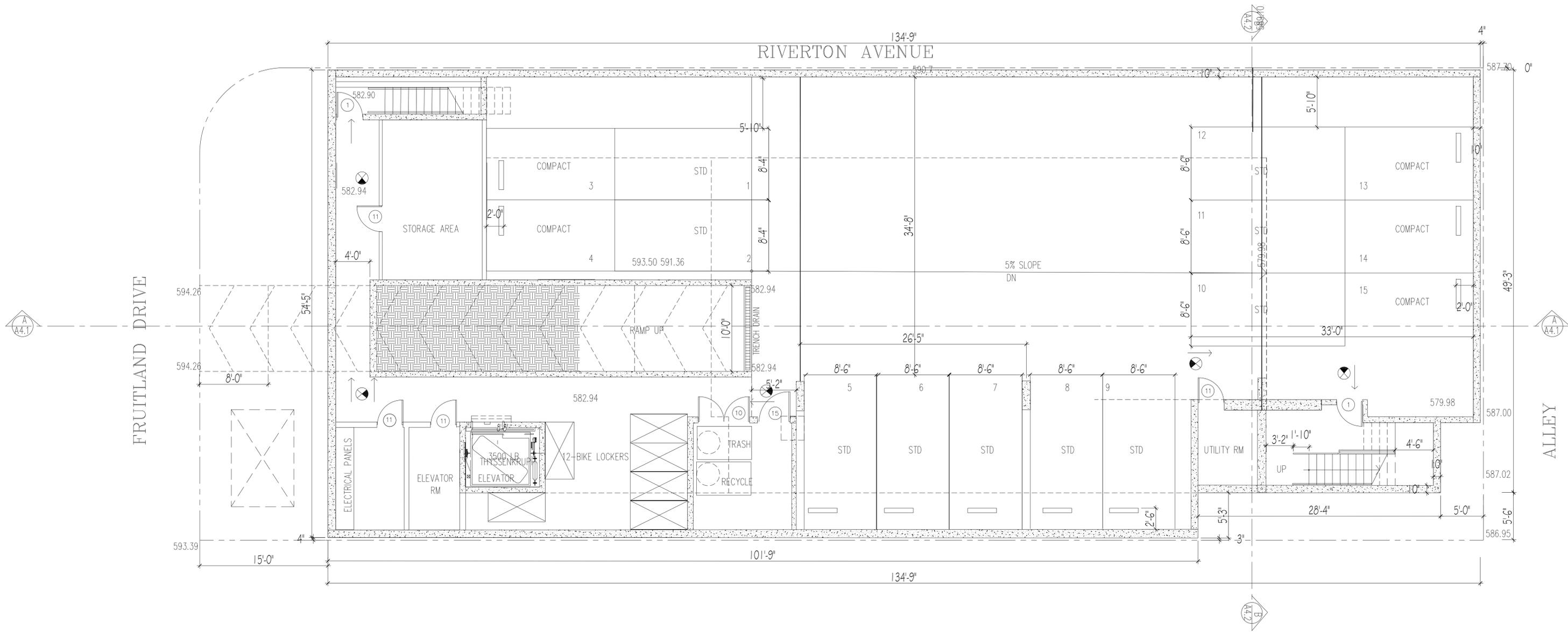


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| DESIGNED BY: | B. BARDI |
| CHECKED BY: | |
| DRAWN BY: | E. SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

FIRST FLOOR PLAN **A2.1**
SHEET TITLE: SHEET NO.



1 BASEMENT PARKING LEVEL
 SC: 3/16"=1'-0"

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
 DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN
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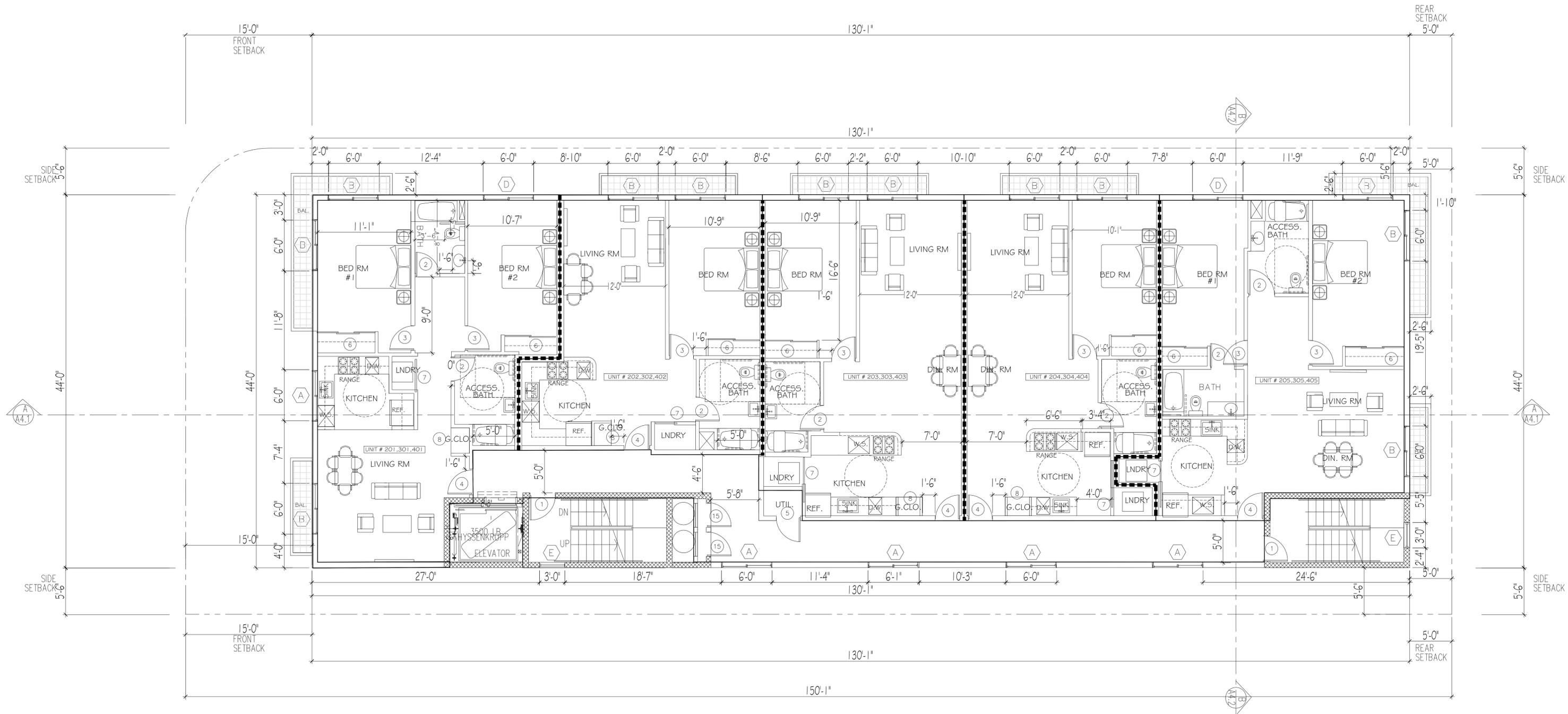
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| DESIGNED BY: | B.BARDI |
| CHECKED BY: | |
| DRAWN BY: | E.SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

BASEMENT PARKING LEVEL

A2.2

SHEET TITLE:

SHEET NO.



1 TYPICAL 2ND, 3RD AND 4TH FLOOR PLAN
 SC: 3/16"=1'-0"

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
 DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN
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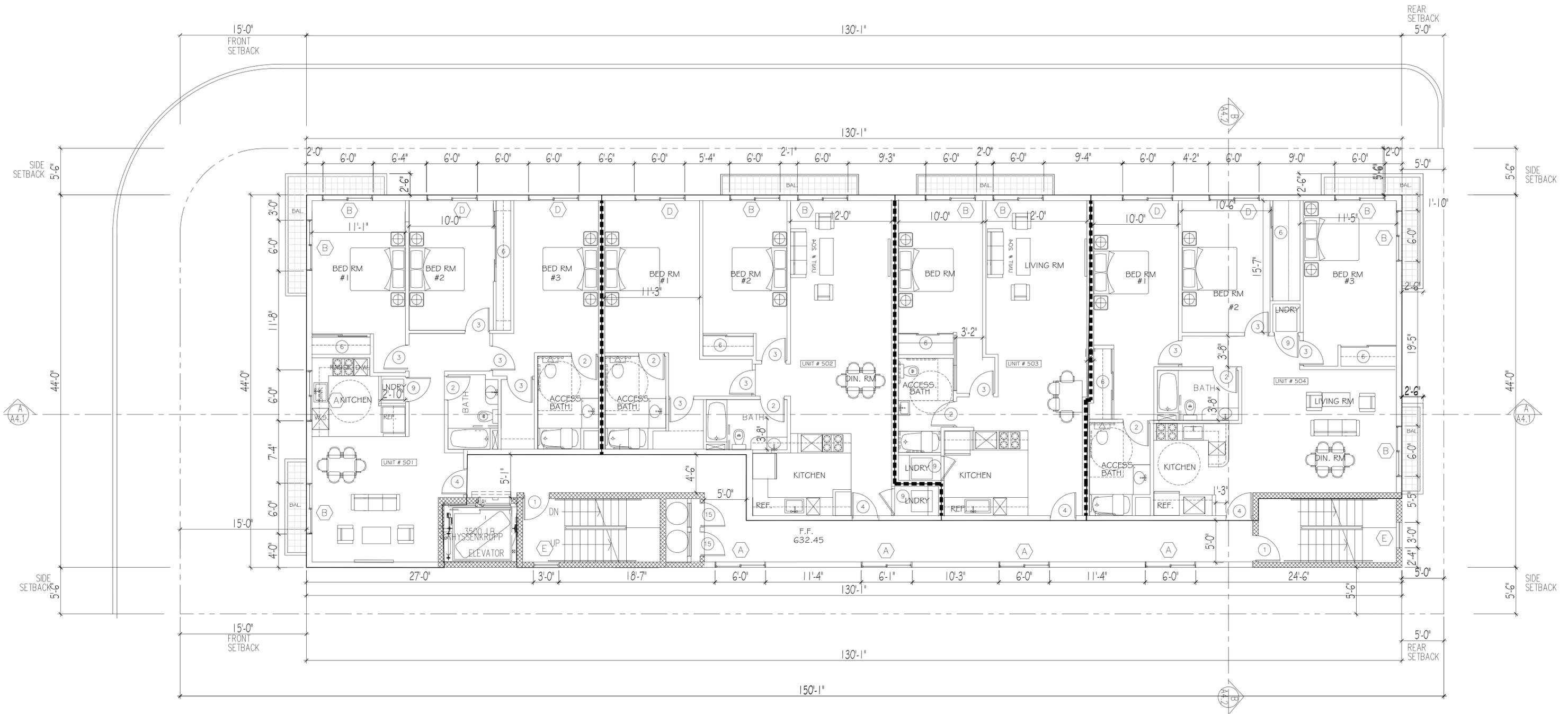
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| DESIGNED BY: | B.BARDI |
| CHECKED BY: | |
| DRAWN BY: | E.SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

2ND, 3RD AND 4TH FLOOR PLAN

SHEET TITLE:

A2.3

SHEET NO.



1 5TH FLOOR PLAN
 SC: 3/16"=1'-0"

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
 DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN
 3719 S. ROBERTSON BLVD, CULVER CITY, CA 90232 (310) 930 1288

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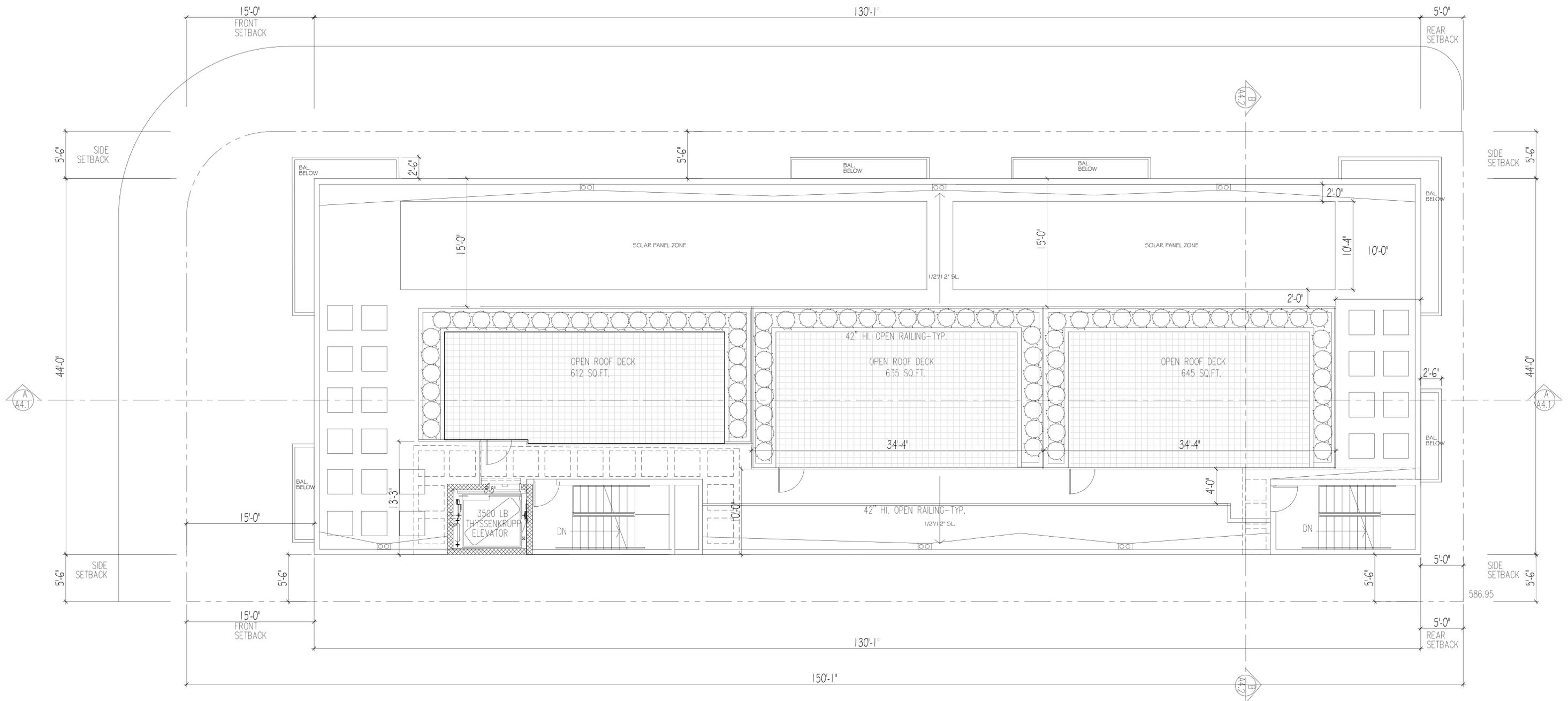


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| DESIGNED BY: | B.BARDI |
| CHECKED BY: | |
| DRAWN BY: | E.SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

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| 5TH FLOOR PLAN | A2.4 |
| SHEET TITLE: | SHEET NO. |



1 ROOF PLAN
SC: 3/16"=1'-0"

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
 DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN
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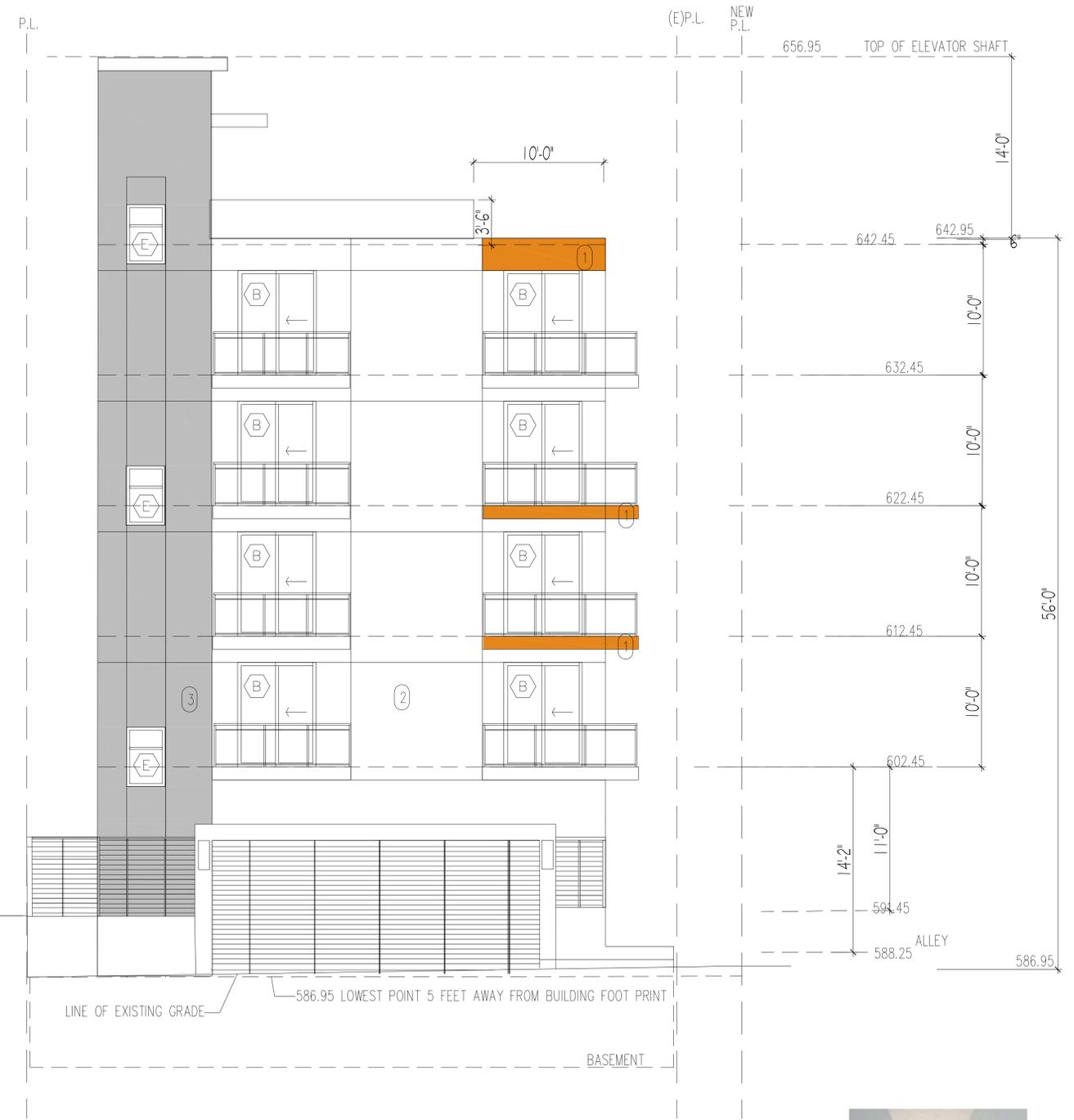


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| DESIGNED BY: | B.BARDI |
| CHECKED BY: | |
| DRAWN BY: | E.SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
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| ROOF PLAN | A2.5 |
| SHEET TITLE: | SHEET NO. |

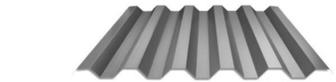


1 FRUITLAND DRIVE ELEVATION
 SC: 3/16"=1'-0"



1 REAR ALLEY ELEVATION
 SC: 3/16"=1'-0"

- ① 9236 CASABELLA STUCCO COLOR BY OMEGA
- ② 9240 INVROY STUCCO COLOR BY OMEGA
- ③ 9220 STONE AGE STUCCO COLOR BY OMEGA



- ④ HR-34 EXPOSED FASTENED METAL PANEL
 COLOR CHARCOAL GREY SRI-25
 BY TAYLOR METAL PRODUCTS OR APPROVED EQUAL

- ⑤ Exterior Wall Lights Outdoor Wall Mounted Lighting Modern Led Outdoor Wall Lights Lowes



NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
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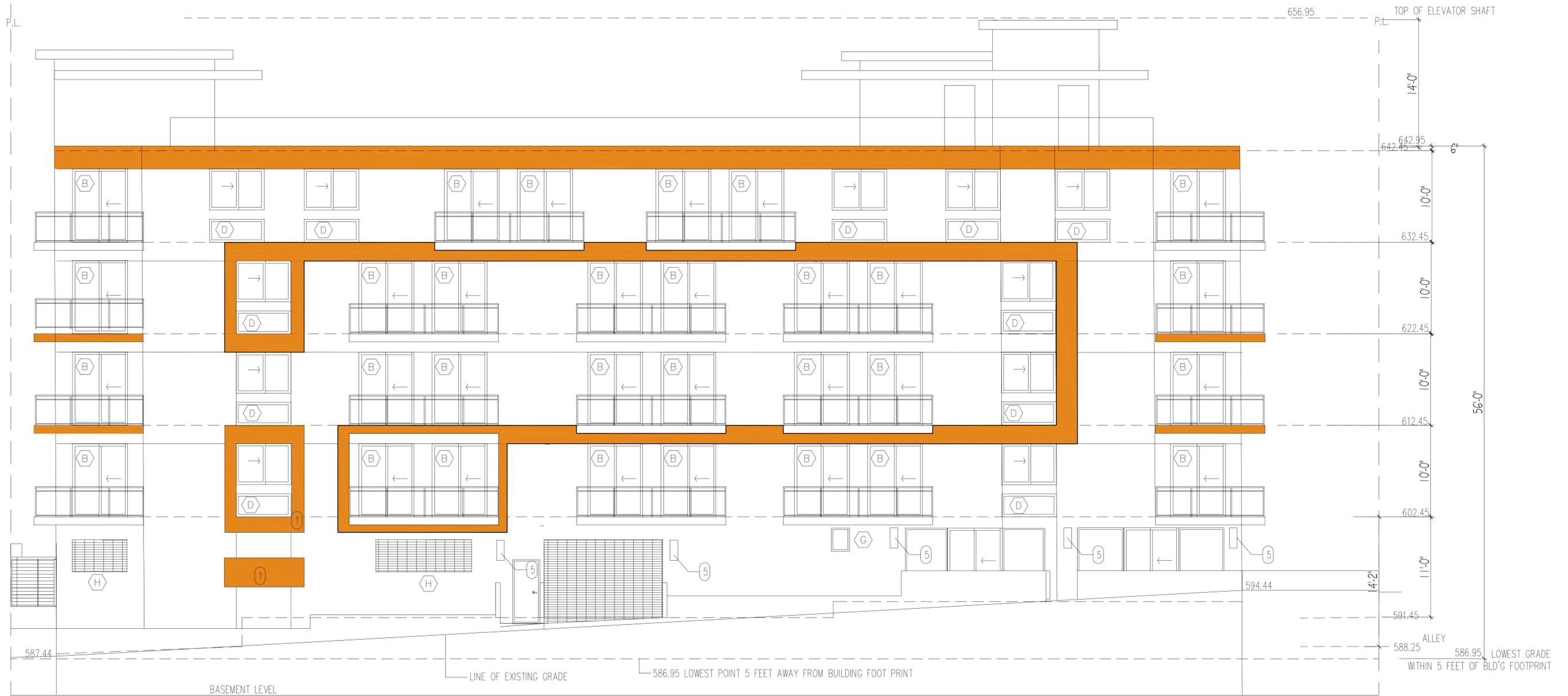


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| DRAWN BY: | E.SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

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| ELEVATIONS | A3.1 |
| SHEET TITLE: | SHEET NO. |



1 RIVERTON AVENUE ELEVATION
SC: 3/16"=1'-0"



- ① 9236 CASABELLA STUCCO COLOR BY OMEGA
- ② 9240 INVORY STUCCO COLOR BY OMEGA
- ③ 9220 STONE AGE STUCCO COLOR BY OMEGA



- ⑤ Exterior Wall Lights Outdoor Wall Mounted Lighting Modern Led Outdoor Wall Lights Lowes

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
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| DESIGNED BY: | B.BARDI |
| CHECKED BY: | |
| DRAWN BY: | E.SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

ELEVATIONS

A3.2

SHEET TITLE:

SHEET NO.

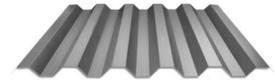


1 EAST ELEVATION
SC: 3/16"=1'-0"

- ① 9236 CASABELLA STUCCO COLOR BY OMEGA
- ② 9240 INVROY STUCCO COLOR BY OMEGA
- ③ 9220 STONE AGE STUCCO COLOR BY OMEGA



- ④ HR-34 EXPOSED FASTENED METAL PANEL
 COLOR CHARCOAL GREY SRI-25
 BY TAYLOR METAL PRODUCTS OR APPROVED EQUAL



NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
 DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN
 3719 S. ROBERTSON BLVD, CULVER CITY, CA 90232 (310) 930 1288

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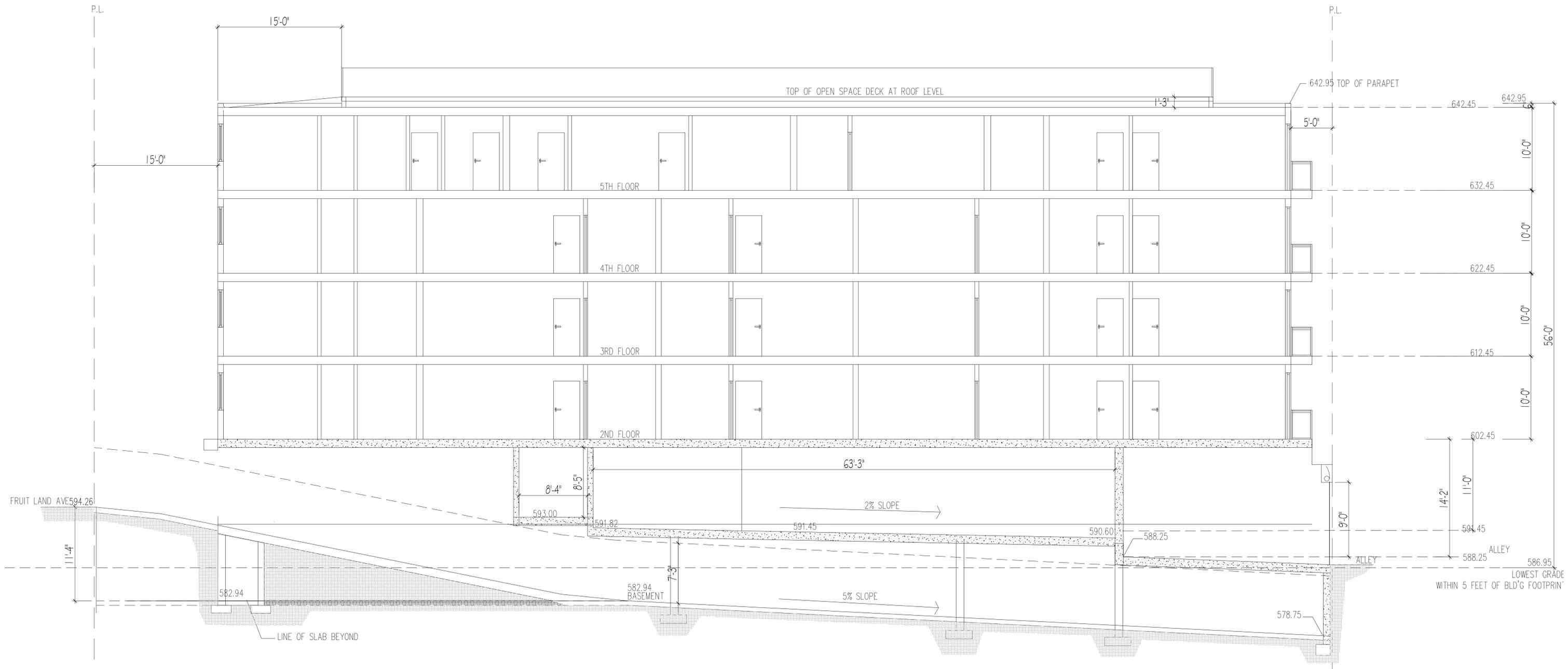
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| DESIGNED BY: | B. BARDI |
| CHECKED BY: | |
| DRAWN BY: | E. SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

ELEVATIONS A3.3

SHEET TITLE: SHEET NO.

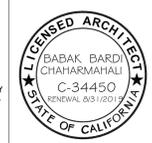


SECTION A-A
SC: 1/8" = 1'-0"

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
 DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN
 3719 S. ROBERTSON BLVD, CULVER CITY, CA 90232 (310) 930 1288

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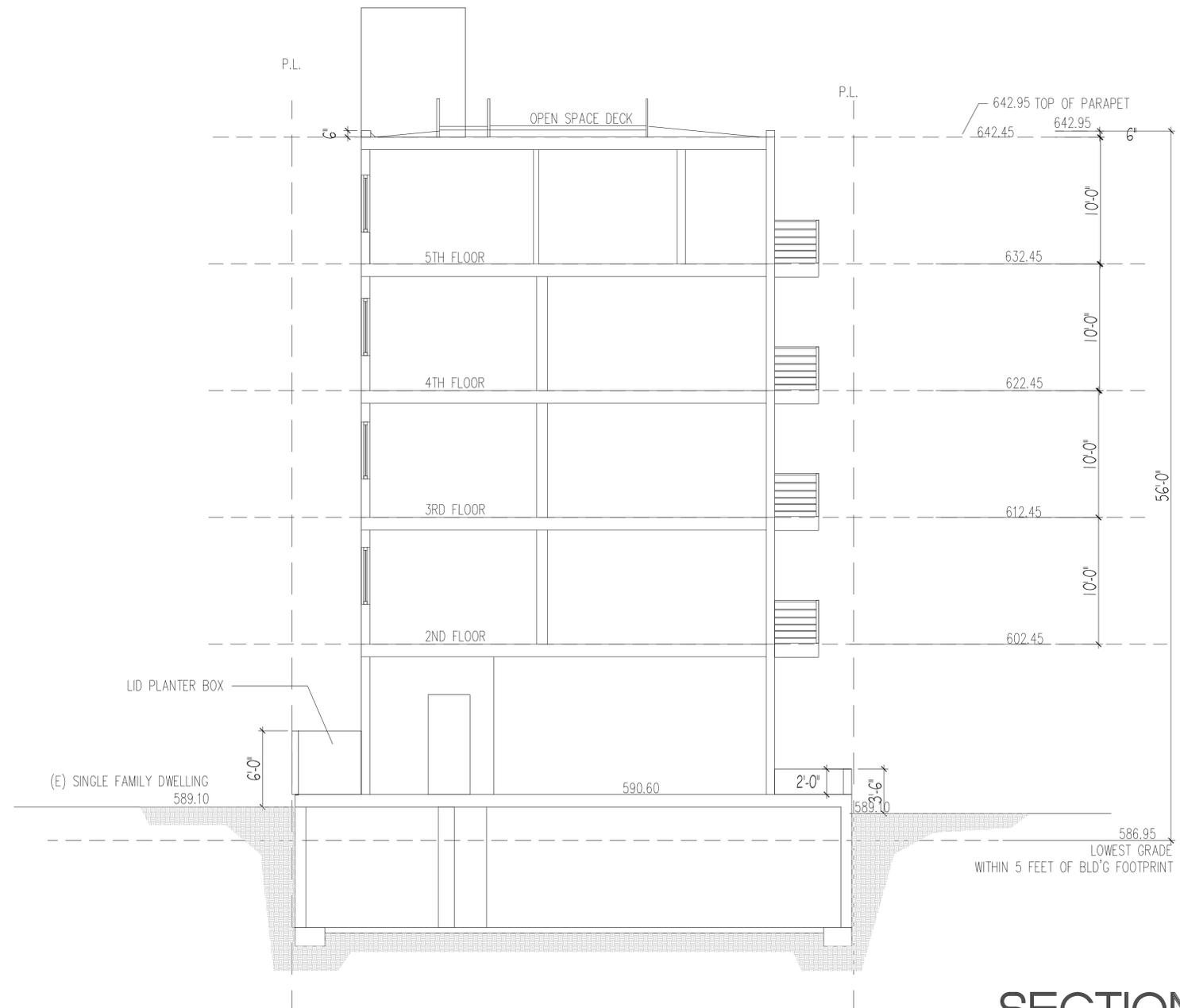


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| DESIGNED BY: | B.BARDI |
| CHECKED BY: | |
| DRAWN BY: | E.SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

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| SECTION | A4.1 |
| SHEET TITLE: | SHEET NO. |



SECTION B-B

SC: 1/8" = 1'-0"

NEW 5-STORY 19- UNIT RESIDENTIAL BUILDING
 PROJECT ADDRESS: 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604
 DEVELOPER: ABE ABRAHAM AND KEYVAN MORADIAN
 3719 S. ROBERTSON BLVD, CULVER CITY, CA 90232 (310) 930 1288

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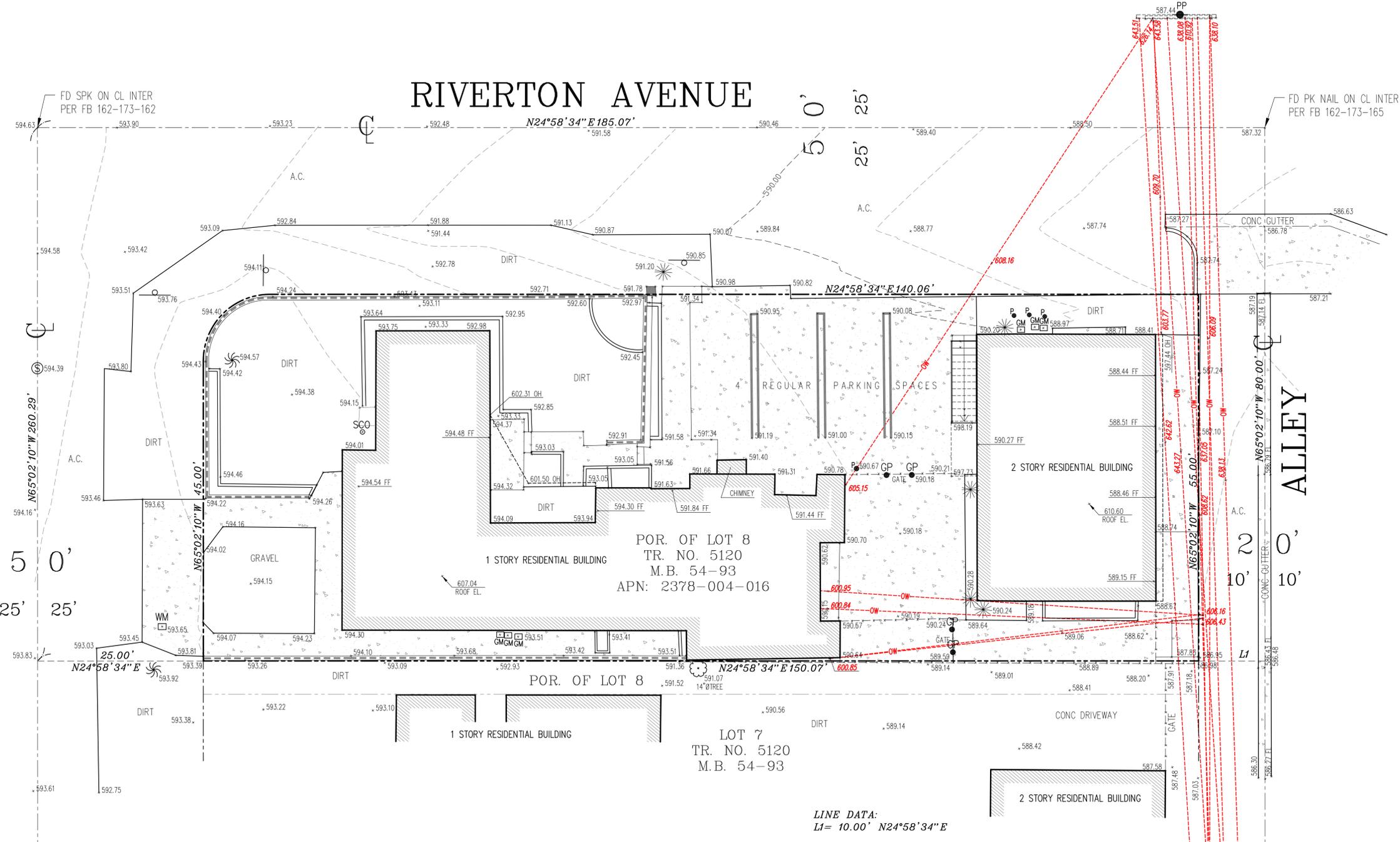
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| DESIGNED BY: | B. BARDI |
| CHECKED BY: | |
| DRAWN BY: | E. SANAJOU |
| DATE DRAWN: | |
| JOB NUMBER: | CDD-1413 |
| SCALE: | |

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| SECTION | A4.2 |
| | SHEET NO. |

FRUITLAND DRIVE

RIVERTON AVENUE

ALLEY



LEGAL DESCRIPTION:
 THE LAND REFERRED TO IN THIS SURVEY IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, AND IS DESCRIBED AS FOLLOWS:
 LOT 8 OF TRACT NO. 5120 AS PER MAP RECORDED IN BOOK 54 PAGE 93 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

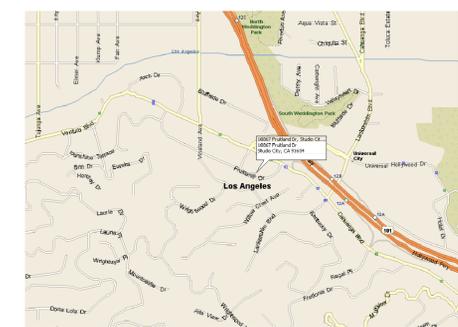
BASIS OF BEARINGS:
 THE BEARING NORTH $65^{\circ}02'10''$ EAST, ON THE CENTERLINE OF FRUITLAND DRIVE AS SHOWN ON TRACT NO. 5120, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 54, PAGE 93, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LAND AREA:
 CONTAINING AN AREA OF 8,232.1 SQ. FT., OR 0.1890 ACRES, MORE OR LESS.

BENCHMARK:
 BM ID: 09-14910 (NAD 1988)
 FOUND WIRE SPK IN S CURB VENTURA BLVD; 4 FT W OF B C RET W OF RIVERTON AVE
 ELEV. = 583.336 FT.

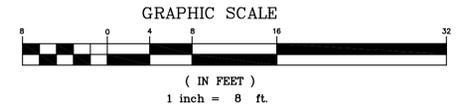
SURVEYOR'S NOTE:
 THIS MAP IS NOT A BOUNDARY SURVEY. NO PROPERTY CORNERS HAVE BEEN SET AS PART OF THIS WORK.
 SURVEY MONUMENTS FOUND IN THE COURSE OF THIS MAPPING HAVE BEEN SET BY OTHERS, AND USED ONLY AS REFERENCE FOR PURPOSES OF TOPOGRAPHIC MAPPING, WITHOUT THE VERIFICATION OF ITS AGREEMENT WITH APPLICABLE LEGAL DESCRIPTIONS AND SENIORITY OF DEEDS.
 RELATION OF TOPOGRAPHIC FEATURES (FENCES, WALLS, TREES, POWER POLES, ETC.) TO PROPERTY LINES SHOWN ON THIS MAP IS SUBJECT TO THE ADJUSTMENTS TO ANY BOUNDARY SURVEY THAT IS TO BE DONE ON THE PROPERTY.

| LEGEND: | | SYMBOLS: | |
|---------|-------------------------------|----------|---------------|
| APN | ASSESSOR'S PARCEL NUMBER | GP | GAS METER |
| A.C. | ASPHALT CONCRETE | GP | GATE POST |
| C/CL | CENTERLINE | PT | PALM TREE |
| CONC | CONCRETE | PP | POWER POLE |
| FB | FIELD BOOK | POST | POST |
| FD | FOUND | SC | SEWER CL OUT |
| FF | FINISH FLOOR ELEV. | SM | SEWER MANHOLE |
| FL | FLOWLINE ELEV. | SPK | SIGN POST |
| INTER | INTERSECTION | TR | TRACT MAP |
| MB | MAP BOOK | | |
| OH | OVERHANG | | |
| SSDM | STANDARD SURVEY DISC MONUMENT | | |
| SPK | SPIKE | | |
| TC | TOP OF CURB ELEV. | | |
| TR | TRACT MAP | | |
| --- | PROPERTY LINE | | |
| --- | CENTERLINE | | |
| --- | WALL LINE | | |
| --- | BUILDING LINE | | |
| --- | FENCE LINE | | |
| --- | OVERHEAD WIRE | | |



M&G CIVIL ENGINEERING AND LAND SURVEYING

| | | | |
|--------------------------------------|-------------------|--|--------------------------|
| TITLE: TOPOGRAPHIC SURVEY | | 10867 FRUITLAND DRIVE, STUDIO CITY, CA 91604 | |
| CLIENT: MORADIAN ENTERPRISES INC. | SCALE: 1" = 8' | DESIGNED BY: F.G. / WG | JOB NO.: 17-12728 |
| DRAWN BY: MC | DATE: 1/9/18 | CHECKED BY: C.D.L. | REVISION (S): 1/31/18 |
| SHEET 1 OF 1 SHEET | | | |



LINE DATA:
 $L1 = 10.00' N24^{\circ}58'34''E$



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: DIR-2018-4336-TOC

Project Address: 3862, 3864, 3864 1/2 N. Riverton Avenue and 10867 Fruitland Drive, Studio City, CA 91604

Final Date to Appeal: 09/12/2019

- Type of Appeal:
- Appeal by Applicant/Owner
 - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Steven E. Kelley, Herbert P. Kouba, et al. (See attached list)

Company: _____

Mailing Address: 10864 Fruitland Drive

City: Studio City State: CA Zip: 91604

Telephone: (323) 972-4831 E-mail: casacostalotta@gmail.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

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

EXHIBIT B

DIR-2018-4336-TOC-1A Page 1 of 2

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part
 Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: 2, 3, 6, 8, 11a

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *David H. Kelley / Robert P. Kouba* Date: *Sept. 10, 2019*

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- 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.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

| This Section for City Planning Staff Use Only | | |
|--|---|---|
| Base Fee: <u>\$89.00</u> | Reviewed & Accepted by (DSC Planner): <u>Steven Wechsler</u> | Date: <u>9-12-19</u> |
| Receipt No: <u>0202670066</u> | Deemed Complete by (Project Planner): | Date: |
| <input checked="" type="checkbox"/> Determination authority notified | | <input type="checkbox"/> Original receipt and BTC receipt (if original applicant) |

September 9, 2019

City of Los Angeles

Department of City Planning
City Planning Commission
Marvin Braude San Fernando Constituent Service Center
Suite 251
6262 Van Nuys Boulevard
Van Nuys, California 91401

Case No. DIR-2018-4336-TOC

CEQA: ENV-2018-4337-CE

LOCATION: 3862, 3864, 3864 ½, N. Riverton Avenue and 10867 W. Fruitland Drive

Dear Planning Commission:

First, let us state that the involved parties in this appeal are not contesting whether an apartment project is lawful but rather the 70% occupancy increase and the increased height allowance that is incompatible with this neighborhood and which will exacerbate the issues that are already plaguing our homes in this area.

A). The precedent that the Planning Commission is proposing for this neighborhood will cause irreparable harm to this particular area. The Real Estate Management company that is proposing this apartment project is not the only project that will impact our neighborhood. There are three (3) other adjacent properties that are in a row in this section of Fruitland Drive that would be considered to have underdeveloped use and will inevitably, within the near future; request the same variances by using the (TOC).

- 1). 10863/10865 Fruitland Drive
- 2). 3855 Riverton Avenue
- 3). 10907 Fruitland Drive

By the Planning Commission allowing a 70% occupancy increase and increasing the height limits of the zoning already in effect the other three Real Estate Management companies will inevitably soon follow with their request for the same increases that you are now allowing. This will result in a total of Four (4) five story apartments that will increase the tenants and autos to a breaking point. We request that you follow the previous limits of 45 feet with proportionate occupancy rates.

B). The property at 10867, on the North side of Fruitland Drive in Studio City at the corner of Riverton Avenue and Fruitland Drive is located within an area from Vineland Avenue East to Ventura Boulevard that the City of Los Angeles, over 50 years ago; had re-zoned from R-1 to R-3 as an attempt to buffer noise generated by Ventura Boulevard with specific height restrictions and occupancy rates as to protect the R-1 Homeowners on the South side of the street with unencumbered enjoyment of their properties that would be affected by this decision.. This has been a workable solution until now. The roadway in this area is listed with the City as a country lane. There are no curbs, gutters, sidewalks nor properly paved roadway.

C). At this time the parking situation in the neighborhood has already reached an untenable situation where many times cars can only pass one at a time. There are instances when fire protection services would be unable to navigate in this area. We understand your desire to encourage citizens to use public transportation but that in no way negates a tenants right to own an auto for their needs. Therefore; with 19 units you can expect an influx of at least 34 extra autos to this already congested situation.

DIR-2018-4336-
TOC-1A

Handwritten:
Pg. 1 of 2
9-12-19
[Signature]

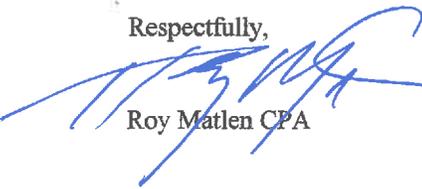
D). We all understand the reasoning behind the (TOC) plan but we don't understand why this neighborhood is in such need of massive housing on this scale when homeowners purchased their properties knowing that strict limitations were in effect and knew that these created a workable situation for homeowners and apartment tenants. These increases are not viable here and are an attempt to overbuild an existing neighborhood. We strongly feel that the (TOC) program is being used in our situation to circumvent existing zoning regulations that are in place and are being used to increase the profits for the Management Company by allowing 2 (two) extra floors. It appears that this company needs a height variance to increase their profits to possibly offset their investment of their purchase price of this parcel, which should not be used to overrule the existing height and occupancy restrictions on this and parcels listed above in (A) that have existed for years.

E). Lastly, the height increase on this project and subsequent requests in this area will create a situation where the homeowners listed below will lose all privacy that they have enjoyed for years . At the very least; in the front of their homes and will invariably reduce the resale value of our properties.

F). This appeal is not meant in any way to imply or insinuate that we are against low income housing. This appeal is to keep the housing in this area to a livable standard for all parties. These proposed increases are incompatible with this particular area.

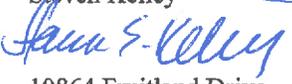
The undersigned have read and fully agree with the submitted appeal regarding :
Case# DIR-2018-4336-TOC

Respectfully,


Roy Matlen CPA

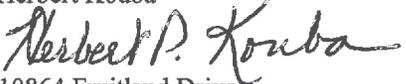
10862 Fruitland Drive

Steven Kelley



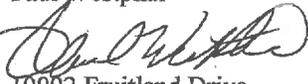
10864 Fruitland Drive

Herbert Kouba



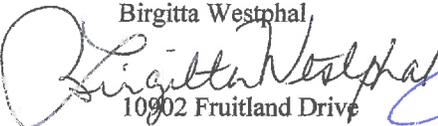
10864 Fruitland Drive

Paul Westphal



10902 Fruitland Drive

Birgitta Westphal



10902 Fruitland Drive

Danny Smith



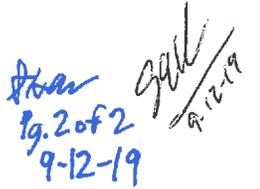
10906 Fruitland Drive

Kaitlyn Smith



10906 Fruitland Drive

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9-12-19

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ
CAROLINE CHOE
HELEN LEUNG

KAREN MACK
MARC MITCHELL
VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM**

August 28, 2019

Owner/Applicant

Abe Abraham & Keyvan Moradian
3719 S. Robertson Boulevard
Culver City, CA 90232

Representative

Daniel Ahadian
Nur- Development/Consulting
1601 S. Genesee Avenue
Los Angeles, CA 90019

Architect

Babak Bardi Chaharmahali
11040 Santa Monica Boulevard,
Suite 430
Los Angeles, CA 90025

Case No. DIR-2018-4336-TOC

CEQA: ENV-2018-4337-CE

Location: 3862, 3864, 3864 ½ N.
Riverton Avenue and 10867
W. Fruitland Drive

Council District: 2 – Krekorian

Neighborhood Council: Studio City

Community Plan Area: Sherman Oaks – Studio City
– Toluca Lake – Cahuenga
Pass

Land Use Designation: Medium Residential

Zone: R3-1-RIO

Legal Description: Lot: 8 (Arb 1), Block: 1, Tract
5120

Last Day to File an Appeal: September 12, 2019

DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22 A.31, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

- 1. Determine** based on the whole of the administrative record, that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
- 2. Approve** a 70 percent increase in density, a 50 percent increase in Floor Area Ratio (FAR) and automobile parking consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Tier 3 incentives to permit 19 dwelling units by reserving 14 percent of the units for Very Low Income Households, in addition with the following additional incentives:

- a. **Height.** An increase in height of 22 feet to permit a height of 67 feet in lieu of the 45 height limit in Height District 1, in accordance with the maximum 22-foot height increase allowed for Tier 3 additional incentives. This height increase will include the building as well as a portion of the stairs/elevator shaft. Any additional height needed for the stairs/elevator shaft will be allowed pursuant to 12.21.1 B.3; and
- b. **Open Space.** A 16 percent reduction to permit a minimum of 1,892 square feet of open space as permitted by Tier 3 additional incentives in lieu of the minimum 2,225 square feet required by LAMC Section 12.21 G.; and
- c. **Side Yards.** A 30 percent reduction in side yards to provide 5.6-foot easterly and westerly side yards as permitted by Tier 3 additional incentives in lieu of the required 8-foot side yards required by LAMC Section 12.10.

3. **Adopt** the attached Findings and Conditions of Approval.

CONDITIONS OF APPROVAL

Pursuant to Section 12.22A.31 of the Los Angeles Municipal Code (LAMC), the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit" A, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 19 multi-family residential dwelling units, including On-site Restricted Affordable Units.
3. **Floor Area Ratio (FAR).** The project shall be limited to 25,870 square feet of floor area or a 4.5:1 FAR.
4. **Affordable Units.** Three (3) units shall be reserved for Very Low Income Households equal to 14 percent of the project's total proposed density, as defined by the California Government Code Section 65915 (c)(2) and Los Angeles Housing and Community Investment Department (HCIDLA).
5. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from the Los Angeles Housing and Community Investment Department (HCIDLA) regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20% of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by HCIDLA shall be provided.

6. **Changes in On-Site 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.31.
7. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make three (3) units available to Very Low Income Households as required by the Transit Oriented Community (TOC) Program Guidelines for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. HCIDLA may require additional units to be set aside as affordable to satisfy AB 2556 replacement requirements. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of HCIDLA, and in consideration of the project's AB 2556 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. 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 HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
8. **Height.** The project shall be permitted a height of 56 feet to the parapet line, and an additional 11 feet for the stairs/elevator shaft as part of the 22-foot height increase incentive. Any additional height needed for the stairs/elevator shaft shall comply with LAMC 12.21.1 B.3 and shall adhere to all relevant requirements. Any structure above 56 feet in height shall be stepped-back a minimum of 15 feet measured from the exterior face of the ground floor along the Fruitland Drive and Riverton Avenue elevations.
9. **Open Space.** The project shall be permitted to provide 1,892 square feet of open space as allowed by Tier 3 incentive for a reduction of 16 percent in lieu of the minimum 2,225 square feet otherwise required by LAMC Section 12.21 G.
10. **Side Yards.** The project shall be permitted to provide 5.6-foot side yards in accordance with the 30 percent reduction allowed for side yards for Tier 3 incentives in lieu of the required 8-foot side yards required by LAMC Section 12.10 C.2.
11. **Parking.**
 - a. **Automotive Parking.** The project shall provide a minimum of 10 parking spaces as permitted by Tier 3 incentive which requires a minimum of 0.5 parking spaces per dwelling unit in lieu of the parking required by LAMC 12.21 A.4.(a). The project proposes 26.
 - b. **Bicycle Parking.** The project shall provide a minimum of 19 long-term bicycle parking spaces and two (2) short-term bicycle parking spaces. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21 A.16.
12. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning

and shall include a minimum of five (5) 24-inch box shade trees to replace those trees proposed to be removed. The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines. Landscaping shall be added to rooftop decks.

13. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping or shall be placed underground.

Administrative Conditions

14. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & 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 & 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.
15. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
16. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
17. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
18. **Department of Building & 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 & 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 & 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.
19. **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.

20. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning through the enforcement of the Department of Building and Safety.
21. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
22. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) 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.
- (ii) 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, of 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.
- (iii) 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 (ii).
- (iv) 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 (ii).
- (v) 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 includes 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.

PROJECT BACKGROUND

The subject site is located on the northeast corner of Fruitland Drive and Riverton Avenue, south of a 20-foot alley. The site is an approximate 8,228 square-foot lot zoned R3-1-RIO developed with a duplex and a triplex. The existing multi-family dwellings onsite were built in 1936 but are not listed in any local, state, or national register as historical resources.

The site is adjacent to properties zoned R3-1-RIO and developed with multi-family housing to the east and west across fronting Fruitland Drive on the north side of the block. Properties to the north across from a 20-foot alley are zoned C2-1VL-RIO and are developed with a storage facility. The property to the south across from Fruitland Drive are zoned R1-1-RIO and are developed with a duplex. The project is approximately 600 feet to the south of the 101 Freeway, approximately 0.3 miles south from the Los Angeles River, and approximately 0.3 miles to the west from the Studio City Metro Red Station.

The project includes the demolition of the existing duplex and triplex (5-units) and the construction of a new five-story, 56-foot high, 19-unit apartment building with one level of underground parking. The site is located in a Tier 3 area and is setting aside 14 percent (3 units) for Very Low Income households which makes the project eligible for Tier 3 Base Incentives and three additional incentives.

HOUSING REPLACEMENT (AB 2556 DETERMINATION)

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222, as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). AB 2556 requires applicants of Density Bonus projects filed as of January 1, 2015 to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of

the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) on a letter dated February 4, 2019, the proposed project is subject to the replacement of three (3) units or four (4) if a lot tie is required for the proposed project per AB 2556 (formerly AB 2222). HCIDLA determined that three (3) units need to be replaced with equivalent type, with one (1) unit at Extremely Low Income, one (1) unit at Very Low Income, and with one (1) unit at Low Income. If an additional unit is required as noted before, HCIDLA will determine the type and income level at which it must be replaced. According to the Housing Replacement TOC Guidelines, a Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements. HCIDLA will determine how many of the affordable units provided for the TOC Affordable Housing Incentive Program may also be used to satisfy the replacement units required per AB 2556. This is reflected in the Conditions of Approval. Refer to the TOC Affordable Housing Incentive Program Background section of this determination for additional information.

Rent Stabilization Ordinance and Ordinance No. 184,873

The project is subject to Ordinance No. 184,873 which modified the Rent Stabilization Ordinance (RSO) to strengthen provisions relating to the enforcement of the Ellis Act and the preservation of RSO units. This ordinance was approved by City Council on April 19, 2017 and became effective on June 4, 2017. This Ordinance is implemented by the Los Angeles Housing and Community Investment Department (HCIDLA), and requires property owners to comply with numerous requirements when they demolish Rent Stabilized Units. These requirements include, but are not limited to, the procedures for evicting tenants and procedures on how to withdraw units from the rental housing market.

The Ordinance also provides an Exemption from the Rent Stabilization Ordinance if providing Replacement Affordable Units. If an owner demolishes existing RSO units and replaces them with new rental units, those rental units are generally all subject to RSO. However, if an owner replaces all the demolished RSO units with a number of affordable housing units at least equal to the number of withdrawn rental units subject to the RSO on a one-for one basis, or at least 20% of the total number of newly constructed rental units, whichever is greater, they are then exempt from the Rent Stabilization Ordinance. The proposed TOC affordable units may also be counted towards satisfying the RSO replacement units and satisfying the number of units needed to qualify for the RSO Exemption, but the applicant must provide the larger number and meet the most restrictive affordability requirements. The Rent Stabilization Ordinance is under the purview of HCIDLA, and they make the determination on the number of units required to meet this Ordinance at the time of Building Permit.

The project is proposed on a site where RSO units were demolished in order to construct the proposed 19-unit TOC project, the project is also subject to the requirements of the Rent Stabilization Ordinance (RSO) and Ordinance No. 184,873. This is reflected in the Conditions of Approval.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which it does:

1. **On-Site Restricted Affordable Units.** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*
 - a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.*
 - b. *Tier 2 - 9% ELI, 12% VL or 21% Lower.*
 - c. *Tier 3 - 10% ELI, 14% VL or 23% Lower.*
 - d. *Tier 4 - 11% ELI, 15% VL or 25% Lower.*

The project is setting aside three units (14% of the total dwelling units) for Very Low Income Households (ELI), which qualifies the project for Tier 3 Incentives.

2. **Major Transit Stop.** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

The project is located approximately 0.3 miles (approximately 1,584 feet) from the Studio City Metro Red Line.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) on a letter dated February 4, 2019, the proposed project is subject to the replacement of three (3) units or four (4) if a lot tie is required for the proposed project per AB 2556 (formerly AB 2222). HCIDLA determined that three (3) units need to be replaced with equivalent type, with one (1) unit at Extremely Low Income, one (1) unit at Very Low Income, and with one (1) unit at Low Income. If the additional unit is required, HCIDLA will determine the type and income level at which it must be replaced. According to the Housing Replacement TOC Guidelines, a Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements. HCIDLA will determine how many of the affordable units provided for the

TOC Affordable Housing Incentive Program may also be used to satisfy the replacement units required per AB 2556. The project is proposed on a site where RSO units were demolished in order to construct the proposed 19-unit TOC project, the project is also subject to the requirements of the Rent Stabilization Ordinance (RSO) and Ordinance No. 184,873. This is reflected in the Conditions of Approval.

4. **Other Density or Development Bonus Provisions.** *A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.*

The project is not requesting any other Density or development Bonus Provisions.

5. **Base Incentives and Additional Incentives.** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below “base units” refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Section IV.1 above (except Moderate Income units).*
 - a. *One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
 - b. *Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*
 - c. *Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

The project is using the following base incentives:

- a. **Increase in Dwelling Units.** The project includes a total of 19 residential units, which is a 70 percent increase from the base of 11 units allowed.
- b. **Floor Area Ratio (FAR).** The project is on a site zoned R3-1-RIO and is using the available base incentives to increase the FAR by 50 percent which increases the allowable from 3:1 to 4.5:1.

- c. **Automobile Parking Reductions.** The project is eligible to provide 0.5 parking spaces per dwelling unit as allowed in Tier 3. The project has 19 units and is required to provide 10 automobile parking spaces. The project is proposing 26 parking spaces, 16 in excess of the amount required.

The project is using the following additional incentives:

- d. **Height.** The site is located in Height District 1, which allows a maximum height of 45 feet. LAMC Section 12.21.1 B.3 allows up to ten additional feet to accommodate rooftop structures such as the stairs and elevator shaft. Tier 3 additional incentives allow a height increase of up to 22 feet above the otherwise 45 foot height limit. The project proposes a height of 56 feet to the parapet of the building, and an stair/elevator shaft of 14 feet, for a total height of 70 feet to the top of the stair/elevator shaft. The Tier 3 height increase of 22 feet permits a maximum height of 67 feet, which for this project will include a 56 foot tall building, and 11 feet of stair/elevator shaft. Any additional feet required for the stair/elevator shaft will be as permitted pursuant to 12.21.1 B.3 and shall adhere to all relevant requirements. Any increase in height above 56 feet shall be stepped-back at least 15 feet from the exterior face of the ground floor along the Riverton Avenue and Fruitland Drive elevations.
- e. **Open Space.** The project includes a 16 percent reduction from the open space requirements per LAMC Section 12.21 G, as allowed by Tier 3 incentives (which allow up to a 25 percent reduction), to provide 1,892 square feet of open space in lieu of the required 2,225 square feet.
- f. **Side Yards.** LAMC Section 12.10 requires a minimum of 5-foot side yards plus one more foot for every story over the second story. The project is a five-story building and is required to provide 8-foot side yards. A 30 percent reduction in side yards is being requested as an additional incentive for Tier 3 in order to provide 5.6-foot side yards in lieu of the 8-foot requirement.

- 6. **Projects Adhering to Labor Standards.** *Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).*

The project is not requesting additional incentives to the incentives listed in the previous section (5d-5f).

- 7. **Multiple Lots.** *A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The project consists of one lot.

- 8. **Request for a Lower Tier.** *Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.*

The project is located in a Tier 3 area and is requesting and providing the required set aside affordable units to qualify for Tier 3 incentives.

9. **100% Affordable Housing Projects.** *Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.*

The project is not a 100% affordable Housing Project.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM /AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities (TOC) Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. **Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentives unless the director finds that:**

- a. *The incentives are not required 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 are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the Transit Oriented Communities (TOC) Guidelines were pre-evaluated at the time the TOC Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Height. The site is located in Height District 1, which allows a maximum height of 45 feet. LAMC Section 12.21.1 B.3 allows up to ten additional feet to accommodate rooftop structures such as the stairs and elevator shaft. Tier 3 additional incentives allow a height increase of up to 22 feet above the otherwise 45 foot height limit. The project proposes a height of 56 feet to the parapet of the building, and an stair/elevator shaft of 14 feet, for a total height of 70 feet to the top of the stair/elevator shaft. The Tier 3 height increase of 22 feet permits a maximum height of 67 feet, which for this project will include a 56 foot tall building, and 11 feet of stair/elevator shaft. Any additional feet required for the stair/elevator shaft will be as permitted pursuant to 12.21.1 B.3 and shall adhere to all relevant requirements. Any increase in height above 56 feet shall be stepped-back at least 15 feet from the exterior face of the ground floor along the Riverton Avenue and Fruitland Drive elevations.

This increase in height pursuant to the Tier 3 incentive is needed in order to construct a five-story residential building with the required stair/elevator shafts. This incentive will result in a building design that will facilitate and enable the provision of three units for Very Low Income Households by allowing the construction of a fifth-story and four additional units (two three-bedroom units, one two-bedroom unit, and one one-bedroom unit).

Open Space. The requested open space incentive, which includes a 16 percent reduction in the permitted open space area, is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit zoning incentives that will support provision of affordable housing. The requested incentive will allow the developer to reduce open space requirements so the units set aside for Very Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to reserve three units for Very Low Income Households.

Side Yards. The requested side yard reduction of 30 percent from 8 feet to 5.6 feet, will allow a greater building footprint and increased residential square footage which will facilitate the creation and setting aside of the additional three onsite affordable units for Very Low Income Households. Subsequently the project has been conditioned to provide 10 percent more landscaping with the reduction.

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

There is no evidence that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Section 15332 (Class 32) of the CEQA Guidelines.

The Class 32 Exemption is intended to promote infill development within urbanized areas. The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "Infill Projects" as further described in the analysis for Case No. ENV-2018-4337-CE. The five (5) conditions which the project must meet in order to qualify for the Class 32 Categorical Exemption are as follows: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as

habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. The project, as proposed, was determined to meet all five conditions. Furthermore, planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed ordinance listed in “CEQA Guidelines” Section 15300.2 and determined that none of the exceptions apply to the proposed project.

Therefore, there is no substantial evidence that the proposed Project will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

ADDITIONAL MANDATORY FINDINGS

2. 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 in Zone X, which is categorized as an area outside a flood zone.
3. DETERMINED based on the whole of the administrative record, that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project’s distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director’s Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude San Fernando Valley Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, (310) 231-2901 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

*Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077*

*Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Suite
251
Van Nuys, CA 91401
(818) 374-5050*

*West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2901*

Pursuant to LAMC Section 12.22A.25(f), only abutting property owners and residents can appeal this Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Note of Instruction Regarding the Notice of Exemption: Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the issuance of this letter. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, and the possibility of a CEQA appeal, being extended to 180 days.

VICENT P. BERTONI, AICP
Director of Planning

Approved by:



Blake Lamb, Principal Planner

Reviewed by:



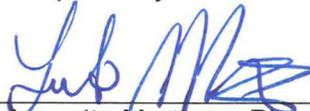
Michelle Levy, Senior City Planner

Reviewed by:



Sarah Hounsell, City Planner

Prepared by:



Lucerito Martinez, Planning Associate
(818) 374-5058

Attachments:

Exhibit A: Architectural Plans

COUNTY CLERK'S USE

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 200 NORTH SPRING STREET, ROOM 395
 LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
 (PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2018-4337-CE

PROJECT TITLE DIR-2018-4336-TOC

COUNCIL DISTRICT

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

3862, 3864, 3864 1/2 N. Riverton Avenue and 10867 W. Fruitland Drive, Studio City, CA 91604

Map attached.

PROJECT DESCRIPTION:

Additional page(s) attached.

NAME OF APPLICANT / OWNER:

Daniel Ahadian/ Abe Abraham & Keyvan Moradian

CONTACT PERSON (If different from Applicant/Owner above)

(AREA CODE) TELEPHONE NUMBER
(310) 339-7344

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)

CEQA Guideline Section(s) / Class(es) Section 15332 (Class 32)

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

Additional page(s) attached

None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.

The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Lucerto Martinez *Luc M*

STAFF TITLE

Planning Associate

ENTITLEMENTS APPROVED

Transit Oriented Communities Overlay

FEE:
\$5,744

RECEIPT NO.
0102921041

REC'D. BY (DCP DSC STAFF NAME)

Daralyan Dominguez

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

EXHIBIT D

JUSTIFICATION FOR PROJECT EXEMPTION

CASE NO. ENV-2018-4337-CE

JUSTIFICATION FOR PROJECT EXEMPTION:

Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. In addition, none of the following Exceptions can apply to the project: (a) The project and successive projects of the same type in the same place will result in cumulative impacts; (b) There are unusual circumstances creating the reasonable possibility of significant effects; (c) The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway; (d) The project is located on a site that the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government Code section 65962.5, as being affected by hazardous wastes or clean-up problems; or (e) The project may cause a substantial adverse change in the significance of an historical resource.

Project Description:

The project includes the demolition of the existing duplex and triplex and the construction of a new five-story, 19-unit apartment building with a height of 56 feet to the parapet line and 70 feet to the top of the stairs/elevator shaft. The project has one level of underground parking. The site is located in a Transit Oriented Community (TOC) Incentive Program Tier 3 area and is setting aside 14 percent (3 units) for Very Low Income households which makes the project eligible for Tier 3 Base Incentives and three additional incentives. Five non-protected trees are proposed to be removed.

There are five (5) exceptions to this Exemption which the City is required to consider before finding a project exempt under Class 32: (a) Cumulative Impacts; (b) Unusual Circumstances/Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

(a) Cumulative Impacts

According to ZIMAS, there is not a current succession of known projects of the same type within a 500-foot radius from the subject property. As a result, there are no significant cumulative impacts. Therefore, this exception to the Categorical Exemptions does not apply.

(b) Unusual Circumstances/Significant Effect

The project includes the demolition of the existing duplex and triplex and the construction of a new five-story, 56-foot high, 19-unit apartment building with one level of underground parking. The site is located in a Transit Oriented Community (TOC) Incentive Program Tier 3 area and is setting aside 14 percent (3 units) for Very Low Income households which makes the project eligible for Tier 3 Base Incentives and three additional incentives. According to the tree report submitted and dated July 10, 2018, there are five non-protected trees and no protected trees onsite. The project includes the removal of five non-protected trees. The project does not exceed the Department of Transportation traffic thresholds, will not have any significant impacts to traffic, and does not require a traffic study. The project will not result in significant impacts related to air

quality because it falls below interim air threshold established by Department of City Planning (DCP) staff. Interim thresholds were developed by Department of City Planning staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce any potential impacts on noise and water to less than significant. The property is an area developed with a mix of single-family, multi-family and commercial properties. Thus, there are no unusual circumstances which may lead to a significant effect on the environment and this exception to the Categorical Exemptions does not apply.

(c) Scenic Highways

Based on a review of the California Scenic Highway Mapping System (http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), subject site is not located along an Officially Designated State Scenic Highway, nor are there any designated State Scenic Highways located near the project site. Based on this, the proposed project will not result in damage to scenic resources including trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. Therefore, this exception to the categorical exemptions does not apply.

(d) According to Envirostor (<https://www.envirostor.dtsc.ca.gov/public/>), the State of California's database of Hazardous Waste Sites, and Geotracker (<https://geotracker.waterboards.ca.gov/>), the State Water Resources Control Board database of regulated facilities, neither the subject site, nor any site within 500 feet from the subject site, is identified as a hazardous waste site.

(e) The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register. In addition, the site was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the conditions described in this section. The five (5) conditions which the project must meet in order to qualify for the Class 32 Categorical Exemption are as follows: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

a) The site is currently developed with a duplex and triplex. The site is zoned R3-1-RIO and has a General Plan Land Use Designation of Low Medium Residential. As a multi-family project which consists of 19 units which is located within a Transit Oriented Community Housing Incentive Tier 3, it will be conformance with the General Plan and Zoning designation.

b) The subject site is wholly within the City of Los Angeles, on site that is less than .19 acres. The site is surrounded by multi-family housing to the east and west, single- and multi-family housing to the south across from Fruitland Drive and commercially zoned properties to the north across

from a 20-foot alley.

c) The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. According to the tree report submitted and dated July 10, 2018, there are five non-protected trees and no protected trees onsite. The project includes the removal of five non-protected trees. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce any potential impacts on noise and water to less than significant.

d) At 19 multi-family dwelling units, the project is under the designated City thresholds that would trigger a traffic or Air Quality Study. The project will be subject to standard regulatory compliance measures for drainage and does not involve any special noise generators. Impacts to traffic, air quality, noise, and water quality from the proposed project are anticipated to be less than significant.

e) The project site will be adequately served by all public utilities and services given that the construction of a 19-unit multi-family dwelling will be on a site which has been previously developed with a duplex and a triplex.

Therefore, it can be found that the project meets the qualifications of the State CEQA Guidelines Section 15332 (Class 32) Exemption.

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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CASE NO. CPC-2017-1914-MSA

February 26, 2018

**TECHNICAL CLARIFICATIONS TO THE TRANSIT ORIENTED COMMUNITIES
AFFORDABLE HOUSING INCENTIVE PROGRAM GUIDELINES (TOC GUIDELINES)**

The Transit Oriented Communities Affordable Housing Incentive Guidelines (TOC Guidelines) developed pursuant to Measure JJJ was released on September 22, 2017. Since that time, several technical clarifications have been identified. The Department has updated the TOC Guidelines to reflect these clarifications. All changes are listed in the Activity Log of the Guidelines.

If you have any questions, please do not hesitate to contact Matthew Glesne of the Department of City Planning at (213) 978-2666 or matthew.glesne@lacity.org.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

VBP:KJK:MG:CH:mn

Attachment: TOC Guidelines

Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines)

Implementing Section 6 of Measure JJJ, approved by the voters in November 2016, and added
to Los Angeles Municipal Code 12.22 A.31

Effective September 22, 2017
Revised February 26, 2018

Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines)

ACTIVITY LOG

1. February 16, 2018 Technical Clarifications (No Change to Policies)

| <u>Section No.</u> | <u>Change</u> |
|---------------------|---|
| III.3 Chart 1 | Clarified applicability of Rapid Bus intersections to Tier 4 |
| IV.1(a-d) | Added the word “or” between affordability percentages for clarity |
| VI.1(b) | Clarified allowable floor area ratio incentive |
| VII.1(a)(ii)1 and 2 | Clarified applicability of yard incentive |
| VII.1(g)(4) | Revised formatting to clarify height exception |

Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines)

I. SCOPE AND PURPOSE.

Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22 A.31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure requires the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) for all Housing Developments located within a one-half mile radius of a Major Transit Stop.

These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22 A.31. In cases where Base or Additional Incentives are permitted, they shall be based off the otherwise allowable development standards for the property found in a zoning ordinance, Specific Plan, Community Plan Implementation Overlay (CPIO), overlay district, or other local condition, law, policy, resolution, or regulation (unless the TOC incentives have been amended per Section III.3). The Guidelines may be modified by the Director with recommendation by the City Planning Commission.

II. DEFINITIONS

1. **Eligible Housing Development** is a Housing Development that includes On-Site Restricted Affordable Units at a rate that meets or exceeds the minimum requirements to satisfy the TOC Incentives and as set forth in Section IV of the Guidelines.
2. **Extremely Low-Income Households** is defined in Section 50106 of the California Health and Safety Code.
3. **Housing Development** is defined as the construction of five or more new residential dwelling units, the addition of five or more residential dwelling units to an existing building or buildings, the remodeling of a building or buildings containing five or more residential dwelling units, including a mixed use development containing residential dwelling units.
4. **Lower Income Households** is defined in Section 50079.5 of the California Health and Safety Code.
5. **On-Site Restricted Affordable Unit** shall mean a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Extremely Low, Very Low or Lower income households, as determined by the Housing and Community Investment Department.

6. **Major Transit Stop** is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP).
7. **Very Low-Income Households** is defined in Section 50105 of the California Health and Safety Code.

III. TOC AFFORDABLE HOUSING INCENTIVE AREA

1. Each one-half mile radius (2,640 feet) around a Major Transit Stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code, and provided in Section II of these Guidelines, shall constitute a unique TOC Affordable Housing Incentive Area.
2. Each lot in a TOC Affordable Housing Incentive Area shall be determined to be in a specific Tier (1-4) based on the shortest distance between any point on the lot and a qualified Major Transit Stop, as shown in Chart 1 and Map 1 below. The applicant shall be responsible for providing documentation showing that the location qualifies as a Major Transit Stop and for providing a radius map showing the distance to the Major Transit Stop. Establishment of the appropriate Tier shall take place at the time an application is accepted and the Tier is verified by the City.
3. The TOC Incentives and the required percentages for On-Site Restricted Affordable Units may be adjusted for an individual TOC Affordable Housing Incentive Area through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages to receive a development bonus for On-Site Restricted Affordable Units may not be reduced below the percentages set forth in LAMC Section 12.22 A.31(b)(1).

Chart 1. TOC Affordable Housing Incentive Area Tiers

| Type of Major Transit Stop | Tier 1 (Low) | Tier 2 (Medium) | Tier 3 (High) | Tier 4 (Regional) |
|--|---------------------------------------|-----------------|---------------|--|
| | Distance to Major Transit Stop | | | |
| Two Regular Buses (intersection of 2 non Rapid Bus* lines, each w/ at least 15 min. average peak headways) | 750 - 2640 ft. | < 750 ft. | - | - |
| Regular plus Rapid Bus* (intersection of a Regular Bus and Rapid Bus line) | 1500 – 2640 ft. | 750 – <1500 ft. | < 750 ft. | - |
| Two Rapid Buses* (intersection of two Rapid Bus lines) | - | 1500-2640 ft. | < 1500 ft. | - |
| Metrolink Rail Stations | 1500 – 2640 ft. | 750 – <1500 ft. | < 750 ft. | - |
| Metro Rail Stations | - | - | ≤ 2640 ft. | < 750 ft. from intersection with another rail line or a Rapid Bus* |

Notes:

To be an eligible TOC Housing Development, the project must meet the Eligibility criteria in Section IV, including being located within one-half mile of a Major Transit Stop. In the case of bus stops, this always requires an intersection of two bus routes. An intersection of two bus lines is defined as the midpoint of the street intersection where two or more eligible bus routes meet or cross, and passengers have the direct ability to transfer on foot. This does not include bus routes that travel along the same street. For Tier 4, an intersection between a rail station and an eligible Rapid Bus line is defined as either the rail station entrance(s) or the Rapid Bus stop when the bus stop is within 660 feet of a rail station entrance and can be accessed by foot.

Distance is measured from the closest point on any lot to the entrance(s) of a rail transit station (including elevators and stairways), or the middle of the street intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. Please see Appendix A for additional information on how to calculate the 15 minute service interval. In the case of a Tier 4 Major Transit Stop, the distance will be measured from the closest point on any lot to the closer of either the entrance of the rail transit station or the bus stop. If no entrance information is known for a station that is under construction, then the distance will be measured from the center of the platform of the station.

*Rapid Bus is a higher quality bus service that may include several key attributes, including dedicated bus lanes, branded vehicles and stations, high frequency, limited stops at major intersections, intelligent transportation systems, and possible off-board fare collection and/or all door boarding. It includes, but is not limited to, Metro Bus Rapid Transit lines, Metro Rapid 700 lines, Metro Orange and Silver Lines, Big Blue Rapid lines and the Rapid 6 Culver City bus.

- IV. ELIGIBILITY.** A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements:
1. **On-Site Restricted Affordable Units.** In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.
 - a. Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, or 11% of the total number of dwelling units shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.
 - b. Tier 2 - 9% ELI, or 12% VL or 21% Lower.
 - c. Tier 3 - 10% ELI, or 14% VL or 23% Lower.
 - d. Tier 4 - 11% ELI, or 15% VL or 25% Lower.
 2. **Major Transit Stop.** A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II of these Guidelines according to the procedures in Section III.2 above.
 3. **Housing Replacement.** A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
 4. **Other Density or Development Bonus Provisions.** A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.
 5. **Base Incentives and Additional Incentives.** All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI. Up to three Additional Incentives listed in Section VII may be granted based upon the affordability requirements described below. For the purposes of this section below “base units” refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Section IV.1 above (except Moderate Income units).

- a. One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.
 - b. Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.
 - c. Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.
6. **Projects Adhering to Labor Standards.** Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).
7. **Multiple Lots.** A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.
8. **Request for a Lower Tier.** Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.
9. **100% Affordable Housing Projects.** Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.
- V. **APPLICATION AND APPROVALS.** Applications for TOC Incentives shall follow the density bonus procedures outlined in Los Angeles Municipal Code Section 12.22 A.25(g).
1. **Procedures.**
 - a. **Projects Requesting only Base Incentives (Residential Density and Parking).** Projects receiving only Base Incentives shall be reviewed ministerially by the Department of Building and Safety per LAMC 12.22 A.25(g)(1).

- b. **Projects Requesting Additional Incentives.** Projects requesting Additional Incentives shall be reviewed by the Department of City Planning per the procedures in LAMC 12.22 A.25(g)(2).
2. **Calculations.**
- a. **Rounding of Fractional Numbers.** Any numbers regarding parking, number of units (including base density), number of affordable units, or number of replacement housing units that result in a fraction shall be rounded up to the next whole number.
 - b. **Site Plan Review Threshold.** The threshold for a project triggering the Site Plan Review requirements of LAMC 16.05 shall be based on the number of units that would be permitted prior to any density increase from Section VI 1(a) of these Guidelines.
3. **Multiple Approvals.** When the application is filed as part of a project requiring multiple City Planning discretionary approvals, the initial decision maker shall be as set forth in Section 12.36 of this Code; and when the application is filed in conjunction with a subdivision and no other approval, the Advisory Agency shall be the initial decision maker. The decision shall include a separate section clearly labeled “TOC Affordable Housing Incentive Program Determination.”
4. **Design Conformance.** Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to construct the building with the residential density permitted by Section VI.

VI. BASE INCENTIVES.

- 1. **Residential Density.** An Eligible Housing Development shall be granted a residential density increase as follows:
 - a. **Increase in Number of Dwelling Units.** In each Tier, the maximum increase in the otherwise maximum allowable number of dwelling units permitted under the applicable zoning ordinance shall be as follows:
 - i. Tier 1 – 50%
 - ii. Tier 2 – 60%
 - iii. Tier 3 – 70%
 - iv. Tier 4 – 80%
 - v. **Exception.** In the “RD” Restricted Density Multiple Family zone (RD Zone), the maximum increase shall be limited to the amounts listed below:

1. Tier 1 – 35%
2. Tier 2 – 35%
3. Tier 3 – 40%
4. Tier 4 – 45%

- b. **Floor Area Ratio (FAR).** In each Tier, the maximum increase in the allowable FAR permitted shall be equal to the following, provided that any additional floor area provided through this section is utilized only by residential uses:
- i. Tier 1 – Percentage increase of up to 40%, or an FAR increase resulting in at least a 2.75:1 FAR in commercial zones, whichever is greater.
 - ii. Tier 2 – Percentage increase of up to 45%, or an FAR increase resulting in at least a 3.25:1 FAR in commercial zones, whichever is greater.
 - iii. Tier 3 – Percentage increase of up to 50%, or an FAR increase resulting in at least a 3.75:1 FAR in commercial zones, whichever is greater.
 - iv. Tier 4 – Percentage increase of up to 55%, or an FAR increase resulting in at least a 4.25:1 FAR in commercial zones, whichever is greater.
 - v. **Exceptions**
 1. In the RD Zone or a Specific Plan or overlay district that regulates residential FAR, the maximum FAR increase shall be limited to 45%.
 2. If the allowable base FAR is less than 1.25:1 then the maximum FAR allowed per this section is limited to 2.75:1.
 3. In the Greater Downtown Housing Incentive Area, the maximum FAR increase shall be limited to 40%, with the total floor area of a residential building or residential portion of a building being calculated per the definition in LAMC 12.22 A.29(c)(1).

Note: For the purpose of applying this incentive, commercial zones include Hybrid Industrial zones, Commercial Manufacturing zones and any defined area in a Specific Plan or overlay district that allows for both commercial uses and residential uses.

2. **Automobile Parking.**

- a. **Residential Minimum Parking Requirements.**
- i. Tiers 1-3 - Required automobile parking for all residential units in an Eligible Housing Development (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable, shall be as follows:
 1. For an Eligible Housing Development, required parking for all residential units shall not exceed 0.5 spaces per bedroom.
 2. For an Eligible Housing Development that consists of 100% On-Site Restricted Affordable units, exclusive of a manager's unit or

units, there shall be no required parking for all residential units in the Eligible Housing Development.

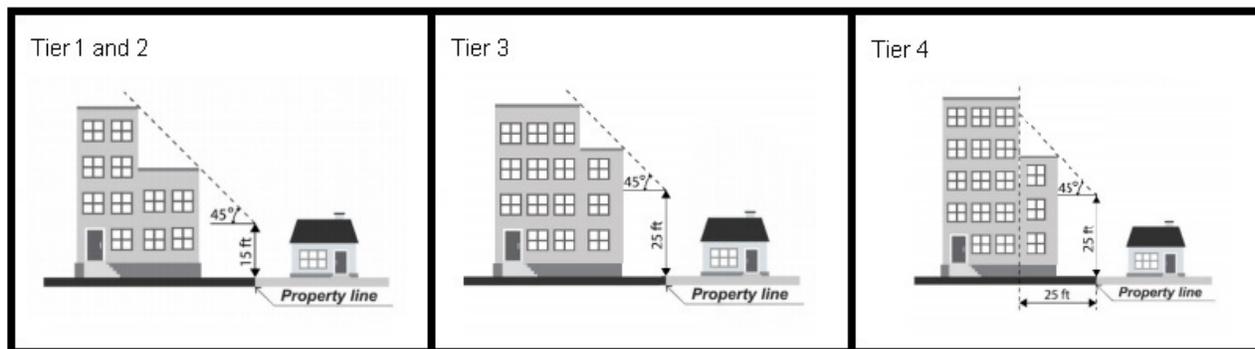
3. Tier 2 - Regardless of the number of bedrooms in each unit, parking for all residential units in an Eligible Housing Development shall not be required to exceed 1 space per unit;
 4. Tier 3 - Required parking for all residential units in an Eligible Housing Development shall not exceed 0.5 spaces per unit;
 - ii. Tier 4 – No required parking for residential units in an Eligible Housing Development.
- b. **Rounding.** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- c. **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 HCIDLA.
- d. **Bicycle Parking.** The bicycle parking requirements in LAMC 12.21 A.16 apply. The additional options to further reduce automobile parking through bicycle parking replacement in LAMC 12.21 A.4 do not apply to TOC projects.
- e. **Nonresidential Parking.** A mixed-use project may reduce the nonresidential automobile parking requirement for any ground-floor nonresidential use as follows:
- i. Tier 1 – Up to a 10% reduction in the nonresidential parking requirement
 - ii. Tier 2 – Up to a 20% reduction in the nonresidential parking requirement
 - iii. Tier 3 – Up to a 30% reduction in the nonresidential parking requirement
 - iv. Tier 4 – Up to a 40% reduction in the nonresidential parking requirement
- f. **Consistency.** Parking reductions offered for Eligible Housing Developments shall always be consistent or greater than those in California Government Code Section 65915(p).

VII. ADDITIONAL INCENTIVES. In addition to the Base Incentives above, an Eligible Housing Development may be granted Additional Incentives by following the procedures in LAMC 12.22 A.25(g)(2).

1. **Menu of Incentives.** The Additional Incentives are defined below. The percentage of increase or decrease in the development standards may vary by Tier as follows, and shall be used in lieu of those listed in LAMC 12.22 A.25(f):

- a. **Yard/Setback.** Eligible Housing Developments may request a reduction in the otherwise required yards/setbacks as follows:
 - i. **Commercial Zones.** In any Commercial zone, Eligible Housing Developments may utilize any or all of the yard requirements for the RAS3 zone per LAMC 12.10.5.
 - ii. **Residential Zones:** Eligible Housing Developments in Residential zones may utilize a reduction in the front, rear or side yards as follows:
 - 1. **Front Yards:** Front yard reductions are limited to no more than the average of the front yards of adjoining buildings along the same street frontage. Or, if located on a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjoining building along the same front lot line. If there are no adjoining buildings, no reduction is permitted. In Tier 3 and Tier 4, the front yard reduction may be paired with one other individual yard reduction, per subsection 2 below, which will require the use of only one incentive.
 - 2. **Side and Rear Yards:**
 - a. Tier 1 - Up to a 25% decrease in the required width or depth of one individual yard or setback.
 - b. Tier 2 - Up to a 30% decrease in the required width or depth of one individual yard or setback.
 - c. Tier 3 - Up to a 30% decrease in the required width or depth of two individual yards or setbacks.
 - d. Tier 4 - Up to a 35% decrease in the required width or depth of two individual yards or setbacks.
 - iii. **Exception.** Yard reductions may not be applied along any property line that abuts an R1 or more restrictive residential zoned property.
- b. **Open Space.** See LAMC 12.22 A.25(f)(6)
 - i. Tiers 1 & 2 - Up to a 20% decrease in required open space
 - ii. Tiers 3 & 4 - Up to a 25% decrease in required open space
- c. **Lot Coverage.** See LAMC 12.22 A.25(f)(2)
 - i. Tiers 1 & 2 - Up to a 25% increase in maximum lot coverage
 - ii. Tiers 3 & 4 - Up to a 35% increase in maximum lot coverage
- d. **Lot Width.** See LAMC 12.22 A.25(f)(3)
 - i. All Tiers - Up to a 25% decrease in required minimum lot width
- e. **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** See LAMC 12.22 A.25(f)(8)
- f. **Density Calculation.** See LAMC 12.22 A.25(f)(7)

- g. **Height.** For Eligible Housing Developments that have a residential use which occupies more than 50% of the total floor area within a building, the applicable Total Height and Transitional Height standards below count as one Incentive. This increase in height shall be applicable to an Eligible Housing Development over the entire parcel regardless of the number of underlying height limits.
- i. **Total Height.** In any zone in which height or number of stories is limited, this height increase shall permit a maximum of:
 1. Tier 1 and 2 – One additional story up to 11 additional feet
 2. Tier 3 – Two additional stories up to 22 additional feet
 3. Tier 4 – Three additional stories up to 33 additional feet
 4. **Exception.** Notwithstanding subsections 2 and 3 above, projects located on lots with a height limit of 45 feet or less, or located within a Specific Plan or overlay district that regulates height, shall require any height increases over 11 feet to be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along any street frontage.
 - ii. **Transitional Height.** An Eligible Housing Development may select the following transitional height requirements in lieu of those found in LAMC 12.21.1 A.10, or any applicable transitional height limits in a in a Specific Plan, including any requirements for reduced building heights when a building is adjoining a more restrictive zone:
 1. Tiers 1 and 2 - The building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 15 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive residential zone or Specific Plan subarea (see Diagram 1 below).
 2. Tier 3 – The building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive zone or Specific Plan subarea (see Diagram 1 below).
 3. Tier 4 – Within the first 25 feet of the property line abutting or across the street or alley from the RW1 or more restrictive zone the building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in the more restrictive zone or Specific Plan subarea (see Diagram 1 below).

Diagram 1. Transitional Height Incentive

- h. **Public Facilities (PF) Zones.** In lieu of the requirement in LAMC 12.24 U.21, a joint public and private development that qualifies as an Eligible Housing Development may include the uses and area standards permitted in the least restrictive adjoining zone. The phrase “adjoining zone” refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property.

- VIII. COVENANT.** Prior to issuance of a Building Permit for any Eligible Housing Development, a covenant acceptable to the Department of Housing and Community Investment (HCIDLA) shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 55 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, government requirement, mortgage assistance program, or rental subsidy program.
- IX. FEES.** A TOC project requesting Additional Incentives is subject to the same Department of City Planning fees as an Application for a Density Bonus including a request for one or more Incentives included in the Menu of Incentives pursuant to LAMC 19.01 O. See Section [19.01](#) V. for multiple applications.

Appendix A: Methodology for Determining Major Transit Stops

Definition of Major Transit Stop:

A site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent SCAG Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP).

SCAG and OPR Methodology:

Peak Periods are considered to be between 6:00 to 9:00 AM and 3:00 to 7:00 PM. Bus routes must have a service frequency of 15 minutes or less for the entire duration of the peak hour periods.

To determine the eligibility of the bus line, the average number of minutes per trip for each direction is calculated separately. If one or both directions fail to meet the 15 minute frequency limit, the entire bus line is ineligible for a Major Transit Stop.

- The total number of trips from the point of origin during peak hours (Monday to Friday) is used. A trip is included if its median time falls within the peak hour.
- To calculate the median time, the time at trip origin is subtracted from the time at arrival at final station, divided by two, and then added to origin time.
For example: Origin time 5:42 AM, Arrival time 6:22 AM
Total trip time = 40 Minutes (6:22 AM – 5:42 AM)
Median trip time = 40 Minutes/2 + 5:42 AM, or 6:02 AM
- The total peak hour time is then divide by the number of trips for the average number of minutes per trip.

Below is a sample calculation based on the 750 Metro Rapid Bus Line (see schedule on Page 16):

Eastbound Trips for 750

During the morning peak hours between 6:00 AM to 9:00 AM, there is a total of 12 Eastbound trips.

The trip originating from Warner Center at 5:42 AM is the first eligible trip with an arrival time at 6:22 AM. This is calculated by dividing the total trip time of 40 minutes by two and adding the 20 minutes to the trip origination time at 5:42 AM, resulting in a median trip time that falls within peak hours at 6:02 AM (not shown in bus schedule).

The trip originating from Warner Center at 8:29 AM is the last eligible trip, with the median time at 8:57 AM.

During the afternoon peak hours between 3:00 PM and 7: PM, there is a total of 16 Eastbound trips.

With 28 total Eastbound trips during the 420 peak hour minutes, the average frequency of the 750 bus line is 15 minutes.

Westbound Trips for 750

Looking at the Westbound trips, there are 11 trips and 15 trips in the AM and PM peak hours respectively. This results in an average frequency of 16.15 minutes.

Result

Despite the Eastbound portion of the 750 Metro Rapid Bus Line meeting the 15 minute frequency as required by a Major Transit Stop, the Westbound portion, with an average frequency of 16.15 minutes, fails to meet that criteria. Therefore, the 750 Metro Rapid Bus Line is ineligible for inclusion in a Major Transit Stop.

Sample Metro Bus Line Schedule with Qualified Peak Hour Trips Boxed in Red

| Monday through Friday | | | | 750 | | | |
|--|------------------|--------------------|-----------------------------------|---|--------------------|------------------|--|
| Effective Jun 25 2017 | | | | | | | |
| Eastbound <i>Al Este</i> [Approximate Times / Tiempos Aproximados] | | | | Westbound <i>Al Oeste</i> [Approximate Times / Tiempos Aproximados] | | | |
| WARNER CENTER | TARZANA | SHERMAN OAKS | STUDIO CITY | STUDIO CITY | SHERMAN OAKS | TARZANA | WARNER CENTER |
| 1 | 2 | 3 | 4 | 4 | 3 | 2 | 1 |
| Warner Center Transit Hub (Owensmouth & Erwin) | Ventura & Reseda | Ventura & Van Nuys | Universal/ Studio City Station | Universal/ Studio City Station | Ventura & Van Nuys | Ventura & Reseda | Warner Center Transit Hub (Owensmouth & Erwin) |
| 5:13A | 5:25A | 5:36A | 5:50A | 5:23A | 5:38A | 5:52A | 6:10A |
| 5:28 | 5:40 | 5:51 | 6:06 | 5:45 | 6:00 | 6:14 | 6:32 |
| 5:42 | 5:54 | 6:07 | 6:22 | 6:00 | 6:15 | 6:29 | 6:48 |
| 5:55 | 6:09 | 6:23 | 6:38 | 6:15 | 6:30 | 6:47 | 7:06 |
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| 6:23 | 6:37 | 6:55 | 7:10 | 6:45 | 7:01 | 7:22 | 7:43 |
| 6:37 | 6:51 | 7:11 | 7:27 | 7:00 | 7:17 | 7:39 | 8:00 |
| 6:50 | 7:05 | 7:27 | 7:44 | 7:15 | 7:32 | 7:54 | 8:15 |
| 7:05 | 7:20 | 7:43 | 8:00 | 7:30 | 7:49 | 8:11 | 8:32 |
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| 8:12 | 8:28 | 8:49 | 9:08 | 8:30 | 8:49 | 9:11 | 9:32 |
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| 10:10 | 10:27 | 10:48 | 11:07 | 10:05 | 10:24 | 10:43 | 11:05 |
| 10:40 | 10:57 | 11:18 | 11:37 | 10:35 | 10:54 | 11:13 | 11:35 |
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| 11:38 | 11:57 | 12:18P | 12:37 | 11:34 | 11:54 | 12:13P | 12:36 |
| 12:08P | 12:27P | 12:48 | 1:08 | 12:03P | 12:24P | 12:44 | 1:07 |
| 12:35 | 12:54 | 1:15 | 1:35 | 12:33 | 12:54 | 1:14 | 1:37 |
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