DEPARTMENT OF CITY PLANNING

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DIRECTOR'S DETERMINATION TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

October 07, 2021

Applicant/Owner

Daniel Pourbaba (A/O)

511 Hoover LLC

8271 Melrose Avenue, Suite 207

Los Angeles, CA 90046

Bertha A. Sandoval (O) 511 North Hoover Street

Los Angeles, CA 90004

Representative

Aaron Belliston **BMR Enterprises** 5250 Lankershim Boulevard, Suite 500 Los Angeles, CA 91601

Case No.: DIR-2021-2250-TOC-HCA

Related Case No.: N/A

CEQA: ENV-2021-2251-CE

Location: 505 – 517 North Hoover Street

Council District: 13 – O'Farrel Neighborhood Council East Hollywood

Community Plan Area: Wilshire

Land Use Medium Residential Designation:

Zone: R3-1

Legal Description: Dayton Heights Tract; Block

M; Lots 13,14,15

Last Day to File an Appeal: October 22, 2021

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

- 1. **Determine** that, based on the whole of the administrative record, the project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, 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;
- Approve a Transit Oriented Communities Affordable Housing Incentive Program for a Tier 3 project with a total of 40 dwelling units, including four dwelling units reserved for Extremely Low Income (ELI) Household occupancy for a period of 55 years, along with the following Base and Additional Incentives:

Base Incentives:

- a. Density. Increase the maximum number of dwelling units by up to 70 percent to allow a maximum residential density of 50 units in lieu of 29 units otherwise required;
- b. Floor Area Ratio (FAR). Increase in FAR by up to 50 percent to allow a

- FAR of up to 4.5:1, in lieu of a FAR of 3:1 otherwise required; and
- c. **Parking.** Provide automobile parking at a ratio of 0.5 spaces per residential unit to allow a minimum of 20 parking spaces, in lieu of 40 parking spaces otherwise required.

Additional Incentives:

- d. **Yard/Setback.** A 30 percent reduction in the rear and side setbacks to allow a minimum rear yard of 10 feet 6 inches and a northern side yard of 6.3 feet, in lieu of a rear yard of 15 feet and side yard of 9 feet otherwise required:
- e. **Open Space.** A 25 percent reduction in Open Space requirement to allow a minimum of 4,932 square feet of Open Space, in lieu of 6,575 square feet otherwise required; and
- f. **Height.** Two additional stories up to 22 feet to allow a maximum building height of six stories up to 67 feet, in lieu of 45 feet otherwise required.
- 3. Adopt the attached findings and Conditions of Approval.

CONDITIONS OF APPROVAL

Pursuant to LAMC Section 12.22 A.31 the following conditions are hereby imposed upon the use of the subject property:

- 1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan and elevations labeled Exhibit "A" included in the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
- 2. **Use.** The project shall be limited to a residential building with 40 residential units.
- 3. **Floor Area.** Development on the subject property shall be limited to a 3.79:1 Floor Area Ratio (FAR), or a total floor area of 61,106 square feet.
- 4. **Building Height.** The height of the building shall not exceed 67 feet from grade to the top of roof as defined by Section 12.21.1 B.3(a) of the Municipal Code. Any structures on the roof, such as air condition units and other equipment, shall be fully screened of view from any public right-ofway.

5. Base Incentives.

a. **Residential Density**. The project shall be limited to a maximum density of 40 residential units, including On-site Restricted Affordable Units.

b. Parking.

- i. **Automobile Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22 A.31, which permits a maximum of 0.5 residential parking spaces per unit for a Tier 3 Project. The project will provide 50 residential parking spaces for residents.
- ii. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. The project shall provide a minimum of 40 long-term and 4 short-term bicycle parking spaces. No variance from the bicycle parking requirements has been requested or granted herein.
- iii. **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 the Los Angeles Housing Department.
- iv. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

6. Additional Incentives.

a. Yard/Setback. The project shall be permitted up to a 30 percent reduction in the required rear and side setbacks. The rear yard shall be limited to 10 feet and 6 inches in lieu of 15 feet, and the northern side yard shall be limited to 6.3 feet in lieu of 9 feet otherwise required by LAMC Section 12.10 C. The project will provide a front yard of 15 feet and a southern side yard of 9 feet

- b. **Open Space.** The project shall be permitted up to a 25 percent reduction in open space, or a minimum of 4,932 square feet in lieu of the required 6,575 square feet otherwise required by LAMC Section 12.21 G. The project will provide 4,935 square feet of open space which includes common and private open space.
- c. **Height.** The project shall be permitted an increase of 22 feet in building height, allowing a maximum height of 67 feet in lieu of the required 45 feet.

7. On-site Restricted Affordable Units.

a. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of HCIDLA to make 10 percent of the total number of units for Extremely Low Income Households, as defined by HCIDLA, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event, the applicant reduces the proposed density of the project, the number of required reserved On-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of HCIDLA. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall provide 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 HCIDLA.

- 8. Changes in On-site Restricted Units. Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.31.
- 9. **Housing Replacement Requirements.** Pursuant to the Housing Crisis Act of 2019 and the Los Angeles Housing Department determination dated September 17, 2020, the project will not be required to provide replacement units.

Design Conformance Conditions

- 10. 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.
- 11. **Tree Requirement.** The project shall provide at least the minimum number of trees on-site to comply with the landscape requirement (LAMC Section 12.21 G(a)(3)). Pursuant to Ordinance No. 179,884, trees may not be less than 24-inch box in size and shall be planted within open space areas.
- 12. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 13. **Materials.** A variety of high quality exterior building materials, consistent with the approved Exhibit "A" plans, shall be used. Substitutes of an equal quality shall be permitted to the satisfaction of the Department of City planning.
- 14. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.

- 15. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer(s), if located at-grade and facing the public right-of-way, shall be screened with landscaping or a green wall.
- 16. **Trash Collection.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
- 17. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
- 18. **Solar Energy.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211.1, to the satisfaction of the Department of Building and Safety.
- 19. **Parking / Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Department of Transportation for approval.

Administrative Conditions

- 20. **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.
- 21. Covenant. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
- 22. **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.
- 23. 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.
- 24. **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.
- 25. **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.

- 26. **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.
- 27. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
- 28. **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.
- 29. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
- 30. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including <u>but not limited to</u>, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out, 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.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions 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 property is a 22,500 square-foot (0.52 acres), level site consisting of three lots with a frontage of approximately 150 feet along North Hoover Street, and a depth of approximately 150 feet in the Virgil Village neighborhood of East Hollywood. The property is currently developed with an office building and two single-family houses.

The project site is zoned R3-1 and is located within the Wilshire Community Plan with a General Plan Land Use Designation of Medium Residential. Additionally, the site is located within the Los Angeles State Enterprise Zone, a Transit Priority Area, a TOC Tier 3 area, an Urban Agriculture Incentive Zone, Special Grading Area, and is within 1.47 kilometers from the Upper Elysian Park fault zone.

The proposed project involves the demolition of one office building and two single-family houses and the construction, use, and maintenance of a six-story, 40-unit residential building. The proposed building will encompass approximately 61,106 square feet of floor area resulting in a FAR of 3.79 to 1 and will rise to a maximum height of 67 feet. Pursuant to the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, the applicant requests three Base Incentives and three Additional Incentives in exchange for reserving 10 percent, or four units, for Extremely Low Income Households. The project will comprise of the following unit mix: 5 one-bedroom units; 1 two-bedroom unit; 8 three-bedroom units; and 26 five-bedroom units. The residential units will inhabit the six stories constructed above-grade and 50 residential parking spaces will be located within the subterranean parking garage. The project will also provide a total of 44 bicycle parking spaces on-site: four short-term and 40 long-term. The long-term bicycle parking spaces will be located within an enclosed room

in the subterranean parking garage and the short-term spaces will be located adjacent to the sidewalk fronting North Hoover Street. A total of 4,935 square feet will be dedicated to open space which includes a residential courtyard, recreation room, and common open space area on the ground-floor, a roof deck, and 16 private balconies.

The project meets all eligibility requirements for the TOC Affordable Housing Incentive Program. The project is eligible for Base Incentives and up to three Additional Incentives. The project meets the TOC Guideline requirements of providing at least 11 percent of the base units for Extremely Low Income Households in exchange for the Additional Incentives.

Surrounding Properties

The property site is located in an urbanized neighborhood bounded by North Hoover Street to the east, and single-family houses to the north, west, and south. North Hoover Street provides north-south street travel with a Metro "10" Local Bus Line stop located 350 feet from the project site. In addition, the Metro "B" Vermont/Beverly Station is located approximately 2,550 feet from the project site. Surrounding properties are predominantly developed with single- and multi-story residential buildings, commercial businesses, and a car repair center. Properties across North Hoover Street are zoned C1.5-1VL, RD2-1VL, and RD3-1VL and are developed with one-story commercial stores, single-family houses, and multi-family residential buildings. Properties north and south of the project site are zoned R3-1 and are developed with a mix of single- and multi-family residential buildings and commercial businesses. One block north, on Clinton Street, is a Los Angeles Department of Water and Power Distributing Station zoned PF-1XL. Further south is the Hollywood Freeway (U.S. Route 101) zoned PF-1XL. Properties west of the project site are zoned R2-1 and are predominately developed with single-family houses.

Streets and Circulation

North Hoover Street – Adjoining the subject property to the east, is a designated Collector, with a roadway width of 40 feet and a right-of-way width of 66 feet improved with asphalt roadway, concrete curb, gutter, and sidewalk. The corridor permits northbound and southbound traffic flow.

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 Affordable Housing Incentive 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 ½-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 subject property is located within 2,550 feet from the Vermont Avenue and Beverly Boulevard intersection which functions as a major public transit stop for the Metro "B" Rail Line (via Vermont/Beverly Station). The subject property is therefore located in Tier 3 of the Transit Oriented Communities Affordable Housing Incentive Program and is eligible for Tier 3 incentives. Per Section IV of the TOC Guidelines, the proposed project is eligible to receive Base Incentives and up to three Additional Incentives as the project will reserve at least 11 percent of the base units for Extremely Low Income Households.

Given the above, the proposed project includes the following Base and Additional Incentives. The project requests three Base Incentive and three Additional Incentive. As a Tier 3 TOC project, the project requests the following Base and Additional Incentives for a qualifying Tier 3 Project:

Base Incentives:

- a. **Density.** Increase the maximum number of dwelling units by up to 70 percent to allow a maximum residential density of 50 units in lieu of 29 units otherwise required;
- b. Floor Area Ratio (FAR). Increase in FAR by up to 50 percent to allow an FAR of up to 4.5:1, in lieu of 3:1 FAR otherwise required; and
- c. **Parking.** Provide automobile parking at a ratio of 0.5 spaces per residential unit to allow a minimum of 20 parking spaces, in lieu of 40 parking spaces otherwise required.

Additional Incentives:

- d. **Yard/Setback.** A 30 percent reduction in the rear and side setbacks to allow a minimum rear yard of 10 feet 6 inches and a side yard of 6.3 feet, in lieu of a rear yard of 15 feet and side yard of 9 feet otherwise required:
- e. **Open Space**. A 25 percent reduction in Open Space requirement to allow a minimum of 4,932 square feet of Open Space, in lieu 6,575 square feet otherwise required; and
- f. **Height.** Two additional stories up to 22 feet to allow a maximum building height of six stories up to 67 feet, in lieu 45 feet otherwise required.

HOUSING REPLACEMENT

Pursuant to LAMC Section 12.22 A.31(b)(1), a Housing Development located within a Transit Oriented Communities (TOC) Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets any applicable replacement requirements of California Government Code Section 65915(c)(3) (California State Density Bonus Law).

Assembly Bill 2222 (AB 2222) amended the State Density Bonus Law to require 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.

On September 28, 2016, Governor Brown signed Assembly Bill 2556 (AB 2556) which further amended the State Density Bonus Law. The amendments took effect on January 1, 2017. AB 2556 clarifies the implementation of the required replacement of affordable units in Density Bonus projects, first introduced by AB 2222. AB 2556 further defines "equivalent size" to mean that as a whole, the new units must contain at least the same total number of bedrooms as the units being replaced.

In addition to the requirements of California State Density Bonus Law, on October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2015. During the duration of the statewide housing emergency, SB 330, among other things, creates new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant "Protected Units" unless the proposed housing development project replaces those units. The Los Angeles Housing Department has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated **September 17, 2020**, that there are no units subject to replacement pursuant to the requirements of the Housing Crisis Act of 2019 (SB 330).

As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Sections 65915(c)(3) (State Density Bonus Law) and 66300 (Housing Crisis Act of 2019).

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 site is located within a Tier 3 Transit Oriented Communities Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve 10 percent of the 40 total dwelling units for Extremely Low Income Households which equates to four on-site dwelling units as part of the Housing Development. Therefore, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

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.

As defined in the TOC Guidelines, a Major Transit Stop is defined as a site with an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The subject property is located within 2,550 feet from the Metro Vermont/Beverly Station which functions as a Major Transit Stop for the Metro "B" Rail Line. As such, the project meets the eligibility requirement for proximity to a Major Transit Stop.

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 Los Angeles Housing Department 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 SB 330 Determination made by the Los Angeles Department dated September 17, 2020, the proposed project is not required to provide any replacement affordable housing units. Therefore, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

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 seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other State or local program that provides development bonuses, including, but not limited to a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Implementation Overlay (CPIO), Specific Plan, or overlay district. The project will redevelop the existing office building and two single-family houses with a six-story residential development with 40 dwelling units. The TOC Incentives are applied throughout the entirety of the site and no development bonuses under any other state or local program will be utilized. The total project will reserve four units for Extremely Low Income Households and provide 36 market-rate units. As such, the project meets this eligibility requirement.

- 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.

As an eligible housing development, the project is qualified to receive the Base Incentives listed in the TOC Guidelines. The project requests three Additional Incentives as follows: (1) a 30 percent reduction in the rear and northern side setback, (2) a 25 reduction in open space requirement, and (3) a 22-foot increase in building height. The project will set aside 10 percent of the total units proposed and 13 percent of the base units for Extremely Low Income households. As such, the project meets the eligibility requirement for Base and Additional Incentives.

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 seeking Additional Incentives beyond the three permitted in exchange for reserving at least 11 percent of the base units for Extremely Low Income Households. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11; this eligibility requirement does not apply.

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 proposed building is located on three lots, all of which are designated within a Tier 3 TOC Affordable Housing Incentive Area. With 40 dwelling units proposed, the project will reserve 10 percent, or four units, of the total proposed number of units for Extremely Low Income Households.

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 applicant has not selected a Lower Tier and is not providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier. Therefore, this eligibility requirement does not apply.

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 does not consist of 100 percent On-Site Restricted Affordable units. It is not eligible for or seeking an increase in Tier. As such, this eligibility requirement does not apply.

10. 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.

The project as proposed and as conditioned, meets the intent of the Citywide Design Guidelines (adopted by City Planning Commission October 24, 2019). The proposed development has been conditioned to ensure a well-designed project and compliance with the Design Guidelines. The project has been conditioned to provide a pedestrian-friendly environment through the provision of landscaping and screening of any mechanical equipment from the public right- of-way. The project has also been conditioned to incorporate a variety of building materials to create visually interesting building façades and minimize impacts on surrounding properties.

GUIDELINE 1: PROMOTE A SAFE, COMFORTABLE AND ACCESSIBLE PEDESTRIAN EXPERIENCE FOR ALL.

The project promotes a safe, comfortable, and accessible pedestrian experience along North Hoover Street by incorporating building design and streetscape features that support the community. The project will enhance the parkway space with landscaping and two new street trees which will provide shade coverage during the day. In addition, the parkway will function as a buffer between pedestrians and automobiles creating a safe and comfortable space for all travelers. The project will install short-term and long-term bicycle parking along the front of the building and within the subterranean garage, respectively, providing residents a convenient space to store their bicycles. Additionally, the project proposes the minimum required driveway width thereby minimizing conflict between pedestrians and automobiles. Regarding building design, the project will feature windows and balconies fronting North Hoover Street. These features will allow for increased street surveillance and promote "eyes on the street". In addition, light fixtures will be thoughtfully placed throughout the project and along the building frontage to provide visibility and a sense of security.

GUIDELINE 2: CAREFULLY INCORPORATE VEHICULAR ACCESS SUCH THAT IT DOES NOT DISCOURAGE AND/OR INHIBIT THE PEDESTRIAN EXPERIENCE.

Residents of the proposed project will access the subterranean parking garage through a single driveway fronting North Hoover Street, spanning 19 feet in width. By minimizing the number of curb cuts on the project site and keeping the driveway width at the minimum requirement, the project maintains the continuity of the sidewalk and reduces the likelihood of vehicular interruptions between pedestrian and drivers. In addition, the project will feature a landscaped parkway and street trees to buffer pedestrians to vehicular traffic. As such, the project effectively addresses vehicular access with regard to the pedestrian experience.

GUIDELINE 3: DESIGN PROJECTS TO ACTIVELY ENGAGE WITH STREETS AND PUBLIC SPACE AND MAINTAIN HUMAN SCALE.

The project will implement building design and landscaped features to create an active streetscape that softly transitions between the public and private realm. The project will incorporate landscaping along the parkway and the building street frontage fronting North Hoover Street to enhance pedestrian safety and comfortability. The walkway leading up to the project's primary entryway will be elevated from the sidewalk, establishing the divide between the public right-of-way and private property. In addition, the project's roof deck and several of the private patios and balconies will overlook the street creating a sense of transparency and "eyes on the street". On the first floor, the project's open courtyard will provide a visual connection between the street and the project's rear common open space. Regarding façade articulation, the project will utilize breaks along the building's exterior with changes in depth, building materials, windows, and balconies. These elements provide visual interest and reflect a more human scale development. Overall, the project actively engages the spaces between the street and the project site.

GUIDELINE 4: ORGANIZE AND SHAPE PROJECTS TO RECOGNIZE AND RESPECT SURROUNDING CONTEXT.

The proposed project will be cohesive with the architectural style and aesthetic of the surrounding community implementing a blend of modern and traditional design elements that reflect the character of the community. For instance, the project will feature arched windows, curved walls, stucco material, and color palette that is commonly seen across the neighborhood. The project's transformer will be placed under the driveway away from public view to create an engaging and established frontage along North Hoover Street. Landscaping and street trees will be installed to create a safe and comfortable pathway for pedestrians traveling along the corridor. In addition, the project's roof deck will be oriented away from the

Hollywood Freeway (U.S. Route 101) located south of the project site, to reduce audible and visual impacts onto residents.

GUIDELINE 5: EXPRESS A CLEAR AND COHERENT ARCHITECTURAL IDEA.

The project will integrate high-quality building materials, a cohesive color palette, balanced articulation, and landscaping to create a clear and coherent design that respects its surrounding environment. Visual continuity is maintained from the street sidewalk and into the project's open space areas. The building's exterior will utilize a mixture of concrete masonry, white plaster, metal finishing and guardrails, rectangular and arched openings, and variations in depths and breaks to reflect an architectural character that blends modern and traditional design. Along North Hoover Street the project proposes street trees, parkway planting, bike racks, and private patio spaces to enhance the safety and comfortability of the corridor for pedestrians to walk along. The pathway into the project is slightly elevated from the sidewalk, transitioning into the common open spaces at the center and rear of the property. The open courtyard, recreation room, and rear yard provide residents a space to relax, socialize, and enjoy recreational activities. The project's residential balconies also provide private outdoor space that opens to the surrounding environment, with several overlooking the street. On the sixth floor, a roof deck will be located on the northeastern corner of the site further activating the street frontage along North Hoover Street and reducing audible and visual impacts from the Hollywood Freeway (U.S. Route 101). As such, the project provides a coherent architectural character that is consistent throughout the project site and is compatible with the neighborhood.

GUIDELINE 6: PROVIDE AMENITIES THAT SUPPORT COMMUNITY BUILDING AND PROVIDE AN INVITING, COMFORTABLE USER EXPERIENCE.

The project provides numerous amenities that create a comfortable and inviting experience for project users and the community. The six-story residential building features 5,925 square feet of open space for its residents which include private balconies, a central courtyard, recreation room, outdoor common area at the rear, and roof deck. Both the private and common open space components provide residents a space to relax, socialize, and enjoy recreational activities. Within the subterranean garage, the project will feature an enclosed bike room and workstation that can accommodate 40 long-term bicycles. Bike racks will be installed along the sidewalk fronting North Hoover Street to accommodate four short-term bicycle parking spaces. While the main trash and recycling room is located at the center of the subterranean level, residents will be able to dispose of their waste through chutes that are located on every floor. Many of the outdoor components of the project site will be landscaped with various trees and shrubs, including the courtyard, rear yard common area, roof deck, the building frontage, and parkway. The sidewalk will feature a landscaped parkway, providing a comfortable and attractive pedestrian pathway for pedestrians traveling along North Hoover Street.

GUIDELINE 7: CAREFULLY ARRANGE DESIGN ELEMENTS AND USES TO PROTECT SITE USERS.

The project carefully lays out its operating equipment and design elements in a manner that protects its residents. The project's open courtyard and recreation room will be centrally located on the ground-floor with sunlight and air filtering down the six-story building. The roof deck is designed with landscaping, seating, a fire pit, and built-in barbeque to create a semi-private space for residents to use while relaxing and socializing. The space will be located on the northeastern corner of sixth floor to reduce audible and visual impacts from the Hollywood Freeway (U.S. Route 101). The project's transformer will be concealed and placed under the driveway to create a more welcoming and attractive building frontage. On-site residential parking spaces will be securely enclosed within the subterranean garage, in addition to the

bicycle storage and trash/recycle rooms. The building's façade will feature glass windows and entryways, balconies, metal railings, and light fixtures to create a secure and transparent pathway for pedestrians traveling along the street. These design features will function as "eyes on the street".

GUIDELINE 8: PROTECT THE SITE'S UNIQUE NATURAL RESOURCES AND FEATURES.

The project site is a 22,500 square-foot, level site consisting of three lots and is located in a highly urban environment in the Virgil Village neighborhood. The project will preserve the site's natural topography and will create new drainage courses while minimizing grading to preserve natural landforms. In regard to landscaping, the project will incorporate a majority of its plans from the Los Angeles County Drought-Tolerant Plant List.

GUIDELINE 9: CONFIGURE THE SITE LAYOUT, BUILDING MASSING AND ORIENTATION TO LOWER ENERGY DEMAND AND INCREASE COMFORT AND WELL-BEING OF USERS.

The project incorporates sustainable design and energy efficient principles that appropriately address environmental factors such as heat, noise, and air pollution as it relates to reducing the building's energy demand and increasing the comfort and well-being of its residents. The placement and orientation of the project's architectural features, as well as the different colors and material choices used along the façades of the building, contribute to the project's sustainable design.

To address heat glare and gain, the project strategically utilizes various materials and colors with absorptive and reflective finishes to reduce excessive heat gain around the perimeter of the building. The project will install different types and sizes of windows to achieve a comfortable balance of light and air ventilation into each dwelling unit. A mixture of recessed and cantilevered balconies will create options for enjoying sunlight directly or under shaded spaces. Most of the common open space areas, including the open courtyard, outdoor common area at the rear, and roof deck, will include landscaping and seating to create a comfortable and inviting space for residents to enjoy. Landscaping will provide natural heat absorption, cooling, and shade throughout the day. The façade will utilize a mix of light-colored plaster, concrete masonry units, metal with powder coated finish, glass windows and sliding doors to help reduce heat gain and increase light and air circulation into the building.

The project's roof deck will overlook North Hoover Street and will be oriented away from the Hollywood Freeway (U.S. Route 101) to reduce any audible and visual impacts imposed onto residents. In addition, the location of the roof deck on the northeastern corner of the site will help reduce excessive heat glare and gain during the day.

GUIDELINE 10: ENHANCE GREEN FEATURES TO INCREASE OPPORTUNITIES TO CAPTURE STORMWATER AND PROMOTE HABITAT.

The project will utilize diverse palette of drought-resistant landscaping throughout the project site. These plants will reduce the project's consumption of water while also allowing the capture of stormwater runoff within the project's common open space areas and street frontage. Along the sidewalk, parkways and shade trees will be planted to capture stormwater and provide coverage when it rains and shines.

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

- 1. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:
 - a. The incentive do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives 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 Additional Incentives in the Transit Oriented Communities Guidelines was preevaluated at the time the Transit Oriented Communities 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 Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Yard/Setback. The requested Additional Incentive to reduce the rear and northern side yard requirements of the R3 Zone by 30% is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. Per LAMC, the rear and side yard requirements for a project in the R3 Zone is 15 feet and 9 feet, respectively. The proposed project will utilize the Tier 3 yard/setback incentive to reduce the rear year to 10 feet and 6 inches, and the northern side yard to 6.3 feet. With the incentive, the project will dedicate more floor area to the construction of additional dwelling units thereby allowing for more affordable units to be set aside for Extremely Low Income households. This incentive supports the applicant's decision to reserve 10 percent, or four units, as affordable housing units.

Open Space. The requested Additional Incentive for a 25 percent reduction in the required amount of open space is expressed in the Menu of Incentives in the TOC Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. For this project, the LAMC requires a total open space area of 6,575 square feet. The requested Tier 3 incentive allows the applicant to reduce the open space requirement to 4,931.25 square feet. The project proposes a total open space area of 4,935 square feet, which includes common and private open space. The incentive allows the applicant to utilize more of the total building square footage for residential units, which facilitates the construction of more affordable housing units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 10 percent of the total units proposed for Extremely Low Income households. Therefore, the Additional Incentive is necessary to provide for affordable housing costs.

Height. The requested Additional Incentive for an increase in building height by 22 feet is

expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that results in building design or construction efficiencies that facilitate the creation of affordable housing. Located in the underlying R3-1 Zone, the project is permitted a maximum height of 45 feet. The applicant will utilize the Tier 3 to increase the maximum building height to 67 feet, resulting in a six-story residential development. This incentive will allow the developer to increase the height of the structure to allow the units reserved for affordable housing to be constructed and increase the overall space dedicated to residential uses. These incentives support the applicant's decision to reserve 10 percent, or four units, for affordable housing.

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 incentives 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 State's 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, 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-2021-2251-CE. The five 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.

According to ZIMAS, the project is located 1.49 kilometers from the Upper Elysian Park Fault and is not located within a Very High Fire Hazard Severity Zone, Flood Zone, Hazardous Water Zone, Landside, Liquefaction, and Tsunami Inundation Zone. The project is required to comply with all other pertinent regulations including those governing construction, use, and maintenance, and will not create any significant direct impacts on public health and safety. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

c. The incentives are contrary to state or federal law.

There is no substantial evidence in the record indicating that the requested incentives are contrary to any state and federal law.

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 within Flood Zone X, areas determined to be outside the 0.2% annual chance floodplain.
- 3. A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five applicable conditions: (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 project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:

The proposed project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations. The Wilshire Community Plan Map designates the property for Medium Residential land uses with the corresponding zone R3. The project site is zoned R3-1 and is thus consistent with the land use designation. The project will provide 40 dwelling units with 10 percent of the units set aside for Extremely Low Income Households.

The proposed project is consistent with the Goals, Objectives, and Policies, of the Wilshire Community Plan and Framework Element as described below.

- Objective 1-1 Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire community.
 - Policy 1-1.3: Provide for adequate Multiple Family residential development.
 - Policy 1-1.4: Provide for housing along mixed-use boulevards where appropriate.

The project proposes the construction of 40 new residential units in the Virgil Village neighborhood, contributing to an increase in the community's housing supply. The project will intensify the existing utilization of the property by replacing one office building and two single-family houses with a six-story multi-family residential building. Amenities include common open space areas on the ground and roof floors for residents to relax and socialize, private balconies, and bicycle parking.

The project will be compatible with the surroundings properties developed within the neighborhood and along North Hoover Street, contributing to the variety of single- and multi-family buildings, commercial businesses, and community-serving amenities. In

addition, the project will provide a safe and high quality residential environment that accounts for households of different income-level and size. The project will provide mixed-income housing, reserving 10 percent of the total units proposed for Extremely Low Income Households and the remaining offered at market-rate. The project will provide a unit mix that accommodates different household sizes with units ranging one-bedroom to five-bedroom apartments. Additionally, the project will activate the front yard facing North Hoover Street with private balcony and landscaped space. These features enhance the comfort and transparency along the corridor. Therefore, the project will provide a safe and high-quality environment with the development of more housing in neighborhood.

- Objective 1-2 Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.
 - Policy 1-2.1 Encourage higher density residential uses near major transportation centers.

The proposed housing development will be located within one-half mile of the Metro Vermont/Beverly Station, which functions as a rail stop for the Metro "B" Line connecting riders to communities between Downtown Los Angeles and North Hollywood. In addition, the Metro "10" Local Bus Line also services the project site with a bus stop located approximately 350 feet. Proximity to public transit provides residents increased accessibility to major job centers, commercial districts, and essential services, while reducing automobile dependency.

The project site is also located within close proximity to numerous commercial corridors, including Virgil Avenue, Vermont Avenue, Temple Street, and Beverly Boulevard. These corridors are developed with a mix of low- and mid-rise buildings occupied by commercial businesses, offices, schools, and public utilities and are utilized by multiple public transit lines. The project's proximity to various land uses and transit infrastructure contribute to the reduction in vehicular traffic in the neighborhood.

Upon completion, the project will provide a total of 44 bicycle parking spaces for residents. The installation of bicycle parking encourages multi-modal transportation within the community, providing community members increased access to essential goods, services, and jobs. As such, the project's proximity to public transit, commercial centers, and bicycle infrastructure promotes the reduction of vehicular trips and congestion.

The proposed project is also consistent with the Goals, Objectives, and Policies, of the General Plan's Housing Element as described below.

- Objective 1.1 Produce an adequate supply of rental and ownership housing in order to meet current and projected needs;
 - Policy 1.1.1 Expand opportunities for residential development, particularly in designated centers, Transit Oriented Districts, and along mixed-use boulevards.

The proposed project will intensify the use of the subject property by contributing to a net increase of 38 dwelling units in the Virgil Village neighborhood. The project will be compatible with the surrounding properties as it will integrate new housing opportunities with the mix of residential and commercial uses established in the vicinity as well as complement the surrounding public and active transportation infrastructure. The project site is within close proximity to numerous markets, restaurants, schools, parks, and other

community amenities along mixed-use corridors such as North Hoover Street, Virgil Avenue, Vermont Avenue, and Beverly Boulevard. Additionally, Metro bus, rail, and bikeshare stations are located within one-half mile of the project site, providing the community increased accessibility to major job centers, commercial districts, and essential services. As such, the proposed project will expand housing opportunities within a transit-rich and mixed-use community.

The proposed project is also consistent with the Goals, Objectives, and Policies, of the General Plan's Mobility Element, also known as Mobility Plan 2035, which provides policies with the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

Policy 2.3 Pedestrian Infrastructure

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

The project promotes a pedestrian-oriented environment given its proximity to major job centers, commercial districts, and community-serving amenities. Within one-half mile residents can access these resources by walking, biking, or connecting to nearby public transit lines. As a result, the Project promotes active transportation as a sustainable alternative to driving.

The project will feature a landscaped parkway with two newly planted trees to create a more attractive and comfortable pedestrian experience. The parkway will function as a buffer for pedestrians from traffic along North Hoover Street and the trees will provide relief in the form of shade. These design features support pedestrian-friendly environment.

Policy 5.4 Clean Fuels and Vehicles

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

The project encourages the adoption of low and zero emission fuel sources with the installation of electric vehicle (EV) parking spaces and setting aside portions of the roof for a solar zone area. Of the 50 residential parking spaces provided in the Project's subterranean garage, 15 will be designated EV spaces. In compliance with the Los Angeles Municipal Green Building Code, Section 99.05.211.1, the project will meet the mandatory requirements for solar ready buildings as outlined in the California Energy Code. As such, the project promotes clean and renewable energy infrastructure with the construction of the six-story residential building.

As detailed above, the Project substantially conforms with the goals and policies of the Wilshire Community Plan, the General Plan's Housing Element, and the Mobility Plan 2035.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed development is wholly within the City of Los Angeles and is on a 0.52 acre site (i.e., less than five acres). The project site is surrounded by urban uses and is not located in a farmland or agricultural designated area. The neighborhood is fully built out with a variety of low- and mid-rise development including residential, commercial, office,

and school uses. South of the project site is the Hollywood Freeway (U.S. Route 101). The proposed project will be consistent with the developments in the area, in compliance with subsection b.

(c) The project site has no value as habitat for endangered, rare or threatened species:

The project site is located in an established and long-urbanized area within the Wilshire Community Plan area. The subject property is currently developed with an existing office building and two single-family houses. The project site is located within the Virgil Village neighborhood developed predominantly of residential uses. Surrounding the neighborhood are other highly urbanized neighborhoods developed with residential, commercial, office, school, and public facilities uses. Although the demolition of the subject property to construct the proposed six-story residential development will remove 25 non-protected trees, the project site is not within or near any listed significant ecological areas. Due to the project's existing improvements and location in an urbanized neighborhood, the project site is unlikely to have any value as natural habitat. Therefore, 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:

Traffic:

A significant traffic/transportation impact may occur if a project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

The project proposes the demolition of the existing office building and two single-family houses and proposes the construction of a new six-story apartment building with 40 residential units. According to the Los Angeles Department of Transportation (LADOT), a traffic assessment may be necessary if the project will generate over 250 daily trips; a residential development may come close to this threshold if it involves 40 or more units. A letter from LADOT dated July 16, 2020, stated that the proposed 40-unit multi-family development will not require a Transportation Study Assessment Referral Form as the Project will not trigger a transportation analysis. As a result, the project will not have a significant impact relating to traffic.

Noise:

The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e., post-construction), as well as any noise impact during construction. Section 41.40 of the LAMC regulates noise from demolition and construction activities and prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturdays and holidays; all such activities are also prohibited on Sundays. Section 112.02 of the LAMC prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level by more than 5 dba within the premises of other occupied properties such as residential buildings. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As referenced in the Noise Study

prepared by Yorke Engineering, LLC dated September 2020 and attached to the subject environmental case file, as the project is required to comply with all applicable ordinances and regulations to the extent feasible, it will not result in any significant noise impacts. All construction noises will be short-term and temporary. Noise arising from construction activities and equipment are expected to be below the 75 dBA threshold at 50 feet from the noise source, with the exception of some activities intermittently and marginally exceeding the threshold. In such incidences, deflection barriers such as plywood construction fencing, flexible sound-absorbing curtains, or existing intervening buildings will be utilized to reduce noise levels by approximately 5 to 15 dBA. Since no intense percussive actions i.e., hard rock-breaking, large pile driving, are planned to occur on the project site, ground borne vibrations are expected to generate a minimal impact on surrounding properties. Compliance with the provisions set forth by LAMC Section 112.05 and other regulatory requirements governing construction hours and equipment will limit the noise impact of project-related construction activities. Therefore, construction noise impacts will be less than significant.

Furthermore, the project will not generate permanent significant operational noise impacts. As the project is a residential development, the project is not expected to generate significant permanent operational noise impacts. The project will not include any square footage of non-residential uses, with on-site operational noise coming primarily from heating, ventilation, and air conditioning (HVAC) equipment installed on the rooftop. Additionally, the Project would be designed to maintain interior noise levels at or below the Community Noise Equivalent Level (CNEL). The project's residential units are not expected to generate a substantial number of vehicle trips which could in turn generate additional noise. As such, the Project is expected to generate a negligible increase in ambient noise due to operation activities. Thus, the project will not result in any significant permanent effects relating to noise.

Air Quality:

An Air Quality Study evaluating the proposed project for potential air quality impacts and greenhouse gas emissions was prepared in September 2020. The study compares the potential construction and operations emissions of criteria pollutants associated with the Project with the South Coast Air Quality Management District's (SCAQMD) air quality significance thresholds. The Project's emissions were estimated using the CalEEMod 2016.3.2 model provided by SCAQMD and monitored the following emissions: ROG, NO_X, CO, SO₂, PM₁₀, and PM_{2.5}.

The South Coast Air Quality Management District (SCAQMD) is the agency primarily responsible for comprehensive air pollution control in the South Coast Air Basin and reducing emissions from area and point stationary, mobile, and indirect sources. SCAQMD prepared the 2012 Air Quality Management Plan (AQMP) to meet federal and state ambient air quality standards. A significant air quality impact may occur if a project is inconsistent with the AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. The proposed project for the construction of 40 residential units will not conflict with or obstruct the implementation of the AQMP and SCAQMD rules.

During construction, the proposed project would apply appropriate dust control measures to sequester particulate matter as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing

a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

By implementing Best Management Practices, all construction-related impacts will be less than significant and temporary in nature. No permanent significant impacts are anticipated to occur from construction.

Furthermore, the project is expected to be far below the thresholds considered by SCAQMD to be potentially significant under CEQA guidelines. The applicant has estimated the project's impact on air quality, using the CalEEMod 2016.3.2 model provided by SCAQMD, by comparing the estimated levels of criteria pollutants to significance thresholds provided by SCAQMD. As referenced in the *Air Quality Study* prepared by York Engineering, LLC and attached to the subject environmental case file, the levels of emissions from the project are all projected to be below the thresholds considered by SCAQMD to be potentially significant under CEQA guidelines without the addition of any mitigation (the report provides the full analysis). Therefore, potential impacts related to air quality from the Project will be less than significant.

Water Quality:

The project is not adjacent to any water sources and construction of the project will not impact water quality. The project is located in a long-established and developed neighborhood and thus would not be expected to impact water quality. As a residential development, the project also will not generate, store, or dispose of substantial quantities of hazardous materials that could affect water quality. Construction activities would not involve any significant excavation near an identified water source. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70. Best Management Practices would also be required during general operation of the project to ensure that stormwater runoff meets the established water quality standards and waste discharge requirements. Therefore, development of the proposed project would not degrade the quality of stormwater runoff from the site and would not result in any significant effects relating to water quality.

(e) The site can be adequately served by all required utilities and public services:

The site is currently developed with residential uses in an urbanized area served by existing public utilities and services. The surrounding area has long been developed and consists of residential and commercial uses which have been and will continue to be served by all required utilities and public services. The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and

other public services. The site is also serviced by the LAPD's Central Bureau, Rampart Division, and the Central Bureau Fire Department. These utilities and public services have served the neighborhood for several decades and will continue to do so.

The project consists of the construction of 40 apartment units. As the project is located in an established and urbanized area of the city, the site can be adequately served by all required utilities and public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as highefficiency toilets, dual-flush water closets, minimum irrigation standards, and LED lighting. As a result, the proposed project can be adequately served by all required utilities and public services.

EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed project listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project as described below:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

As the proposed project is not defined as a Class 3, 4, 5, 6 or 11 projects, this exception is non-applicable. The project site is in an urbanized area in the City of Los Angeles. The Project site is not located in a particularly sensitive environment and would not be located on a site containing wetlands, endangered species, or wildlife habitats; therefore, this exception is not applicable.

(b) Cumulative Impact. The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.

This exception does not apply to the proposed project. The project involves the construction of residential units in an urbanized area developed with a variety of established uses. The project is entirely consistent with the existing General Plan designation and zoning, which accounts for the impacts of developments which are within their parameters, and as permitted by the TOC Guidelines. Any successive projects of the same type and nature would reflect a development that is consistent with the underlying land use designation and the LAMC, and thus would be subject to the same regulations and requirements, including development standards and environmental analysis. As detailed above, the proposed project will not impose any significant impacts on traffic, noise, air quality, and water quality. Nonetheless, all future successive projects will be individually evaluated and any potential impacts of each subsequent project will be mitigated if necessary, and thus will not result in a cumulative impact. Therefore, impacts under this category will be less than significant.

(c) Significant Effect Due To Unusual Circumstances. This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.

This exception does not apply to the proposed project. The project site is comprised of approximately 22,500 square feet of lot area located in an urbanized area within the City of Los Angeles. The project consists of residential uses and operations that are compatible with the surrounding urban development and consistent with the underlying zone. The project site is in a long-established neighborhood and is surrounded by residential, commercial, and office buildings. The site does not demonstrate any unusual circumstances, and the project will not generate significant impacts regarding traffic, noise, air quality, or water quality. There are no unusual circumstances that indicate this project would reasonably result in a significant effect on the environment.

(d) Scenic Highways. This exception applies when, although the project may otherwise be exempt, there may be damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

Based on a review of the California Scenic Highway Mapping System, the project site is not located along a State Scenic Highway, nor are there any designated State Scenic Highways located near the project site. 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 does not apply.

(e) Hazardous Waste Sites. *Projects located on* a *site or facility listed pursuant to California Government Code* 65962.5.

Based on a review of the State Water Resources Control Board's GeoTracker database and the Department of Toxic Substance Control (DTSC) EnviroStor database, the project site is not listed for cleanup, permitting, or investigation of any hazardous waste contamination. The nearest LUST Cleanup site is located approximately 750 feet north of the project site and is developed with a Los Angeles Department of Water and Power Distributing Station. Since August 1998, the site has held a "closed" case status. Currently, there are no listed hazardous sites within the immediate vicinity of the project site. The subject property is currently developed with residential and office buildings; hazardous waste and materials would not be expected to pose a significant constraint on sites long developed with such uses.

Additionally, the project site is not located within a Hazardous Waste/Border Zone or Methane Hazard Site as designated by the City of Los Angeles. The surrounding neighborhood is primarily established with residential and commercial uses, and hazardous waste and materials would not be expected on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation. Therefore, this exception for a Class 32 Categorical Exemption does not apply to this project.

(f) Historical Resources. *Projects that may cause a substantial adverse change in the significance of an historical resource.*

Databases of historic resources in the City of Los Angeles include SurveyLA and Historic Places LA, in addition to State and Federal databases of historic resources. According to these databases, there are no structures of historic significance on the property. There are also no historic resources identified by any database on or immediately adjacent to the subject property. Accordingly, the project will have no impact on any historic resources.

Additionally, the project site is not located in a designated Historic Preservation Overlay Zone. The neighborhood surrounding the project site was primarily developed in the early-20th century and consists primarily of residential and commercial uses along North Hoover Street, with various commercial buildings, single- and multi-family structures on both sides. Several properties in the area have undergone redevelopment over the past decades producing a varied yet cohesive neighborhood character. As a result, the subject property is unlikely to possess any significant value towards a potential historic district. For these reasons, construction of the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA, and this exception does not apply to the proposed project.

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, West Los Angeles Development Services Center, or the Marvin Braude 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, (310) 231-2901, (818) 374-5050, 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 after October 22, 2021 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:

Downtown

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

San Fernando Valley

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

West Los Angeles

West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

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, the Marvin Braude Building in the Valley, or the West Los Angeles Development Services Center. 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, or (310) 231-2598 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.

Pursuant to LAMC Section 12.22 A.25(g)(2)(i)(f), only an applicant, abutting property owners, and abutting tenants can appeal the TOC portion of the 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.

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.

Vincent P. Bertoni, AICP Director of Planning

Approved by:

Prepared by:

Tric Claros

Heather Bleemers, Senior City Planner

Eric Claros, City Planner

David Woon, Planning Assistant

Attachments:

Exhibit A: Architectural Plans