



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

January 13, 2022

**Applicant/Owner**

Shahar Kalev  
Hartsook Ownership, LLC  
5737 Kanan Road  
Agoura Hills, CA 91301

**Case No.** DIR-2021-8978-TOC-HCA

**CEQA:** ENV-2021-8979-CE

**Location:** 11013, 11013 ½, 11015,  
and 11015 ½ Hartsook  
Street

**Council District:** 2 – Krekorian

**Neighborhood Council:** NoHo

**Community Plan Area:** North Hollywood - Valley  
Village

**Land Use Designation:** High Medium Residential

**Zone:** R4-1VL

**Legal Description:** Lot 61, Block 1, Hartsook  
Tract

**Representative**

Sam Aslanian  
Sam Aslanian Architect, Inc.  
19951 Turnberry Drive  
Tarzana, CA 91356

**Last Day to File an Appeal:** January 28, 2022

**DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program**

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

1. **Determine** based on the whole of the administrative record, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Article 19 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approve with Conditions** a 39 percent increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program along with the following three (3) incentives for a Tier 3 project totaling 25 dwelling units, reserving three (3) units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:
  - a. **Side Yards.** A 30 percent reduction in side yard requirements;

- b. **Open Space.** A 25 percent reduction in required open space;
  - c. **Height.** A 22-foot increase in height where any height increases over 11 feet is stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along a street frontage; and
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 Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **Base Incentives.**
  - a. **Residential Density.** The project shall be limited to a maximum density of 25 residential dwelling units, including On-Site Restricted Affordable Units.
  - b. **Floor Area Ratio (FAR).** The project is permitted to have a maximum FAR of 4.5 to 1 and shall be limited to a total floor area of 20,830 square feet.
  - c. **Parking.**
    - i. **Automotive Parking.** Automobile parking shall be provided consistent with the Transit Oriented Communities Guidelines. Required parking for a Tier 3 Project shall not exceed 0.5 space per dwelling unit.
    - ii. **Bicycle parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16.
    - iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
    - iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

3. **Additional Incentives.**

- a. **Side Yards.** The project is permitted a 30 percent reduction of the easterly and westerly side yards allowing for side yards of five-feet and eight-inches in lieu of eight feet.
- b. **Open Space.** The project shall be permitted up to a 25 percent reduction in required open space.
- c. **Height.** The project shall be permitted up to 22 feet in additional height allowing for a total of 67 feet in lieu of 45 feet. Any building height above 56 feet is stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along a street frontage.

4. **On-site Restricted Affordable Units.** Three (3) units, or units equal to 10 percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).

5. **Changes in On-site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with the Transit Oriented Communities Guidelines.

6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 10 percent of the total number of dwelling units available to Extremely Low Income Households, 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 set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated July 14, 2021. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination. Additionally, the project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated July 14, 2021, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.

7. **Design Conformance.**

- a. **Entrance.** The double-height pedestrian entrance to the main lobby shall include a metal awning as shown in Exhibit A.
- b. **Window Treatments.** Architectural window framing elements shall be recessed from the exterior façade a minimum of 3-inches on each elevation of the structure. The architectural window framing element recession may exceed the 3-inch minimum as permitted by the LAMC.

- c. **Materials.** Building materials shall include hardplank siding or similar, rib metal siding or similar, metal balcony railing or similar, glass railing or similar, as shown in Exhibit A. No modification of this determination shall be necessary if the applicant substitutes similar non-stucco materials.
  - d. **Parking Screening.** The parking area shall be fully screened and shall not be visible from Hartsook Street.
  - e. **Building Massing.** The building shall incorporate façade plane changes and variations in height as shown in Exhibit A.
  - f. **Yard areas.** No stairwell or other building appurtenances shall be permitted within the front, side, or rear yard area.
8. **Landscaping.**
- a. **Tree Wells.** The minimum depth of tree wells on the rooftop or other locations where planters are used shall be three (3) feet.
  - b. **Landscape Plan.** Landscaping shall be provided in substantial conformance with the Landscaped Plan stamped as “Exhibit A.”
  - c. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
9. **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 skies.
10. **Transformer.** The transformer shall be located within an underground vault within the driveway area as shown in Exhibit A, subject to LADWP review and approval.
11. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view.
12. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

### **Administrative Conditions**

13. **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.

14. **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.
15. **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.
16. **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.
17. **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 LAMC, 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.
18. **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.
19. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
20. **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.
21. **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.
22. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

## **PROJECT BACKGROUND**

The subject property is a relatively flat, regular-shaped, 7,501 square-foot interior parcel of land with a frontage of 50 feet along the north side of Hartsook Street. The subject site is zoned R4-1VL with a corresponding land use designation of High Medium Residential within the North Hollywood-Valley Village Community Plan area. The project is also located within a Transit Priority Area (ZI-2452) and a Los Angeles State Enterprise Zone (ZI-2374). The project site is not located within the boundaries of or subject to any community design overlay, interim control ordinance, or specific plan. The project site is within 3.3 kilometers from the nearest known fault, Hollywood Fault.

The proposed project includes the removal of existing site improvements, including an existing one-story, four-unit apartment building. The proposed project includes the construction, use, and maintenance of a new, 25-unit, 67-foot in height residential building. The project will set aside three of the 25 units for Extremely Low Income Households. The unit mix will be comprised of 5 studios, 5 one-bedroom units, and 15 two-bedroom units. The project proposes to provide 13 automobile parking spaces, as well as 25 long-term bicycle spaces and two short-term bicycle spaces. A total of 2,556 square feet of open space will be provided throughout the proposed project. The project also includes the export of 3,120 cubic yards of earth.

## **SURROUNDING PROPERTIES**

Surrounding properties are zoned for commercial and multifamily residential. The property to the north (across the alley) is zoned C4-1-CA and is developed with a one-story lighting fixture shop, Practical Props. The property to the south (across Hartsook Street) is zoned R4-1VL and is developed with a five-story multi-family building. The properties to the west and east are zoned R4-1VL and are developed with one-story and two-story multi-family buildings.

## **STREETS**

Hartsook Street, adjoining the subject property to the south, is a Local Street, designated to a width of 60 feet and improved to a width of approximately 60 feet with a roadway, concrete curb, gutter, and sidewalk.

## **TRANSIT ORIENTED COMMUNITIES**

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

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

The proposed project is located within ½-mile of a Major Transit Stop, the North Hollywood Metro B (Red) Line Station. Because the project is within 2,640 feet of a Metro Rail Station, the project is within a Tier 3 TOC area. The project is entitled to Tier 3 Base Incentives as it proposes to set aside 10 percent of the total number of total units for Extremely Low Income Households and meets all other eligibility requirements of the TOC Affordable Housing Incentive Program. In addition, the project will set aside 11 percent of the base number of units for Extremely Low Income Households and thus the project is entitled to three (3) Additional Incentives.

The proposed project includes the following Base and Additional Incentives for a qualifying Tier 3 Project:

Tier 3 Base Incentives:

- a. **Density:** The R4 Zone establishes a by-right density ratio of one (1) dwelling unit per 400 square feet of lot area. The subject site's R4 Zone permits a base density of 15 units by-right. This is calculated by dividing the sum of the property's R4 Zone lot area, 7,501 square feet, by 400. As an eligible Housing Development, the project is entitled for a 70 percent density increase for a maximum of 36 total units. As proposed, the project is providing 25 units, which is equivalent to an 39% percent density increase
- b. **Floor Area Ratio (FAR):** The permitted FAR is 3:1 in the R4-1VL Zone. As an eligible Housing Development, the project is entitled to a 50 percent increase in FAR for a maximum FAR of 4.5:1. As proposed, the project has total floor area of 20,830 square feet for an FAR of 4.1:1.
- c. **Parking:** As an Eligible Housing Development in Tier 3, the project is entitled to provide ½ a parking space per dwelling unit. With the TOC parking incentive, the project may provide a minimum of 13 parking spaces. As proposed, the project is providing 13 parking spaces.

Tier 3 Additional Incentives:

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

- a. **Side Yards.** Eligible Housing Developments in Tier 3 may reduce up to two yards by up to 30 percent. The project is requesting a five-foot eight-inch side yards for both side yards in lieu of the 8 feet otherwise required by the R4-1VL Zone for a building with 5 stories.
- b. **Open Space.** Eligible Housing Developments in Tier 3 may reduce open space by up to 25 percent. Pursuant to LAMC Section 12.21-G the project is required to provide 3,125 square feet of open space. With the 25 percent reduction, a minimum of 2,400 square feet is required. As proposed, the project provides 2,556 square feet of open space.

- c. **Height.** Eligible Housing Developments in Tier 3 are eligible for an additional 22 feet in height. The proposed project proposes a building height of 67 feet, which is 22 feet higher than the otherwise permitted height limit of 45 feet in the R4-1VL Zone. Due to the existing 45 foot height limit, The TOC guidelines require that any height above 56 feet must be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along a street frontage. In compliance with the TOC guidelines, the project proposes a stepped back building height above 56 feet.

## 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, 2025. 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 Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated July 14, 2021 and attached to the subject case file, that, four multi-family residential units, subject to the Rent Stabilization Ordinance, existed on the property within the last five (5) years. Pursuant to HCIDLA’s findings, **three (3) units need to be replaced with equivalent type, with one (1) unit restricted to Extremely Low Income Households, one (1) unit restricted to Very Low Income Households, and one (1) unit restricted to Low Income Households.** The unit bedroom types must be replaced like for like. Existing tenants shall be offered first right of return. The project includes three units reserved for Extremely Low-Income Households and also includes 5 studio units, 5 one-bedroom units, and 15 two-bedroom units. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

## 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 TOC Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve 10 percent of the total number of on-site dwelling units for Extremely Low Income Households. The project will reserve a total of three (3) on-site dwelling units for Extremely Low-Income Households, which complies with the required 10 percent of the 25 total dwelling units proposed as part of the Housing Development, and thus 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 (½-mile) of a Major Transit Stop, as defined in Section II of the TOC Guidelines according to the procedures in Section III.2 of the TOC Guidelines.*

As defined in the TOC Guidelines, a Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). The subject property is located within a ½-mile of a rail station, the Metro B (Red) Line North Hollywood Station, which qualifies as 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 Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) (TOC) Replacement Unit Determination, dated

July 14, 2021 and attached to the subject case file, that four multi-family residential units, subject to the Rent Stabilization Ordinance, existed on the property within the last five (5) years. Pursuant to HCIDLA's findings, three (3) units need to be replaced with equivalent type, with one (1) unit restricted to Extremely Low Income Households, one (1) unit restricted to Very Low Income Households, and one (1) unit restricted to Low Income Households. The unit bedroom types must be replaced like for like. Existing tenants shall be offered first right of return. The project includes three units reserved for Extremely Low Income Households. In total, the project includes 5 studio units, 5 one-bedroom units, and 15 two-bedroom units. As such, 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. 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 the Eligibility Requirement No. 1 above (except Moderate Income units).*

- a. *Three (3) 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 eligible to receive the Base Incentives listed in the TOC Guidelines. The project is also seeking three Additional Incentives: 1) a 30% reduction in side yards; 2) a 25 percent reduction in open space, 3) up to 22 feet in additional height as is allowed within the Tier 3 TOC area and any additional height above 11 feet must be stepped back at least 15 feet from the Ground Floor of the building located along any street frontage. The project may be granted three (3) Additional Incentives for reserving at least 11 percent of the base units for Extremely Low Income Households. The project is setting aside three (3) units for Extremely Low Income Households, which equates to approximately 15 percent of the

19 base units permitted through the underlying zoning of the site. As such, the project meets the eligibility requirements for both on-site restricted affordable units and 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 any Additional Incentives beyond the three (3) permitted in exchange for reserving at least 11 percent of the base units for Extremely Low Income Households. The project is setting aside three (3) units for Extremely Low Income Households, which equates to approximately 15 percent of the 19 base units permitted through the underlying zoning of the site. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11, and this eligibility requirement does not apply.

7. ***Multiple Lots.*** *A building that crosses one (1) 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 a single lot, the entirety of which is in the same Tier. As such, this eligibility requirement does not apply.

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. As such, 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% On-Site Restricted Affordable units, and thus 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 seeks three Additional Incentives and therefore has been conditioned to conform to the Citywide Design Guidelines (adopted October 24, 2019), including, but not limited to, providing architectural treatments to the entrances, windows, and the façade of the building. Conditions ensure the use of a variety of materials and façade plane changes to provide visual interest.

The project complies with Citywide Design Guideline 1 as it promotes a safe, comfortable and accessible pedestrian experience for all by treating the double height lobby entrance with transparent glass windows, planters, trees, a unique hardscape, and an integral awning for shade. The project has been conditioned to include a metal awning above the pedestrian entrance as shown in Exhibit A.

The project complies with Citywide Design Guideline 2 which promotes careful incorporation of vehicular access such that it does not degrade the pedestrian experience. The project's driveway is separated from the pedestrian entrance by a raised planter and the pedestrian entrance is visually differentiated from the front façade and the driveway. The project also strategically places the transformer in a vaulted underground within the driveway which minimizes the transformers impact on the pedestrian realm and maximized space for landscaping.

The project complies with Citywide Design Guideline 3 to organize and shape the project to recognize and respect surrounding context. The project is oriented toward the street with a recognizable main entrance. Balconies and glazing on the upper floors emphasize the building purpose as a residential apartment building. Façade plane changes and materials changes help to break up the building's massing making it more compatible with other developments in area.

The project complies with Citywide Design Guideline 5 which is to reinforce an architectural idea. The project uses materials changes in concert with façade plane changes to further accentuate the building's form.

The project complies with Citywide Design Guideline 6 which is to provide amenities that support community building and provide an inviting, comfortable user experience. The project proposes a wide pedestrian entrance with landscape planters and unique hardscape, short term bike parking for visitors located near the entrance, a ground floor awning, and common space areas for residents.

The project complies with Citywide Design Guideline 7 which is to carefully arrange design elements and uses to protect site users. The pedestrian entrance is separated from the driveway by a raised planter which protects pedestrians from conflicts with vehicles.

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

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

**1. Pursuant to Section 12.22. Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the Director of Planning finds that:**

*a. The incentives 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 (TOC) Guidelines were pre-evaluated 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.

**Side Yards.** Eligible Housing Developments in Tier 3 may request up to a 30% reduction in up to two yards as 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 affordable housing costs. The project requests a 30% reduction in both side yards. The requested incentive will allow the developer to reduce the side yard setbacks on the easterly and westerly property line from 8 feet (as required in underlying the R4-1VL zone) to 5 feet and 8 inches. Utilization of the yard reduction incentive increases the buildable area of the residential levels of the building so units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses can be increased. This incentive supports the applicant's decision to reserve three (3) units for Extremely Low Income Households and 22 units will be rented as market-rate units, for a total of 25 units.

**Open Space.** The requested open space incentive, allowing for a maximum 25 percent reduction of the open space requirement, are 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 affordable housing costs. Per LAMC, the proposed project is required a minimum of 3,200 square feet for open space, however, the project will be utilizing the open space incentive to reduce the minimum open space requirement to 2,400 square feet. The project is providing 2,556 square feet of open space. The proposed reduction in open space by approximately 20 percent allows the inclusion of affordable housing while still providing usable open space as intended by the code. The requested incentive allows the developer to reduce open space requirements so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve three (3) units as affordable housing units reserved for Extremely Low Income Households.

**Height.** An Eligible Housing Development in Tier 3 may be permitted an additional 22 feet in height. This incentive 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 affordable housing costs. The R4-1VL zone allows for a building height of 45 feet. With the height incentive, the project is eligible for a height of up to 67 feet. The project has requested 22 additional feet for a total building height of 67 feet. Per the TOC Guidelines, projects located on lots with a height limit of 45 feet or less shall require any height increases over 11 feet to be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along any street frontage. The project proposes a height of 56 feet at the front of the building and any height above 56 feet is set back more than 15 feet.

The requested incentive increases the number of stories that can be included in the building so units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses can be increased. This incentive supports the applicant's decision to reserve three (3) units for Extremely Low Income Households and 22 units will be rented as market-rate units, for a total of 25 units.

*b. The incentives would 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income 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 (Government Code Section 65915(d)(B) and 65589.5(d)).*

There is no evidence that the proposed incentive will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. According to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. With compliance with the required regulatory measures, there is no substantial evidence that the proposed project, and thus the requested incentives, 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 or federal laws.

## **ADDITIONAL MANDATORY FINDINGS**

- A. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, area outside the flood zone.
- B. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated January 12, 2022 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.

## **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; a project in closer proximity to significant rail stops or the intersection of major bus rapid transit lines is rated a higher tier. The largest bonuses are reserved for those projects in the highest tiers. Required percentages of affordable housing are also 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 LAMC, 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, the Marvin Braude Constituent Service Center in the Valley, or the West Los Angeles Development Services Center in West Los Angeles. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, (310) 231-2901, or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

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

## **TRANSFERABILITY**

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

## **APPEAL PERIOD - EFFECTIVE DATE**

**The Determination in this matter will become effective after January 28, 2022**, 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](http://www.cityplanning.lacity.org).

Planning Department public offices are located at:

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

**San Fernando Valley**  
Marvin Braude San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Boulevard, Suite 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) 231-2901

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

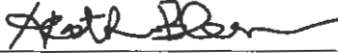
The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the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

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

approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, and the possibility of a CEQA appeal, being extended to 180 days.

VINCENT P. BERTONI, AICP  
Director of Planning

Approved by:



Heather Bleemers  
Senior City Planner

Reviewed by:



Renata Ooms  
City Planner

Prepared by:



Jaime Espinoza  
City Planning Associate

Attachments:  
Exhibit A: Architectural Plans and Landscape Plans