



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: AUGUST 13, 2024

Case No.: DIR-2021-1538-TOC-SPP-HCA-1A

Council District: 13 – Soto-Martinez

CEQA: ENV-2021-1539-CE

Plan Area: Hollywood

Project Site: 1115 North Berendo Street (1115 and 1117 North Berendo Street)

Applicant: Yoav Atzmon, BRK, Inc.
Representative: Ben Rocca, Rocca Development, Inc.

Appellant: Fred Stifter, Linoleum City, Inc.

At its meeting of **July 25, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Demolition of an existing duplex and a detached garage, and the construction, use, and maintenance of a five-story, 15,479 square-foot, 30-unit residential building within Subarea C (Community Commercial) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32 (In-Fill Development Project), and there is no substantial evidence demonstrating that any exceptions to a categorical exemption pursuant to State CEQA Guidelines, Section 15300.2 applied;
2. **Denied** the appeal and **sustained** the Director of Planning's determination dated April 24, 2024;
3. **Approved** with Conditions, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a Tier 4 project with a total of 30 dwelling units, of which four dwelling units will be reserved for Extremely Low Income Household Occupancy for a period of 55 years:

Base Incentives:

- a. Up to 80 percent increase in density;
- b. 2.30:1 Floor Area Ratio (FAR); and
- c. No residential parking;

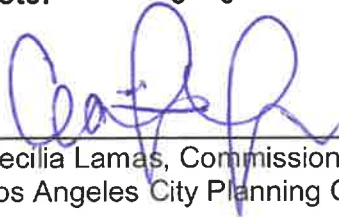
Additional Incentives:

- a. Transitional Height per TOC in lieu of the required SNAP transitional height and an up to 11-foot increase to the stepback requirement per the SNAP; and
 - b. A 25 percent reduction in the minimum common open space dimension;
4. **Approved** with Conditions, pursuant to the LAMC Chapter 1, Section 11.5.7 C and the Vermont/Western Station Neighborhood Area (SNAP) Specific Plan Ordinance No. 186,735, a Project Permit Compliance Review for the demolition of a duplex and a detached garage and the construction, use, and maintenance of a five-story, 15,479 square-foot, 30-unit residential building within Subarea C (Community Center) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan;
 5. **Adopted** the attached Conditions of Approval; and
 6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Zamora
Second: Diaz
Ayes: Choe, Lawshe, Mack
Absent: Cabildo, Newhouse

Vote: 5 – 0



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

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final effective upon the mailing of this determination letter and not further appealable.

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

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures (CEQA)

cc: Jane Choi, Principal City Planner
Danalynn Dominguez, City Planner

CONDITIONS OF APPROVAL

Entitlement Conditions

TOC Affordable Housing Incentive Program Conditions

1. **Residential Density.** The project shall be limited to a maximum density of 30 residential dwelling units, including On-Site Restricted Affordable Units.
2. **On-Site Restricted Affordable Units.** The project shall provide a minimum of four (4) On-Site Restricted Affordable units, consisting of four (4) units for Extremely Low Income Households, as defined in the California Health and Safety Code to the satisfaction of the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
3. **SB 8 Replacement Units.** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated July 7, 2023, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-Site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **Changes in On-Site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.31.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make four (4) units available to Extremely Income Households or equal to 11 percent of the project's total proposed residential density allowed, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of LAHD, and in consideration of the project's Replacement Unit Determination. Unless otherwise required by state or federal law, the project shall provide an onsite building manager's unit, which the owner shall designate in the covenant. The Owner may not use an affordable restricted unit for the manager's unit.
6. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided.
7. **Floor Area Ratio (FAR).** The maximum FAR shall be limited to 2.30:1, or 15,479 square feet. For purposes of this grant, the buildable area is considered the entire parcel's square footage.
8. **Automobile Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22 A.31, which permits no residential parking for a project located in Tier 4 TOC

Affordable Housing Incentive Area and no more than 31 residential parking spaces and no more than 15 guest parking spaces per the SNAP.

9. **Height.** The project shall be limited to a maximum building height of 65 feet, 9 inches, as measured from grade to the highest point of the structure. Architectural rooftop features as identified in LAMC Section 12.21.1 B.3 may be erected up to 10 feet above the height limit if the structures and features are set back a minimum of 10 feet from the roof perimeter and screened from view at street level.
10. **Building Stepback.** The project shall be limited to 35 feet in height for the portion of the building located within 15 feet from the front property line.
11. **Transitional Height.** Within 25 feet of the property line abutting the Subarea A (Neighborhood Conservation) lot, the building height limit shall be stepped-back at a 45-degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in Subarea A.
12. **Open Space.** The project shall provide a minimum of 3,075 square feet of usable open space, of which 768.75 square feet must be located at grade level or first habitable room level. The common open space shall be open to the sky, must be at least 600 square feet in size, and have a minimum dimension of 15 feet when measured perpendicular from any point on each of the boundaries of the open space area. Balconies shall have a minimum dimension of six feet and patios shall have a minimum dimension of 10 feet. Balconies and patios not meeting the minimum dimension requirements when measured perpendicular from any point on each of the boundaries of the open space area cannot be counted towards the square-footage allocated towards meeting the overall usable open space requirement.

SNAP Conditions

13. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
14. **Parks First.** Prior to the issuance of a Certificate of Occupancy, the applicant shall complete the following:
 - a. Make a payment to the Department of Recreation and Parks (RAP) for the required Park Fee pursuant to LAMC Section 17.12. Contact RAP staff by email at rap.parkfees@lacity.org, by phone at (213) 202-2682 or in person at the public counter at 221 N. Figueroa St., Suite 400 (4th Floor), Los Angeles, CA 90012 to arrange for payment.
 - b. Make a payment of \$120,400 to the Parks First Trust Fund for the net increase of 28 residential dwelling units. The calculation of a Parks First Trust Fund Fee to be paid pursuant to the Vermont/Western SNAP shall be off-set by the Park Fee paid pursuant to LAMC Section 17.12 as a result of the project.
 - c. The applicant shall provide proof of payment for the Park Fee to the Department of City Planning (DCP), Central Project Planning Division staff to determine the resulting amount of Parks First Trust Fund Fee to be paid. DCP staff shall sign off on the Certificate of Occupancy in the event there are no resulting Parks First Trust Fund Fee to be paid.

- d. In the event there are remaining Parks First Trust Fund Fees to be paid, the applicant shall make a payment to the Office of the City Administrative Officer (CAO), Parks First Trust Fund. Contact Melinda Gejer and Kristine Harutyunyan of the CAO to arrange for payment. Melinda Gejer may be reached at (213) 473-9758 or Melinda.Gejer@lacity.org. Kristine Harutyunyan may be reached at (213) 473-7573 or Kristine.Harutyunyan@lacity.org. The applicant shall submit proof of payment for the Parks First Trust Fund Fee to DCP staff, who will then sign off on the Certificate of Occupancy.
 - e. All residential units in a project containing units set aside as affordable for Very Low or Low Income Households that are subsidized with public funds and/or Federal or State Tax Credits with affordability covenants of at least 30 years are exempt from the Parks First Trust Fund.
15. **Use.** The proposed residential use shall be permitted on the subject property.
 16. **Bicycle Parking.** The project shall provide a minimum of 15 bicycle parking spaces on site, as shown in Exhibit "A."
 17. **Setback.** No front, side or rear yard setbacks shall be required.
 18. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the applicant for future underground service.
 19. **Transparent Elements.** At least 177 square feet of the ground floor façade shall be constructed with transparent building materials along Berendo Street.
 20. **Surface Mechanical Equipment.** All surface or ground-mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditioner condensers, gas meters and electric meter cabinets, shall be screened from public view and treated to match the materials and colors of the building which they serve.
 21. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or parapet walls constructed of materials complimentary to the materials and design of the main structure.
 22. **Trash, Service Equipment and Satellite Dishes.** Trash, service equipment and satellite dishes, including transformer areas, shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. The trash area shall be enclosed by a minimum six-foot high decorative masonry wall. Each trash enclosure shall have a separate area for recyclables. Any transformer area within the front yard shall be enclosed or screened.
 23. **Design of Entrance.** The applicant shall submit detailed elevations of the ground floor illustrating that all pedestrian entrances, including entries to commercial and retail stores, residential lobby area, and the pedestrian throughways, are accented with architectural elements such as columns, overhanging roofs, or awnings. The location of Entrances shall be in the center of the façade or symmetrically spaced if there are more than one.
 24. **Landscape Plan.** The applicant shall submit a final landscape plan prepared by a licensed landscape architect showing enhanced paving such as stamped concrete, permeable paved surfaces, tile and/or brick within paved areas in front, side and rear yards.

25. **Lighting.** The applicant shall comply with the following standards:

- a. **On-Site Lighting.** The applicant shall install on-site lighting along all vehicular access ways and pedestrian walkways. Parking areas shall have a minimum of $\frac{3}{4}$ foot-candle of flood lighting measured at the pavement. All on-site lighting shall be directed away from adjacent properties. This condition shall not preclude the installation of low-level security lighting.
- b. **Lighting Shielded.** Sources of illumination shall be shielded from casting light higher than 15 degrees below the horizontal plane as measured from the light source. They shall not cast light directly into adjacent residential windows.
- c. **Light Mounting Height.** A maximum mounting height of light sources for ground level illumination shall be 14 feet, measured from the finished grade of the area to be lit.
- d. **Lamp Color.** Color corrected ("white") high pressure sodium (HPS), color corrected fluorescent (2,700-3,000 degrees K), metal halide, or incandescent lamps shall be used for ground level illumination. Standard "peach" high pressure sodium, low pressure sodium, standard mercury vapor, and cool white fluorescent shall not be used for ground floor illumination.

26. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The applicant shall be required to acquire approval from the Department of City Planning, Central Project Planning Division for the installation of any security devices on the exterior or the structure through a building permit clearance sign off.

27. **Hours of Operation.** All parking lot cleaning activities and other similar maintenance activities shall take place between the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday and Sunday.

28. **Noise.** Any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley shall be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition.

29. **Future Signage.** All future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan and Design Guidelines. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment or Exception is required. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights are prohibited. Canned signs should not be used.

Administrative Conditions

30. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.

31. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of

Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

32. **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.
33. **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.
34. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
35. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
36. **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.
37. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.
38. **Indemnification and Reimbursement of Litigation Costs.** The 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, 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.

FINDINGS

Entitlement Findings

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.

The project site is located within 750 feet from the Vermont/Santa Monica Metro Red Line Station, which qualifies the site as Tier 4 of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Guidelines).

Pursuant to the TOC Guidelines, the project is eligible for Base Incentives and up to three (3) Additional Incentives for setting aside 11 percent of the total 30 units and more than 11 percent of the base 17 units for Extremely Low Income Households. Base Incentives include: (1) an increase of the maximum allowable number of dwelling units permitted by 80 percent, (2) an increase of the maximum allowable floor area ratio (FAR) to allow a FAR of up to 2.75:1 when the base FAR is less than 1.25:1; and (3) a zero residential automobile parking requirement. The applicant requests two (2) Additional Incentives as follows: (1) transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement when abutting a Subarea A lot and an up to 11-foot increase to the stepback requirement per the SNAP, which limits any structure from exceeding 30 feet in height within 15 feet of the front property line, along Berendo Street; and (2) an up to 25 percent reduction to permit a minimum common open space dimension of 15 feet in lieu of the minimum 20 feet otherwise required.

The project site is zoned R4-1D, which allows R4 density. This complies with Subarea C Section 9.A of the SNAP which states that only R4 density is allowed regardless of the underlying zone, and thus, limits residential density of the subject property to a maximum of one dwelling unit for each 400 square feet of lot area. The R4 density allows a maximum base density of 17 units on a 6,750 square-foot lot. The project is permitted an 80 percent increase in density, which allows a maximum of 31 units. The project proposes a total of 30 units, which is within the maximum density permitted.

The TOC Guidelines allow a maximum 2.75:1 FAR for a 100% residential development otherwise allowed a Base FAR less than 1.25:1 within SNAP Subarea C. The project will consist of 15,479 square feet of floor area, which results in a maximum 2.30:1 FAR.

Per the TOC Guidelines, a project containing 30 dwelling units within Tier 4 has no residential parking space requirements. The project proposes no parking spaces.

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 TOC 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) 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 4 TOC Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve at least 11 percent, or four (4) units, of the total 30 units for Extremely Low Income Households. The project proposes four (4) units restricted to Extremely Low Income Households. As such, 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.*

A Major Transit Stop is a site containing a retail 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 project site is located within 750 feet from the Vermont/Santa Monica Metro Red Line Station. 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 Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

Pursuant to the Determination made by the Los Angeles Housing Department (LAHD) dated July 7, 2023, one (1) dwelling unit is subject to replacement for Extremely Low Income Households and one (1) dwelling unit is subject to replacement for Low Income Households under SB 8. The proposed project is reserving four (4) units for Extremely Low Income households. 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, 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. *One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
 - b. *Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*
 - c. *Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

The project is seeking two (2) Additional Incentives as follows: (1) transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement when abutting a Subarea A lot and an up to 11-foot increase to the stepback requirement per the SNAP, which limits any structure from exceeding 30 feet in height within 15 feet of the front property line, along Berendo Street; and (2) an up to 25 percent reduction to permit a minimum common open space dimension of 15 feet in lieu of the minimum 20 feet otherwise required. The applicant is setting aside 20 percent, or four (4) units, of the base 17 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 two (2) Additional Incentives beyond the three (3) permitted in exchange for reserving at least 11 percent of the base 17 units for Extremely Low Income

Households. 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 or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The project site consists of one (1) lot, which is located within a Tier 4 TOC Affordable Housing Incentive Area. 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. As such, this eligibility requirement does not apply.

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

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

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

- a. **The incentives are not required to provide for affordable housing costs 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. 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 incentives in the TOC Guidelines were pre-evaluated at the time the TOC Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. The following incentives allow the developer to utilize the transitional height regulation outlined in the TOC Guidelines in lieu of the SNAP transitional height requirement and reduce open space requirements per the SNAP 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 four (4) units for Extremely Low Income Households.

Height: The applicant requests to utilize the transitional height per TOC Guidelines in lieu of the otherwise required SNAP transitional height requirement when abutting a Subarea A (Neighborhood Conservation) lot. The applicant also requests an up to 11-foot increase to the setback requirement per the SNAP, which limits any structure from exceeding 30 feet in height within 15 feet of the front property line, along Berendo Street. The requested transitional height regulation 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 provide for affordable housing costs.

Open Space Dimension: The applicant requests an up to 25 percent reduction to permit a minimum common open space dimension of 15 feet in lieu of the minimum 20 feet otherwise required. The requested open space 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 requested incentive allows the inclusion of affordable housing, while still providing usable open space as intended by the Code.

- b. The Incentive will not 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 substantial evidence in the record 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)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also 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. Therefore, there is no substantial evidence that the proposed incentives will have a specific adverse impact on public health and safety.

VERMONT/WESTERN SNAP FINDINGS

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

- A. Parks First.** Section 6.F of the Vermont/Western Specific Plan requires the applicant to pay a Parks First Trust Fund of \$4,300 for each new residential unit, prior to the issuance of a Certificate of Occupancy. The project proposes the demolition of a duplex and a detached garage and the construction, use and maintenance of a five-story, 30-unit residential building, resulting in a net increase of 28 residential units. The project is therefore required to pay a total of \$120,400 into the Parks First Trust Fund. The calculation of a Parks First Trust Fund fee to be paid or actual park space to be provided pursuant to the Parks First Ordinance shall be off-set by the amount of any fee pursuant to LAMC Section 17.12 or dwelling unit construction tax pursuant to LAMC Section 21.10.1, et seq. This requirement is reflected in the Condition of Approval. As conditioned, the project complies with Section 6.F of the Specific Plan.

- B. Use.** Section 9.A of the Vermont/Western Specific Plan states that residential uses permitted in the R4 Zone by LAMC Section 12.11 and commercial uses permitted in the C4 Commercial Zone by LAMC Section 12.16 shall be permitted by-right on any lot located within Subarea C of the Specific Plan area. The subject site is 6,750 square feet in size, allowing a maximum of 17 base dwelling units per the underlying zone. The applicant is seeking a 77 percent increase in the maximum allowable density permitted in the SNAP to allow 30 dwelling units in lieu of the otherwise permitted 17 dwelling units, in exchange for setting aside at least 11 percent, or four (4) units, of the total 30 units for Extremely Low Income households per the TOC Affordable Housing Incentive Program. The project has been conditioned to record a covenant with the Los Angeles Housing Department (LAHD) to make four (4) units available to Extremely Low Income Households to ensure the applicant sets aside the required number of units for affordable housing to be eligible for a 77 percent increase from the total density permitted by the SNAP. No commercial uses are proposed. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 9.A of the Specific Plan.
- C. Height and Floor Area.** Section 9.B of the Vermont/Western Specific Plan requires that mixed-use projects shall not exceed a maximum building height of 75 feet and 100 percent commercial projects shall not exceed a maximum building height of 35 feet; except that roofs and roof structures for the purposes specified in Section 12.21.1 B.3 of the Code, may be erected up to 10 feet above the height limit established in this section, if those structures and features are setback a minimum of 10 feet from the roof perimeter and are screened from view at street level by a parapet or a sloping roof. However, since the SNAP is silent on 100 percent residential buildings within this Subarea, the height is taken from the underlying zone of R4-1D, which has no height limit. The project proposes the demolition of a duplex and a detached garage, and the construction, use and maintenance of a five-story, 30-unit residential building with a maximum height of 65 feet and nine (9) inches.

According to the SNAP, no portion of any structure to exceed 30 feet in height within 15 feet from the front property line. However, the applicant is requesting a five (5)-foot increase in the maximum height limit in exchange for setting aside at least 11 percent, or two (2) units, of the base 17 units for Extremely Low Income Households.

Moreover, a project comprised exclusively of residential uses, shall take its FAR requirement from the underlying zone of R4-1D. Pursuant to the “D” Limitation, as established by Ordinance No. 164,687, allows a base FAR to a maximum 0.5:1. However, the applicant is seeking a FAR increase to 2.30:1 in exchange for setting aside at least 11 percent, or two (2) units, of the base 17 units for Extremely Low Income Households. The applicant is proposing to set aside an overall four (4) units for Extremely Low Income households, which is 24 percent of the base 17 units.

FAR Increase			
	Limit per R4-1D	With TOC (If Base FAR < 1.25:1)	Proposed
SNAP FAR 100% Residential	0.5:1	2.75:1	2.30:1

The project site contains 6,750 square feet of lot area and the proposed building contains a combined floor area of 15,479 square feet, resulting in a FAR of approximately 2.30:1 FAR which is below the allowable 2.75:1 FAR per the TOC incentive. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 9.B of the Specific Plan.

- D. Transitional Height.** Section 9.C of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea C adjoining or abutting a lot within Subarea A shall not exceed 25 feet in height, 33 feet in height, and 61 feet in height when located within 0-49 feet, 50-99 feet, and 100-200 feet respectively. The project site abuts a Subarea A lot to the north. The proposed residential building falls within the first two distance requirements of the SNAP and are limited to 25 feet in height and 33 feet in height. However, the applicant is seeking to utilize the Transitional Height incentive per TOC in lieu of the otherwise required SNAP transitional height requirement when abutting a Subarea A lot, which allows buildings located within Tier 4 to be stepped-back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive zone or Specific Plan, within the first 25 feet of the property line. As shown in the elevations and sections of "Exhibit A," the portion of the building abutting the Subarea A lot within 25 feet is below the 45-degree angle originating 25 feet above grade at the north property line. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 9.C of the Specific Plan.
- E. Usable Open Space.** Section 9.D of the Vermont/Western Specific Plan states that residential projects with two or more dwelling units must provide specified amounts of common and private open space pursuant to the standards set forth in LAMC 12.21 G.2 of the Code. The Specific Plan further stipulates that up to 75 percent of the total open space may be located above the grade level or first habitable room level of the project, and that roof decks may be used in their entirety as common or private open space, excluding that portion of the roof within 20 feet of the roof perimeter. Units containing less than three (3) habitable rooms require 100 square feet of open space per unit. Units containing three (3) habitable rooms require 125 square feet of open space per unit. Units containing more than three (3) habitable rooms require 175 square feet of open space per unit. The Vermont/Western SNAP sets forth the minimum usable open space requirement, as shown in the table below:

SNAP Minimum Usable Open Space			
	Units	Sq. Ft. Required	Usable Open Space (sq. ft.)
Dwelling Units with Less than 3 Habitable Rooms	27	100	2,700
Dwelling Units with 3 Habitable Rooms	3	125	375
Dwelling Units with More than 3 Habitable Rooms	0	175	0
Total Minimum Usable Open Space			3,075
25% located at grade or first habitable room level			768.75

The applicant is proposing a total of 3,195.6 square feet of open space of which approximately 1,420 square feet is located at grade level. However, the applicant is seeking a 25 decrease in the minimum common open space dimension requirement in the SNAP in exchange of for setting aside at least 11 percent, or two (2) units, of the base 17 units for Extremely Low Income Households. The applicant is proposing to set aside an overall four (4) units for Extremely Low Income households.

The project is therefore required to provide a minimum of 3,075 square feet of open space of which 768.75 square feet must be located at grade level or first habitable room level. Therefore, as conditioned and in conjunction with the TOC Affordable Housing Incentive Program, the project complies with Section 9.D of the Specific Plan.

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

SNAP Minimum Parking Spaces			
	Parking Space Per Square Feet / Unit	Units	Parking Spaces
Dwelling Units with Less than 3 Habitable Rooms	1	27	27
Dwelling Units with 3 Habitable Rooms	1	3	3
Dwelling Units with More than 3 Habitable Rooms	1.5	0	0
Total Residential Required Spaces			30
Guest	.25	30	7
Total Minimum Required Spaces (inclusive of guest parking)			37

SNAP Maximum Parking Spaces			
	Parking Space Per Square Feet / Unit	Units	Parking Spaces
Dwelling Units with Less than 3 Habitable Rooms	1	27	27
Dwelling Units with 3 Habitable Rooms	1.5	3	4
Dwelling Units with More than 3 Habitable Rooms	2	0	0
Total Residential Allowed Spaces			31
Guest	.50	30	15
Total Maximum Allowed Spaces (inclusive of guest parking)			46

However, the applicant proposes to utilize the Automobile Parking Incentive under the TOC Housing Incentive Program, which allows zero (0) residential parking spaces in Tier 4 of TOC, in exchange for setting aside the required percentage of affordable units. The TOC Automobile Parking Incentive replaces the minimum parking requirement in the SNAP; however, the project is still subject to the maximum parking requirement per the SNAP. The SNAP limits the maximum number of automobile parking spaces to 46, inclusive of guest parking spaces. The project will provide one no parking spaces (as permitted by TOC), which is within the maximum requirements. Therefore, as conditioned and in conjunction with the reduced residential parking spaces per TOC, the project complies with Section 9.E of the Specific Plan.

Bicycles. Section 9.E.2 of the Vermont/Western Specific Plan requires any residential project with two (2) or more dwelling units to provide one-half (0.5) bicycle parking space per residential unit. The proposed development consists of 30 residential units, thus, requiring 15 bicycle parking spaces. As shown on Exhibit "A", Sheet T000, the applicant proposes 18 bicycle spaces located within the ground floor of the proposed building. Therefore, the project complies with Section 9.E.2 of the Specific Plan.

- G. Conversion Requirements.** Section 9.F of the Vermont/Western Specific Plan sets forth requirements pertaining to the conversion of existing structures to residential condominium uses. The project proposes the demolition of a duplex and a detached garage and the construction, use and maintenance of a five-story, 15,479 square-foot, 30-unit residential building. The project does not include the conversion of existing

commercial structures to residential condos. Therefore, Section 9.F of the Specific Plan does not apply.

- H. **Pedestrian Throughways.** Section 9.G states that applicants shall provide one public pedestrian walkway, throughway, or path for every 250 feet of street frontage for the project. The pedestrian throughway shall be accessible to the public and have a minimum vertical clearance of 12 feet and a minimum horizontal clearance of ten-feet. The proposed building will occupy 50 feet of frontage along the westerly side of Berendo Street. Therefore, Section 9.G of the Specific Plan does not apply.
- I. **Yards.** Section 9.H of the Vermont/Western Specific Plan specifies that no front, side or rear yard setbacks shall be required for the development of any project within Subarea C. No yard setbacks are required, however, the proposed project includes a 15-foot rear yard setback and five (5)-foot side yard setbacks. Therefore, the new development complies with Section 9.H of the Specific Plan.
- J. **Development Standards.** Section 9.I of the Vermont/Western Specific Plan requires that all projects with new development and extensive remodeling be in substantial conformance with the following Development Standards and Design Guidelines. The proposed project conforms to Development Standards and Design Guidelines as discussed in Findings below.

Development Standards

- (1) **Landscape Plan.** The Development Standard for Subarea C requires that all open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities shall be landscaped by lawns and other ground coverings, allowing for convenient outdoor activity. All landscaped areas shall be landscaped in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor. The illustrative landscape plan in Exhibit "A" shows that adequate landscaping will be provided throughout the project site. The grade level and first habitable room level will be landscaped with shrubbery, ground cover, and trees. While the illustrative landscape plan includes a planting schedule showing different types of trees, ground cover and shrubs that may be used for landscaping, including specific details of types, quantities, location, and size of plant materials proposed, there is no irrigation plan. As such, the applicant is required to submit a final landscape plan prepared by a licensed landscape architect showing an irrigation plan. Therefore, as conditioned, the project complies with this Development Standard.
- (2) **Usable Open Space.** This Development Standard requires that common usable open space must have a dimension of 20 feet and a minimum common open space area of 400 square feet for projects with less than 10 dwelling units and 600 square feet for projects with 10 dwelling units or more. The Development Standard further stipulates that private usable open space, such as balconies with a minimum dimension of six feet, may reduce the required usable open space directly commensurating with the amount of private open space provided. The applicant is seeking a 25 decrease in the minimum common open space dimension requirement in the SNAP in exchange of for setting aside at least 11 percent, or two (2) units, of the base 17 units for Extremely Low Income Households. The applicant is proposing to set aside an overall four (4) units for Extremely Low Income households. The applicant proposes a common open space area within the rear yard of the proposed building and a recreation room on the ground floor for a total area of 1,355.7 square feet common open space and 1,839.9 square feet of private open space areas throughout the building. Therefore, as conditioned and as allowed per TOC, the project complies with this Development Standard.

- (3) **Streetscape Elements.** The Development Standards require that any project along Vermont Avenue, Virgil Avenue, or Hollywood Boulevard between the Hollywood Freeway and Western Avenue, or referred to in the Barnsdall Park Master Plan, or projects along major and secondary highways, to conform to the standards and design intentions for improvement of the public right-of-way. The project site is located along Berendo Street, which is considered a Local Street – Standard, therefore, this Development Standards does not apply.
- (4) **Pedestrian/Vehicular Circulation.** The Development Standards require that all projects be oriented to a main commercial street and shall avoid pedestrian/vehicular conflicts by adhering to standards related to parking lot location, curb cuts, pedestrian entrances, pedestrian walkways and speed bumps. The subject property is oriented towards Berendo Street, which is considered a local street. Therefore, the Pedestrian/Vehicular Circulation Development Standards do not apply.
- (5) **Utilities.** The Development Standards require that when new utility service is installed in conjunction with new development or extensive remodeling, all proposed utilities on the project site shall be placed underground. The applicant does not propose any installation of new utility service at this time. However, in the event new utility lines are to be installed on the site, the Conditions of Approval require all new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service. Therefore, as conditioned, the project complies with this Development Standard.
- (6) **Building Design.** The purpose of the following provisions is to ensure that a project avoids large blank expenses of building walls, is designed in harmony with the surrounding neighborhood, and contributes to a lively pedestrian friendly atmosphere. Accordingly, the following standards shall be met:
- a) **Stepbacks.** The Development Standards require that 1) no portion of any structure exceed more than 30 feet in height within 15 feet of the front property line, and 2) that all buildings with a property line fronting on a Major Highway, including Hollywood Boulevard, Sunset Boulevard, Santa Monica Boulevard, and Vermont Avenue, shall set the second floor back from the first floor frontage at least ten feet. The proposed building has a front property line along Berendo Street, which is classified as a Local Street – Standard. Therefore, the proposed project is subject to only the first stepback requirement. However, the applicant is requesting a five (5)-foot increase in the maximum height limit in exchange for setting aside at least 11 percent, or two (2) units, of the base 17 units for Extremely Low Income Households. Per the section and elevation sheets in “Exhibit A” the building proposes a 35-foot height limit within 15 feet of the front property line. Therefore, the project complies with this Development Standard.
 - b) **Transparent Building Elements.** The Development Standards require that transparent building elements such as windows and doors occupy at least 50 percent of the ground floor facades on the front and side elevations and 20 percent of the surface area of the rear elevation of the ground floor portion which has surface parking in the rear of the structure. Moreover, a “side elevation ground floor façade” has been interpreted by Staff to only mean those facades which face a street or alley and not facades along interior lot lines that face other buildings. The subject site currently has an east elevation that faces Berendo Street. The remaining north, south, and west facades are along interior lot lines that face other buildings, not a street. The project must provide a minimum transparency of 176.65 square feet along Berendo Street. The project proposes approximately 221 square feet of transparent building

elements along Berendo Street, which is more than the minimum required. Therefore, as conditioned, the project complies with this Development Standard.

- c) **Façade Relief.** The Development Standards require that exterior walls provide a break in plane for every 20 feet horizontally and every 30 feet vertically. As seen in "Exhibit A" the project proposes horizontal and vertical plane breaks through the use of the façade incrementally stepped away from the street, recessed windows, change in material, and lineal orientation of the façade construction. Therefore, the project complies with this Development Standard.
 - d) **Building Materials.** The Development Standards require that building facades be comprised of at least two types of complimentary building materials. The project proposes the use of white smooth stucco, light gray smooth stucco, dark gray smooth stucco, gray brick, wood veneer and dark gray metal on all elevations of the structure. Therefore, the project complies with this Development Standard.
 - e) **Surface Mechanical Equipment.** The Development Standards require that all surface or ground mounted mechanical equipment be screened from public view and treated to match the materials and colors of the building which they serve. The plans do not reflect any surface or ground mounted mechanical equipment. A Conditions of Approval has been incorporated to require surface mechanical equipment to be screened from public view and treated to match the materials and colors of the building which they serve. Therefore, as conditioned, the project complies with this Development Standard.
 - f) **Roof Lines.** The Development Standards require that all rooflines in excess of 40 feet are broken up through the use of gables, dormers, plant-ons, cutouts, or other appropriate means. As seen in "Exhibit A", Sheet A200-202, all roof lines are continuously broken up to not exceed a horizontal roof line of 40 feet or greater. Therefore, the project complies with this Development Standard.
- (7) **Rooftop Appurtenances.** The Development Standards require that all rooftop equipment and building appurtenances shall be screened from public view or architecturally integrated into the design of the building. The proposed project will have no mechanical equipment placed on the roof. In the event that rooftop mechanical equipment is constructed, a Condition of Approval has been included requiring said equipment and ducts be screened from view from any street, public right-of-way or adjacent property and the screening shall be solid and match the exterior materials, design and color of the building. Therefore, as conditioned, the project complies with this Development Standard.
- (8) **Trash and Recycling Areas.** The Development Standards require that trash storage bins be located within a gated, covered enclosure constructed of identical building materials, be a minimum of six feet high, and have a separate area for recyclables. The proposed project provides a trash and recycle enclosure located on the ground floor. Therefore, the project complies with this Development Standard.
- (9) **Pavement.** The Development Standards require that paved areas not used as parking and driveway areas consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers. The illustrative landscape plan in Exhibit "A" shows various paved areas on the project site. Therefore, the project complies with this Development Standard.

- (10) **Freestanding Walls.** The Development Standards require that all freestanding walls contain an architectural element at intervals of no more than 20 feet and be set back from the property line adjacent to a public street. As seen in “Exhibit A”, Sheet A203, all freestanding walls contain an architectural element at intervals of no more than 20 feet. Therefore, the project complies with this Development Standard.
- (11) **Parking Structures – Required Commercial Frontage.** The Development Standards require that all of the building frontage along major or secondary highways, for a parking structure shall be for commercial, community facilities, or other non-residential uses to a minimum depth of 25 feet. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
- (12) **Parking Structures – Façade Treatments.** The Development Standards require parking structures be designed to match the style, materials and colors of the main building. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
- (13) **Parking Structures Across from Residential Uses.** The Development Standards require parking structures abutting or directly across an alley or public street from any residential use or zone conform to standards regarding the façade facing the residential use or zone. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
- (14) **Surface Parking Lots.** The Development Standards require at least 10 percent of the surface parking lot to be landscaped with: one (1) 24-inch box shade tree for every four parking spaces, spaced evenly to create an orchard-like effect; a landscaped buffer around the property line; and a three and a half foot solid decorative masonry wall behind a three-foot landscaped buffer. The trees shall be located so that an overhead canopy effect is anticipated to cover at least 50 percent of the parking area after 10 years of growth. The project does not propose a surface parking lot. Therefore, this Development Standard does not apply.
- (15) **Surface Parking Abutting Residential.** The Development Standards require surface parking abutting or directly across an alley or public street from any residential use or zone conform to standards regarding a decorative wall and landscaping buffer. The project does not propose a surface parking lot. The parking for the project is located within the ground level of the proposed residential building. Therefore, this Development Standard does not apply.
- (16) **On-Site Lighting.** The Development Standards require that the project include on-site lighting along all vehicular and pedestrian access ways. The Development Standards specify that the acceptable level of lighting intensity is $\frac{3}{4}$ foot-candle of flood lighting measured from the ground, a maximum mounting height of light sources shall be 14 feet, and “white” color corrected lamp color shall be used for ground level illumination. A Condition of Approval has been included to ensure that any lighting shall meet the on-site lighting standards mentioned above. Therefore, as conditioned, the project complies with this Development Standard.
- (17) **Security Devices.** The Development Standards require security devices to be screened from public view. The proposed project does not contain any type of security devices at this time. In the event that additional security devices are installed in the future, a Condition of Approval has been included requiring all proposed devices to be integrated into the design of the building, concealed and retractable. Therefore, the project complies with this Development Standard.

- (18) **Privacy.** The Development Standards require that buildings be arranged to avoid windows facing windows across property lines, or the private open space of other residential units. The applicant has provided elevations, which depict the windows of the existing adjacent structures to the north superimposed onto the proposed project. There are no windows proposed along the provided elevations which face the windows of the structures to the north. Therefore, the project complies with this Development Standard.
- (19) **Hours of Operation.** The Development Standards require that parking lot cleaning and sweeping, trash collection and deliveries be limited between 7:00 a.m. - 8:00 p.m. Monday through Friday, and 10:00 a.m. - 4:00 p.m. on Saturdays and Sundays. The applicant has been required in the Conditions of Approval to comply with this Development Standard. Therefore, as conditioned, the project complies with this Development Standard.
- (20) **Noise Control.** The Development Standards require that any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. The proposed building has multiple windows in the front façade with a line of sight directly to New Hampshire Avenue. A Condition of Approval has been included requiring any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley to be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. Therefore, as conditioned, the project complies with this Development Standard.
- (21) **Required Ground Floor Uses.** The Development Standards states that 100 percent of street level uses within Subarea C must be commercial uses up to a depth of 25 feet. However, this Development Standard has been interpreted by Staff to only apply to Mixed-Use projects, not 100 percent residential projects. The applicant proposes a five-story, 30-unit residential building. Therefore, this Development Standard does not apply.

Design Guidelines

- (22) **Urban Form.** The Design Guidelines encourage transforming commercial streets away from a highway oriented, suburban format into a distinctly urban, pedestrian oriented and enlivened atmosphere by providing outdoor seating areas, informal gathering of chairs, and mid-block pedestrian walkways. The Guidelines also indicate that streets should begin to function for the surrounding community like an outdoor public living room and that transparency should exist between what is happening on the street and on the ground floor level of the buildings. The project is designed to enhance the pedestrian experience along Berendo Street by providing approximately 62.7 percent transparency increasing visibility into the ground floor from the streets. The project will also include bike racks and shade trees on the public right of way. Therefore, as proposed, the project complies with this Design Guideline.
- (23) **Building Form.** The Design Guidelines encourage every building to have a clearly defined ground plane, roof expression and middle or shaft that relates the two. The ground plane of the project is defined by facades that consist of aluminum, glass, and textured metal panel. The upper floors are defined by balconies and various planes that consist of cement plaster and windows. The roof plane varies in height and adds articulation to the building. Therefore, as proposed, the project complies with this Design Guideline.

(24) Architectural Features. The Design Guidelines encourage courtyards, balconies, arbors, roof gardens, water features, and trellises. Appropriate visual references to historic building forms – especially Mediterranean traditions – are encouraged in new construction. The proposed project provides private balconies and contains an open courtyard on the ground level. Furthermore, the street-facing elevation employs a variety of building materials and articulation by way of recessed balconies, changes in building plane, and transparency. Therefore, the project complies with this Design Guideline.

(25) Building Color. The Design Guidelines encourage buildings be painted three colors: a dominant color, a subordinate color and a “grace note” color. The proposed project includes multiple colors such as white, light gray and wood as its dominant colors and dark grey as its subordinate façade color. Therefore, the project complies with this Design Guideline.

(26) Signs. The Design Guidelines provide extensive guidance related to the placement, type, and style of signage to be used for projects. The Guidelines identify appropriate signs for the Specific Plan area to include wall signs, small projecting hanging signs, awnings or canopy signs, small directory signs, and window signs. The applicant does not propose signs as part of this application. Therefore, this Design Guideline does not apply.

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

3. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.

The Department of City Planning determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act and the State CEQA Guidelines designate the subject Project as Categorically Exempt under Section 15332 (Class 32), Case No. ENV-2021-1539-CE, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

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

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

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

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

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

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

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



QR Code to Online
Appeal Filing



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for In-Person Filing