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EXPANDED ADMINISTRATIVE REVIEW DETERMINATION DENSITY BONUS & CITYWIDE HOUSING INCENTIVE PROGRAMS

May 7, 2025

Applicant / Owner

Joseph Samuel 12500 Riverside LLC

12500 Riverside Drive, #200

Valley Village, CA 91607

Representative

Daniel Ahadian

nur Development Consulting 864 S. Roberston Blvd., 3rd Fl

Los Angeles, CA 90035

Case No. EAR-2025-5095-DB-VHCA

CEQA: N/A

Location: 12500-12532 West Riverside

Drive

Council District: 4 - Nithya Raman

Neighborhood Council: None

Community Plan Area: Van Nuys – North Sherman

Oaks

Land Use Designation: Neighborhood Office

Commercial

Zone: C2-1-RIO

Legal Description: Lots PT 7 and PT 8; Tract

2590

LETTER OF COMPLIANCE - MINISTERIAL ON- AND OFF-MENU DENSITY BONUS INCENTIVES

Pursuant to California Government Code Section 65915 and Los Angeles Municipal Code (LAMC) Sections 12.22-A.25, 12.22-A.37(d)(6) and 13B.3.2, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

- Determine, based on the whole of the record, that the Project is statutorily exempt from the California Environmental Quality Act (CEQA) as a ministerial project, pursuant to California Government Code Section 65651 and Public Resources Code Section 21080(b)(1) and 21080.27(b)(1);
- 2. Approve a ministerial review of Density Bonus Compliance, pursuant to LAMC Sections 12.22-A.25, 12.22-A.37(d)(6), and 13B.3.2, a 54 percent Density Bonus, for a project totaling 219 dwelling units, with 25 units set aside for Very Low Income Households and eight (8) units set aside for Moderate Income households for a period of 99 years, along with the following one (1) On-Menu Incentive and three (3) Off-Menu Incentives for a qualifying project:
 - a. **Averaging (On-Menu Incentive).** To permit averaging of Floor Area Ratio (FAR), density, parking, open space, and vehicular access across the project site;

- b. Floor Area Ratio (Off-Menu Incentive). To permit an increase in Floor Area Ratio (FAR), allowing for a 3.27:1 FAR in lieu of the maximum 1.5:1 FAR otherwise required;
- c. Height (Off-Menu Incentive). To permit a maximum building height of 62-feet and 9-inches in lieu of the 45-foot/three-story limit per the 1VL height district and the 25-foot and 33-foot Transitional Height limit for the portion of the site that is within 49-feet and 99-feet of an OS Zone;
- d. **Side Yard (Off-Menu Incentive)**. To permit a reduction in the side yard setback allowing for a zero-foot side yard along Riverside Drive in lieu of the 8 feet otherwise required;
- 3. Adopt the attached Findings.

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22-A.25, 12.22-A.37(d)(6) and 13B.3.2 of the LAMC, the following conditions are hereby imposed upon the use of the subject property: (References to LAMC Section 12.22.A.25 here on after that relate to incentives and standards should be understood to refer to that section as it existed at time of project filing.)

- 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 Planning. Each change shall be identified and justified in writing.
- 2. **Residential Density.** The project shall be limited to a maximum density of 219 residential units, including Density Bonus units.
- 3. On-site Restricted Affordable Units. The project shall set aside the number and type of Restricted Affordable Units, as defined by State Density Bonus Law in California Government Code Section 65915(C)(2), corresponding to the percentage of Density Bonus and number of Incentives utilized, consistent with the provisions of LAMC Section 12.22-A.25 at the time of project filing.
- 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 the provisions of LAMC Section 12.22-A.25 at the time of project filing.
- 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 25 dwelling units available to Very Low Income Households and 8 units available to Moderate Income households, for sale or rental as determined to be affordable to such households by LAHD for a period of 99 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 LAMC Sections 12.22-A.37 and 12.22-A.25, to the satisfaction of LAHD, and in consideration of the project's Replacement Unit Determination and LAMC Section 16.61. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Fair Housing Requirements for Affordable Housing adopted by the City Council and with any monitoring requirements established by the LAHD. Additionally, the applicant shall comply with all applicable Occupant Protections required by LAMC Section 16.60 A.3(b). Refer to the Density Bonus Legislation Background section of this determination.

6. Incentives.

- a. **Averaging.** To permit the averaging of FAR, density, parking, open space, and vehicular access across the project site;
- b. Floor Area Ratio (FAR). To permit an increase in Floor Area Ratio (FAR), allowing for a 3.27:1 FAR in lieu of the maximum 1.5:1 FAR otherwise required;

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- c. **Height**. To permit a maximum building height of 62-feet and 9-inches in lieu of the 45-foot/three-story limit per the 1VL height district and the 25-foot and 33-foot Transitional Height limit for the portion of the site that is within 49-feet and 99-feet of an OS Zone;
- d. **Side Yard Setback**. To permit a reduction in the side yard setback allowing for a zero-foot side yard along Riverside Drive in lieu of the 8 feet otherwise required.

7. Parking.

- a. Automobile parking shall be provided consistent with the LAMC. A greater number than the minimum required may be provided at the applicant's discretion. In the event that the number of On-Site Restricted Affordable Units should increase, or the composition of such units should change, then no modification of this determination shall be necessary and the number of vehicle parking spaces shall be re-calculated consistent with the provisions of Section 12.22-A.25 at the time of project filing.
- b. Bicycle Parking. Bicycle parking shall be provided consistent with LAMC Section 12.21-A.16. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A.16.
- c. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable units which shall include any required parking in the base rent or sales price, as verified by LAHD.
- d. Adjustments. 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), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) 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 pursuant to the provisions of LAMC Section 12.22-A.25 in effect at the time of project filing.
- 8. Landscaping. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
 - a. **Tree Requirement.** The project shall provide at least the minimum number of trees onsite to comply with the landscape requirement (LAMC Section 12.21 G(a)(3)). Pursuant to Ordinance No. 170978, required trees shall not be palm trees.
 - b. Street Trees. Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).

Administrative Conditions

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- 9. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 10. Rent Stabilization Ordinance. 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.
- 11. 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.
- 12. **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.
- 13. **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.
- 14. **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.
- 15. 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.
- 16. 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

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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.

- 17. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
- 18. **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.
- 19. 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.
- 20. 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 <u>but not limited to</u>, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (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).

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(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 <u>any</u> 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 project site consists of three (3) lots encompassing a total of approximately 56,525 square feet of lot area (approximately 1.3 acres). The subject property is an irregularly shaped corner parcel, having frontage on both Riverside Drive and Whitsett Avenue. The Whitsett Avenue frontage is the designate front yard.

The subject site is located within the Van Nuys – North Sherman Community Plan, which is one of the 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Neighborhood Office Commercial land uses corresponding to the C1, C1.5, C2, C4, RAS3, and RAS4 Zones. The subject property is zoned C2-1-RIO and (Q)C1.5-1VL-RIO and is thus consistent with the existing land use designation. The project is located within the River Implementation Overlay (RIO) district, a Housing Element Site (ZI-2512), and a Lower Income Rezoning Housing Element Site (ZI-2534). Additionally, the property is in an OC-2 Opportunity Corridor Incentive Area, TCAC Opportunity Area, Urban Agriculture Incentive Zone, a liquefaction area, and is within 3.45 kilometers of the nearest known fault (Hollywood Fault). The subject property is not located within the boundaries of any specific plan or community design overlay.

The surrounding area is located in an established and heavily urbanized area that is between the Valley Village, Studio City, and Sherman Oak neighborhoods. The surrounding area is developed with a variety of residential, commercial, office, and public/open space uses. The abutting properties to the north and east are zoned OS-1VL and OS-1XL-RIO where the Tujunga Wash lies. To the immediate south, there is the 101 Freeway which is zoned PF-1XL. The abutting property to the west is zoned C2-1VL-RIO and is developed with a one-story hotel. Farther beyond the Tujunga Wash and 101 Freeway, there are commercial buildings (including a liquor store and gastropub) and residential uses, including both single-family and multi-family developments. Transit options that are within proximity to the project site include the Metro 155, 167 and 230 local buses and the Van Nuys/Studio City DASH bus.

The project site is currently developed with a two-story shopping center on the easterly portion of the site and a one-story shopping center on the westerly portion. There is nothing in the record to indicate that the project site has any historical significance or is listed within any local, state, or national register. The proposed project involves the demolition of the existing uses and the construction, use, and maintenance of a new five-story, 170,638 square-foot mixed use building consisting of 219 dwelling units, including 25 units set aside for Very Low Income households and 8 units set aside for Moderate Income households. The project includes 2,162 square feet of ground floor commercial space and will provide 254 parking stalls for both the residential and commercial uses within two subterranean levels.

Ministerial Review

As required by State law, the Municipal Code implements State Density Bonus Program in California Government Code Section 65915 - 65918 and has the authority to determine the procedures for processing density bonuses and concessions, incentives and waiver requests. Prior to February 11, 2025, all State Density Bonus provisions were codified under Los Angeles Municipal Code (LAMC) Section 12.22-A.25. Following the adoption of Ordinance 188,477 (Citywide Housing Incentive Program (CHIP) Ordinance), which became effective on February 11, 2025, the City complies with State Density Bonus law instead through the filing, processing, and effectuation procedures codified under LAMC Sections 12.22-A.37-39.

The CHIP Ordinance offers projects filed prior to its effectuation date the ability to opt into the procedures as outlined in LAMC 12.22.A.37(d)(6), be subject to the revised Program Standards. The project application was filed, and its associated fees were paid prior to the operative date; however, no public hearing has been held or scheduled for the proposed project. Furthermore, the project does not request any Waivers of Development Standards. As permitted under LAMC Section 12.22-A.37(d)(6)(ii), the project has elected to comply with the Program Standards pursuant to LAMC Section 12.22-A.37(h) and utilize the procedures contained in 12.22-A.37(d) of the CHIP Ordinance. As such, this case will follow the procedures as outlined in the Los Angeles Municipal Code (LAMC) Section 12.22-A.37(d)(2), while its incentive requests will remain consistent with those available under LAMC 12.22-A.25. The procedures set forth under LAMC Section 12.22-A.37(d)(2) require that qualifying Housing Developments be ministerially reviewed by the Department of City Planning pursuant to Section 13B.3.2 (Expanded Administrative Review) of Chapter 1A of the Code.

As an eligible Housing Development Project and in accordance with the former incentive provisions of LAMC Section 12.22-A.25 as described above, the project is seeking to utilize the provisions of State Density Bonus law and the LAMC. In exchange for setting aside at least 16 percent of the base number of units for Very Low Income households and five (5) percent of the base number of units for Moderate Income households, the project is permitted an increase in

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density of up to 70 percent. Based on the underlying zone, the project is permitted a base density of 142 units; therefore, in exchange for reserving at least 23 units for Very Low Income households and 8 units for Moderate Income households, the project is eligible for a density of up to 242 units, but is seeking 219 total units.

Furthermore, in exchange for setting aside at least 16 percent of the base number of units for Very Low Income households, the project qualifies for up to four (4) development Incentives. The project is seeking the following four (4) Incentives: 1) an On-Menu Incentive to permit averaging of FAR, density, parking, open space, and vehicular access across the site; 2) an Off-Menu Incentive to permit an increase in FAR to allow a 3.27:1 FAR; 3) an Off-Menu Incentive to permit an increase in building height up to 62-feet and 9-inches, or 5 stories; and 4) an Off-Menu Incentive to permit a reduction in the required side yard setback to allow a zero-foot setback along Riverside Drive. The project is also setting aside an additional two units for Very Low Income households which amounts of 11 percent of the total number of units and exempts Project Review requirements. Parking for the proposed project will be provided in compliance with the provisions of Section 12.22-A.25(d) of the LAMC from the time of project filing.

STREET

<u>Riverside Drive</u>, adjoining the subject property to the north, is an Avenue I, with a designated right-of-way width of 100 feet. Moorpark Street is currently dedicated to a right-of-way width of 100 feet and is improved with asphalt roadway, curb, gutter, and sidewalk.

Whitsett Avenue, adjoining the subject property to the east, is an Avenue II, with a designated right-of-way width of 86 feet. Moorpark Street is currently dedicated to a right-of-way width of 84 feet and is improved with asphalt roadway, curb, gutter, and sidewalk.

HOUSING REPLACEMENT

Pursuant to the Housing Crisis Act, a No Net Loss Declaration was submitted and signed by the property owner, dated October of 2023. Relevant building permits and records have been submitted into the record to indicate that there have been no known residential uses on the site within the past ten years. Therefore, there is no replacement housing requirements for the Housing Development Project.

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES PROGRAM ON-MENU INCENTIVES ELIGIBILITY CRITERIA

Pursuant to former LAMC Section 12.22-A,25(e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria:

a. The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.

The proposed five-story mixed-use building with 219 residential units abuts Riverside Drive and Whitsett Avenue. There is a proposed building break along the Riverside Drive frontage to break up the massing and provide additional light and airflow into the proposed interior courtyards. Additionally, the proposed building includes projecting balconies, a variety of building materials and colors, and various architectural design features which break up the

plane along each façade. Therefore, all the facades of the building are articulated such that no façade is a flat surface.

b. All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street facing elevation.

The proposed five-story mixed-use building is oriented toward both Riverside Drive and Whitsett Avenue. Residential access is facilitated through two residential lobbies, one on each street frontage. Each entry is designed for clear identification by utilizing building materials, lighting, signage, and architectural articulation. The commercial entrance is prominently positioned at the corner of the property to draw visual attention from pedestrians. In addition, there are windows, balconies, and articulated design features across all facades of the proposed building. Therefore, the proposed building will be oriented towards the street.

c. The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM).

The project site is not located within a Historic Preservation Overlay Zone (HPOZ) and the property is not designated as a Historic-Cultural Monument (HCM). Therefore, the Housing Development Project will not involve a contributing structure in a designated HPOZ and will not involve a structure that is a City of Los Angeles designated HCM.

d. The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.

The project site is not located in the Hillside Area. Additionally, the project site is not located within a Very High Fire Severity Zone as established in Section 57.25.01 of the LAMC. As such, the Housing Development Project will not be located on a substandard street in a Hillside Area or in a Very High Fire Severity Zone.

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

- 1. Pursuant to former Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director of Planning shall approve a density bonus and requested incentive(s) unless they find 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 do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

Averaging of FAR, Density, Parking, Vehicular Parking and Open Space. The subject property consists of 3 lots, zoned C2-1-RIO and (Q)C1.5-1VL-RIO. The strict adherence to the development standards required by each zone would require one portion of the building to be significantly more concentrated than the other. This requested On-Menu incentive allows relief from such requirements which results in a unified structure that has a balanced blend of FAR, density, open space, vehicular access, and parking. As a result, this requested incentive allows for all proposed residential units to be placed within one structure, rather than being broken up into two, thus allowing for a more efficient construction method and providing for identifiable and actual cost reductions in constructing the development and facilitating the construction of affordable units. Therefore, the requested incentive supports the applicant's decision to reserve 25 units for Very Low Income households and 8 units for Moderate Income households and facilitates the creation of affordable housing units.

Floor Area Ratio. The project includes an Off-Menu Incentive to allow an increase in the FAR for the proposed project. The project is subject to the "1" and "1VL" Height Districts which limit FAR to 1.5:1 for the C1.5 and C2 Zones. The project is requesting an FAR increase to 3.27:1 to develop the proposed project. The requested incentive would allow the applicant to expand the building envelope so the proposed residential units, including the affordable units, can be constructed. The overall space dedicated to residential uses is increased which also results in building design or construction efficiencies that facilitate the creation of affordable housing. Thus, the Incentive supports the applicant's decision to reserve 25 units for Very Low Income households and 8 units for Moderate Income households and facilitates the creation of affordable housing units.

Height. The project is subject to the "1VL" Height District and Transitional Height requirements, which limits height to 45 feet and 3-stories for the C1.5 Zone only and 25-feet and 33-feet for portions of the property within certain distances from the adjacent OS Zone. The project is requesting an Off-Menu Incentive for an increase in building height up to 62-feet and 9-inches, or 5 stories, throughout the entire site. Utilization of this height incentive enables the construction of three additional levels of residential units and an increased building envelope, thus facilitating the construction of both market-rate and affordable housing units. Therefore, the requested incentive supports the applicant's decision to reserve 25 units for Very Low Income households and 8 units for Moderate Income households and facilitates the creation of affordable housing units.

Side Yard Setback. The project includes an Off-Menu Incentive to allow a reduction in the required northerly side yard setback of the project site. The site's otherwise required side yard setbacks are due to the site's dual zoning of C1.5 and C2 as well as the designation by the Los Angeles Department Building and Safety of the Whitsett Avenue frontage as the front yard. As such, the northerly and southerly property lines are considered side yards and are subject to an 8-foot side yard requirement due to the number of proposed stories, pursuant to LAMC Section 12.14.C. The applicant is requesting an Off-Menu Incentive to allow for a decreased northerly side yard setback (along Riverside Drive) from 8 feet to zero feet. Strict compliance with the yard requirements would reduce the buildable area for new development, thereby restricting the number and range of units that could be developed. The requested incentive would allow a larger building footprint, building envelope, and overall available floor area which would allow for increased residential units, including affordable units, to be constructed. Thus, the Incentive supports the applicant's decision to reserve 25 units for Very Low

Income households and 8 units for Moderate Income households and facilitates the creation of affordable housing units.

The requested incentives for increased height and FAR, averaging of FAR, density, parking, vehicular access, and open space, and reduced side yard setback requirements enable the project to expand the building envelope by utilizing more space for building floor area and provide additional floor space and residential units, thus enabling the provision of more dwelling units. The project provides 25 units for Very Low Income households and 8 units for Moderate Income Households. The requests will allow the developer to expand the building envelope so the affordable units can be constructed, and the overall space dedicated to residential uses is increased. Requested incentives will allow for efficiencies in construction and operational costs for the creation of affordable units. Therefore, these incentives support the applicant's decision to set aside 25 units for Very Low Income households and 8 units for Moderate Income households for 99 years.

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.

There is no substantial evidence in the record that the proposed Incentives 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)). As required by Section 12.22-A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects. The record does not identify a public health and safety standard in relation to this finding. There are no historic resources on the subject property. Based on the whole of the record, that the Project is statutorily exempt from the California Environmental Quality Act (CEQA) as a ministerial project, pursuant to California Government Code Section 65651 and Public Resources Code Section 21080(b)(1) and 21080.27(b)(1). The property is not located on a substandard street in a Hillside area, a Liquefaction Zone, a Methane Zone, a Special Grading Area, a Fault Zone, a Very High Fire Hazard Severity Zone, or any other special hazard area. Therefore, 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. Therefore, there is no basis to deny the requested Incentives.

c. The Incentives is 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

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- 2. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside a flood zone.
- 3. It has been determined based on the whole of the administrative record, that the Project is statutorily exempt from the California Environmental Quality Act (CEQA) as a ministerial project, pursuant to California Government Code Section 65651 and Public Resources Code Section 21080(b)(1) and 21080.27(b)(1).

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.

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

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction. Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

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

<u>Effective Date/Appeals:</u> The decision of this Letter of Compliance is final and effective upon the mailing of this letter and not appealable.

VINCENT P. BERTONI, AICP

Director of Planning

Heather Bleemers
Senior City Planner

Esther Ahn City Planner

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Attachments:

Exhibit A: Architectural Plans

PROJECT TEAM

| HOLLOTSEGOST. MORINHOLLYHOOD CASIS11 | STEFFHEN SAWUEL |
|---|--|
| | SSAMUEL# SOCKHEALTHCORP.DOM |
| ARCHITECT # JEFF ZBIKO | WING ARCHITECTURE |
| CULVER CITY, CA INSER | JEFF ZIN 4CWISK! |
| | (SIC) NO GLOUP REFER LEAGURILA |
| CIVIL ENGINEERING # OB | ANDO & ASSOCIATES |
| SIGI OCEAN FARK BLVO | SAFFAR E.OBANCO |
| SANTA WORKS TA YOU'S | SID/RELATES A REGULARDOANDASOCIATEBOOK |
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| STRUCTURAL ENGINEER | // LEE AND LEE |
| SEPO WILE-WIFE BLVC SUITE FYL- LOS ANGELES, CA ##-10 | BAN'S YOU'CK LEE |
| | 213.VIJVAVSVLEEALEEMEEJRET |
| MECHANICAL ENGINEER | // LEWIS PIOSS |
| 2901 AVENUE STANFORD BANTA CLATIFIA, CA 2129 | UEAT KILAMAKH |
| | LICATION ANNAIGHBILEMEROSS COM |
| PLUMBING ENGINEER # L | EWIS ROSS |
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EXHIBIT "A"

Case No. EAR-2024-5095-DB-VHCA

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JEFF ZBIXOWSXI ARCHITECTURE
4043 IRVANG PL. SUITE 8
CULVER CITY, CA 80232
WWW.JARCH LA # 310,853,5004
INFOQ.JZARCH LA



EVOLVE REALTY & DEV.

RIVERSIDE

APARTMENTS NOT FOR CONSTRUCTION

12500-12532 W RIVERSIDE DE VALLEY VILLAGE, CA 91607

125.2024

COVER SHEET

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REVIEW SET









































































