

**Council file: 15-0377**

**Project: The Meridian Apts.**

**211-241 N. Vermont Ave.**

**Case #: CPC-2014-1947-CU-DB-SPP-SPPA-SPR  
ENV-2014-1948-MND**

**Response to Appeal by original applicant/developer - AMCAL Multi-Housing, Inc.**

Darin Hansen, Vice President

Robert Baca, Project Manager

(818) 706-0694 x173

DHansen@AmcalHousing.com

RBaca@AmcalHousing.com

AMCAL Multi-Housing, Inc.

30141 Agoura Rd., Ste. 100

Agoura Hills, CA 91301-4332

**I. Appellant's Lack of Standing To Appeal Density Bonus Incentives**

The proposed project also utilized density bonus incentives, both on-menu and off-menu. The Appellant does not have standing to appeal any of the six density bonus incentives approved for the proposed project. LAMC Section 12.22.A.25(g) provides that a density bonus decision may be appealed only by “[a]n applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the . . . decision . . . .” The Appellant’s aggrieved property address is 770 North Alexandria, Los Angeles, 90029, which is not a property “abutting, across the street or alley from, or having a common corner with the subject property.” Thus, the Appellant may not appeal the density bonus incentives.

While the density bonus incentives are not before the City Council on appeal, it is noted (for information only) that the project exceeded the requirements necessary to entitle it to the mandatory three on-menu density bonus incentives pursuant to LAMC Section 12.22 A.25(e), (g)(2). In addition, the applicant was properly granted three discretionary off-menu density bonus incentives pursuant to LAMC 12.22 A.25(g)(3). Appellant argues that the subject property can be developed with uses that comply with all requirements of the SNAP Development Standards, and therefore there can be no finding that the subject property cannot be used in accordance with the SNAP. However, there is no requirement in the SNAP, the LAMC or the Density Bonus Statutes that the applicant establish or the decision-maker find that the subject property cannot be developed at all in compliance with all SNAP Development Standards in order to receive the requested relief from the SNAP requirements.

LAMC Section 12.22 A.25(g)(3)(1)(a) of the City’s Density Bonus Ordinance provides that requests for off-menu waivers or modification of development standards must include a pro forma or other documentation to show that the requested waiver or modification is needed in order to make the affordable units economically feasible. In accordance with LAMC Section 12.22 A.25(g)(3)(1)(a), the applicant submitted evidence establishing that the proposed project of

100 units with 49 restricted to Low Income and 50 restricted to Very Low Income would not be economically feasible without the three off-menu incentives waiving certain SNAP Development Standards pursuant to LAMC Section 12.22. A.25(g)(3). No evidence was submitted to the Planning Commission by any interested person that the proposed project of 100 units with 49 Low Income units and 50 Very Low Income units would be economically feasible without the three off-menu incentives.

## **II. The City Planning Commission was the Proper Body to Consider the Project**

The Appellant asserts that the City Planning Commission did not have jurisdiction to review and issue a decision regarding the project and requested actions, and that the case should have been decided by the Area Planning Commission.

The subject case, CPC-2014-1947-CU-DB-SPP-SPPA-SPR, includes multiple approvals including a Conditional Use Permit, Density Bonus Application, a Project Permit Compliance, Project Permit Adjustments, and Site Plan Review. City Charter Section 564 and LAMC Section 12.36 govern the processing of a project seeking multiple approvals such as those requested in this case. Charter Section 564 provides that “[i]f a project requires approvals by both the Zoning Administrator and either an Area Planning Commission or the City Planning Commission, those approvals that would otherwise be heard and determined by the Zoning Administrator shall be heard and determined by the Area Planning Commission or City Planning Commission, whichever has jurisdiction over the other approvals required for the project.” LAMC Section 12.36 C.1 provides that “[i]f a project requires any approval or recommendation separately decided by an Area Planning Commission, the Zoning Administrator, and/or the Director, as the initial decision-maker, *and also requires any approval or recommendation by the City Planning Commission* as the initial decision-maker, then the City Planning Commission shall have initial decision-making authority for *all of the approvals and/or recommendations.*” (emphasis added). Charter Section 564 and LAMC Section 12.36 C.1 thus require that the City Planning Commission exercise initial decision-making authority for *all* project approvals if *any* project approval would be heard by the City Planning Commission in the first instance. Section 12 of the SNAP and LAMC Section 11.5.7 do provide for the Director to act as the initial decision-maker for Project Permit Compliance and Project Permit Adjustments. However, the proposed project also includes a request for a Conditional Use Permit for a Housing Development Project in which the density increase is greater than the maximum (35%) permitted by the City’s Density Bonus Ordinance, pursuant to LAMC Section 12.24 U.26, and a request for a Density Bonus with off-menu incentives pursuant to LAMC Section 12.22 A.25(3), both of which require approval by the City Planning Commission as the initial decision-maker. Accordingly, pursuant to Charter Section 564 and LAMC Section 12.36 C.1, *all* requested approvals for the proposed project were required to be heard by the City Planning Commission as the initial decision-maker. Under LAMC Section 12.36 C.1, the City Planning Commission had jurisdiction over the entire project and all required approvals despite the fact that some approvals required for the project would have been heard by the Director as the initial decision-maker in the absence of additional requested approvals required to be heard by the City Planning Commission in the first instance.

### **III. Relief from Certain Provisions of the SNAP Specific Plan was Properly Authorized**

Appellant asserts that the project violates the SNAP. Appellant asserts that the SNAP invalidates all other plans in conflict with it and that no exceptions are allowed. Appellant asserts that the Commission's findings are based on other plans and "conflicting" policies, such as "C2 zoning." Appellant asserts that only the Area Planning Commission may grant an exception to the SNAP.

The appellant does not specify the basis for its assertion that the proposed project violates the SNAP. However, the appellant is incorrect in its general assertion that the SNAP does not permit exceptions or other relief from its provisions.

Both the SNAP and the LAMC authorize procedures for requesting and granting relief from certain provisions of the SNAP. Section 12.B of the SNAP and LAMC Section 11.5.7 F expressly authorize and provide a procedure for requesting and granting exceptions to the SNAP. In this case, however, the applicant did not request an exception to the SNAP under SNAP Section 12.B. or LAMC Section 11.5.7. F.

The proposed project requested relief from certain provisions of the SNAP as expressly permitted by the SNAP itself, the LAMC and State Density Bonus Law (Government Code Section 65815). The proposed project sought relief from the SNAP through (1) a project permit adjustment; (2) a density bonus; and (3) density bonus incentives, both on- and off-menu. Each of these procedures for relief is expressly authorized, as discussed below.

#### **A. The Project Permit Adjustments Were Properly Authorized**

The proposed project sought two project permit adjustments relating to Section V, Development Standard 6 of the SNAP Design Guidelines. SNAP Section 12.A.3 and LAMC Section 11.5.7 E permit the Director to grant "minor adjustments" of Specific Plan requirements and regulations. Pursuant to LAMC Section 11.5.7. E.2(c), project permit adjustments are permitted to allow portions of buildings to extend into a required yard, setback or other open space a distance of less than 20 percent of the minimum width or depth of the required yard, setback or open space. Pursuant to LAMC Section 11.5.7. E.2(g), minor adjustments are permitted from other specific plan development regulations, which "do not substantially alter the execution or intent of those specific plan regulations to the proposed project, and which do not change the permitted use, floor area, density or intensity, height or bulk, setbacks or yards, lot coverage limitations, or parking standards regulated by the specific plan.

Acting as the initial decision-maker under LAMC Section 12.36, the City Planning Commission properly approved the two requested adjustments in accordance with SNAP Section 12.A.3 and LAMC Section 11.5.7 E.

## 1. Stepbacks

The first adjustment (Stepbacks) allows for a redistribution of building massing and volume equivalent to the total required stepbacks at the front façade along Vermont Avenue in lieu of the requirement that no portion of any structure exceed more than 30 feet in height within 15 feet of the front property line and a ten-foot setback of the second floor from the first floor frontage. The purpose of the regulation is to “ensure that a project avoids large blank expanses of building walls, is designed in harmony with the surrounding neighborhood and contributes to a lively pedestrian friendly atmosphere” by minimizing the appearance of height from the street level perspective and allowing more sunlight onto pedestrian walkways and the streetscape.

In this case, special circumstances applicable to the subject site, including a long linear configuration, seven-foot grade difference along the frontage, and adjacency to Subarea A requiring transitional height limitations, make strict application of this specific plan regulation impractical and limit flexibility needed to create an attractive and functional building design. Strict application of the regulation would create an awkward, linear monolithic “wedding cake” design that provides little design flexibility. The requirement to provide the setback along the rear (west) elevation as well would cause the project to be pushed from the front and the rear, limiting creative building design, functional open space and habitable building area for affordable units. The adjustment allowing for redistribution of the massing/volume of the upper-floor building stepbacks along the project frontage would allow the building design to articulate the front elevation contributing to a more pleasing perspective from the street, with a setback volume consistent with the Specific Plan limitations. Indeed, the volume study prepared by the Applicant and included in Exhibit A demonstrates that with the proposed adjustment allowing redistribution of volume and building massing, the proposed project would result in 50,827 cubic feet more negative space by volume (i.e less building area along the front façade) than if the project was designed with the required stepbacks. The proposed design substantially complies with the setback provisions of the Design Standards and simply re-orientes the building volumes to attain creative articulation that cannot otherwise be achieved, and allows for a well-designed building that is consistent and compatible with adjacent structures and future development. With the proposed adjustment, the project meets the intent of the Specific Plan requirement with a well-balanced variety of building massing and textures of shadow, light and materials that in total adds to the richness of the built environment, and is less massive than if designed in strict accordance with the specific plan regulation.

There will be no detrimental effects to the community associated with the adjustment. The proposed project with the redistributed massing/volume would be consistent and compatible with existing multi-story buildings adjacent to the project site and would provide a pleasing elevation that is sensitive to pedestrians walking along Vermont Avenue. As described in the project MND, there is no substantial evidence that the proposed project will have a significant effect on the environment.

The adjustment would allow for a redistribution of the building’s massing/volume with a building design that exceeds the total required stepbacks at the front façade in lieu of providing a building design that incorporates the required linear, graduated stepbacks. The requested adjustment will not substantially alter the execution or intent of the building setback

requirement or the Specific Plan's permitted land uses, density, height or bulk, setbacks or yards, open space or parking standards.

## 2. Transparent Building Elements

The second adjustment (Transparent Elements) allows 37 percent transparent building elements (such as windows and doors) on the east elevation (front), 18 percent transparent building elements on the north elevation (side) and nine percent transparent building elements on the south elevation (side) in lieu of 50 percent on the front and side elevations and nine percent transparent building elements on the west elevation (rear) in lieu of 20 percent on the rear elevation. The intent of this regulation is to ensure that a project avoids large blank expanses of building walls, is designed in harmony with the surrounding neighborhood and contributes to a lively pedestrian friendly atmosphere.

In this case, the strict interpretation of this transparency requirement cannot be accommodated on the front elevation because sheer walls are needed to provide structural support, and because providing the required percentage of windows and doors would create an unpleasant habitable space for future tenants on the ground floor and would be inconsistent with surrounding uses. While strict application of the transparency requirements might be appropriate for a project that includes an entirely commercial ground floor with a glass storefront system floor to ceiling along the front, side and rear elevations, the proposed project incorporates residential units, as well as an electrical room, transformer pad and driveway ramp at the ground floor level. Increased windows and doors cannot be provided on the side and rear elevations as this would present a security and privacy issue for tenants of the building on the north elevation where the pedestrian thoroughway is located, for the utility room on the south elevation where electric meters are located and for those units on the west elevation facing the alley. In addition, project windows and doors in these locations would face large blank walls from adjacent buildings on the side elevations providing a view to the abutting commercial buildings and on the rear elevation providing a view of the alley, which is the primary access for the project and garages of adjacent multi-family structures.

There will be no detrimental effects to the community associated with the proposed adjustment of transparent building elements. The proposed adjustment will facilitate a building design that is in harmony with the surrounding neighborhood and a project that will revitalize several underutilized lots with a mixed use development with 100 residential units, 99 of which are restricted below-market units, and 4,134 square feet of neighborhood serving commercial space on the ground floor, thus positively transforming this portion of Vermont Avenue. As described in the project MND, there is no substantial evidence that the proposed project will have a significant effect on the environment.

The proposed project includes ground floor windows and doors that provide for the passage of light, air and sound that are agreeable to residential tenants yet complimentary to the structure. The proposed window and door fenestration would be compatible to surrounding multi-family residential and commercial structures. The proposed project's use of various materials, colors, elevation design elements and extensive articulation will ensure that the project avoids large blank walls and is designed in harmony with the surrounding neighborhood and contributes to a lively pedestrian friendly environment. Thus, the amount of transparency (windows and doors)

proposed by the adjustment satisfies the intent of the transparent building elements requirement and substantially complies with that requirement and all other provisions of the Specific Plan.

B. The Density Bonus in Excess of 35% was Properly Granted

The proposed project also sought a density bonus of 89% in order to permit 100 residential units, all but one of which is a below market-rate unit (50 Very Low Income units, 49 Low Income units and one market rate manager's unit). The property's base density was calculated based not on the property's underlying C2 zoning, but rather on R3 density, as required by Section 8.A of the SNAP, resulting in 53 units. The project exceeded the requirements necessary to entitle it to the maximum mandatory density bonus of 35%, resulting in an additional 19 units. In addition, the applicant sought and was granted a discretionary density bonus in excess of 35%, pursuant to State Density Bonus Law (Government Code Section 65915) and LAMC Section 12.24. U.26 to allow an 89% density bonus (100 units). Both the mandatory density bonus of 35% and the further discretionary bonus which allowed a bonus of 89%, are permitted pursuant to the State Density Bonus Law (Government Code Section 65915) and the LAMC (12.22.A.25), which supersede other requirements of the LAMC and the SNAP with respect to density. Under Government Code Section 65915(f), a "density bonus" means "a density increase over the otherwise maximum allowable residential density." Government Code Section 65915(h)(5) provides that "[t]he granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment . . . zoning change, or other discretionary approval." Thus, with the granting of the 89% density bonus pursuant to Government Code Section 65915 and LAMC Section 12.24. U.26, the lower density limitations contained in the SNAP are superseded. As part of the Conditional Use approval allowing the 89% density bonus, and as expressly permitted by LAMC Section 12.24. F, the Conditional Use Permit granting the density bonus under LAMC Section 12.24. U.26 also included a condition as part of the conditional use to exceed the area regulations to allow an approximately 2.31:1 Floor Area Ratio (FAR) in lieu of a 2:1 FAR otherwise required by Section 8.B.1 of the SNAP. The density bonus and conditional use provisions of the LAMC apply to projects within the SNAP. As acknowledged in Section 3.A. of the SNAP, the SNAP's regulations "are in addition to those set forth in the Planning and Zoning provisions of Chapter 1 of the Los Angeles Municipal Code . . . , and any other relevant ordinance . . . ."

The proposed density bonus would allow a mixed-use Transit Oriented Development with 100 apartment units, virtually all of which (99 units) would be below market units (50 Very Low Income and 49 Low Income). There would be one market rate manager's unit. Providing affordable housing at this location will serve the public convenience by meeting a portion of the significant City-wide need for affordable housing close to a major transit stop. The overall stability of the community benefits from housing dedicated to affordability, thereby contributing to the welfare of the community. The project proposes to dedicate one third of the units to units for large households, which the City's Housing Element considers to have unique special needs and circumstances, and which require units of three-or-more bedrooms in order to avoid being overcrowded. Given the large number of low income households in the City of Los Angeles and the special needs of large family households, the construction of new affordable housing permitted by the 89% density bonus will serve a critical need and essential service to the City and the larger region. The project site is located approximately 225 feet from the

Vermont/Beverly Red Line Station and Metro Rapid Bus Lines and thus provides many transit options for future tenants of the project.

The project provides ample open space for residents, including a 1,777-square foot community space and a 8,379-square foot courtyard with an entertainment terrace, a community terrace with tot lot area for children and a dining terrace, as well as private open space that includes 59 balconies that amount of 2,950 square feet.

In order to provide the additional affordable residential units allowed by the 89% density bonus, the project requires relief from the required floor area of 2:1 permitted by the SNAP Specific Plan. Relief from the area requirements will ensure that the project will be able to provide 99 affordable housing to Very Low and Low income households, and provide 33 affordable units for large households (3 or more bedrooms), thereby fulfilling a special housing need and helping to avoid overcrowding, all in close proximity to the Metro Vermont/Beverly Red Line Station and Metro Rapid Bus Lines.

The proposed project's FAR, height, bulk and massing would also enhance the built environment in the surrounding area and enhance Vermont Avenue. The proposed project includes enhancements to the adjacent public right-of-way including new street trees, bicycle racks, public benches and trash receptacles. The proposed project will revitalize underutilized lots with a mixed use development that is pedestrian oriented by removing curb cuts along Vermont Avenue, locating vehicular access to the site in the rear via the alley, providing ground floor retail and residential amenities at the ground floor. The immediate area does not contain a consistent development pattern, FAR, heights, setbacks or massing, and the proposed project would be no less compatible with the uses in the area than the existing uses on site. The proposed project would be compatible with the typology of development for SNAP Subarea B, and with the surrounding neighborhood. As designed and conditioned, the project will not adversely affect adjacent properties.

The proposed project would be consistent with the General Plan and Framework, including without limitation the goals of encouraging development of multi-family residential housing in regional centers and along primary transit corridors and boulevards. The project is consistent with the objectives and policies of the Wilshire Community Plan by providing higher residential density near major public transportation centers and affordable housing that is accessible to more population segments because it includes 100 residential units, 99 of which are below market units, within 250 feet of the Metro Red Line Vermont/Beverly Station, which provides access to Downtown Los Angeles, Hollywood and the San Fernando Valley with connecting service to the San Gabriel and Inland Empire, West Los Angeles and coastal areas, South Los Angeles and the South Bay. Residents will have easy pedestrian access to commercial shopping areas and institutional uses along Vermont Boulevard and Beverly Boulevard. The project will also provide bicycle storage and parking facilities as required by the SNAP.