

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL CASE:	COUNCIL DISTRICT:
CPC-2024-3202-DB-PR-VHCA-1A	ENV-2024-3203-CE	5 – Yaroslavsky
RELATED CASE NOS.:	COUNCIL FILE NO:	PROCEDURAL REGULATIONS:
<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.) <input checked="" type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.)
PROJECT ADDRESS / LOCATION:		
8251 - 8271 West Melrose Avenue and 705 - 711 North Harper Avenue		
APPLICANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
David Pourbaba, TOVA LLC & Melrose Harper LLC	310-404-4878	dustin@4ddevelopment.us
APPLICANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jordan Beroukhim, Beroukhim & Company, LLC	310-435-4594	jordan@beroukhimco.com
APPELLANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Eva Nathanson	310-259-0820	evap.nathanson@gmail.com
APPELLANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Andrew Sachs	323-363-3672	andrew.sachs@gmail.com
PLANNER CONTACT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Nashya Sadono-Jensen	213-978-1363	nashya.sadono-jensen@lacity.org
ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):		
On-Menu Density Bonus/Affordable Housing Incentive Program Review and Project Review approved under case no. CPC-2024-3202-DB-PR-VHCA		
FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)		
Off-Menu Density Bonus/Affordable Housing Incentive Program Review		
ITEMS APPEALED:		
On-Menu Density Bonus/Affordable Housing Incentive Program Review (DB) Project Review (PR)		

ATTACHMENTS:		REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination <input checked="" type="checkbox"/> Findings of Fact <input checked="" type="checkbox"/> Staff Recommendation Report <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> T Conditions <input type="checkbox"/> Proposed Ordinance <input type="checkbox"/> Zone Change Map and Ordinance <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input checked="" type="checkbox"/> Exhibit A – Plans <input checked="" type="checkbox"/> Mailing List (both Word and PDF) <input checked="" type="checkbox"/> Interested Parties List <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Development Agreement <input type="checkbox"/> Site Photographs <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption) <input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption) <input type="checkbox"/> Negative Declaration (ND) <input type="checkbox"/> Mitigated Negative Declaration (MND) <input type="checkbox"/> Environmental Impact Report (EIR) <input type="checkbox"/> Mitigation Monitoring Program (MMP) <input type="checkbox"/> Sustainable Communities Project Exemption (SCPE) <input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA) <input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR) <input type="checkbox"/> Appendices <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
NOTES / INSTRUCTIONS:				
Please create Council File				
CITY COUNCIL NOTICE TIMING:	NOTICE LIST (SELECT ALL):		NOTICE PUBLICATION:	
<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input checked="" type="checkbox"/> 24 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Adjacent/Abutting <input type="checkbox"/> 100' radius <input checked="" type="checkbox"/> 300' radius <input type="checkbox"/> 500' radius <input checked="" type="checkbox"/> Neighborhood Council <input checked="" type="checkbox"/> Interested Parties		<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input checked="" type="checkbox"/> 24 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	
FISCAL IMPACT STATEMENT:				
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *If determination states administrative costs are recovered through fees, indicate "Yes."				
PLANNING COMMISSION:				
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission		<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission		

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
July 10, 2025	5 - 0
LAST DAY TO APPEAL:	DATE APPEALED:
August 21, 2025	August 18, 2025
COUNCIL TIME TO ACT:	TIME TO ACT START:
<input type="checkbox"/> 30 days <input type="checkbox"/> 45 days <input type="checkbox"/> 60 days <input checked="" type="checkbox"/> 75 days <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input checked="" type="checkbox"/> Appeal Filing Date <input type="checkbox"/> Received by Clerk <input type="checkbox"/> Last Day to Appeal <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant II	September 3, 2025



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 06, 2025

Case No.: CPC-2024-3202-DB-PR-VHCA
CEQA: ENV-2024-3203-CE
Plan Area: Hollywood

Council District: 5 – Yaroslavsky

Project Site: 8251 – 8271 West Melrose Avenue; 705 – 711 North Harper Avenue

Applicant: David Pourbaba, TOVA, LLC & Melrose Harper, LLC
Representative: Jordan Beroukhim, Beroukhim & Company, LLC

At its meeting of **July 10, 2025**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Demolition of four existing commercial buildings, and an associated surface parking lot, and the construction, use, and maintenance of a mixed-use building consisting of 90 dwelling units, with 10 units restricted to Very Low Income Households, and 15,271 square feet of commercial uses, resulting in a total floor area of 110,300 square feet, or a Floor Area Ratio (FAR) of 4.52:1. The proposed project is comprised of a six-story, 69-foot in height mixed-use building, with two subterranean parking levels. The Project includes 96 automobile parking spaces on-site within two subterranean levels, 94 bicycle parking spaces (78 long-term and 16 short-term), and 7,840 square feet of open space. There are three existing street trees in the public right-of-way adjacent to the project site. The Project will maintain three existing street trees and plant three new Street Trees and 20 new on-site trees. There are no existing protected trees on-site. Development of the Project will require the cut and export of approximately 20,194 cubic yards of soil. No import or fill is proposed.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Chapter 1 Section 12.22 A.25(g) of the Los Angeles Municipal Code (LAMC), a Density Bonus/Affordable Housing Incentive Program Determination to permit the construction of a Housing Development Project totaling 90 dwelling units, reserving 10 units for Very Low Income households for a period of 55 years, with the following On- and Off Menu Incentive Incentives:
 - a. An On-Menu Incentive to permit a 20 percent reduction in the required open space to provide 7,840 square feet in lieu of the 9,800 square feet, as otherwise required in the C4-1XL Zone;
 - b. An Off-Menu Incentive to permit a 302 percent increase in Floor Area Ratio (FAR) to allow a 4.52:1 FAR in lieu of the 1.5:1 FAR permitted in the C4-1XL Zone; and
 - c. An Off-Menu Incentive to permit a maximum building height of 69 feet in lieu of the 30 feet maximum permitted in the C4-1XL Zone;
3. **Approved**, pursuant to LAMC Chapter 1 Section 16.05, a Project Review for a development project that resulting in a net increase of 50 or more dwelling units;
4. **Adopted** the attached Conditions of Approval; and

5. **Adopted** the attached Findings.

The vote proceeded as follows:

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

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 as it relates to the Density Bonus Off-Menu Incentives are not further appealable. The On-Menu Density Bonus/Affordable Housing Incentive Program Review is appealable to City Council by adjacent and abutting owners and tenants only. The remaining entitlements are appealable to City Council within **15 days** after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

FINAL APPEAL DATE: AUGUST 21, 2025

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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

cc: Jane Choi, Principal City Planner
Deborah Kahen, Senior City Planner
Danalynn Dominguez, City Planner, City Planner
Nashya Sadono-Jensen, City Planning Associate

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22 A.25 and 16.05 of Chapter 1 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Density Bonus Conditions

1. **Site Development.** The project shall be in substantial conformance with the plans and materials submitted by the Applicant, including the proposed building design elements and materials, stamped "Exhibit A", with a date of March 26, 2025 attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Project Planning Bureau, 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 LAMC or the project condition.
2. **Use.** Authorized herein is a six (6)-story mixed-use building consisting of 90 dwelling units and 15,271 square-feet of commercial area.
3. **Residential Density.** The project shall be limited to a maximum density of 90 residential dwelling units, including On-Site Restricted Affordable Units.
4. **On-Site Restricted Affordable Units.** 10 units shall be reserved for Very Low Income Households, as defined by the California Government Code Section 65915 and by 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.
5. **Changes in Restricted Affordable 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 Sections 12.22 A.25 and State Density Bonus Law (Government Code Section 65915).
6. **Housing Requirements.** Prior to the issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 10 units available to Very Low Income Households or equal to 15 percent of the project's total base residential density allowed, for sale or rental, as determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The Applicant shall submit a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. 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.
7. **Housing Replacement.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD), and in compliance with LAHD's April 15, 2024, SB 8 Determination Letter. 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 Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements

established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination for more information.

8. **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.
9. **Parking Per AB 2097.** The project shall be permitted to provide a minimum of zero parking space pursuant to California Government Code Section 65863.2 (AB 2097). 96 parking spaces are provided.
10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16 and to the satisfaction of the Department of Building and Safety.
11. **Incentives.**
 - a. **Open Space (On-Menu Incentive).** The project shall be permitted to provide a minimum of 7,840 square feet of open space.
 - b. **Floor Area Ratio (FAR) (Off-Menu Incentive).** The project shall be permitted a maximum floor area of 4.52:1.
 - c. **Building Height (Off-Menu Incentive).** The project shall be limited to a maximum building height of 69 feet, 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.
12. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to **10 percent more than otherwise required** by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
13. **Required Trees per 12.21 G.2.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with "Exhibit A". There shall be a minimum of 20 24-inch box, or larger, trees onsite pursuant to LAMC Section 12.21 G.2. Any required trees pursuant to LAMC Section 12.21 G.2 shown in the public right-of-way in "Exhibit A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right-of-way is proven to be infeasible due to City-determined physical constraints.
14. **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). Per “Exhibit A” and 12.21.G.3, a total of six (6) Street Trees shall be provided or maintained to the satisfaction of the Urban Forestry Division.

Project Review Conditions

15. **Site Development.** The project shall be in substantial conformance with the plans and materials submitted by the Applicant, including the proposed building design elements and materials, stamped “Exhibit A”, with a date of March 26, 2025 attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Project Planning Bureau, 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 LAMC or the project condition.
16. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
 - a. Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
 - b. All pedestrian walkways, storefront entrances, and vehicular accessways shall be illuminated with lighting fixtures.
 - c. Light fixtures located on the Project Site (and not in the public right-of-way) shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
17. **Tree Maintenance.** New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
18. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
19. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.
20. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
21. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
22. **Mechanical Equipment / Utilities.** All mechanical equipment and utilities shall be fully screened from view of any abutting properties and the public right-of-way.

23. **Solar Energy Infrastructure.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
24. **Construction Fencing.** There shall be no off-site commercial signage on construction fencing during construction.
25. **Maintenance.** The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines, shall be maintained in an attractive condition and shall be kept free of trash and debris.
26. **Construction Generators.** The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. The Project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
27. **Circulation.** The Applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval. Review and approval of the driveways should be coordinated with DOT's Citywide Planning Coordination Section (201 North Figueroa Street, 5th Floor, Room 550, at 213-482-7024).
28. The following conditions of approval are intended for construction of projects approved by the Planning Department to provide technically feasible noise limitations to comply with LAMC Section 112.05, and to implement the goals, objectives and policies of the Noise Element:
 - a. **Noise Shielding and Muffling.** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers' standards or the Best Available Control Technology. All equipment shall be properly maintained, and the Applicant or Owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.
 - b. **Use of Driven Pile Systems.** Driven (impact) pile systems shall not be used, except in locations where the underlying geology renders drilled piles, sonic, or vibratory pile drivers infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.
 - c. **Enclosure or Screening of Outdoor Mechanical Equipment.** All outdoor mechanical equipment (e.g., generators, compressors) shall be enclosed or visually screened. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line of sight between the equipment and any off-site Noise-Sensitive Uses.
 - d. **Location of Construction Staging Areas.** Construction staging areas shall be located as far from Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving what constitutes "as far as possible" shall be upon the Applicant or Owner, in consideration of the above factors.
 - e. **Temporary Walls.** Noise barriers, such as temporary walls (minimum ½-inch thick plywood) or sound blankets (minimum STC 25 rating), that are a minimum of eight

feet tall, shall be erected between construction activities and Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving that compliance is technically infeasible shall be upon the Applicant or Owner. Technical infeasibility shall mean that noise barriers cannot be located between construction activities and Noise-Sensitive Uses due to site boundaries, topography, intervening roads and uses, and/or operational constraints.

Environmental Conditions

29. **Implementation.** The Applicant shall be responsible for implementing each Regulatory Compliance Measure (RCM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that the RCM has been implemented. The Applicant shall maintain records demonstrating compliance with each RCM. Such records shall be made available to the City upon request.
30. **RCM-GEO-1: Subsidence Area.** Prior to the issuance of any building or grading permit, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The geotechnical report shall assess potential consequences of any shallow groundwater conditions and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: dewatering, groundwater handling, hydrostatic design, selection of appropriate foundation type and depths or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

Administrative Conditions

31. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
32. **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 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.
33. **Notation 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.
34. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
35. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full code compliance with applicable provisions

of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications 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 City Planning Commission, and which are deemed necessary by the Department of Building and Safety 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.

36. **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.
37. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
38. **Expiration.** In the event that this grant is not utilized within three (3) 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 purposed of this grant.
39. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
40. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
41. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
42. **Indemnification and Reimbursement of Litigation Costs.**
Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, 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

Density Bonus / Affordable Housing Incentives Program Findings

The Applicant requests one (1) On-Menu Incentive and (2) Off-Menu Incentives, as listed below:

- a. An On-Menu Incentive to permit a 20 percent reduction in the required open space to provide 7,840 square feet in lieu of the 9,800 square feet otherwise required in the C4-1XL Zone;
- b. An Off-Menu Incentive to permit a 302 percent increase in FAR to allow a 4.52:1 FAR in lieu of the 1.5:1 FAR permitted in the C4-1XL Zone; and
- c. An Off-Menu Incentive to permit a maximum building height of 69 feet in lieu of the 30 feet maximum permitted in the C4-1XL Zone.

Based upon the required set-aside of at least 15 percent, of the 66 base density units for Very Low Income Households, or 10 units, the Applicant is entitled to three (3) Incentives under both Government Code and LAMC. The project is providing 10 units for Very Low Income Households, or 15-percent of the base units. Therefore, the one (1) On-Menu and (2) Off-Menu requests qualify as the proposed development's Incentives.

The following is a delineation of the findings related to the request for one (1) On-Menu Incentive and two (2) Off-Menu Incentives, pursuant to LAMC 12.22. A.25(g) and Government Code Section 65915. By law, the Commission shall approve a Density Bonus and requested Incentives unless the Commission makes a finding based on substantial evidence that:

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

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested Incentives do not result in actual and identifiable 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.

The project substantially complies with the applicable regulations, standards, and provisions of the State Density Bonus Program. The project includes 15 percent of the project's total density as Very Low Income restricted affordable units, for a total of 10 residential units. The project represents an urban in-fill development on an existing commercially zoned lots in the C4-1XL Zone. No substantial evidence has been entered into the record indicating that the requested incentives do not result in identifiable and actual cost reductions to provide for the project's affordable housing

costs (as defined in California Health and Safety Code Sections 50052.5 or 50053) and/or accommodate the restricted very low income unit rents.

Additionally, the list of On-Menu Incentives in Section 12.22 A.25 of the LAMC were pre-evaluated at the time the Density Bonus 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 Density Bonus On-Menu Incentive does result in identifiable and actual cost reductions to provide for affordable housing costs because the incentives by their nature increase the scale of the project and thus facilitates the provision of affordable housing units.

The Off-Menu Incentives include types of relief that minimize restrictions on the size of the project. As such, the Density Bonus Off-Menu Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. The two (2) Off-Menu Incentives provide relief from the limitation on floor area and height.

On-Menu Incentive – Open Space

The proposed building's residential units will comprise of 68 one-bedroom units, 17 two-bedroom units, and five (5) three-bedroom units. Based on the number and typology of residential units proposed, the project would be required to provide of 9,800 square feet of open space. The project proposes to provide approximately 7,840 square feet of open space that can be counted towards zoning requirements. The requested decrease in open space allows for a decrease in construction costs and space for necessary building components to house the affordable housing units on the project site.

Off-Menu Incentive – Floor Area Ratio (FAR)

The project site is zoned C4-1XL, which limits the FAR to 1.5:1. Pursuant to Chapter 1 of the LAMC Section 12.22 A.25, the Applicant is requesting an Off-Menu incentive to allow a FAR increase from 1.5:1 to 4.52:1 for approximately 110,300 square feet of floor area. The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed, and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This incentive supports the Applicant's decision to set aside a minimum 10 dwelling units for Very Low Income Households for 55 years.

Off-Menu Incentive – Height and Story Increase

The project site is zoned C4-1XL, which impose height limitation of up to 30 feet and two (2) stories. Pursuant to Chapter 1 of the LAMC Section 12.22 A.25, the Applicant is requesting an Off-Menu Incentive to allow a maximum height of 69 feet and six (6) stories, in lieu of the otherwise required 30 feet and two (2) stories. The requested incentive to allow the increase of height and story requirements will allow for the construction of affordable units and retail space within a zone that allows for such uses. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to be

able to utilize the sites full potential so that additional affordable units can be constructed, and the overall space dedicated to residential uses is increased through the increased height from 30 maximum feet and two (2) stories to 69 feet and six (6) stories in height. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentive supports the Applicant's decision to set aside a minimum 10 dwelling units for Very Low Income Households for 55 years.

- b. The Incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no evidence in the record that the proposed Density Bonus Incentive(s) will have a specific adverse impact on public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)).

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Accordingly, the project will not have a significant impact on any on-site resource or any resource in the surrounding area. The project is not located within any special hazard area; accordingly, the project will not have a specific adverse impact upon public health and safety or the physical environment. The property is not located on a substandard street in a Hillside area or in a Very High Fire Hazard Severity Zone, or any other special hazard area. The project is required to comply with all other pertinent regulations including those governing construction, use, and maintenance, and will not create any significant direct impacts on public health and safety. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

- c. The incentives or waivers are contrary to state or federal law.**

There is no evidence in the record that the proposed incentives or waivers are contrary to state or federal law.

Project Review Findings

The Applicant is requesting a Project Review pursuant to Chapter 1 of the LAMC Section 16.05, to permit the construction of a development project that results in a net increase of 50 or more dwelling units. Required Findings 2 through 4 below are analyzed to determine whether the request should be granted.

- 2. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The proposed project is consistent with the relevant goals, objectives, policies, and programs of the General Plan.

The Framework Element of the General Plan and the Hollywood Community Plan encourage a diversity of uses that support the needs of existing and future residents, businesses, and visitors.

Framework Element

The Framework Element states:

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Objective 3.2: Provide for the spatial distribution of development that promotes and improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

Objective 3.13: Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrated commercial, housing, and/or public service uses.

Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

Land Use Element – Hollywood Community Plan

The project site is located within the Hollywood Community Plan area. An update of the Hollywood Community Plan was adopted by City Council on May 9, 2023 and became operative on February 11, 2025. The project was filed on May 21, 2024 as a Vesting Housing Crisis Act project and is vested to the local planning and zoning rules that were in place at the time the complete application was submitted. Therefore, the project is not subject to the new Hollywood Community Plan and its Community Plan Implementation Overlay.

The intent of the 1988 Hollywood Community Plan is to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible. Additionally, the 1988 Hollywood Community Plan states:

Objective 3: To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

Objective 4a: To promote economic well-being and public convenience through: Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The approval of the Project Review will facilitate the redevelopment of this site with the proposed project, which will provide a function that is both essential and beneficial to the community. The redevelopment of the site will add needed housing (including restricted affordable units) and commercial retail uses, will provide a public convenience to residents, and will promote economic activity in the area with ground floor commercial retail floor area. Therefore, the project is in substantial conformance with the objectives of the Hollywood Community Plan.

Housing Element

The City's Housing Element for 2021-2029 was adopted by City Council on November 24, 2021. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. Specifically, the Housing Element encourages units to accommodate all income groups.

GOAL 1 *A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*

The proposed project will replace two (2) existing commercial buildings with a six (6)-story mixed-use building with 90 residential units, which reserves 15 percent of total units, that is 10 units, for Very Low Income Households. The project will provide 95,029 square feet of residential floor area and 15,271 square feet of commercial floor area, with a maximum FAR of 4.52:1. The project is proposing to utilize density bonus incentives to the

development of additional affordable housing units. The project will provide needed housing in close proximity to job opportunities and an area well-served by public transportation including the Metro Bus Route 10/48 and Metro Bus Route 105. The project conserves the scale and character of the surrounding commercial and residential neighborhoods. The project is compatible with existing development patterns adjacent to the project site, which are characterized by a variety of commercial and multifamily residential uses. As such, the proposed project substantially conforms to the purpose of the Housing Element of the General Plan.

Noise Element

The City's Noise Element lays out noise mitigation regulations, strategies, and programs and sets forth noise management goals, objectives, policies, and programs of the City of Los Angeles. The Noise Element prioritizes noise management across the City and highlights the role of land use in ensuring that noise-sensitive uses are protected from the effects of development and changes in land use.

In addition to the Noise Element, Los Angeles Municipal Code Section 112.05 regulates noise as follows:

Between the hours of 7:00 a.m. and 10:00 p.m., in any residential zone of the City or within 500 feet thereof, no person shall operate or cause to be operated any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet therefrom:

(a) 75dB(A) for construction, industrial, and agricultural machinery including crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic or other powered equipment;

(b) 75dB(A) for powered equipment of 20 HP or less intended for infrequent use in residential areas, including chain saws, log chippers and powered hand tools;

(c) 65dB(A) for powered equipment intended for repetitive use in residential areas, including lawn mowers, backpack blowers, small lawn and garden tools and riding tractors;

The noise limits for particular equipment listed above in (a), (b) and (c) shall be deemed to be superseded and replaced by noise limits for such equipment from and after their establishment by final regulations adopted by the Federal Environmental Protection Agency and published in the Federal Register.

Said noise limitations shall not apply where compliance therewith is technically infeasible. The burden of proving that compliance is technically infeasible shall be upon the person or persons charged with a violation of this section. Technical infeasibility shall mean that said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers and/or other noise reduction device or techniques during the operation of the equipment.

Chapter 3 of the Noise Element outlines the Goals, Objectives, and Policies related to noise management within the City, including the following goal, objective, and policy, related to the proposed project:

GOAL *A city where noise does not reduce the quality of urban life*

Objective 2 (Nonairport) *Reduce or eliminate nonairport related intrusive noise, especially relative to noise sensitive uses.*

Policy 2.2 *Enforce and/or implement applicable city, state and federal regulations intended to mitigate proposed noise producing activities, reduce intrusive noise and alleviate noise that is deemed a public nuisance.*

Objective 3 (Land Use Development) *Reduce or eliminate noise impacts associated with proposed development of land and changes in land use.*

Policy 3.1 *Develop land use policies and programs that will reduce or eliminate potential and existing noise impacts.*

The proposed project involves the demolition of four (4) existing buildings and the construction of a new mixed-use residential and commercial building consisting of 90 dwelling units and 15,271 square feet of commercial floor area. Conditions of approval related to noise shielding and muffling, driven pile systems, enclosure of outdoor mechanical equipment, location of construction staging areas, and temporary walls have been recommended as means of ensuring conformance with the Noise Element; furthermore, the proposed project is also required to comply with the City's Noise Ordinance. As such, the project conforms to the purpose of the Noise Element of the General Plan.

Mobility Element

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling.

In the Mobility Plan 2035, Chapter 3 entitled "Access for All Angelinos" includes the discussion topic "A transportation system is only useful insofar as it accessible and convenient."

Policy 3.3 Land Use Access and Mix: *Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

Policy 3.4 Transit Services: *Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.*

Policy 3.8 Bicycle Parking: *Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

In the Mobility Plan 2035, Chapter 5 entitled “Clean Environments & Healthy Communities” includes the discussion topic “Transportation is deeply implicated in the health of both human beings and natural systems. Mobility directly impacts human health and wellness, both physical and mental. Active transportation modes such as bicycling and walking can significantly improve personal fitness and create new opportunities for social interaction, while lessening impacts on the environment.”

Policy 5.1 Sustainable Transportation: Encourage the development of a sustainable transportation system that promotes environmental and public health.

Policy 5.2 Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.

The proposed mixed-use building is a pedestrian-oriented development that provides 10 affordable units within one-half mile of the Metro Bus Route 10/48 and Metro Bus Route 105 transit stops. The transit services located adjacent to the project site will provide access to employment centers and jobs, local and regional destinations, and other neighborhood services for project residents. Additionally, neighborhood-serving retail is present in the area surrounding the project site and can be accessed by biking and walking.

The proposed project will also allow for the reduction of vehicle trips by providing a high-density mixed-use development within proximity to public transit. The availability of the transit options within walking distance creates a lesser need for the use of personal vehicles. The project will provide 96 vehicular parking spaces. Additionally, the project will provide a total of 78 long-term and 16 short-term bicycle parking spaces on site. As such, the project conforms to the purpose of the Mobility Element of the General Plan.

Plan for a Healthy Los Angeles and Conservation Elements

The Plan for Healthy LA was adopted in 2015 and includes goals, objectives, policies, and programs that relate to the health of the city. The Conservation Element primarily addresses the conservation of the open spaces.

The Vision contained in this plan calls for “ample green and open space, including a robust tree canopy in all neighborhoods and opportunities for urban agriculture.” The Action Plan calls for, among other directives, “energy efficiencies, weatherization, proper positioning of trees to shade buildings, alternative energy and solar generation systems, explore the feasibility of building designs that incorporate facile systems to charge electric vehicles, and use of rainwater, storm water, gray water and recycled water.”

The Conservation Element was adopted in 2001 and primarily addresses the conservation aspects of the open spaces:

It is important to conserve natural open space lands and enhance urban open spaces. “Open space” is a broad term that can include virtually anything from a sidewalk or lawn to the mountains and ocean. It is defined by the California general plan law (Government Code Section 65560) as “any parcel or area of land or water that essentially is unimproved and devoted to an open-space use,” whether for preservation and protection of natural resources or for human activity.

The proposed mixed use multi-family residential and commercial building is a pedestrian-oriented development that preserves three (3) existing Street Trees adjacent to the project site. The trees located in the public right-of-way will prevent the heat island effect and provide passive cooling opportunities for the enjoyment of the public. As such, the project conforms to the purpose of the Plan for a Healthy Los Angeles and Conservation Elements of the General Plan.

In regard to the Citywide Design Guidelines, the project is required to comply with the guidelines, as they apply to all new developments that seek a discretionary action for which the Department of City Planning has design authority. The project is consistent with the following Design Guidelines:

Guideline 1: Promote a safe, comfortable and accessible pedestrian experience for all.

Guideline 2: Carefully incorporate vehicular access such that it does not degrade the pedestrian experience.

Guideline 3: Design projects to actively engage with streets and public space and maintain human scale.

Guideline 4: Organize and shape projects to recognize and respect surrounding context.

The project complies with all four of these goals. The site features a prominent pedestrian entry adjacent to a Modified Avenue II (Melrose Avenue) and a Local Street (Harper Avenue) and includes only one (1) two-way vehicle driveway along Harper Avenue for the parking garage. The commercial spaces are located along Melrose Avenue and the entry to this space is located at a prominent corner, at the intersection of Melrose Avenue and Harper Avenue, along with two (2) additional entrances along Melrose Avenue. Long-term and short-term bicycle parking is provided for both the residential and commercial uses. The three (3) existing Street Trees adjacent to the site are also proposed for preservation.

The architectural design of the building includes references to a contemporary prominent style associated with Hollywood, including courtyard apartment buildings. The project is located at a prominent intersection and includes a curved corner along Melrose Avenue and Harper Avenue, soft colors and finishes (white stucco, off-white textured stucco, and oak-colored wood slate and wood cladding), bronze fiber cement, and bronze railings; thereby creating a consistent architectural design along all facades. Additionally, a series of projecting and recessed balconies span all facades of the proposed project.

In conclusion, the proposed project is in substantial conformance with the objectives of the General Plan, Hollywood Community Plan, and Citywide Design Guidelines, demonstrating alignment with the purposes, intent, and provisions of applicable community and specific plans.

3. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The project site consists of five (5) rectangular lots with a frontage of approximately 220 feet along Melrose Avenue to the south and 105 feet along Harper Avenue to the east; and a total lot area of approximately 24,416.45 square feet. The site is currently improved with a 7,436-square-foot commercial building built in 1957, a 9,782-square-foot commercial building built in 1925, and an associated surface parking lot. The project site is located within the Hollywood Community Plan area. The current Community Plan designates the five (5) lots zoned C4-1XL for Neighborhood Office Commercial land uses. The site is limited to a height of 30 feet and two (2) stories.

The project site is located within the Hollywood Community Plan area. An update of the Hollywood Community Plan was adopted by City Council on May 9, 2023 and became operative on February 11, 2025. The project was filed on May 21, 2024 as a Vesting Housing Crisis Act project and is vested to the local planning and zoning rules that were in place at the time the complete application was submitted. Therefore, the project is not subject to the new Hollywood Community Plan and its Community Plan Implementation Overlay. The applicable zoning and land use designation for the site is C4-1XL for Neighborhood Office Commercial land uses. The site is limited to a height of 30 feet and two (2) stories and a maximum FAR of 1.5:1.

The site is located within the Local Emergency Temporary Regulations – Time Limits and Parking Relief area (ZI-2498), a Transit Priority Area in the City of Los Angeles (ZI-2452), a Prior Housing Element Site – Ministerial Approval (ZI-2535), a Housing Element Site (ZI-2512), and a Lower Income Rezoning Housing Element Site – Ministerial Approval and Minimum Density (ZI-2534).

The project site is located in an urbanized area surrounded by various uses. The lots directly to the south of the site across Melrose Avenue are zoned C4-1XL and are improved with a hair salon, tattoo shop, and other two (2)-story commercial buildings. The lot to the east of the site across Harper Avenue is zoned C4-1XL and is improved with a surface parking lot and a two (2)-story commercial building. The lots abutting the site to the west are zoned C4-1XL and are improved with a six (6)-story commercial building. The lots to the north of the site across the alley along Harper Avenue are zoned R2-1XL and are zoned with one (1) to two (2)-story single-family dwellings. The lots to the north of the site across the alley along Sweetzer Avenue are zoned [Q]R3-1 and are improved with two (2) to five (5)-story multi-family residences.

The project proposes the demolition of an existing 15,374-square-foot commercial building, an existing 3,270-square-foot commercial building, an existing 2,580-square-foot commercial building, an existing 3,188-square-foot commercial building, and an associated surface parking lot, and the construction of a new six (6)-story mixed-use residential and commercial building consisting of 90 dwelling units and 15,271 square-feet of commercial retail uses, resulting in a total floor area of 110,300 square-feet. The project will have a height of 69 feet and a floor area ratio (FAR) of 4.52:1. The project proposes 96 automobile parking spaces on-site within two (2) subterranean levels; and 94 bicycle parking spaces (78 long-term and 16 short-term) on-site at ground level and one (1) subterranean level. The project will provide reduced vehicular parking in accordance with the provisions of Assembly Bill 2097 (AB 2097) and proposes 96 parking spaces. 231 spaces would have otherwise been required by the Municipal Code.

The project will include 90 dwelling units, including 10 dwelling units set aside for Very Low Income Households and one (1) Manager's Unit. The proposed unit mix consists of 68 one-bedroom units, 17 two-bedroom units, and five (5) two-bedroom with study units. The project also includes 15,271 square feet of commercial retail uses on the ground floor.

The second subterranean level will include 55 parking spaces and a mechanical room, and the first subterranean level will include 41 parking spaces, along with a mechanical room, residential trash and recycling rooms, and 78 bicycle parking spaces. The ground level will consist of the lobby, the leasing office, commercial trash and recycling rooms, three (3) retail spaces, and 16 bicycle parking spaces. The 90 dwelling units will be located within the second through sixth floors of the proposed building.

There are three (3) existing Street Trees in the public right-of-way adjacent to the project site. The project will retain all three (3) existing Street Trees and plant an additional three (3) new Street Trees and 20 trees on-site. There are no existing Protected Trees on-site. Development of the Project would require the cut and export of approximately 20,194 cubic yards (cy) of soil. No import or fill is proposed.

The project is required to provide 9,800 square-feet of open space and is providing a total of 7,840 square feet of open space. The project proposes 4,045 square feet of outdoor common open space consisting of landscaping and seating areas, located across the second floor and sixth floor. Within this outdoor common open space, 1,147 square feet of landscaped open space will be provided. The project also proposes 1,960 square feet of indoor common open space, consisting of three (3) recreation rooms located on the second, third, and fourth floors. The project will provide 1,850 square feet of private open space across 37 residential balconies.

Height

The project site is zoned C4-1XL, with a Height District 1XL limiting the maximum building height to 30 feet, 2 stories. Pursuant to Chapter 1 of the LAMC Section 12.22 A.25(g)(2), the Applicant is requesting an Off-Menu Incentive to permit a maximum building height of 69 feet and six (6) stories, in lieu of the otherwise permitted 30 feet.

Bulk/Massing

The project site is zoned C4-1XL. The C4 Zone limits the FAR of the property to 1.5 to 1. Pursuant to Chapter 1 of the LAMC Section 12.22 A.25, the Applicant is requesting an Off-Menu incentive to allow a FAR increase from 1.5:1 to 4.52:1 to allow approximately 110,300 square feet of floor area.

The project has been designed as an integrated single structure with articulation and variation consistent with applicable City design guidance. The project seeks to reflect the commercial and residential context in the area by placing its commercial spaces toward Melrose Avenue, with community spaces located on roof decks and in the interior of the building. Parking within the building (two subterranean levels), commercial spaces, and residential units located within the building have been integrated into the overall architectural theme of the project. Vehicular access is located at the east of the site to limit vehicle activity along Melrose Avenue, enhancing the pedestrian experience along the commercial spaces of the building. The vast majority of parking is located in the subterranean levels, which enables the building to increase the visual interest of the project by placing residences and commercial spaces on much of the ground floor.

The building creates variation through its use of various materials, placement of roof decks and balconies that are located throughout the building. Residential units are located on the second through sixth floors, with the commercial spaces on the ground floor, providing a buffer from the commercial and pedestrian activity on the ground level. Ground floor commercial uses will enhance the pedestrian experience along Melrose Avenue, further

activating the street with pedestrian activity. The project as articulated in stamped "Exhibit A" is consistent with the Citywide Design Guidelines.

Setbacks

The C4 Zone does not require yards for commercial portions of buildings on the first floor. The proposed project contains first floor retail uses, and a residential lobby area, but no dwelling units, and is therefore not providing any setbacks at the ground level. However, the C4 Zone does require side yard and rear yard setbacks at the lowest residential story, in alignment with the requirements for the R4 Zone. LAMC 12.22 A.18(c)(3) permits zero yards on mixed-use buildings when abutting a street. As the project is mixed-use and abuts Melrose Avenue to the south and an alley to the north, it is not required to have side yards at the 2nd floor (the first residential story) in the C4 Zone. The project is providing the required 18-foot westerly rear yard setback in the C4 Zone.

Parking/Loading

Vehicular access to the project site will be provided via one (1) driveway along Harper Avenue. This driveway will provide access to both subterranean level parking garages. The project proposes to provide 96 vehicle parking spaces located in the two (2) subterranean level garages.

Pursuant to Assembly Bill 2097 (AB 2097) (California Government Code Section 65863.2), no minimum parking requirement shall be enforced for the proposed residential and commercial uses on the project site if it is located within one-half mile of a Major Transit Stop. As the project site is located within one-half mile of a Major Transit Stop, the project proposes to provide parking that is less than the 231 parking spaces otherwise required under the Los Angeles Municipal Code. The Applicant has provided a written request for parking reductions and a date stamped ZIMAS AB 2097 Eligibility map pursuant to the requirements of the City's AB 2097 Implementation Memo. As such, the City is not able to require any parking minimums for commercial or residential use for the project.

In accordance with LAMC Section 12.21 A, the project is required to provide a minimum of seven (7) short-term and 68 long-term bicycle parking spaces for residential uses. Additionally, the project is required to provide a minimum of eight (8) short-term and eight (8) long-term commercial bicycle spaces. The project proposes 94 bicycle parking spaces (16 short-term and 78 long-term). 78 bicycle parking spaces will be located at the first subterranean parking level, and 16 bicycle parking spaces will be located at the ground level, adjacent to the commercial and residential lobby entrances. The project will provide the minimum required bicycle parking spaces.

Lighting

The project is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping

The project proposes 1,147 square feet of landscaped open space. The project also proposes 1,960 square feet of indoor common open space, consisting of three (3)

recreation rooms located on the second, third, and fourth floors. The project will provide 1,850 square feet of private open space across 37 residential balconies

The project proposes a mix of plants and trees that include Pineapple Guava, Queensland Bottle Tree, Eastern Redbud Multi-Trunk, Jacaranda Multi-Trunk, Sweet Bay, Tulip Poplar, Yew Podocarpus, African Sumac Multi-Trunk, River Cascade River Wattle, Deer Grass, and Mundi Coast Rosemary.

There are three (3) existing Street Trees in the public right-of-way adjacent to the project site. The project will retain all three (3) existing Street Trees and plant an additional three (3) new Street Trees and 20 trees on-site. 15 trees are proposed for the second level, and five (5) trees are proposed for the sixth level. There are no existing Protected Trees on-site.

The project is conditioned to include an automatic irrigation system, and for the landscaping to be maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center.

Trash Collection

Trash storage and collection are proposed to be enclosed in the parking garage on the interior of the building and are therefore not visible from the drive aisle or public view. Trash collection can only be accessed from the garage and shall not interfere with traffic on any public street, as conditioned. Therefore, service providers will be required to access the trash area from the driveway, to avoid effects to circulation along the drive aisle.

Building Materials

The project is located at a prominent intersection and includes a curved corner along Melrose Avenue and Harper Avenue, soft colors and finishes (white stucco, off-white textured stucco, and oak-colored wood slate and wood cladding), bronze fiber cement, and bronze railings; thereby creating a consistent architectural design along all facades. Additionally, a series of projecting and recessed balconies span all facades of the proposed project. The proposed design provides articulation to create visual interest along the façade. The building has a prominent pedestrian entrance for the commercial portion of the project at the corner of Melrose Avenue and Harper Avenue, and two (2) additional pedestrian entrances along Melrose Avenue. Additionally, the building activates Melrose Avenue with a glazed storefront that will provide visual interest to pedestrians. The pedestrian entrance for the residential portion of the building is located to the east, along Harper Avenue, beyond the vehicle driveway for the commercial and residential parking spaces.

Landscaping is provided across the second floor and sixth floor. The landscaping is proposed in the second-floor courtyard and sixth-floor deck, and provides a buffer for residents in this part of the building. The variety of building materials and articulation as shown on the stamped "Exhibit A" is consistent with the Citywide Design Guidelines, the Urban Design Studio's Design Review meeting on October 24, 2024, and the Professional Volunteer Program meeting on November 12, 2024.

Electric Vehicle Charging Stations

The project is conditioned to provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) per the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

As such, the proposed project will be compatible with the existing and future developments on adjacent and neighboring properties with regards to height, bulk, and setbacks, off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements.

4. **The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The project is required to provide 9,800 square-feet of open space and is providing a total of 7,840 square feet of open space. The project proposes 4,045 square feet of outdoor common open space consisting of landscaping and seating areas, located across the second floor and sixth floor. Within this outdoor common open space, 1,147 square feet of landscaped open space will be provided. The project also proposes 1,960 square feet of indoor common open space, consisting of three (3) recreation rooms located on the second, third, and fourth floors. The project will provide 1,850 square feet of private open space across 37 residential balconies. As such, the project will provide recreation and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. **Environmental Finding.** It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption and its five established qualifiers and if it is not subject to an Exception that would disqualify it. The Categorical Exception document found in Case No. ENV-2024-3203-CE and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.

6. 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 of a flood zone.



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



QR Code to Forms
for In-Person Filing