



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: MAY 19 2020

Case No. DIR-2019-2657-DRB-SPP-TOC-1A

CEQA: ENV-2019-2658-CE

Plan Area: Westwood

Council District: 5 – Koretz

Project Site: 10757, 10757 ½, 10759 West Wilkins Avenue

Applicant: Banarsi L. Agarwal, 530 North Francisca, LLC
Representative: Hoa Nguyen, EZ Permits, LLC

Appellant: Carl Shusterman, Helena Freeman, John Gaustad and Cecelia Evans

At its meeting of **May 14, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of the existing apartment building and garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, multi-family apartment building consisting of ten units over one level of subterranean parking containing 21 automobile stalls. The Project requires a haul route. The Project reserves two of the units for Very Low Income Households.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from 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. **Denied** the appeal and **Sustained** the Planning Director's determination dated January 13, 2020 and approved, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a Transit Oriented Communities Compliance Review for a project totaling 10 dwelling units, reserving two units for Very Low Income, with the following requested incentives:
 - a. Height. A 22-foot increase in the building height, allowing 55 feet in lieu of the maximum 33 feet otherwise allowed by the [Q]RD1.5-1 Zone and Westwood Community Multi-Family Specific Plan;
 - b. Yard/Setback. A reduction in the required west side yard, allowing 5.6 feet in lieu of the 8-foot side yard setback otherwise required; and
 - c. Open Space. A 25 percent reduction in the open space requirement, allowing 2,625 square feet in lieu of the 3,500 square feet otherwise required;
3. **Approved** with Conditions, pursuant to LAMC Sections 11.5.7 C and 16.50, a Project Permit Compliance Review and Design Review for a new five-story, maximum 55 feet in height, 10-unit apartment building over one level of subterranean parking containing 21 automobile stalls; and
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman
Second: Khorsand
Ayes: Ambroz, Leung, Mitchell
Absent: Choe, Mack, Padilla-Campos, Perlman

Vote: 5 – 0



Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

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

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. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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.

Attachment: Director's Determination Letter Dated January 13, 2020

c: Faisal Roble, Principal Planner
Michelle Singh, Senior City Planner
Elizabeth Gallardo, City Planner
Julia Duncan, Planning Assistant

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
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**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM,
PROJECT PERMIT COMPLIANCE AND DESIGN REVIEW**

January 13, 2020

Applicant/Owner

Banarsi L. Agarwal
530 North Francisca, LLC
2701 190TH Street
Redondo Beach, CA 90278

Case No. DIR-2019-2657-DRB-SPP-TOC

CEQA: ENV-2019-2658-CE

Location: 10757, 10757 ½, 10759
West Wilkins Avenue

Council District: 5 - Koretz

Community Plan Area: Westwood

Land Use Designation: Low Medium II Residential

Zone: [Q]RD1.5-1

Legal Description: Lot 15, Block 29, Tract TR 7803

Representative

Hoa "Sean" Nguyen
EZ Permits, LLC
7251 N. Owensmouth Ave.
Canoga Park, CA 91303

Last Day to File an Appeal: January 29, 2020

Tracy Stone
Tracy A. Stone Architect
2041 Blake Avenue
Los Angeles, CA 90039

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.31, 11.5.7 C, and 16.50, and based upon the recommendation of the Westwood Community Design Review Board, I have reviewed the proposed Project and as the designee of the Director of Planning, I hereby:

DETERMINE, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State 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.

APPROVE a **Transit Oriented Communities Compliance Review** for a project totaling 10 dwelling units, reserving two units for Very Low Income, with the following requested incentives:

1. **Height.** A 22-foot increase in the building height, allowing 55 feet in lieu of the maximum 33 feet otherwise allowed by the [Q]RD1.5-1 Zone and Westwood Community Multi-Family Specific Plan;
2. **Yard/Setback.** A reduction in the required west side yard, allowing 5.6 feet in lieu of the 8-foot side yard setback otherwise required; and

3. **Open Space.** A 25 percent reduction in the open space requirement, allowing 2,625 square feet in lieu of the 3,500 square feet otherwise required;

APPROVE with Conditions a Project Permit Compliance Review and Design Review for a new five-story, maximum 55 feet in height, 10-unit apartment building over one level of subterranean parking containing 21 automobile stalls.

The project approval is based upon the attached Findings, Administrative Conditions, and attached Conditions of Approval:

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A" and "Exhibit B," and attached to the subject case file. No change to the plans will be made without prior review Los Angeles City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Design Review Criteria.**
 - a. The base two floors on the plan north elevation shall be Southern Moss La Habra X696 accent color.
 - b. The railing specifications shall match "Exhibit B."
 - c. All Fire Department related equipment shall be screened from public view.
 - d. No electrical transformers shall be surface mounted, and in the case of a required transformer shall be in an underground vault.
 - e. The landscaping plan shall be revised to show:
 - i. One 36" box street tree, as approved by the Division of Urban Forestry.
 - ii. One 36" box canopy tree in the required front yard setback.
 - iii. Three 36" box canopy trees in the back yard setback, setback from the property line a minimum of 10 to 15 feet.
3. **Residential Density.** The project shall be limited to a maximum density of 10 residential units per "Exhibit A."
4. **Affordable Units.** A minimum of two units, that is 20 percent On-Site Restricted Affordable Units, shall be reserved for Very Low Income Households as defined in Section 50105 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
5. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A.31 and comply with the Transit Oriented

6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make two units for Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.
7. **Floor Area Ratio (FAR).** The project shall be limited to a floor area ratio of 3:1 per “Exhibit A.”
8. **Height.** The project shall be limited to five stories and a maximum 55 feet in height. Per “Exhibit A”:
 - a. Any portion of the building along the Wilkins Avenue frontage above 44 feet in height shall be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building.
9. **Yard/Setback.** The westerly side yard setback shall be no less than 5.6 feet per “Exhibit A.” The front yard shall have no less than a 15-foot setback. The rear yard shall have no less than a 20-foot setback. The easterly side yard setback shall be no less than 8 feet and 10 feet where the property abuts the R1-1 zone.
10. **Open Space.**
 - a. **Total Required Open Space.** The project qualifies for a 25 percent reduction in the required amount of open space. The project shall provide a minimum of 2,625 square feet of open space per “Exhibit A.”
 - b. **Westwood Community Multi-Family Specific Plan.** The open space shall meet all other requirements of the Westwood Community Multi-Family Specific Plan per the satisfaction of Los Angeles City Planning, West/South/Coastal Project Planning Division.
 - i. A minimum of 50 percent of the total required open space, 1,312.5 square feet, shall be landscaped as depicted on Sheets A0.1, L-1, and L-2 of “Exhibit A.”
 - ii. No more than 50 percent of the required front and rear yards shall count toward the open space requirements as depicted on Sheets A0.1, L-1, and L-2 of “Exhibit A.”
 - iii. A minimum of 50 percent of each of the required front, rear and side yards shall be landscaped as depicted on Sheets A0.1, L-1, and L-2 of “Exhibit A.”
 - iv. Hardscape shall not be considered landscaping.

- v. Required side yards shall not be counted toward the open space requirements.
- vi. Contributing open space areas above the ground floor shall be setback a minimum of 10 feet in depth from the level immediately below it. Forty percent of these setback areas shall be landscaped.
- vii. The project shall provide a minimum of 1,969 square feet of open space on the ground Floor.
- viii. No more than 656 square feet of open space located above the ground floor shall contribute toward the 2,625 square feet of required open space.
- ix. The provided Open Space and Landscaping shall be consistent with Sheets A0.1, L-1, and L-2 of "Exhibit A,":

11. **Automobile Parking.**

- a. **Residential Parking.** Based upon the number of dwelling units proposed, a minimum of five residential automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines. Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half (.5) space per unit.

12. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

13. **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.

14. **Garage.** The project shall provide parking within one subterranean level. The height of the garage shall not extend more seven feet above the existing natural grade, measured to the floor elevation of the level immediately above the parking garage. The project shall enclose and provide mechanical ventilation for all portions above grade, except the driveway. The project shall lower the sidewalls at the driveway, or make portions of the sidewalls transparent in order to improve visibility when exiting the garage.

15. **Street Trees.** The project shall include street trees at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project, as permitted by and in accordance with the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. The project shall provide 36" box street tree(s) of at least twelve feet in height and not less than three inches in caliper at the time of planting. Deviation from this requirement shall only be to satisfy requirements set forth by the Bureau of Street Services to the contrary.

16. **Buffer.** The project shall provide an eight-foot tall split face decorative masonry wall with light sand stucco finish in LaHabra P-505 Agate stucco or similar along all property lines which immediately abut R1 zoned properties. The wall shall have a top cap and have the split face facing the single-family residences as depicted on Sheet A1.1 of "Exhibit A."

17. **Screening.** All structures on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any adjacent properties, as seen from the grade.

Administrative Conditions

18. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
19. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
20. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
21. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
22. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
23. **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.

BACKGROUND

Subject Property

The project site, located at 10757, 10757 ½, 10759 West Wilkins Avenue, occupies one parallelogram shaped and minimally sloped lot, developed with a three unit apartment building built in 1937. The project lot is 45 feet wide in the front and 76.70 feet wide in the rear with a depth of 183.27 feet on the east side and 151.91 feet on the west side. The lot is 9,833.3 square feet. The project is not within the Alquist-Priolo fault zone and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site.

The project abuts two [Q]RD1.5-1 zoned properties to the east, which are developed with two-story multi-family apartment complexes. Properties immediately across the street and to the west of the subject property are zoned [Q]RD1.5-1 and developed with single-family residences and single, two, and three-story multi-family residences. The project site is approximately 181 linear feet from St. Paul the Apostle Church at the intersection of Selby, Ohio, and Wilkins Avenues and zoned [Q]RD1.5-1-O. The project site abuts R1-1-O zoned properties to the north and northeast, which are developed with single and two-story single-family homes. Approximately 475 linear square feet to the west of the project site and across Malcolm Avenue are single-family homes on R1-1 zoned lots.

The project fronts Wilkins Avenue, a Local Street with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. The road way and right-of-way are fully improved.

The project proposes the demolition of the existing apartment building and garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, multi-family apartment building consisting of 10 units over one level of subterranean parking containing 21 automobile stalls.

A Tree Report was not required as there are no protected trees on the subject site.

Zoning and Land Use Designation

The site is zoned [Q]RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units shall be subject to review by the Westwood Community Design Review Board. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, The Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Project is subject to Department of Transportation clearance of the WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for Approval, Approval with Conditions, or Denial of projects within their jurisdiction. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program. Pursuant to LAMC Section 12.22 A.31 and the TOC guidelines, the applicant requests a Transit Oriented Communities Compliance Review.

Transit Oriented Communities

The project qualifies for the Transit Oriented Communities (“TOC”) Affordable Housing Incentive Program, which allows a variety of incentives for increased density, height, and floor area, among others, for Eligible Housing Projects. Measure JJJ was adopted by the Los Angeles City Council and established the TOC Affordable Housing Incentive Program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed use projects located within ½ mile of a major transit stop, as defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018, establish a tier-based system with varying development bonuses and incentives based on a project’s distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

The subject site is located within 2,640 feet from the Metro Purple Line Extension, Westwood/UCLA Station, and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the revised TOC Referral Form dated January 2, 2019.

Tier 3 Base Incentives require On-Site Restricted Affordable Units at the rate of 10 percent for Extremely Low Income, 14 percent for Very Low Income, or 23 percent for Lower Income, of the total number of units. Three Additional Incentives may be granted for projects that include at least 11 percent of the base units for Extremely Low Income Households, at least 15 percent of the base units for Very Low Income Households, at least 30 percent of the base units for Lower Income Households, or at least 30 percent of the base units for persons and families of Moderate Income in a common interest development.. The applicant is proposing two Very Low Income units of the total 10 units proposed, consistent with the Base Incentive requirements, and which make the project eligible for three Additional Incentives.

The project is eligible for the following Tier 3 Base Incentives, which are granted by-right for eligible TOC projects:

- a. **Density.** Increase the maximum allowable number of dwelling units permitted by up to 40 percent.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows 6.55 units by-right, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the “RD” Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units.

- b. **Floor Area Ratio.** Percentage increase of up to 45 percent in the RD Zone.

In the RD1.5 Zone in Height District 1, the Los Angeles Municipal Code provides for a maximum FAR of 3:1. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive.

- c. **Residential Parking.** Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half space per unit.

The project is required to provide five parking spaces under the TOC incentive and is providing 21 spaces.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives to construct the proposed project:

- a. **Yard/Setback.** : In Tier 3 areas the TOC incentive for side and rear yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks with the exception that yard reductions cannot be applied along any property line that abuts an R1 or more restrictive residential zoned property. The proposed project abuts R1-1-O zoned properties along the entire rear property line and along a portion of the northeast side property line.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects which immediately abut an R1 or more restrictive zone on the rear property line shall have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width.

The property is not utilizing reductions in the front, rear, or easterly side yards and maintains setbacks in these yards consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan.

The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

- b. **Open Space.** A 25 percent reduction from the Westwood Community Multi-Family Specific Plan Open Space requirement, allowing 2,625 square feet in lieu of 3,500 square feet.
- c. **Height Incentives.** A 22-foot increase in the building height, allowing a maximum 55 feet in lieu of the 33 feet otherwise allowed by the Westwood Community Multi-Family Specific Plan.

The table below provides a summary of the relevant and Specific Plan provisions for the subject property and requested TOC Base and Additional Incentives:

Incentives	Specific Plan	TOC Guidelines	Proposed
Density	6 units	10 units (40% increase)	10 units
FAR	3.0	4.35 (45% increase in RD Zone)	2.9
Residential Parking Spaces	32	5 (.5 spaces per unit)	21
Open Space	3,500 sf	2,625 sf (25% reduction)	2,627
Height	33'	55' (Two stories up to 22')	55'

Yard Incentives	LAMC/Specific Plan	TOC Guidelines	Proposed
Residential Front	15'	Not utilized	15'
Residential Rear	20'	Not utilized	26' to 40'
East Side	8' and 10'	Not utilized	10' and 13'
West Side	8'	5.6'	5.6'

Housing Replacement

The TOC Guidelines require a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. California Government Code Section 65915(c)(3), as amended by Assembly Bill 2222 and 2556, requires applicants of Density Bonus projects to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 5, 2019, AB 2556 determined that no units are subject to replacement under AB2256, provisional and subject to verification by HCIDLA's Rent Division. The project satisfies the TOC Affordable Housing requirement by providing two units restricted to Very Low Income households. This is reflected in the Conditions of Approval.

FINDINGS

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

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

1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:
 - a. *The incentives are **not required** to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate-income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the TOC Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature

increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

Reduced Yard/Setback:

In residential zones, Eligible Housing Developments may utilize an incentive for yard reductions. In Tier 3 and Tier 4, the front yard reduction may be paired with one other individual yard reduction. The project does not request or propose any reductions in the required front yard setback. In Tier 3 areas the side and rear yard incentive allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks with the exception that yard reductions cannot be applied along any property line that abuts an R1 or more restrictive residential zoned property. The proposed project abuts R1-1-O zoned properties along the entire rear property line and along a portion of the northeast side property line

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects, which immediately abut an R1 or more restrictive zone on the rear property line, shall have a rear yard of at least 20 feet in depth. The project proposes a rear yard ranges from 26 to 40 feet. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The project proposes the east side yard to range from 10 feet to 13 feet. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and easterly side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

The requested incentive is necessary to provide the affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units. The westerly side yard setback reduction is necessary to build the affordable housing units.

Reduced Open Space:

The applicant has requested a 25 percent reduction in the Westwood Community Multi-Family Specific Plan required open space of 3,500 square feet, resulting in 2,625 square feet of required open space. The project is providing 2,627 square feet of open space, consistent with the TOC Incentives. The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Very Low Income Households can be constructed and the overall space dedicated to residential uses increased.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

Base Height + Incentive

The applicant has requested a Tier 3 Height Incentive, which allows for 22 additional feet. Height District 1 in the RD-1.5 zone allows for a maximum height of 45 feet. However, the Westwood Community Multi-Family Specific Plan (Q condition) Section

5.A *Land Use Regulations, Building Height*, states that projects shall be limited to a maximum of 33 feet if they immediately abut an R1 or more restrictive zone and if the average height of the single-family houses within 100 feet of the subject property is less than 34 feet. The subject property immediately abuts R1 zoned properties and the average height of single-family houses within 100 feet of the subject property is less than 34 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 55 feet. The project is within that envelope at 55 feet and is consistent with the TOC guidelines.

TOC Height Exception

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage.

The project site is in a [Q]RD1.5-1 zone, with a height limit of 33 feet. Therefore, along Wilkins Avenue, the project must step back after the first 11 feet of height increase over the base height of 33 feet, beginning at 44 feet. Therefore, at a height of 44 feet the project is setback from the exterior face of the Ground Floor of the building located along the street frontage for a total distance of 15 feet. The project complies with the required 15-foot setback from the exterior face of the building.

- b. ***The Incentive 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.***

There is no evidence in the record that the proposed incentive will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City’s Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentives.

DESIGN REVIEW FINDINGS

- 1. A recommendation was made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:**

The Design Review Board met on November 6, 2019 and convened a quorum of five Board Members. The vote was unanimous, recommending approval of the project, with conditions, since the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Westwood Community Multi Family Specific Plan.

Project Permit Compliance Findings

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

- a. Section 5.A *Building Height* of the Specific Plan, limits building height when a project immediately abuts an R1 or more restrictive zone. If the average height of the single-family houses within 100 feet of the subject property are less than 34 feet, the building height shall be limited to a maximum of 33 feet in height. In cases where Base or Additional Incentives are permitted for a project under the TOC Guidelines, they shall be based off the otherwise allowable development standards for the property found in the Specific Plan. As such, the project complies with the Height Incentive of the TOC Guidelines, which allow an additional 22 feet over the base height of 33 feet in the [Q]RD1.5-1 Zone. The TOC Guidelines allow for a maximum height of 55 feet and the project is consistent. Furthermore, Condition No. 8 ensures that the proposed project will not exceed 55 feet.
- b. Section 5.B *Parking Standards*. The Specific Plan requires projects with more than four habitable rooms per unit to provide 3.25 parking spaces per unit. Of the parking spaces required, guest parking is required to be designated at a ratio of 0.25 spaces per unit. The project provides 10 units with more than four habitable rooms and therefore would be required to provide 32 parking spaces (3.25 x 10 units). Pursuant to Los Angeles Municipal Code Section 12.22 A.31, Automobile Parking is a Base Incentive in the TOC Guidelines and parking for a property in a Tier 3 area shall not be required to exceed .5 spaces per unit. The TOC Guidelines' parking incentive supersedes the Westwood Community Multi-Family Specific Plan Parking Standards. The TOC Guidelines require five parking spaces; however, the project is providing 21 parking spaces.
- c. Section 6.A.1 *Open Space*, of the Specific Plan requires 350 square feet of open space per unit for RD Zones, of which a minimum of fifty percent shall be landscaped and 75 percent shall be located on the ground floor. The Westwood Community Multi-Family Specific Plan would therefore require 3,500 square feet of open space for a 10-unit apartment complex. However, the applicant has requested an Additional Incentive for a 25 percent reduction in open space, for 2,625 square feet of required open space. The project is compliant with the TOC Guidelines for the provision of open space as detailed in the Transit Oriented Communities Findings and is providing 2,627 square feet of open space.

The Westwood Community Multi-Family Specific Plan requires 50 percent of required open space to be landscaped. The project is providing 2,627 square feet of total open space, consistent with the TOC Guidelines requirements, 1,312 square feet of which is required to be landscaped. The project is providing 2,132 square feet of landscaping, consistent with the Specific Plan requirements.

Section 6A.3 of the Specific Plan states that required open space shall be on the ground level, except that 25 percent of the required open space may be located above the ground level. Of the total required open space a minimum of 1,968.75 square feet is required to be on the ground floor and 656.25 square feet may be above the ground floor. The project is providing 1,971 square feet of open space on the ground floor and 656 square feet of open space above the ground floor.

Section 6.A.4 of the Specific Plan requires any open space above the ground floor that is counted toward the open space requirements to be setback a minimum of 10 feet in depth from the level immediately below it. Additionally, 40 percent of these setback areas are required to be landscaped. Two fifth floor decks are providing minimum setbacks of 14 feet and 15 feet from the levels immediately below and 656 square feet of open space, 272 square feet of which is landscaped, or 41 percent, consistent with the Specific Plan requirements.

Section 6.A.6 states that no more than 50 percent of the required front or rear yards shall count toward open space requirements. The required front yard area is 698 square feet and only 50 percent, or 349 square feet, is allowed to contribute to the required open space. The project is landscaping 387 square feet of the front yard area. The required rear yard area is 1,494 square feet and only 50 percent, or 747 square feet, is allowed to contribute to the required open space. The project is landscaping 1,242 square feet of the required rear yard setback. The areas in excess of the required rear yard setback may entirely count toward the required open space. There is 875 square feet of area in excess of the required rear yard setback that is contributing to the required open space and 764 square feet of it is landscaped. The project is consistent with the requirements of Section 6.A.6 of the Specific Plan. Side yards are not counted toward the required open space, consistent with Section 6.A.6, but are 50 percent landscaped.

- a. Section 6.B, *Walkways*, is not applicable because the width of the lot of the subject site is not 150-feet or more. As depicted in "Exhibit A", the lot width along the frontage of the site is approximately 45 feet.
- b. Section 6.C., *Building Setbacks*, is not applicable because the subject site is not directly across the street and within 200 feet of an R1 or more restrictive zone. According to ZIMAS properties directly across the street are zoned [Q]RD1.5-1.
- c. The proposed project substantially complies with Section 6.D, *Garage*, of the Specific Plan which allows only one level of a parking garage above the natural existing grade, up to a maximum of seven-feet in height, measured to the floor elevation of the level immediately above the parking garage. As depicted in "Exhibit A", (Sheets A-2.1 and A-3.2) the proposed project has one level of subterranean parking and no parking above natural grade. The Building Section depicted on Sheet A3.2 depicts a garage entry that slopes down from the sidewalk elevation, which is below the seven-foot maximum height permitted.
- d. The proposed project substantially complies with Section 6.E, *Yard Requirements*. Section 6.E.1 requires that a minimum of fifty percent of the required front, rear, and side yards be landscaped. As depicted in "Exhibit A", the project landscapes fifty percent of the front, rear, and side yards. Landscaped areas are comprised of 387 square feet in the front yard, 1,242 square feet in the rear yard, 764 square feet in the community area, 493 square feet in west side yard, and 657 square feet in the east side yard. As such, the proposed project complies with the landscaping requirements set forth in the Specific Plan.

Section 6.E.2 requires projects that immediately abut an R1 or more restrictive zone on the rear property line to have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

- e. Section 6.F, *Buffer*, requires projects that immediately abut an R1 or more restrictive zone to have and maintain an 8-foot-high split-face decorative masonry wall. The wall shall have a top cap and have the split face facing the single-family residence. Condition 16 requires the project to provide the 8-foot-high masonry wall as depicted on Sheet A1.1 of "Exhibit A." In addition, the Specific Plan requires that where the project abuts an R1 zoned property for every four linear feet of wall, one 15-gallon tree shall be planted at the edge of the wall. As depicted on Sheet L1 of "Exhibit A" the project is planting Carolina cherry 15 gallon trees spaced at four foot intervals along the wall where abutting the R1 zoned properties.
- f. The proposed project substantially complies with Section 6.G, *Screening*, of the Specific Plan which requires that structures on the roof be fully screened from view from adjacent properties, as seen from the grade, as conditioned under Condition 17. Additionally, mechanical equipment is located at grade and screened as depicted on Sheet A1.1 of "Exhibit A."
- g. The proposed project substantially complies with Section 7.A., *Landscape Standards*, General Requirements, which requires that a Landscape Plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review and approval. In addition, the Landscape Plan is required to illustrate details of the plants and plant material (i.e., names, size at maturity, locations, planting schedule, irrigation plan) and must include a variety of plant materials. As depicted in "Exhibit A", the Landscape Plan has been prepared by a landscape architect, and includes: an irrigation plan; a variety of plant material, including grass and other ground cover, shrubs, and trees; and, clear identification of plant material locations, and size at maturity. The DRB reviewed and recommended approval of the Landscape Plan and Irrigation Plan at its regular meeting on November 6, 2019.
- h. Section 7.B., *Street Trees*, requires street trees to be approved by the Urban Forestry Division, Bureau of Street Services, Department of Public Works and to be planted at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project. The Specific Plan also requires Street Trees to be at least 12 feet in height and not less than three inches in caliper at the time of planting. The subject site has a 45-foot frontage along Wilkins Avenue, which requires a minimum of one street tree. Condition Number 15 will require the street tree to be reviewed and approved by the Urban Forestry Division. In addition, the Design Review Board conditioned the project to have only one street tree and required it to be 36" box street tree, the type to be approved by Urban Forestry.
- i. The proposed project substantially complies with Section 8, *Design Review Procedures*, which requires that a proposed project be reviewed and approved in accordance with Design Review Board (DRB) procedures of Section 16.50 and the

Specific Plan procedures of Section 11.5.7 of the Los Angeles Municipal Code. The proposed project has been reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code. The review and recommendation of the Westwood Community DRB was based upon conformance with the criteria in the Westwood Community Design Review Board Specific Plan.

CEQA FINDINGS

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State 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.

The project, located at 10757, 10757 ½, 10759 West Wilkins Avenue, is for the demolition of an existing three unit apartment building and detached rear garage and the construction of a new five-story, maximum 55-feet in height, 16,803 square foot, 10 unit multi-family apartment building over one level of subterranean parking containing 21 automobile stalls. The project is located in a Special Grading area and will require a haul route. The project is an in-fill development and qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Westwood Community Plan designation and policies and all applicable zoning designations and regulations.

The site is zoned [Q]RD1.5-1 and has a General Plan Land Use Designation of Low Medium II Residential. The Q condition on the project site was enacted through Ordinance 163,187 and requires that all projects with two or more units to be subject to review by the Westwood Community Design Review Board. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, The Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP, Ordinance 186,105 and 186,108). The Project is subject to Department of Transportation clearance of the WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for Approval, Approval with Conditions, or Denial of projects within their jurisdiction. In addition, the project is within a Tier 3 designation of the Transit Oriented Communities Program.

The project fronts Wilkins Avenue, a Local Street with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. The road way and right-of-way are fully improved.

The project site occupies one parallelogram shaped and minimally sloped lot, currently developed with a three-unit apartment building built in 1937. The project lot is 45 feet wide in the front and 76.70 feet wide in the rear with a depth of 183.27 feet on the east

side and 151.91 feet on the west side. The lot is 9,833.3 square feet. The project is not within the Alquist-Priolo fault zone areas and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site. A Tree Report was not required as there are no protected trees on the subject.

The project is utilizing Base and Additional Incentives under the Transit Oriented Communities Ordinance. As an RD zoned property in a Tier 3 Area the project (eligible based on allocation of affordable units) is eligible for a 40 percent density increase, FAR Bonus of 45 percent (allowing for a 4.35:1 FAR), reduced parking, reductions in yards, Open Space, and a Height increase. The Project is for a 10-unit, maximum of 55 feet in height, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking.

The RD1.5 Zone allows for a maximum residential density of one dwelling unit per 1,500 square feet of lot area. The subject lot totals 9,833.3 square feet, for a maximum base density of seven units. Los Angeles Municipal Code allows 6.55 units by-right, however, the TOC Guidelines round base density up to the next whole number, resulting in seven. The TOC Guidelines Residential Density Incentive has an exception for properties in the "RD" Restricted Density Zone that limits the density increase for a Tier 3 property to 40 percent. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 10 units. The project is proposing 10 units, consistent with the TOC Guidelines and Zoning regulations.

The Tier 3 FAR Incentive allows for a percentage increase in FAR up to 45 percent. Los Angeles Municipal Code provides for a maximum FAR of 3:1 in the RD1.5-1 Zone. The project has a by-right floor area of 17,241 square feet. The project proposes 16,803 square feet and is not utilizing the Floor Area Ratio incentive, and is consistent with the zoning regulations.

The project is required to provide five parking spaces under the TOC incentive and is providing 21 spaces, consistent with the requirements of Los Angeles Municipal Code 12.22-A.31.

The Westwood Community Multi-Family Specific Plan Section 6.E.2 *Yard Requirements*, states that projects which immediately abut an R1 or more restrictive zone on the rear property line shall have a rear yard of at least 20 feet in depth. Section 6.E.3 of the Specific Plan states that projects which immediately abut an R1 or more restrictive zone on the side property line shall have a side yard of at least 10 feet in width. The property is not utilizing reductions in the front, rear, or easterly side yards and maintains rear and side yard setbacks consistent with the requirements of Section 6 of the Westwood Community Multi-Family Specific Plan. The project proposes a 5.6-foot westerly side yard consistent with the TOC Guidelines. The 5.6-foot side yard reflects a 30 percent reduction in the otherwise required 8-foot side yard in the RD1.5 Zone.

The project is utilizing the TOC Incentive of a 25 percent reduction in the Westwood Community Multi-Family Specific Plan Open Space requirement, allowing 2,625 square feet in lieu of 3,500 square feet. The project is providing 2,627 square feet of Open Space, consistent with the TOC Guidelines and Zoning regulations.

The TOC Guidelines allow for a maximum height of 55 feet and the project is 55 feet in height and five-stories. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

- (b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately .23 acres (9,833.2 square feet). Lots adjacent to the subject site are developed with the following urban uses: multi-family residential consistent with the [Q]RD1.5-1 zone and Low Medium II Residential Land Use designation and single-family homes on R1-1-O zoned properties.

- (c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species.

- (d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, storm water mitigations; and Best Management Practices for storm water runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements 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.
- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a Vehicle Miles Traveled Analysis. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) **The site can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

There are five (5) Exceptions, which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

(a) **Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a ten-unit, maximum 55 feet-tall, five-story apartment building with 16,803 square feet of floor area and one level of subterranean parking in an area zoned and designated for such development. Properties in the vicinity are developed with multi-family residential buildings and single-family homes and the subject site is of a similar size and slope to nearby properties. Haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #105676) for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

(b) **Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The Project proposes to construct a 10-unit apartment building in an area zoned and designated for such development. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, density, and height of the proposed project are consistent with the Zone and Transit Oriented Communities program.

The project abuts two [Q]RD1.5-1 zoned properties to the east, which are developed with two-story multi-family apartment complexes. Properties immediately across the street and to the west of the subject property are zoned [Q]RD1.5-1 and developed with single-family residences and single, two, and three-story multi-family residences. The project site is approximately 181 linear feet from St. Paul the Apostle Church at the intersection of Selby, Ohio, and Wilkins Avenues and zoned [Q]RD1.5-1-O. The project site abuts R1-1-O zoned properties to the rear and northeast which are developed single and two story single-family homes. Approximately 475 linear square feet to the west of the project site and across Malcolm Avenue are single-family homes on R1-1 Zoned lots.

The project is not within the Alquist-Priolo fault zone areas and a fault study is not required. It is near the Santa Monica Fault but not within it. A Geotechnical Report was conducted on the subject site and a Soils Approval letter was issued by LADBS on

November 6, 2018 (LOG #105676). The project site is not located within a Fault Zone, Landslide Area, Liquefaction Zone, or a Very High Fire Severity Zone. The project site is in a Special Grading Area (BOE Basic Grid Map A-13372) and will require a Haul Route. The project is located in a Methane Zone and will be subject to Regulatory Compliance Measures. There are no known designated historic resources or cultural monuments on the subject site.

Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 10 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

- (d) **Hazardous Waste.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the Subject Site, nor any site in the vicinity, is identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

- (e) **Historic Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018 with technical clarifications, establish a tier-based system with varying development bonuses and

incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within three years after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

The Applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the Applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

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

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

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>.

Planning Department public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7052

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Rm 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2598

*Please note the cashiers at the public counters close at 3:30 PM.

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

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7052 or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:

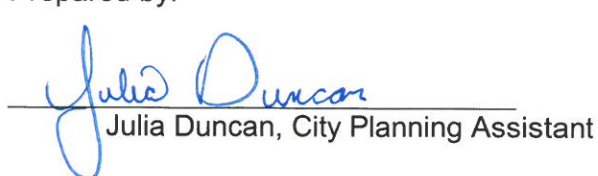

Faisal Roble, Principal City Planner


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Reviewed by:

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COVID-19 UPDATE

Interim Appeal Filing Procedures

April 17, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are three options for filing appeals, described below.

OPTION 1: NON-APPLICANT ONLINE APPEAL PORTAL

(planning.lacity.org/development-services/appeal-application-online)

Non-applicant appeals of entitlements can now be submitted online and payment can be made by credit card. The online appeal portal allows non-applicants to fill out and submit the appeal application directly to the Development Services Center. Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. *Note: a 2.7% credit card processing service fee will be charged. CEQA appeals, Building and Safety appeals (LAMC Section 12.26K), and Applicant appeals can only be filed using Option 2 or 3 below.*

OPTION 2: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email planning.figcounter@lacity.org with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)
- **Mail the appeal application to:**
Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. **Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.**

OPTION 3: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/ Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment