



APPLICATIONS:

# APPEAL APPLICATION

## Instructions and Checklist

**Related Code Section:** Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

**Purpose:** This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

### A. APPELLATE BODY/CASE INFORMATION

#### 1. APPELLATE BODY

- Area Planning Commission     City Planning Commission     City Council     Director of Planning
- Zoning Administrator

Regarding Case Number: CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI

Project Address: 2467-2471 South Lincoln Boulevard

Final Date to Appeal: 06/18/2020

#### 2. APPELLANT

**Appellant Identity:**  
(check all that apply)

- Representative     Property Owner
- Applicant     Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Person affected by the determination made by the **Department of Building and Safety**

- Representative     Owner     Aggrieved Party
- Applicant     Operator

#### 3. APPELLANT INFORMATION

Appellant's Name: Tracy Carpenter

Company/Organization: \_\_\_\_\_

Mailing Address: 1107 Garfield Avenue

City: Venice    State: CA    Zip: 90291

Telephone: 310-923-0326    E-mail: tracycarpenter@me.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self     Other: \_\_\_\_\_

b. Is the appeal being filed to support the original applicant's position?     Yes     No

**4. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**5. JUSTIFICATION/REASON FOR APPEAL**

a. Is the entire decision, or only parts of it being appealed?  Entire  Part

b. Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: 3,8,9,10

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**6. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: Tracy Carpenter Date: Jun 18, 2020  
Tracy Carpenter (Jun 18, 2020 09:15 PDT)

**GENERAL APPEAL FILING REQUIREMENTS**

**B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES**

**1. Appeal Documents**

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

**b. Electronic Copy**

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). **No file should exceed 9.8 MB in size.**

**c. Appeal Fee**

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

**d. Notice Requirement**

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING**

**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

**NOTE:** Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- 1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

**a. Appeal Fee**

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

**G. NUISANCE ABATEMENT**

**1. Nuisance Abatement** - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

**a. Appeal Fee**

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

**2. Plan Approval/Compliance Review**

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

**a. Appeal Fee**

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

**NOTES**

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)







# Appeal Application

Final Audit Report

2020-06-18

Created:	2020-06-18
By:	Planning Intranet (planning.intranet@lacity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA-t3X_RES14Yfx5wMk4NQZIQCGrdweYt

## "Appeal Application" History

-  Web Form created by Planning Intranet (planning.intranet@lacity.org)  
2020-04-17 - 11:54:27 PM GMT
-  Web Form filled in by Tracy Carpenter (tracycarpenter@me.com)  
2020-06-18 - 4:15:07 PM GMT- IP address: 23.241.154.155
-  Document emailed to Tracy Carpenter (tracycarpenter@me.com) for signature  
2020-06-18 - 4:15:09 PM GMT
-  Email viewed by Tracy Carpenter (tracycarpenter@me.com)  
2020-06-18 - 4:15:18 PM GMT- IP address: 23.241.154.155
-  E-signature verified by Tracy Carpenter (tracycarpenter@me.com)  
2020-06-18 - 4:15:21 PM GMT- IP address: 23.241.154.155
-  Signed document emailed to Tracy Carpenter (tracycarpenter@me.com) and Planning Intranet (planning.intranet@lacity.org)  
2020-06-18 - 4:15:21 PM GMT



POWERED BY  
Adobe Sign

June 18, 2020

**VIA LA CITY PLANNING PORTAL**

Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90017

RE: Attachment to CP-7769; Appeal of Approval for Lincoln Apartments Project  
CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI

Dear Councilmembers,

I am writing to appeal a land use decision made by the Los Angeles City Planning Commission. This letter shall explain the basis for the appeal as requested by Form CP 7769, Page 1, Box 5 of the City's Form CP 7769. On June 3, 2020, the Commission issued its letter of determination following the May 28, 2020 Commission meeting to approve the land use project number CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI, located at 2467-2471 S. Lincoln Blvd., also known as the "Lincoln Apartments" project, (the "Project.") The reasons for the appeal include:

1. The Planning Commission's failure to provide a fair hearing due to conflicts of interest held by commissioners participating in the vote;
2. Violation of the Brown Act due to the failure to have a meeting accessible to the public;
3. The Specific Adverse Impacts that preclude necessary findings for a density bonus; and
4. Inadequate Parking;

**Appeal Issue No. 1 – The Conflict of Interest Issue**

The Project was unanimously approved and Commission President Samantha Millman and Commissioner Marc Mitchell participated in the vote. They each had a conflict of interest that required recusal.

**1.1 President Millman's Conflict and Failure to Recuse**

President Millman is a member of the Board of Directors of Bet Tzedek Legal Services ("BTLS.")<sup>1</sup> BTLS is legal counsel for and has a relationship with Safe Place for Youth

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<sup>1</sup> See <https://www.bettzedek.org/our-team/board/>

(“SPY”).<sup>2</sup> The approved Project proposes to provide “4,441 square feet of supportive services onsite and will maintain and expand an existing office space for the Safe Place for Youth nonprofit organization.” (Decision, p. 10.) The connection among Millman, BTLS and SPY creates the appearance of a financial interest in the outcome of the vote on the Project. The law pertaining to bias self-interest and land use decision makers is clear:

“A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public.... ... Actual injury is not the principle the law proceeds on. Fidelity in the agent is what is aimed at, and as a means of securing it the law will not permit him to place himself in a position in which he may be tempted by his own private interests to disregard those of his principal. This doctrine is generally applicable to private agents and trustees, but to public officers it applies with greater force, and sound policy requires that there be no relaxation of its stringency in any case that comes within its reason...” (*Noble v. City of Palo Alto* (1928) 89 Cal.App. 47, 51, 264 P. 529, citations omitted.) “[T]he common law doctrine against conflicts of interest ... prohibits public officials from placing themselves in a position where their private, personal interests may conflict with their official duties.” (64 Ops.Cal.Atty.Gen. 795, 797 (1981); accord, 70 Ops.Cal.Atty.Gen. 45, 47 (1987).)18

A leading treatise on municipal law acknowledges the same concept: “The public is entitled to have its representatives perform their duties free from any personal or pecuniary interest that might affect their judgment. Public policy forbids the sustaining of municipal action founded upon a vote of a council member ... in any matter before it which directly or immediately affects him or her individually.... A finding of self-interest sufficient to set aside municipal action need not be based upon actual proof of dishonesty, but may be warranted whenever a public official, by reason of personal interest in a matter, is placed in a situation of temptation to serve his or her own purposes, to the prejudice of those for whom the law authorizes that official to act.... [A]n individual member ordinarily cannot vote on a matter in which that member ... is interested. If the member does, the action taken by the body of which he or she is a member is invalidated.... *Where the vote of a member interested is necessary to pass an ordinance or bylaw, such ordinance or bylaw is void*, irrespective of how beneficial the ordinance may be.” (4 McQuillin, *The Law of Municipal Corporations* (3d ed. rev. 1992) § 13.35, pp. 840–841, italics added, fns. omitted.)

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<sup>2</sup> See <https://www.maternlawgroup.com/satyagraha-alliance/our-work/legal-clinics/>. See also Exhibit “1” hereto a BTLS publication entitled “Lawyers Preventing & Ending Homelessness Project,” confirming the relationship between BTLS and SPY.

*(Clark v. City of Hermosa Beach (1996) 48 Cal.App.4th 1152, 1170–1171.)*

President Millman had a bias in favor of SPY, the client of BTLS, and that bias is constitutionally unacceptable. The Project approval must be set aside and a new hearing<sup>3</sup> held with President Millman recused. Moreover, the remaining members of the Commission should receive supplemental education from the City Attorney's office regarding conflict of interests and bias.

### **1.2 Commissioner Mitchell's Conflict and Failure to Recuse**

Commissioner Mitchell disclosed at the hearing that he is a past volunteer for SPY.<sup>4</sup> Commissioner Mitchell, similar to President Millman, had a bias in favor of SPY and should have recused himself.

### **Appeal Issue No. 2 – The Violation of Open Meeting Laws**

California's Brown Act requires that land use decisions be decided at a meeting accessible to the public. Governor Newsom has relaxed some requirements for public meetings by way of Executive Order N-25-20 pertaining to COVID-19. Part 11 of that order requires that public meetings be accessible to the public and allow for public participation. The May 28, 2020 meeting did not comply with this requirement. Many people<sup>5</sup> opposed to the project did not get to speak or even listen to the hearing.

**2.1 The Inability to Participate Issue.** There were many people<sup>6</sup> who got busy signals or were dropped by the call. President Millman told people participating in the meeting to hang up after they spoke to call back in a listen-only mode. However, those people<sup>7</sup> who followed Millman's directions were unable to get back in because the meeting was full.

**2.2 The Long-Distance Telephone Access Issue.** There was at least one Venice resident<sup>8</sup> who was unable to access the meeting because she had a land line with no long-distance service and the City failed to provide a local area code dial in number. The failure to have a local call in number violated the Brown Act.

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<sup>3</sup> The remedy for a land use decision procured through a biased decision maker is to provide the aggrieved party another hearing. See *Clark v. City of Hermosa Beach (1996) 48 Cal.App.4th 1152, 1174.*

<sup>4</sup> Commissioner Mitchell's comments appear at the 2:07:21 mark at the audio accessible at <https://www.dropbox.com/s/js7cco08yzyx53sf/CPC%20Meeting%20052820%20Item%209.m4a?dl>

<sup>5</sup> Eric Fingleson, Melinda London, Kristine Christiansen, Peter Carpenter

<sup>6</sup> Andrea Boccaletti, Vicki Halliday

<sup>7</sup> Brennan Lindner, Varsi Amerian

<sup>8</sup> Janina Wojcik (her daughter is Mary Marlowe)

**2.3 The Need to Respond and Remedy the Brown Act Violation.** In addition to the appeal, by this letter, Tracy Carpenter respectfully requests that the City provide a response as required by Government Code Section 54960.2, subdivision (b).

### **Appeal Issue No. 3 – The Specific Adverse Impact and the Density Bonus**

Municipal Code section 12.22.A.25 sets forth findings pertaining to density bonus and incentives. The City may not approve the density bonus and incentives relative to this project if the administrative record contains substantial evidence of a specific adverse impact.<sup>9</sup> This record for this Project does contain such evidence.

**Issue 3.1. Police and Fire Calls.** Police and Fire departments have been called to SPY 117 times in the last three years – for incidents such as Assault with a Deadly Weapon, Violent Mentally Ill, Overdose, Battery, Burglary, and Vandalism. Those calls have occurred with the operation of a part time, program operating three afternoons a week. The proposed Project contemplates expanding that program to seven days a week. These police and fire records were submitted to the City Planning Commission and start on page 1843 of the staff report. The Commission’s findings are at odds with the substantial evidence of the specific adverse impact of crime in the area. The record also contains over 200 personalized letters from St. Mark parents detailing specific incidents with SPY clients, that were part of the Planning Commission staff report, and this evidence was also completely ignored by Commissioners. St. Mark has videos showing SPY clients in the alley harassing St. Mark’s children. SPY is an integral part of this Project and its use is an integral part of this project.

In the last two years, Gateway Apartments, VCH’s other supportive housing project (with only 20 units), has had 129 Police and Fire Department responses. A market rate apartment building on the same block (with 28 units), and that building had only 11 Police and Fire Department calls in the same time frame. VCH’s building has 11 times more police and fire responses than the nearby comparable building. Some of the calls were for: Missing Child, Assaults with a Deadly Weapon, Batteries, Burglaries, and Thefts. VCH’s Horizon apartment building has similar egregious police and fire response numbers. VCH has also shared that they will not be supplying a security guard for Lincoln Apartments. I mentioned these police reports in my testimony to the commissioners on May 28 and was completely ignored. These police records were submitted to the City Planning Commission and start on page 1843 of the staff report.

**Issue 3.2. Chain Wielding Man in January 2020 and Related Incidents.** In January 2020, there was a man from SPY wielding a chain, threatening people and smashing windows, shutting down Garfield Ave and causing a lockdown at St. Mark School. Students have been traumatized and had nightmares about this incident. Police have also been called to St. Mark School because of SPY clients harassing students, screaming at them, and making obscene gestures at them. There are some people who go to SPY for help, but they are also a magnet for people like that chain-wielding man. SPY clients routinely do drugs in front of nearby harms leaving needles on the lawns, blocking driveways and refusing to move, loitering on front lawns, using lawns as

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<sup>9</sup> Specific adverse impacts means “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.” (Mun. Code, § 12.22 A.25(b))

bathrooms, dumping trash on lawns, fighting in the neighborhood, and more. Older friends of SPY participants often wait for them in front of nearby homes and cause the same problems.<sup>10</sup>

**Issue 3.3. Impact on Businesses.** Nine nearby businesses report issues with violent and criminal behavior that they regularly experience since SPY opened. With SPY clients blocking entrances to offices, employees and customers have said they are afraid to come into their businesses. There is loitering, parking lots being used as toilets, and trash left everywhere. Eight of these letters from nearby businesses start on page 1834 of the staff report. A letter from the owner of the McDonalds, abutting SPY, can be found in the same day submissions folder. These letters constitute substantial evidence of a significant adverse impact and were completely ignored by the City Planning staff and Commissioners.

**Issue 3.4. Lessons Learned from Bridge Housing.** Recently there have been many problems with the SPY young adults at the newly opened Bridge Housing facility in Venice. They have had 202 Police/Fire responses in its first 2 months. Neighbors are repeatedly being harassed. A neighbor reported 2 men smashing car windows and threatening to kill her, across the street from Bridge Housing entrance. One of men was a resident of SPY. He was arrested and after being released from jail early, SPY let him back into the shelter. Furthermore, residents were told that the SPY residents at Bridge Housing are the people who will be moved into Lincoln Apartments. Here's what one neighbor had to say about Bridge Housing:

“These youth aren't necessarily nice to people and that's where we feel the most threatened, by this youth population there. We're worried the (SPY) youth population is going to turn into Lord of Flies inside bridge housing.”

SPY cannot manage the programs they have now. How can residents expect them to manage their expanded programs in the future when they have already showed negligence with the children in our community? Information in this paragraph was also submitted as evidence and included in the CPC staff report at page 1843.<sup>11</sup>

#### **Appeal Issue No. 4 – The Parking Issue**

The Project violates the Coastal Act because it does not provide enough parking. This Project is not consistent with the LUP policy and therefore does not qualify for reduced parking. Current plans contain only 6 parking spots for (up to 98) residents, 25 staff, 20 volunteers, and guests. According to the Venice Specific Plan, this project should have 104 spaces. Increased density should be self-sufficient, and not dependent on the neighborhood for what it is lacking (for example, parking). The fact that there is no loading dock for such a large building with commercial use on the ground floor, will negatively impact the neighborhood with large trucks parking in front of our homes.

If the goal is for tenants to get their lives stabilized, this very likely will come with getting vehicles, which need parking spaces. This is permanent housing. The project needs parking

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<sup>10</sup> Evidence of the chain wielding man and harassment of St. Marks students is included at pages 930, 969, and many other pages of the staff report.

<sup>11</sup> See also <https://allaspectreport.com/2020/03/05/spate-of-crime-at-new-venice-beach-a-bridge-home-homeless-shelter-has-neighbors-on-edge/>

spaces for all the residents, guests, staff, and volunteers. Currently, SPY does not use their own parking lot for parking.

According to a study Venice Community Housing has cited in the Determination Letter, there should be 8-19 (.2 to .48 times 40 units equals 8-19 parking spaces) residential parking spaces, not zero. Here is what was cited:

“Fehr and Peers prepared a study, dated April 20, 2017, Infill and Complete Streets Study Task 2.1A Local Affordable Housing Trip Generation Study, that analyzed vehicle trip generation and parking demand of affordable housing project in the City.

Based on a review of 42 affordable housing sites, the study found that trip generation and parking demand were lower than standard apartments, that parking demand for senior, special needs, and permanent supportive affordable housing range from 0.20 to 0.48 spaces per unit.”

#### **Appeal Issue No. 4 – The Project is Out of Scale and “Monolithic.”**

The Project is not visually compatible with the character of the surrounding areas. It is not compatible in scale or character with the existing neighborhood and it will be detrimental to adjoining lots and the immediate neighborhood. This Project overlooks an elementary school and single-family residences. This project sets a dangerous precedent of height, scale, density, and lack of parking.

Surrounded by one-story structures. In an e-mail to City Planning, Urban Design Studio described the building as “seems monolithic.” With four stories and rooftop deck and apartment windows overlooking outdoor classroom and PE area of the neighboring elementary school, as well as shadow over nearby properties, this project is not visually compatible with the character of the surrounding area. This project violates the Coastal Act, as the unique character of the community and scenic and visual qualities of the area are not being protected.

The subject site is limited to a maximum height of 25 feet for flat roofs and 30 feet for structures with varied rooflines. VCH wants the height of the building to exceeds the limitations identified within the Specific Plan. If it exceeds the limits of the Specific Plan then it is not designed to conform to the community character of the neighborhood.

I appreciate your attention to this important issue and look forward to your prompt and written response.

Very truly yours,



Tracy Carpenter



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: June 03, 2020

Case No. CPC-2019-6069-CU-DB-CDP-CDO-SPP-MEL-WDI  
CEQA: ENV-2019-6070-CE

Council District: 11 – Bonin

**Project Site:** 2467-2471 South Lincoln Boulevard

**Applicant:** Rebecca Dennison, Venice Community Housing Corporation  
Representative: Jonathan Lonner, Burns & Bouchard Inc.

At its meeting of **May 28, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of a 2,056 square-foot auto repair shop and addition to and conversion of a 2,482 square-foot philanthropic use, in conjunction with the construction of a four-story, 30,463 square-foot, mixed-use development comprised of 39 permanent supportive housing units and one manager's unit, with 4,441 square feet of supportive services and 3,085 square feet of ground floor commercial (office) use; a total of six parking spaces are provided onsite.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to Public Resources Code, Section 21080.27(b)(1);
2. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
3. **Approved**, pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit for a 100 percent increase in density for a Housing Development Project in which the density increase is greater than the maximum 35 percent permitted in LAMC Section 12.22 A.25, allowing a total of 40 dwelling units in lieu of the 20 base units as otherwise permitted in the R3 Zone;
4. **Approved**, pursuant to LAMC Section 12.22 A.25, a Density Bonus Affordable Housing Incentive Program Review for a housing development project comprised of 40 dwelling units, of which 39 units will be set aside for Low Income Households (homeless) and one unit will be set aside as a Manager's Unit, requesting the following Incentives and Waivers of Development Standards:
  - a. An On-Menu Incentive to permit a floor area ratio (FAR) of 3:1 in lieu of the otherwise required 1.5:1 FAR;
  - b. An Off-Menu Incentive to provide 0 residential parking spaces in lieu of the 90 spaces as otherwise required by Section 13.D of the Venice Specific Plan;
  - c. An Off-Menu Incentive to provide 6 commercial parking spaces in lieu of the 14 spaces as otherwise required by Section 13.D of the Venice Specific Plan;
  - d. A Waiver of Development Standards to permit a flat roof height of 49 feet in lieu of the 25 feet as otherwise required by Section 10.G.3.a. of the Venice Specific Plan;
  - e. A Waiver of Development Standards to waive the step-back provisions for portions of the structure greater than 25 feet as otherwise required by Section 10.G.3.a. of the Venice Specific Plan; and

- f. A Waiver of Development Standards to permit a passageway of seven feet in width in lieu of the 14 feet as otherwise required by LAMC Section 12.21 C;
5. **Approved**, pursuant to LAMC Section 12.20.2, a Coastal Development Permit for Development within the Single Permit Jurisdiction of the Coastal Zone;
  6. **Approved**, pursuant to LAMC Section 13.08, a Community Design Overlay (CDO) Plan Approval for a Project in the Lincoln Boulevard CDO;
  7. **Approved**, pursuant to LAMC Section 11.5.7, a Project Permit Compliance Review for a Project within the Southeast Venice Subarea of the Venice Coastal Zone Specific Plan;
  8. **Approved**, pursuant to Sections 65590 and 65590.1 of the California Government Code and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, a Mello Act Compliance review for the construction of 40 Residential Units in the Coastal Zone; and
  9. **Approved**, pursuant to LAMC Section 12.37 I.3, a Waiver of Dedication and/or Improvements to waive the required 18-foot dedication along Lincoln Boulevard and widening and improvement of the half-roadway width;
  10. **Adopted** the attached Conditions of Approval; and
  11. **Adopted** the attached Findings.

The vote proceeded as follows:

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

**Vote: 9 – 0**

*Cecilia Lamas*

Cecilia Lamas, Commission Executive Assistant  
 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 related to the Off-Menu Incentives and Waivers of Development Standards is not appealable. All remaining actions are appealable to the Los Angeles City Council 15 days after the mailing date of this determination letter, including the City Planning Commission's decision related the On-Menu Density Bonus determination which is appealable only by 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. 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; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE: June 18, 2020**

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, Interim Appeal Filing Procedure

c: Faisal Roble, Principal City Planner  
Juliet Oh, Senior City Planner

## CONDITIONS OF APPROVAL

### Entitlement Conditions

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" attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning 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 Los Angeles Municipal Code or the project conditions.
2. **Single Permit Jurisdiction Area.** The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. The applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
3. **Residential Density.** The project shall be limited to a maximum density of 40 dwelling units.
4. **Affordable Units.** A minimum of 39 units shall be reserved for Low Income Households, as defined by Government Code Section 65915(c)(2). One manager's unit shall be provided.
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.25 (9a-d).
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 39 unit available to Low Income Households, for sale or 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 the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
7. **Floor Area Ratio (FAR) (Incentive).** The project shall be limited to a maximum floor area ratio of 2.02:1 per Exhibit "A".
8. **Residential Parking (Incentive).** Zero parking spaces are required for the 40 dwelling units.
9. **Commercial Parking (Incentive).** Six parking space are required for the change of use and addition resulting in a 3,085 square-foot office use.
10. **Height (Waiver).** The proposed building shall not exceed a maximum height of 49 feet, as measured from the midpoint of the centerline of Lincoln Boulevard to the highest point of the roof (varied roofline).
11. **Step-back (Waiver).** The required step-back for portions of the building exceeding 25 feet shall not be required.
12. **Passageway (Waiver).** A minimum passageway of seven feet shall be provided.

13. **Lincoln Boulevard (Waiver of Dedication and Improvements).** The project shall conform to the requirements outlined in the BOE letter dated January 8, 2020, except as modified herein:
- a. Dedication Required:  
A 10-foot wide easement shall be provided along the property frontage, in lieu of the required 18-foot dedication.
  - b. Improvement Required:  
A 10-foot by 50-foot public plaza shall be constructed and maintained within the required easement area. Improvements shall conform to Exhibit A and shall be constructed to the satisfaction of BOE. Close unused driveway and construct a concrete sidewalk, curb, and gutter. Construct an access ramp at the intersection with Garfield Avenue to comply with BOE standards and ADA requirements. These improvements shall suitably transition to join the existing improvements.
14. **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.
15. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A.16.
16. **Open Space.** The project shall provide open space consistent with LAMC Section 12.21-G.
17. **Landscaping.** A final landscape plan shall be submitted that is substantial conformance with the landscape plan in Exhibit "A". Open areas not used for buildings, driveways, parking areas, recreational facilities, pedestrian amenities, or walkways shall be landscaped. The landscape plan shall include an irrigation plan. Landscaping shall be maintained in good health for the life of the project.
18. **Landscaped Buffer.** As shown on the Landscape Plan included in Exhibit A, a landscaped buffer shall be provided along the lot line adjacent to residentially-zoned lots and shall include a minimum of eight trees, the trees shall be 24-inch box size with a minimum trunk diameter of two inches.
19. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
- a. Minimum depth for trees shall be 42 inches.
  - b. Minimum depth for shrubs shall be 30 inches.
  - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches
  - d. Minimum depth for an extensive green roof shall be 3 inches.
- The minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:
- a. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
  - b. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
  - c. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity)
20. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power in consultation with the Department of City Planning.

21. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
22. **Solar Panels.** A minimum of 1,740 square feet (15% of the available rooftop space) of solar panels shall be installed on the building rooftop as shown on the roof plan provided as a part of an operational photovoltaic system to be maintained for the life of the project. 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.
23. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
24. **Solar-ready Buildings.** 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.
25. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
26. **Lighting Design.** 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. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures 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.
27. **Trash.** Separate trash collection areas for residential and commercial trash collection shall be maintained, and shall also accommodate the separate collection of recyclable trash. The separate trash collection areas shall be clearly identified on final plans submitted for review and sign-off.
28. **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.

### **Administrative Conditions**

29. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
30. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

31. **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.
32. **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.
33. **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.
34. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the 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 & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
35. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
36. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
37. **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

### Entitlement Findings

#### 1. Conditional Use Permit Findings

- a. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The project site is zoned [Q]C2-1-CDO and is located within the Southeast Venice Subarea of the Venice Specific Plan. Section 10.G.2.b. of the Specific Plan provides that commercial zones are limited to the density allowed in the R3 zone, one dwelling unit for each 800 square feet of lot area. The base density permitted on the subject site is 20 dwelling units.

The State Density Bonus Law (Government Code Section 65915(n)) allows a city to grant a density bonus greater than 35 percent for a development, if permitted by a local ordinance. The City adopted the Value Capture Ordinance (Ordinance No. 185,373), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent with the approval of a Conditional Use. In exchange for the increased density, the Value Capture Ordinance requires projects to set aside one (1) additional percent of base density units above the 20 percent for Low Income Households for every additional 1.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Low Income Households	Percentage of Density Increase Granted
20	35
21	36.5
22	39
23	41.5
24	44
25	46.5
26	49
27	51.5
28	54
29	56.5
30	59
⋮	⋮
46	99
47	101.5

The applicant requests a Conditional Use to increase the density by 100 percent to allow a total of 40 units in lieu of 20 base density units. As highlighted in the table above, the applicant is required to set aside 47 percent, that is 10 units, of the 20 base density units for Low Income Households in exchange for the 100-percent density increase requested.

The applicant proposes to set aside 39 units for Low Income Households. As such, the project satisfies the minimum percentage of base density to be restricted to Low Income Households to be eligible for a 100-percent density increase.

According to the 2013 Housing Element of the City of Los Angeles General Plan, pages 1-14, 29 percent of total households in the City are in the Very Low Income Category and 16.1 percent are in the Low Income Category; therefore, almost half of the City's residents are in the Very Low or Low Income Categories. Additionally, the Housing Element shows that of the 29 percent Very Low Income Households, 82 percent are renters and 18 percent are owners; and of the 16.1 percent Low Income households, 73 percent are renters and 27 percent are owners, demonstrating that a significant number of Los Angeles' Very Low and Low Income Households are renters. The City has determined that the shortage of affordable housing is an ongoing crisis in the City of Los Angeles. The increased intensity and density of the proposed development will be offset by the project's ability to provide the number of affordable units required by the City's Density Bonus policy. Therefore, the proposed project would provide a service that is essential and beneficial to the community, city and region.

- b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The proposed project involves the demolition of a 2,056 square-foot auto repair shop and addition to and conversion of a 2,482 square-foot philanthropic use, in conjunction with the construction, use, and maintenance of a four-story, 30,463 square-foot, mixed-use development comprised of 39 permanent supportive housing units and one manager's unit with 4,441 square feet of supportive services and 3,085 square feet of ground floor commercial (office) use; a total of six parking spaces are provided onsite.

The subject site is 15,986 square feet and is zoned [Q]C2-1-CDO. The Venice Specific Plan allows the R3 density for development of commercially zoned lots, which allows one dwelling unit for each 800 square feet of lot area. The project site is permitted a base density of 20 dwelling units. In accordance with the State Density Bonus Law (Government Code Section 65915) and the City's Density Bonus Ordinance, the project is eligible for a 35-percent density bonus for setting aside at least 20 percent or four (4) units for Low Income Households, allowing an additional seven (7) dwelling units, a density of 27 dwelling units. The applicant requests a Conditional Use to increase the base density by 100 percent to allow a total of 40 units in lieu of 20 base density units, allowing 13 units in addition to the seven (7) units permitted by the 35% density bonus.

The project site is located in an urbanized area, surrounded by commercial, institutional, and residential uses. The property fronts Lincoln Boulevard to the north, a portion of the lot fronts Garfield Avenue to the east. Properties north of Lincoln Boulevard are zoned [Q]C2-1-CDO and developed with one-story commercial structures, comprised of car wash and retail uses. The property adjoining the site to the west is zoned [Q]C2-1-CDO and developed with a McDonalds fast food restaurant and parking lot. The property adjoining the site to the east is zoned [Q]C2-1-CDO and developed with a one-story private school (extension building), part of the Saint Mark School. The property adjoining the site to the south is zoned R2-1 and developed with a surface parking lot for the Saint Mark's Church; the church and private school are located along Coeur D'Alene Avenue south of the parking lot area.

Lincoln Boulevard is characterized by a mix of commercial structures ranging from one to four stories in height (up to 45 feet in height), proximate to the subject site, and structures

up to 19 stories approximately 0.5 miles southwest of the site. The commercial properties on Lincoln Boulevard are subject to the limitations of Height District 1, which does not designate a maximum height limit. The subject site and properties south of Lincoln Boulevard are limited to a maximum height of 25 feet for flat roofs and 30 feet for structures with varied (slope greater than 2:12) rooflines. The properties along the north side of Lincoln Boulevard are not subject to a height limitation.

The proposed four-story, 49-foot-tall mixed-use structure contains commercial uses on the ground level and multi-family residential uses above, consistent with the provisions of the certified LUP. The ground level maintains an existing zero-ft setback along Lincoln Boulevard with a recessed entrance, a depth of 18 feet, to allow a public plaza area. The residential levels are set back seven feet from Lincoln Boulevard and along the sides and rear of the property. The fourth floor is sited closer to Lincoln Boulevard and the central areas of the lot and also incorporates open decks and corridors, reducing the massing along the residential neighborhood to the south and east. The proposed development is designed with setbacks, open areas, recessed entries, and windows to reduce the overall scale and massing of the structure. While structures immediately adjacent to the site are one to two stories in height, the proposed development is visually compatible with the scale and character of the Lincoln Boulevard corridor and is designed to be visually compatible with the massing of the surrounding area. The project includes improvements on the ground level to enhance the pedestrian realm: closing a driveway on Lincoln Boulevard, creating a public plaza area, and rebuilding sidewalk areas. The proposed project and new landscaping will further enhance the visual quality of the site, replacing an auto repair shop.

Lincoln Boulevard is zoned and designated for residential and commercial uses and identified as a Mixed-Use Boulevard in the Venice Community Plan. The proposed four-story, 49-foot-tall structure is contains commercial and residential uses uses similar to that of the existing uses in the area and is designed to be compatible with the massing and scale of the surrounding neighborhood and corridor. Therefore, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

**c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The project site is located within the Venice Community Plan, which is one of 35 Community Plans forming the Land Use Element of the General Plan. Properties within the Venice Coastal Zone are also subject to the provisions of the Venice Coastal Zone Land Use Plan (LUP), which was adopted by means of a plan amendment to the Community Plan. The Community Plan and LUP designate the project site as a General Commercial land use designation, with corresponding zones of C1.5, C2, C4, CR, RAS3, and RAS4. The project site is zoned [Q]C2-1-CDO.

The project is in substantial conformance with the purposes, intent, and provisions of General Plan, Community Plan, and Specific Plan.

Housing Element

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes 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 proposed project would be in conformance with following goals, objectives and policies of the Housing Element as described below:

*GOAL 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.*

*Objective 1.1 Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*

*Policy 1.1.2 Expand affordable rental housing for all income groups that need assistance.*

*Objective 1.2 Preserve quality rental and ownership housing for households of all income levels and special needs*

*Policy 1.2.2 Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.*

*GOAL 4: A City committed to preventing and ending homelessness.*

*Objective 4.1 Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness.*

*Policy 4.1.1 Ensure an adequate supply of emergency and temporary housing for people who are homeless or are at risk of becoming homeless, including people with disabilities.*

*Policy 4.1.3 Provide permanent supportive housing options with services for homeless persons and persons/families at risk of homelessness to ensure that they remain housed and get the individualized help they may need.*

*Policy 4.1.6 Provide housing facilities and supportive services for the homeless and special needs populations throughout the City, and reduce zoning and other regulatory barriers to their placement and operation in appropriate locations.*

The project proposes the construction of 40 dwelling units, of which 39 units will be permanent supportive housing units; one manager's unit will be provided. The proposed development provides affordable housing for those who have experienced chronic homelessness and are at risk of homelessness, within a coastal community. The dwelling units are comprised of a wide range of unit types, providing studio, one-bedroom, and two-bedroom units. As such, the project conforms to the Housing Element of the General Plan.

#### Land Use Element – Venice Community Plan

The Venice Community Plan was adopted by City Council on September 29, 2000. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services, which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The proposed project is in conformance with the following policies and objectives of the Venice Community Plan:

*Objective 1-1 To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.*

*Policy 1-1.2 Protect the quality of the residential environment and the appearance of communities with attention to site and building design.*

*Objective 1-2 To reduce vehicular trips and congestion by developing new housing in proximity to services and facilities.*

*Policy 1-2.1 Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.*

*Policy 1-2.2 Encourage multiple-family residential development in commercial zones.*

*Objective 1-4 To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.*

*Policy 1-4.1 Promote greater individual choice in type, quality, price and location of housing.*

*Policy 1-4.2 Ensure that new housing opportunities minimize displacement of residents.*

*Objective 2-2 To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.*

*Policy 2-2.1 Encourage pedestrian-oriented uses and mixed-use in designated areas.*

The project proposes the construction of 40 dwelling units: 39 permanent supportive housing units for Homeless – Low Income Households and 1 manager's unit. The project also provides 4,441 square feet of supportive services onsite and will maintain and expand an existing office space for the Safe Place for Youth nonprofit organization. The supportive housing project provides 28 studio units, nine (9) one-bedroom units, and three (3) two-bedroom units. The project will provide affordable housing in close proximity to transit stations, including Metro Local Lines 33, Metro Rapid Line 733, Culver City Lines 1 and 2, and Big Blue Bus Route 3. The proposed project would construct a mixed-use development on commercially zoned lot along a commercial corridor, where mixed-use development is encouraged. The ground floor contains a commercial (office) use and incorporates a public plaza area, entrances, and transparent facades that enhance the pedestrian realm. As such, the project conforms to the Venice Community Plan.

#### Land Use Element – Certified Venice Land Use Plan

The Venice Land Use Plan was adopted by the City Council on October 29, 1999 and certified by the California Coastal Commission on June 14, 2001. The LUP is part of the Local Coastal Program intended for the Venice Coastal Zone. However the necessary Implementation Plan was not adopted. The LUP was adopted by means of a plan amendment to the Community Plan and provides policies applicable to development in the Venice Coastal Zone. The proposed project is in conformance with the following policies and objectives of the Venice Land Use Plan:

*Policy I.A.14. Parking Requirements for Affordable Housing. Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A.13; and b) it is demonstrated that the prospective occupants of the project will have a reduced demand*

*for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.*

*Policy I. B. 2. Mixed-Use Development. Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area and shall comply with the Floor Area Ratio (FAR) limits set forth in Policy I.B.7. The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.*

*Policy I. B. 4. General Commercial Land Use. This land use designation is intended to maintain the uses, density, and character of existing low intensity commercial areas. Neighborhood commercial facilities shall also be encouraged within designated General Commercial corridors which are adjacent to residential neighborhoods. This designation primarily occurs at the intersections of major and secondary streets, or as low rise, low density linear “strip” development along major and secondary streets, and includes areas identified as “Mixed-Use Boulevards”.*

*Policy I. E. 2. Scale. New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.*

The proposed mixed-use Permanent Supportive Housing development consists of the development of 39 supportive housing units (Low Income Households) 4,441 square feet of supportive services, and a 603 square foot addition to an existing philanthropic office use. The applicant requests Density Bonus Affordable Housing on-menu incentives and waivers of development standards to allow a total project size of 30,463 square feet, a maximum height of 49 feet, zero residential parking spaces, and six parking spaces for the office use.

The proposed development is located within a quarter-mile of local and regional bus lines (Culver City, Big Blue Bus and Metro Rapid) and adjacent to bicycle-friendly streets that connect to dedicated lanes on Washington Boulevard and other shared lanes. Furthermore, the 100 percent affordable housing project is comprised of supportive housing units that are not expected to have the same parking demand as market rate units. Fehr and Peers prepared a study, dated April 20, 2017, *Infill and Complete Streets Study Task 2.1A Local Affordable Housing Trip Generation Study*, that analyzed vehicle

trip generation and parking demand of affordable housing project in the City. Based on a review of 42 affordable housing sites, the study found that trip generation and parking demand were lower than standard apartments, that “parking demand for senior, special needs, and permanent supportive affordable housing range from 0.20 to 0.48 spaces per unit and are lower than the parking requirements under the LAMC Affordable Housing Density Bonus Option 2 (LAMC 12.22A.25(d)(2)) for units restricted to low or very low income senior citizen or disabled (0.5 spaces per unit).” The proposed supportive housing project meets the definition of a Qualified Permanent Supportive Housing Project and satisfies the requirements outlined in LAMC Section 14.00 A.13. Pursuant to LAMC Section 14.00 A.13(d)(2)(i), no parking spaces are required for the dwelling units set aside for the Target Population (supportive housing for chronically homeless individuals). As such, the proposed zero residential parking spaces is consistent with the policies for affordable housing and reduced parking of the LUP.

The mixed-use development will be located on Lincoln Boulevard, a corridor identified as a Mixed-Use Boulevard in the Venice Community Plan. The ground floor consists of 3,085 square feet of existing and new philanthropic office space, housing the Safe Place for Youth nonprofit organization. The proposed project would maintain the existing ground floor façade and includes improvements for increased transparency, a public plaza area with landscaping and seating areas, and a new sidewalk area.

The properties north of Lincoln Boulevard are zoned [Q]C2-1-CDO and developed with one-story commercial structures, comprised of car wash and retail uses. The property adjoining the site to the west is zoned [Q]C2-1-CDO and developed with a McDonalds fast food restaurant and parking lot. The property adjoining the site to the east is zoned [Q]C2-1-CDO and developed with a one-story private school (extension building), part of the Saint Mark School. The property adjoining the site to the south is zoned R2-1 and developed with a surface parking lot for the Saint Mark’s Church; the church and private school are located along Coeur D’Alene Avenue south of the parking lot area.

Lincoln Boulevard is characterized by a mix of commercial structures ranging from one to four stories in height (up to 45 feet in height), proximate to the subject site, and structures up to 19 stories approximately 0.5 miles southwest of the site. The commercial properties on Lincoln Boulevard are subject to the limitations of Height District 1, which does not designate a maximum height limit. The subject site and properties south of Lincoln Boulevard are limited to a maximum height of 25 feet for flat roofs and 30 feet for structures with varied (slope greater than 2:12) rooflines. The properties along the north side of Lincoln Boulevard are not subject to a height limitation.

The proposed four-story, 49-foot-tall mixed-use structure contains commercial uses on the ground level and multi-family residential uses above, consistent with the provisions of the certified LUP. The ground level maintains an existing zero-ft setback along Lincoln Boulevard with a recessed entrance, a depth of 18 feet, to allow a public plaza area. The residential levels are set back seven feet from Lincoln Boulevard and along the sides and rear of the property. The fourth floor is sited closer to Lincoln Boulevard and the central areas of the lot and also incorporates open decks and corridors, reducing the massing along the residential neighborhood to the south and east. The proposed development is designed with setbacks, open areas, recessed entries, and windows to reduce the overall scale and massing of the structure. While structures immediately adjacent to the site are one to two stories in height, the proposed development is visually compatible with the scale and character of the Lincoln Boulevard corridor and is designed to be visually compatible with the massing of the surrounding area. The project includes improvements on the ground level to enhance the pedestrian realm: closing an driveway on Lincoln Boulevard, creating a public plaza area, and rebuilding sidewalk areas. The proposed

project and new landscaping will further enhance the visual quality of the site, replacing an auto repair shop.

Venice Coastal Zone Specific Plan

The Specific Plan was adopted by the City Council on December 2, 2003. As discussed in Finding No. 5 below, the project is in conformance with the applicable regulations of the Venice Coastal Zone Specific Plan.

**d. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.**

The proposed project would be in conformance with following affordable housing provisions of the Housing Element as described below:

*Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*

*Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.*

*Policy 1.2.8: Preserve the existing stock of affordable housing near transit stations and transit corridors. Encourage one-to-one replacement of demolished units.*

*Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.*

*Objective 4.1: Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness.*

*Policy 4.1.3: Provide permanent supportive housing options with services for homeless persons and persons/families at risk of homelessness to ensure that they remain housed and get the individualized help they may need.*

*Policy 4.1.4: Target chronically homeless individuals and prioritize the most vulnerable among them for services and Permanent Supportive Housing, including through the coordination of service provision and the efficient access to information so as to rapidly match available services to those in need of services*

In granting a Conditional Use for a 100 percent density increase, affordable housing is required beyond the minimum percentage required per the State Density Bonus Law and the City's Density Bonus Ordinance. This ensures that the project provides a proportional amount of affordable housing units compared to the density increase it is seeking. In this case, the project is required to set aside 47 percent, that is 10 units, of the 20 base density units for Low Income Households in exchange for the 100 percent density increase requested. The project proposes to set aside 39 units for Low Income, thereby complying with the requisite percentage of affordable housing units for the 100 percent density increase.

The project proposes the construction of 40 dwelling units: 39 permanent supportive housing units for Homeless – Low Income Households and 1 manager's unit. The project also provides 4,441 square feet of supportive services onsite and will maintain and expand an existing office space for the Safe Place for Youth nonprofit organization. The supportive

housing project provides 28 studio units, nine (9) one-bedroom units, and three (3) two-bedroom units. The project will provide affordable housing in close proximity to transit stations, including Metro Local Lines 33, Metro Rapid Line 733, Culver City Lines 1 and 2, and Big Blue Bus Route 3. Therefore, the Permanent Supportive Housing Project is consistent with the affordable housing provisions of the Housing Element of the General Plan.

- e. **The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:**
- A. **11% Very Low Income Units for a 35% density increase; or**
  - B. **20% Low Income Units for a 35% density increase; or**
  - C. **40% Moderate Income Units for a 35% density increase in for-sale projects.**

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

- D. **For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or**
- E. **For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or**
- F. **For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or**
- G. **In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.**

The project site is zoned [Q]C2-1-CDO and is located within the Southeast Venice Subarea of the Venice Specific Plan. Section 10.G.2.b. of the Specific Plan provides that commercial zones are limited to the density allowed in the R3 zone, one dwelling unit for each 800 square feet of lot area. The base density permitted on the subject site is 20 dwelling units. The project is permitted a 35 percent density increase in exchange for setting aside 20 percent or four (4) units, of the 20 base density units for Low Income Households.

The project is permitted an additional density increase beyond 35 percent by setting aside one (1) additional percent of base density units above the 20 percent for Low Income Households for every additional 1.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Low Income Households based on the percentage of density increase.

<b>Percentage of Base Density to be Restricted to Low Income Households</b>	<b>Percentage of Density Increase Granted</b>
20	35
21	36.5
22	39
23	41.5
24	44
25	46.5

26	49
27	51.5
28	54
29	56.5
30	59
:	:
46	99
47	101.5

The applicant requests a Conditional Use to increase the density by 100 percent to allow a total of 40 units in lieu of 20 base density units. As highlighted in the table above, the applicant is required to set aside 47 percent, that is 10 units, of the 20 base density units for Low Income Households in exchange for the 100-percent density increase requested. The applicant proposes to set aside 39 units for Low Income Households. As such, the project satisfies the minimum percentage of base density to be restricted to Low Income Households to be eligible for a 100-percent density increase

- f. The project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3).**

The subject site does not contain any dwelling units. As such, no replacement units are required.

- g. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code.**

The applicant proposes to set aside a total of 39 units for Restricted Affordable Units. Per the Conditions of Approval, the applicant is required to execute a covenant to the satisfaction of HCIDLA to make 39 Restricted Affordable Units available to Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. The applicant is required to present a copy of the recorded covenant to the Department of City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA.

- h. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.**

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus

Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 100-percent density increase above the 20 base density units to permit a total of 40 dwelling units. The project will set aside 39 units for Low Income Households. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

## 2. Density Bonus/Affordable Housing Incentives Program Review Findings

The applicant requests a 35 percent Density Bonus and one (1) On-Menu Incentive, two (2) Off-Menu Incentives, and three (3) Waivers of Development Standards, as listed below:

- a. An **On-Menu Incentive** to permit a floor area ratio (FAR) of 3:1 in lieu of the otherwise required 1.5:1 FAR,
- b. An **Off-Menu Incentive** to provide 0 residential parking spaces in lieu of the 90 spaces as otherwise required by Section 13.D of the Venice Specific Plan,
- c. An **Off-Menu Incentive** to provide 6 commercial parking spaces in lieu of the 14 spaces as otherwise required by Section 13.D of the Venice Specific Plan,
- d. A **Waiver of Development Standards** to permit a flat roof height of 49 feet in lieu of the 25 feet as otherwise required by Section 10.G.3.a. of the Venice Specific Plan,
- e. A **Waiver of Development Standards** to waive the step-back provisions for portions of the structure greater than 25 feet as otherwise required by Section 10.G.3.a. of the Venice Specific Plan,
- f. A **Waiver of Development Standards** to permit a passageway of seven feet in width in lieu of the 14 feet as otherwise required by LAMC Section 12.21-C.

Following is a delineation of the findings related to the request for the On-Menu Incentives pursuant to Government Code 65915 and LAMC 12.22.A.25. By law, the Commission shall approve a Density Bonus and requested Incentives unless the Commission makes a finding based on substantial evidence 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 identifiable and actual cost reduction 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 list of On-Menu Incentives in LAMC Section 12.22 A.25 was 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 Planning Department will always arrive at the conclusion that the Density Bonus On-Menu Incentives provide identifiable and actual cost reductions that provide for affordable housing costs, because the Incentives by their nature increase the scale of the project, allow the construction of increased residential floor area, allow for processing, and construction and design efficiencies.

Based on the set-aside of 20 percent of base units for Low Income households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the first On- and Off-Menu requests qualify as the proposed development's Incentives. The remaining requests must be processed as a Waivers of Development Standard.

*Floor Area Ratio (FAR).* The project site is zoned [Q]C2-1-CDO and has a buildable area of 15,086 square feet. The C2 zone allows a maximum FAR of 1.5:1 and a maximum floor area of 22,629 square feet on the project site. The applicant requests an On-Menu Incentive for an FAR of 3:1. The project proposes a maximum floor area of 30,643 square feet, an FAR of 2.02.

<b>Required and Proposed Floor Area</b>				
Lot Area (SF)	Buildable Area (SF)	By Right FAR	Maximum Floor Area By Right (SF)	Additional Floor Area
15,986 SF	15,086 SF	1.5:1	22,629 SF	-
		Requested FAR	Maximum Floor Area Permitted with Incentive (SF)	Additional Floor Area Created (SF)
		3:1	45,258 SF	22,629 SF
		Proposed FAR	Maximum Floor Area Proposed (SF)	Additional Floor Area Created (SF)
		<b>2.02:1</b>	<b>30,643</b>	<b>8,014 SF</b>

The requested On-Menu Incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential use is increased.

*Residential Parking Reduction.* Section 13.D of the Venice Specific Plan requires two parking spaces for each dwelling unit and one guest parking space for every four dwelling units. Compliance with the residential parking requirement would require 90 parking spaces to be provided. Due to the physical constraints of the site and limited space at grade level, the applicant would be required to provide any required parking spaces below ground. According to a study of parking costs by the Victoria Transport Policy Institute, the average cost of a parking space in Los Angeles is more than \$20,000 (Parking Costs, March 2020). The average cost would increase between 15 to 45 percent for subterranean parking, due to the needs for more expensive structural and foundation systems (Wendler, 2014). Providing the total required parking would increase the cost of construction by more than one million dollars, the additional cost be substantially increased by the need to

provide subterranean levels. As such, the requested Incentive would provide identifiable and actual cost reductions that provide for affordable housing costs.

*Commercial Parking Reduction.* Section 13.D of the Venice Specific Plan requires one parking space for each 250 square feet of floor area for office uses. The proposed mixed-use project includes the conversion of a 2,482 square-foot philanthropic use to an office use and an addition, resulting in a 3,085 square-foot office use. Compliance with the commercial parking requirement would require a total of 14 parking spaces: maintaining 7 existing spaces and providing 7 additional spaces for the change of use and addition. Due to the physical constraints of the site and limited space at grade level, the applicant would be required to provide any required parking spaces below ground. According to a study of parking costs by the Victoria Transport Policy Institute, the average cost of a parking space in Los Angeles is more than \$20,000 (Parking Costs, March 2020). The average cost would increase between 15 to 45 percent for subterranean parking, due to the needs for more expensive structural and foundation systems (Wendler, 2014). Providing the total required parking would increase the cost of construction by more than \$160,000, the additional cost be substantially increased by the need to provide subterranean levels. As such, the requested Incentive would provide identifiable and actual cost reductions that provide for affordable housing costs.

- b. The incentive(s) 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 (Gov. Code 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

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

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

Following is a delineation of the findings related to the request for the Waiver of Development Standards, pursuant to Government Code Section 65915.

Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested Waivers of Development Standard(s) unless the Commission finds that:

**d. The waiver(s) or reduction(s) of development standard(s) are contrary to state or federal law.**

A project that provides 20 percent of base units for Low Income Households qualifies for three (3) Incentives, and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following are recommended as Waivers of Development Standards. Without the below Waivers, the existing development standards would physically preclude development of the base units, proposed density bonus units, build out of the incentives, and project amenities:

*Increase in Building Height.* Section 10.G.3.a. of the Venice Specific Plan allows a maximum building height of 25 feet for flat rooflines and 30 feet for varied rooflines (slope greater than 2:12). Compliance with the height requirements would limit the development to a height of 25 feet, requiring the removal of two residential levels containing 24 dwelling units. The project proposes 40 dwelling units of which 39 are set aside as permanent supportive housing units for Low Income Households. Without the waiver, to allow a building height of 49 feet, the applicant would be physically precluded from constructing the third and fourth level which contains 24 affordable dwelling units.

*Step-back Requirement.* Section 10.G.3.a. of the Venice Specific Plan requires a stepback of one foot for every increase height above 25 feet, to a maximum height of 30 feet. Compliance with the step-back requirement would limit the development to a height of 25 feet, requiring the removal of two residential levels containing 24 dwelling units. The project proposes 40 dwelling units of which 39 are set aside as permanent supportive housing units for Low Income Households. Without the waiver, to allow a building height of 49 feet, the applicant would be physically precluded from constructing the third and fourth level which contains 24 affordable dwelling units.

*Passageway Reduction.* LAMC Section 12.21 C. requires a 14-foot-wide passageway from the street to the main residential entrance. Strict compliance with the passageway requirement would physically preclude the development of the proposed 39 permanent supportive housing units. The applicant requests a waiver of the required passageway, to allow a 7-foot-wide passageway from the street to the residential entrance. Compliance with the passageway requirement would require the removal of floor area that could otherwise be dedicated to the number, configuration, and livability of affordable housing units. By waiving this development standard, the applicant will not be physically precluded from constructing the proposed development with 40 units, of which 39 are affordable dwelling units.

**e. The waiver will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no substantial evidence in the record that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25(e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

### 3. Coastal Development Permit

#### a. *The development is in conformity with Chapter 3 of the California Coastal Act of 1976.*

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. The applicable provisions are as follows:

#### Article 2 Public Access

*Section 30211 Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*Section 30212 (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

The proposed mixed-use development consists of permanent supportive housing units for homeless individuals and families, supportive services, and will maintain and expand existing commercial uses on the ground floor. The proposed project is located more than a mile from the beach, in an urbanized area, within a commercial corridor, and adjacent to institutional, commercial, and residential uses. The project fronts Lincoln Boulevard, designated as a Boulevard I to a right-of-way width to 136 feet and roadway width of 100 feet. The proposed development is limited to the subject property, maintains a 10-foot-wide sidewalk, and will close an existing driveway on Lincoln Boulevard; vehicle access will be provided on Garfield Avenue. As such, the project conforms to the applicable Public Access policies of Chapter 3.

#### Article 5 Land Resources

*Section 30240 requires the protection of environmentally sensitive habitat areas and to prevent significant impacts on such areas.*

*Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources.*

The property is located along a commercial corridor, adjacent to commercial, institutional, and residential uses. The subject site is developed with a philanthropic office, auto repair shop, and surface parking areas. The site is not identified as an environmentally sensitive habitat area and is located in a highly urbanized area of the City and has been subject to past disturbance, including the construction of various types of land uses. Any archaeological resources that may have existed near the Project Site surface are likely to have been disturbed or previously removed. If previously unknown archaeological resources are found during excavation and grading, the Project would be required to follow procedures detailed in California Public Resources Code Section 21083.2. The required compliance would ensure any found deposits are treated in accordance with federal, State, and local guidelines, including those set forth in PRC Section 21083.2. If archaeological or paleontological resources are discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place, Regulatory Compliance Measures CR-3 and CR-4. As such, the project conforms to the applicable Land Resources policies of Chapter 3.

#### Article 6 Development

*Section 30250 New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...*

The proposed project is located more than a mile from the beach, in an urbanized area, within a commercial corridor, and adjacent to institutional, commercial, and residential uses. The project fronts Lincoln Boulevard, designated as a Boulevard I to a right-of-way width to 136 feet and roadway width of 100 feet. The proposed mixed-use development will be integrated into the existing utility infrastructure network, comprised of several service providers. In addition, the project area is within the service area of the Los Angeles Fire Department Station 63 and the Pacific Division of the Los Angeles Police Department. The project is not adjacent to or abutting the beach, waterway, or wetland area, and development is limited to the property.

*Section 30251 The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project consists of a four-story, 30,463 square-foot mixed-use development, providing six parking spaces on the ground level. The project fronts Lincoln Boulevard, a commercial corridor to the north and Garfield Avenue to the east. The applicant requests a density bonus affordable housing on-menu incentive to allow an increase in the permitted floor area ratio, proposing an FAR of 2.02:1 and waivers of development standards to allow a maximum building height of 49 feet, in lieu of the permitted 25 feet, as well as reduced side yards, passageway, and parking.

The properties north of Lincoln Boulevard are zoned [Q]C2-1-CDO and developed with one-story commercial structures, comprised of car wash and retail uses. The property adjoining the site to the west is zoned [Q]C2-1-CDO and developed with a McDonalds fast food restaurant and parking lot. The property adjoining the site to the east is zoned [Q]C2-1-CDO and developed with a one-story private school (extension building), part of the Saint Mark School. The property adjoining the site to the south is zoned R2-1 and developed with a surface parking lot for the Saint Mark's Church; the church and private school are located along Coeur D'Alene Avenue south of the parking lot area.

Lincoln Boulevard is characterized by a mix of commercial structures ranging from one to four stories in height (up to 45 feet in height), proximate to the subject site, and structures up to 19 stories approximately 0.5 miles southwest of the site. The commercial properties on Lincoln Boulevard are subject to the limitations of Height District 1, which does not designate a maximum height limit. The subject site and properties south of Lincoln Boulevard are limited to a maximum height of 25 feet for flat roofs and 30 feet for structures with varied (slope greater than 2:12) rooflines. The properties along the north side of Lincoln Boulevard are not subject to a height limitation.

The subject site does not contain natural landforms nor does it maintain views of the ocean. The proposed four-story, 49-foot-tall mixed-use structure contains commercial uses on the ground level and multi-family residential uses above, consistent with the provisions of the certified LUP. The ground level maintains an existing zero-foot setback along Lincoln Boulevard with a recessed entrance, a depth of 18 feet, to allow a public plaza area. The residential levels are set back seven feet from Lincoln Boulevard and along the sides and rear of the property. The fourth floor is sited closer to Lincoln Boulevard and the central areas of the lot and also incorporates open decks and corridors, reducing the massing along the residential neighborhood to the south and east. The proposed development is designed with setbacks, open areas, recessed entries, and windows to reduce the overall scale and massing of the structure. While structures immediately adjacent to the site are one to two stories in height, the proposed development is visually compatible with the character of the Lincoln Boulevard corridor and is designed to be visually compatible with the surrounding area. The project includes improvements on the ground level to enhance the pedestrian realm: closing an driveway on Lincoln Boulevard, creating a public plaza area, and rebuilding sidewalk areas. The proposed project and new landscaping will further enhance the visual quality of the site, replacing an auto repair shop.

*Section 30252 The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

The proposed permanent supportive housing project will maintain and enhance public access to the coast by providing 40 new dwelling units for homeless individuals and families in the coastal zone. A total of six parking spaces are provided for the office use and 42 bicycle parking spaces are provided. The project will improve pedestrian access on Lincoln Boulevard by closing a driveway and reconstructing a sidewalk on Lincoln

Boulevard. The development is located along the Lincoln Boulevard corridor, which provides access to public transit including Metro Local Lines 33, Metro Rapid Line 733, Culver City Lines 1 and 2, and Big Blue Bus Route 3. The Project provides approximately 4,638 square feet of usable open space on the ground level, second level courtyard, and fourth level. The ground level features a 962 square-foot public plaza, the second floor provides a 1,381 square-foot central courtyard, and the fourth floor provides 2,295 square feet of open space areas with a deck and rooftop gardens.

*Section 30253 states new development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The subject site is located within a liquefaction area and within 5.3 kilometers of the Santa Monica Fault. As such, the project is subject to compliance with Zoning and Building Code requirements that will minimize risks to life and property in such hazard areas. The property is also located within Zone X, outside of the Flood Zone and is not within areas that could potentially be affected by Sea Level Rise.

The proposed development will have no adverse impacts on public access, recreation, public views, or the marine environment. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, to a maximum height of 49 feet, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

- b. The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.***

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program (“LCP”), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan (“LUP”) was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

The subject site is located within the Southeast Venice Subarea with a land use designation of General Commercial and zoned [Q]C2-1-CDO. Chapter II of the LUP outlines the land use policies for new development in the Venice Coastal Zone.

The following are applicable policies from the certified LUP:

*Policy I.A. 14. Parking Requirements for Affordable Housing. Reduced parking is permitted for low income units only if: a) the project is consistent with LUP policy I.A. 13; and b) it is*

*demonstrated that the prospective occupants of the project will have a reduced demand for parking. However, if a unit changes its status from low or low-moderate income to market rate unit, parking should be provided for market rate units according to the parking standards listed in LUP Policies II.A.3 and II.A.4.*

*Policy I. B. 2. Mixed-Use Development. Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area and shall comply with the Floor Area Ratio (FAR) limits set forth in Policy I.B.7. The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.*

*Policy I. B. 4. General Commercial Land Use. This land use designation is intended to maintain the uses, density, and character of existing low intensity commercial areas. Neighborhood commercial facilities shall also be encouraged within designated General Commercial corridors which are adjacent to residential neighborhoods. This designation primarily occurs at the intersections of major and secondary streets, or as low rise, low density linear “strip” development along major and secondary streets, and includes areas identified as “Mixed-Use Boulevards”.*

*Policy I. E. 2. Scale. New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.*

The proposed mixed-use Permanent Supportive Housing development consists of the development of 39 supportive housing units (Low Income Households) 4,441 square feet of supportive services, and a 603 square foot addition to an existing philanthropic office use. The applicant requests Density Bonus Affordable Housing on-menu incentives and waivers of development standards to allow a total project size of 30,463 square feet, a maximum height of 49 feet, zero residential parking spaces, and six parking spaces for the office use.

The proposed development is located within a quarter-mile of local and regional bus lines (Culver City, Big Blue Bus and Metro Rapid) and adjacent to bicycle-friendly streets that connect to dedicated lanes on Washington Boulevard and other shared lanes. Furthermore, the 100 percent affordable housing project is comprised of supportive housing units that are not expected to have the same parking demand as market rate units. Fehr and Peers prepared a study, dated April 20, 2017, *Infill and Complete Streets*

*Study Task 2.1A Local Affordable Housing Trip Generation Study*, that analyzed vehicle trip generation and parking demand of affordable housing project in the City. Based on a review of 42 affordable housing sites, the study found that trip generation and parking demand were lower than standard apartments, that “parking demand for senior, special needs, and permanent supportive affordable housing range from 0.20 to 0.48 spaces per unit and are lower than the parking requirements under the LAMC Affordable Housing Density Bonus Option 2 (LAMC 12.22A.25(d)(2)) for units restricted to low or very low income senior citizen or disabled (0.5 spaces per unit).” The proposed supportive housing project meets the definition of a Qualified Permanent Supportive Housing Project and satisfies the requirements outlined in LAMC Section 14.00 A.13. Pursuant to LAMC Section 14.00 A.13(d)(2)(i), no parking spaces are required for the dwelling units set aside for the Target Population (supportive housing for chronically homeless individuals). As such, the proposed zero residential parking spaces is consistent with the policies for affordable housing and reduced parking of the LUP.

The mixed-use development will be located on Lincoln Boulevard, a corridor identified as a Mixed-Use Boulevard in the Venice Community Plan. The ground floor consists of 3,085 square feet of existing and new philanthropic office space, housing the Safe Place for Youth nonprofit organization. The proposed project would maintain the existing ground floor façade and includes improvements for increased transparency, a public plaza area with landscaping and seating areas, and a new sidewalk area.

The properties north of Lincoln Boulevard are zoned [Q]C2-1-CDO and developed with one-story commercial structures, comprised of car wash and retail uses. The property adjoining the site to the west is zoned [Q]C2-1-CDO and developed with a McDonalds fast food restaurant and parking lot. The property adjoining the site to the east is zoned [Q]C2-1-CDO and developed with a one-story private school (extension building), part of the Saint Mark School. The property adjoining the site to the south is zoned R2-1 and developed with a surface parking lot for the Saint Mark’s Church; the church and private school are located along Coeur D’Alene Avenue south of the parking lot area.

Lincoln Boulevard is characterized by a mix of commercial structures ranging from one to four stories in height (up to 45 feet in height), proximate to the subject site, and structures up to 19 stories approximately 0.5 miles southwest of the site. The commercial properties on Lincoln Boulevard are subject to the limitations of Height District 1, which does not designate a maximum height limit. The subject site and properties south of Lincoln Boulevard are limited to a maximum height of 25 feet for flat roofs and 30 feet for structures with varied (slope greater than 2:12) rooflines. The properties along the north side of Lincoln Boulevard are not subject to a height limitation.

The proposed four-story, 49-foot-tall mixed-use structure contains commercial uses on the ground level and multi-family residential uses above, consistent with the provisions of the certified LUP. The ground level maintains an existing zero-ft setback along Lincoln Boulevard with a recessed entrance, a depth of 18 feet, to allow a public plaza area. The residential levels are set back seven feet from Lincoln Boulevard and along the sides and rear of the property. The fourth floor is sited closer to Lincoln Boulevard and the central areas of the lot and also incorporates open decks and corridors, reducing the massing along the residential neighborhood to the south and east. The proposed development is designed with setbacks, open areas, recessed entries, and windows to reduce the overall scale and massing of the structure. While structures immediately adjacent to the site are one to two stories in height, the proposed development is visually compatible with the scale and character of the Lincoln Boulevard corridor and is designed to be visually compatible with the massing of the surrounding area. The project includes improvements on the ground level to enhance the pedestrian realm: closing an driveway on Lincoln

Boulevard, creating a public plaza area, and rebuilding sidewalk areas. The proposed project and new landscaping will further enhance the visual quality of the site, replacing an auto repair shop.

- c. *The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.***

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources.” On June 14, 2001, the Coastal Commission certified the Venice Coastal Zone Land Use Plan (LUP), which provides policies and development standards to guide development in the Venice Coastal Zone. As discussed in Finding No. 3.b, the proposed development is consistent with the applicable policies of the certified LUP.

- d. *The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.***

The project consists of the construction of a mixed-use development comprised of 3,085 square feet of office use and 40 affordable housing units (permanent supportive housing) within the single permit jurisdiction of the Coastal Zone. The local jurisdiction (City of Los Angeles) issues Coastal Development Permits in the single jurisdiction and has issued two coastal development permits for similar supportive housing projects located at 720 East Rose Avenue and 3233 South Thatcher Avenue. In the single jurisdiction areas, the Coastal Commission will render decisions on appeals of the City’s Coastal Development Permits or Coastal Exemptions.

The Coastal Commission took action on the following affordable housing projects in the Venice Coastal Zone:

Application No. A-5-VEN-19-0020 (appeal) – On June 12, 2019, the Commission found No Substantial Issue with the City’s approval of a Coastal Development Permit for the development of a four-story, 44-foot tall, 35 unit affordable housing project (supportive housing) providing 17 vehicle and 48 bicycle parking spaces on two consolidated lots at 718-720 Rose Avenue, in the single permit jurisdiction.

Application No. A-5-VEN-05-206 (appeal) – On August 9, 2005, the Commission approved a Coastal Development Permit (de novo hearing) for the development of a three-story, 37-foot tall (up to 50 feet for one clock tower), mixed use project comprised of 70 residential condominium units of which seven are restricted for Very Low Income Households, five live/work units, and one groundfloor commercial use (bakery/restaurant), providing 247 parking spaces within a subterranean garage; the project is located on eight consolidated lots at 512 Rose Avenue, in the single permit jurisdiction.

In both decisions, the Coastal Commission approved Density Bonus incentives for increased height, determining that the resulting development would be consistent and visually compatible with existing development in the project vicinity. The Commission also found that reduced parking was consistent with the Policy I.A.4 of the certified LUP and provided: “In a recent study conducted by Fehr & Peers in April 20, 2017, 42 affordable housing sites within the City of Los Angeles were surveyed for vehicle trip generation and parking. The results indicate that parking utilization ratios are less than the ratios required in the certified LUP. The study indicated that permanent supportive affordable housing, created a demand between 0.2 and 0.48 spaces per unit. Additionally, in March 2019, Crain and Associates produced a report on the effects of a 100% affordable housing project and transit availability on personal vehicle ownership and parking demand. That study concluded that substantial evidence and academic research support reduced car ownership and parking utilization by lower income households and housing in close proximity to public transit.” Furthermore, the Commission found that supportive housing project “supports the provision of equitable access consistent with the Commission’s adopted Environmental Justice Policy.”

As such, this decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

- e. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.***

Section 30210 of the Coastal Act states the following in regards to public access:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.*

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

*Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The subject property is located more than one mile east of Venice Beach and is situated on the easterly boundary of the Venice Coastal Zone. The proposed development is limited to the subject property and includes improvements to the right-of-way comprised of new sidewalks and the removal of a driveway on Lincoln Boulevard. As such, the project will not conflict with any public access or public recreation policies of the Coastal Act.

- f. An appropriate environmental clearance under the California Environmental Quality Act has been granted.***

**Statutory Exemption Public Resources Code Section 21080.27(b)(1)**

Pursuant to Public Resources Code, Section 21080.27(b)(1), based on the whole of the administrative record, the project is exempt from CEQA. This CEQA Exemption applies to actions by the City in furtherance of providing emergency shelters and/or supportive housing in the City of Los Angeles. The project consists of the development of a 40-unit permanent supportive housing project. The proposed supportive housing meets the eligibility requirements of a Qualified Permanent Supportive Housing pursuant to LAMC Section 14.00-A.13 (Ordinance 185,492) and will be funded, in whole or in part, by the City of Los Angeles Measure HHH funds.

#### **Categorical Exemption pursuant to CEQA Guidelines Section 15332 (Class 32)**

The Department of City Planning determined, 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, 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 Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2019-6070-CE is provided in the case file and attached as Exhibit C.

#### **4. Community Design Overlay Plan Review**

##### **a. The project substantially complies with the adopted Community Design Overlay Guidelines and Standards**

The Lincoln Boulevard CDO outlines provisions for the design and development of projects located in the overlay area. Applicable guidelines, standards, and [Q] conditions are incorporated by design as follows:

1. **Setbacks. Guideline 1:** *Encourage an inviting pedestrian environment and provide for streetwall continuity by locating buildings so they front onto Lincoln. Within additional setback areas, encourage active public uses, such as additional street trees, outdoor seating, kiosks, forecourts, and arcades.*

The project maintains a zero-foot setback on Lincoln Boulevard and includes an 18-foot deep recess in the ground level façade to incorporate a public plaza. The plaza area is fully landscape and includes seating areas for the public. The project is consistent with [Q] Condition No. 3, which prohibits setbacks greater than 20 feet from Lincoln Boulevard and consistent with the standards outlined in Guideline 1.

2. **Parking and Vehicular Access. Guideline 2:** *Improve streetwall continuity and encourage a safe and inviting pedestrian environment by locating parking away from the streetwall and minimizing direct driveway access from Lincoln. Design parking opportunities that do not depreciate the visual quality of the boulevard.*

The project provides six parking spaces on the ground floor, located to the rear portion of the lot, to the rear of the structure. An existing driveway on Lincoln Boulevard will be closed and all vehicle access will be provided from a 10-foot-wide driveway on Garfield Avenue, along the southeasterly portion of the site. The project is consistent with [Q] Condition 4, which requires parking to be located at the rear half of lots and consistent with the standards outlined in Guideline 2.

3. **Ground-floor Façade Articulation. Guideline 3:** *Heighten visual interest and enhance pedestrian orientation by incorporating three-dimensional elements and*

*material variation into the ground-floor façade of buildings. These elements and variations include changes in building materials, texture and color; generously sized transparent display windows; arcades, canopies, and awnings; cornices; and other details such as transom windows and overdoors.*

The ground level consists of an existing office use. The façade is articulated with glass, stucco, and vertical architectural features. More than 60% of the Ground Floor façade consists of glass windows and entrances, the windows extend from the ground to ceiling. In addition, the façade is further articulated by a break in plane, incorporating a break in plane to allow a public plaza area. The project is consistent with [Q] Condition 5 and the standards outlined in Guideline 3.

- 4. Massing and Articulation of Upper Stories. Guideline 4:** *Provide visual interest and enhance the public realm by employing rhythmic, three-dimensional variations in massing and building form, including the use of recessed windows, towers, columns, cornices, and changes in the wall plane. Minimize building mass impacts on adjacent residential neighborhoods by allowing for ventilation, light, and privacy. Draw inspiration from the existing local lexicon of unique architectural expressions and typographies characteristic of the Venice Community.*

The residential levels are set back seven feet from Lincoln Boulevard and along the sides and rear of the property. The fourth floor is sited closer to Lincoln Boulevard and the central areas of the lot and also incorporates open decks and corridors, reducing the massing along the residential neighborhood to the south and east. The proposed development is designed with setbacks, open areas, recessed entries, and windows to reduce the overall scale and massing of the structure and to create vertical and horizontal variations building form. As such, the project is consistent with the standards outlined in Guideline 4.

- 5. Whimsical Architecture and Art. Guideline 5:** *Embrace playful architectural elements that provide visual interest, and gesture to the local tradition of whimsical structures and playful spaces.*

The project will maintain a mural on the northwesterly façade of the existing structure and will feature new artistic mural along the ground level façade, as shown in Exhibit A. As such, the project is consistent with the standards outlined in Guideline 5.

- 6. Entrances and Pedestrian Access. Guideline 6:** *Emphasize pedestrian orientation and accessibility by creating well-articulated and inviting building entrances, and by orienting these entrances toward Lincoln Boulevard.*

The project provides an entrance to the residential and commercial uses on Lincoln Boulevard, through a public plaza. The project is consistent with [Q] Condition 6 and the standards outlined in Guideline 6.

- 7. Awnings and Canopies. Guideline 9:** *Where appropriate, use awnings or canopies to define the public realm of the sidewalk, provide shelter and shade, and enhance the building façade by adding variation, color, and horizontal rhythm. Awnings and canopies reinforce a pedestrian scale and add a comfortable sense of enclosure to outdoor seating and other active public uses.*

The project does not include awnings or canopies. The upper residential levels extends eight feet over the public plaza along the front portion of the structure. This adds horizontal variation, reinforces a pedestrian scale, and creates a comfortable

sense of enclosure. The project is consistent with the standards outlined in Guideline 9.

- 8. Utilities, Service Areas, and Mechanical Equipment. Guideline 11: *Improve the pedestrian environment along the sidewalk and minimize visual blight by screening unsightly equipment and locating it away from other public right-of-ways.***

All utility and mechanical equipment for the development is enclosed. The transformer is located along the rear portion of the site. The project is consistent with [Q] Condition 7 and the standards outlined in Guideline 11.

- 9. General Landscaping. Guideline 13: *Create inviting spaces, provide shade within the public realm, screen unattractive areas, and enhance architectural detailing through the thoughtful and careful placement of landscaping.***

The Project provides approximately 4,638 square feet of usable open space on the ground level, second level courtyard, and fourth level. The ground level features a 962 square-foot public plaza, the second floor provides a 1,381 square-foot central courtyard, and the fourth floor provides 2,295 square feet of open space areas with a deck and rooftop gardens. As required by [Q] Condition 9, the project provides trees along the rear lot line of the property, adjacent to the Saint Mark's Church parking lot, at a ratio of one tree for every 25 feet of lot width; eight trees are provided, planted every 20 feet along the property line. In addition, all areas unused and open areas are landscaped. The project is consistent with [Q] Condition 9 and the standards outlined in Guideline 13.

The proposed project substantially complies with the applicable standards of the Lincoln Boulevard Community Design Overlay Plan.

- b. The structure, site plan, and landscaping are harmonious in scale and design with existing development and any cultural, scenic, or environmental resources adjacent to the site and in the vicinity.**

The proposed project consists of a four-story, 30,463 square-foot mixed-use development, providing six parking spaces on the ground level. The project fronts Lincoln Boulevard, a commercial corridor to the north and Garfield Avenue to the east. The applicant requests a density bonus affordable housing on-menu incentive to allow an increase in the permitted floor area ratio, proposing an FAR of 2.02:1 and waivers of development standards to allow a maximum building height of 49 feet, in lieu of the permitted 25 feet, as well as reduced side yards, passageway, and parking.

The properties north of Lincoln Boulevard are zoned [Q]C2-1-CDO and developed with one-story commercial structures, comprised of car wash and retail uses. The property adjoining the site to the west is zoned [Q]C2-1-CDO and developed with a McDonalds fast food restaurant and parking lot. The property adjoining the site to the east is zoned [Q]C2-1-CDO and developed with a one-story private school (extension building), part of the Saint Mark School. The property adjoining the site to the south is zoned R2-1 and developed with a surface parking lot for the Saint Mark's Church; the church and private school are located along Coeur D'Alene Avenue south of the parking lot area.

Lincoln Boulevard is characterized by a mix of commercial structures ranging from one to four stories in height (up to 45 feet in height), proximate to the subject site, and structures up to 19 stories approximately 0.5 miles southwest of the site. The commercial properties on Lincoln Boulevard are subject to the limitations of Height District 1, which does not

designate a maximum height limit. The subject site and properties south of Lincoln Boulevard are limited to a maximum height of 25 feet for flat roofs and 30 feet for structures with varied (slope greater than 2:12) rooflines. The properties along the north side of Lincoln Boulevard are not subject to a height limitation.

The proposed four-story, 49-foot-tall mixed-use structure contains commercial uses on the ground level and multi-family residential uses above, consistent with the provisions of the certified LUP. The ground level maintains an existing zero-ft setback along Lincoln Boulevard with a recessed entrance, a depth of 18 feet, to allow a public plaza area. The residential levels are set back seven feet from Lincoln Boulevard and along the sides and rear of the property. The fourth floor is sited closer to Lincoln Boulevard and the central areas of the lot and also incorporates open decks and corridors, reducing the massing along the residential neighborhood to the south and east. The proposed development is designed with setbacks, open areas, recessed entries, and windows to reduce the overall scale and massing of the structure. While structures immediately adjacent to the site are one to two stories in height, the proposed development is visually compatible with the character of the Lincoln Boulevard corridor and is harmonious in scale and design with existing development. The project includes improvements on the ground level to enhance the pedestrian realm: closing a driveway on Lincoln Boulevard, creating a public plaza area, and rebuilding sidewalk areas. The proposed project and new landscaping will further enhance the visual quality of the site, replacing an auto repair shop and would not be materially detrimental to adjoining lots or the immediate neighborhood. Furthermore, there are no cultural, scenic, or environmental resources adjacent to the site and in the vicinity.

## 5. Project Permit Compliance Review

- a. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the Venice Coastal Zone Specific Plan.**

Section 8.C of the Specific Plan outlines the following required findings:

- i. **That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The proposed project consists of a four-story, 30,463 square-foot mixed-use development, providing six parking spaces on the ground level. The project fronts Lincoln Boulevard, a commercial corridor to the north and Garfield Avenue to the east. The applicant requests a density bonus affordable housing on-menu incentive to allow an increase in the permitted floor area ratio, proposing an FAR of 2.02:1 and waivers of development standards to allow a maximum building height of 49 feet, in lieu of the permitted 25 feet, as well as reduced side yards, passageway, and parking.

The properties north of Lincoln Boulevard are zoned [Q]C2-1-CDO and developed with one-story commercial structures, comprised of car wash and retail uses. The property adjoining the site to the west is zoned [Q]C2-1-CDO and developed with a McDonalds fast food restaurant and parking lot. The property adjoining the site to the east is zoned [Q]C2-1-CDO and developed with a one-story private school (extension building), part of the Saint Mark School. The property adjoining the site to the south is zoned R2-1 and developed with a surface parking lot for the Saint

Mark's Church; the church and private school are located along Coeur D'Alene Avenue south of the parking lot area.

Lincoln Boulevard is characterized by a mix of commercial structures ranging from one to four stories in height (up to 45 feet in height), proximate to the subject site, and structures up to 19 stories approximately 0.5 miles southwest of the site. The commercial properties on Lincoln Boulevard are subject to the limitations of Height District 1, which does not designate a maximum height limit. The subject site and properties south of Lincoln Boulevard are limited to a maximum height of 25 feet for flat roofs and 30 feet for structures with varied (slope greater than 2:12) rooflines. The properties along the north side of Lincoln Boulevard are not subject to a height limitation.

The proposed four-story, 49-foot-tall mixed-use structure contains commercial uses on the ground level and multi-family residential uses above, consistent with the provisions of the certified LUP. The ground level maintains an existing zero-ft setback along Lincoln Boulevard with a recessed entrance, a depth of 18 feet, to allow a public plaza area. The residential levels are set back seven feet from Lincoln Boulevard and along the sides and rear of the property. The fourth floor is sited closer to Lincoln Boulevard and the central areas of the lot and also incorporates open decks and corridors, reducing the massing along the residential neighborhood to the south and east. The proposed development is designed with setbacks, open areas, recessed entries, and windows to reduce the overall scale and massing of the structure. While structures immediately adjacent to the site are one to two stories in height, the proposed development is visually compatible with the character of the Lincoln Boulevard corridor and is designed to be visually compatible with the surrounding area. The project includes improvements on the ground level to enhance the pedestrian realm: closing an driveway on Lincoln Boulevard, creating a public plaza area, and rebuilding sidewalk areas. The proposed project and new landscaping will further enhance the visual quality of the site, replacing an auto repair shop and would not be materially detrimental to adjoining lots or the immediate neighborhood.

**ii. That the Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program.**

A Local Coastal Program is comprised of a Land Use Plan and Implementation Plan, certified by the California Coastal Commission. The Venice Local Coastal Land Use Plan ("LUP") was certified by the Coastal Commission on June 14, 2001, however, the necessary Implementation Plan was not certified. As such, a certified Venice Local Coastal Program does not exist. The proposed project conforms to the applicable policies of the certified Venice LUP, as outlined in Finding No. 1.b.

**iii. That the applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Venice Coastal Development Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.**

The project consists of the development of 40 new dwelling units on site developed with philanthropic office and auto repair uses. No dwelling units would be removed by the project. As such, no Replacement Affordable Units are required.

**iv. That the Venice Coastal Development Project is consistent with the special requirements for low and moderate income housing units in the Venice**

**Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).**

The project proposes the development of 40 new affordable dwelling units of which 97 percent (39 units) will be set aside for Homeless – Low Income Households and restricted by covenant for 55 years, one manager’s unit will be provided. The project is consistent with the requirements of the Mello Act and the City’s Interim Administrative Procedures for Complying with the Mello Act, as further discussed in Finding No. 6.

In addition to the requisite findings set forth in Section 8.C of the Specific Plan, the project also complies with all applicable provisions of the Specific Plan, as set forth below:

**i. Section 9. General Land Use and Development Regulations**

The project proposes a mixed-use development on a commercially-zoned lot, fronting Lincoln Boulevard. As such there is no restriction on the number of lots that may be consolidated. The project would consolidate three existing lots and develop a structures that incorporates visual breaks on the ground level consisting of a recessed entrance (18 feet in depth) with changes in building material (glass and stucco) every 20 horizontal feet. Height is measured from the midpoint of the centerline of Lincoln Boulevard. The proposed roof access structure is limited to 100 square feet (measured from the exterior walls) and no greater than 10 feet in height. As conditioned, the project conforms to Section 9 of the Specific Plan.

**ii. Section 10.G. Land Use and Development Regulations for the Oakwood-Millwood-Southeast Venice Subarea.**

The subject property is zoned [Q]C2-1-CDO. Section 10.G.2.b limits residential development on commercially-zoned lots to the density permitted in the R3 zone. As such, the property is limited to a base density of 20 units. As discussed in Finding Nos. 1 and 2, the project qualifies for a 100 percent increase in density pursuant to LAMC Section 12.22 A.25 (Density Bonus Affordable Housing Program) and LAMC Section 12.24-U.26. The applicant also requests a waiver of the height and step-back requirements of Section 10.G.3.a of the Specific Plan. As discussed in Finding No. 2, the project qualifies for the requested waivers.

**iii. Section 11. Commercial and Industrial Design Standards.**

*Floor Area Ratio (FAR).* The proposed mixed-use development is located on Lincoln Boulevard. As discussed in Finding No. 2, the project qualifies for an on-menu incentive, pursuant to LAMC Section 12.22 A.25 (Density Bonus Affordable Housing Program), for an FAR of up to 3:1. The project proposed an FAR of 2.02:1 and a total area of 30,463 square feet.

*Access.* The project will closed an existing driveway on Lincoln Boulevard and maintain an existing driveway on Garfield Avenue. As such, new curb cuts will be minimized. Existing curb cuts will be maintained in order to protect and maximize public on-street parking opportunities.

*Landscaping.* The Project provides approximately 4,638 square feet of usable open space on the ground level, second level courtyard, and fourth level. The ground level features a 962 square-foot public plaza, the second floor provides a 1,381 square-foot central courtyard, and the fourth floor provides 2,295 square feet of open space

areas with a deck and rooftop gardens. The project provides trees along the rear lot line of the property, adjacent to the Saint Mark's Church parking lot, at a ratio of one tree for every 25 feet of lot width; eight trees are provided, planted every 20 feet along the property line. In addition, all areas unused and open areas are landscaped.

*Light.* All lighting downward facing and is directed away from existing residential structures. The project is not located near Environmentally Sensitive Habitat Areas.

*Trash.* A residential and commercial trash enclosure is located at the ground level and includes regular trash and recycling room.

#### iv. **Section 13. Parking**

As discussed in Finding No. 2, the applicant requests waivers of development standards, pursuant to LAMC Section 12.22 A.25 (Density Bonus Affordable Housing Program), to provide zero residential parking spaces and six parking spaces for the proposed office use.

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

#### **Statutory Exemption Public Resources Code Section 21080.27(b)(1)**

Pursuant to Public Resources Code, Section 21080.27(b)(1), based on the whole of the administrative record, the project is exempt from CEQA. This CEQA Exemption applies to actions by the City in furtherance of providing emergency shelters and/or supportive housing in the City of Los Angeles. The project consists of the development of a 40-unit permanent supportive housing project. The proposed supportive housing meets the eligibility requirements of a Qualified Permanent Supportive Housing pursuant to LAMC Section 14.00-A.13 (Ordinance 185,492) and will be funded, in whole or in part, by the City of Los Angeles Measure HHH funds.

#### **Categorical Exemption pursuant to CEQA Guidelines Section 15332 (Class 32)**

The Department of City Planning determined, 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, 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 Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2019-6070-CE is provided in the case file and attached as Exhibit C.

Therefore, no mitigation measures or alternatives were identified in the environmental review.

### **6. Mello Act Compliance Review**

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town

Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

**a. Demolitions and Conversions (Part 4.0)**

The project consists of the development of 40 Residential Units on a lot developed with a philanthropic use and auto repair shop; no dwelling units exist onsite. No Affordable Existing Residential Units will be demolished or converted, as such, the project is not required to provide Affordable Replacement Units.

**b. New Housing Developments (Part 5.0).**

Housing Development Projects consisting of 10 or more Residential Units are required to provide Inclusionary Residential Units affordable to Very Low, Low, or Moderate Income persons or families. The project shall: (Option 1) Reserve at least 20 percent of all Residential Units for Inclusionary Residential Units for Very Low or Low Income Households or (Option 2) Reserve at least ten percent of all Residential Units for Inclusionary Residential Units for Very Low Income Households. The proposed project consists of the development of 40 Residential Units, of which 39 units will be set aside for habitation by Low Income Households for a period of 55 years. By restricting 39 units, or 97 percent, of the total Residential Units, the project complies with the LAMC Section 12.22 A.25 (Affordable Housing Incentives - Density Bonus) and the Inclusionary Residential Unit Requirement (set forth in Part 5.0 of the Interim Mello Act Administrative Procedures). Under Option 1, the project would be required to set aside eight (8) Residential Units for Very Low or Low Income Households and under Option 2, the project would be required to set aside a total of four (4) Residential Units for Very Low Income Households.

**7. Waiver of Dedications and/or Improvements**

**a. The dedication or improvement requirement is physically impractical.**

The project site fronts Lincoln Boulevard to the north. The applicant requests a waiver of the required 18-foot dedication on Lincoln Boulevard and improvements to widen the roadway to provide a 50-foot-wide half roadway, resulting in a 68-foot half right-of-way width. Lincoln Boulevard is designated as a Boulevard I - State Highway. The subject site consists of two lots and maintains a combined lot width of 100 feet. The project will maintain an existing philanthropic office structure located at 2467 Lincoln Boulevard, located at the front property line, approximately 50 feet wide. The project will expand the existing structure to the rear and construct three residential levels above. The existing structure will be integrated into the new development and will not be demolished within the life of the proposed development. Furthermore, the properties adjacent to and along the Lincoln Corridor of developed with structures located at the front property line. The proposed dedication, for a portion of the site would not be practical, as roadway could not be widened for such a small portion of the street. As such, the required 18-foot dedication is impractical for the length of the project site. The improvements to widen the roadway and sidewalk area are impractical without the required dedication. The applicant is required to close an existing driveway, reconstruct the curb, gutter, and 10-foot wide sidewalk area, and improve the 50-foot wide portion of the lot (2471 Lincoln Boulevard) to a depth of 18 feet with a public plaza area providing landscaped and seating areas. As conditioned, the modified right-of-way improvements will enhance the pedestrian realm.

## Environmental Findings

### 8. Environmental Findings.

#### **Statutory Exemption Public Resources Code Section 21080.27(b)(1)**

Pursuant to Public Resources Code, Section 21080.27(b)(1), based on the whole of the administrative record, the Project is exempt from CEQA. This CEQA Exemption applies to actions by the City in furtherance of providing emergency shelters and/or supportive housing in the City of Los Angeles. The project includes the development of 40 dwelling units, of which 39 units will be supportive housing as that term is defined PRC 21080.27(a)(3), specifically, as supported in the record that (1) the project meets the eligibility requirements of Ordinance No. 185,492 (Permanent Supportive Housing Ordinance) and (2) project meets the requisite funding requirements.

The proposed supportive housing meets the eligibility requirements of a Qualified Permanent Supportive Housing Project pursuant to LAMC Section 14.00-A.13 (Ordinance 185,492) because the proposed supportive housing units will be affordable, meaning rents or housing costs to the occupying residents will not exceed 30 percent of the maximum gross income of Extremely Low, Very Low or Low Income households, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD) or any successor agency, as verified by the Housing & Community Investment Department (HCIDLA).

A minimum of 50 percent of the total combined Dwelling Units or Guest Rooms will be occupied by the Target Population. LAMC Section 14.00-A.13(a)(2) defines Target Population as qualifying lower income individuals who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, and are homeless as defined by any Los Angeles City, Los Angeles County, State of California, or Federal guidelines; or are chronically homeless, as defined by any Los Angeles City, Los Angeles County, State of California, or Federal guidelines. The 39 supportive housing units will be reserved for those who have experienced chronic homelessness of which 25 units will be reserved for transition aged youth (18-24 years old) who have experienced homelessness.

The supportive housing meets the eligibility requirements of a Qualified Permanent Supportive Housing Project pursuant to LAMC Section 14.00-A.13 (Ordinance 185,492), as follows:

- Supportive Services. The project will provide three full-time professional social services staff with offices on-site, as well as multiple service partners, providing comprehensive, integrated services and support for tenants are available to the target population. A Supportive Service Plan is included in Exhibit C.
- Affordable Housing Covenant. The project will record a covenant acceptable to HCIDLA that reserves and maintains 39 dwelling units as restricted affordable for at least 55 years from the issuance of the Certificate of Occupancy.
- Housing Replacement. The subject site does not contain existing dwelling units. As such, no replacement units are required.

The Project, will be funded, in whole or in part, by one or more of the following:

- The No Place Like Home Program (Part 3.9 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code);
- The Building Homes and Jobs Trust Fund established pursuant to Section 50470 of the Health and Safety Code;
- County of Los Angeles Measure H funds;

- City of Los Angeles Measure HHH funds; or
- The City of Los Angeles Housing Impact Trust Fund.

As provided in a funding commitment letter issued by HCIDLA, dated December 19, 2019, the project has received funds from the Proposition HHH Permanent Supportive Housing Loan Program (HHH).

### **Categorical Exemption pursuant to CEQA Guidelines Section 15332 (Class 32)**

The Department of City Planning determined, 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, 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 Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2019-6070-CE is provided in the case file and attached as Exhibit C.

The Project consists of the demolition of a one-story 2,056 square-foot auto repair shop and an addition to and conversion of a one-story, 2,482 square-foot philanthropic use (homeless youth resource center). The existing ground floor offices will be included in the proposed Project, resulting in a four-story, 30,463 square-foot, mixed-use, Permanent Supportive Housing Project comprised of 39 permanent supportive housing units, one manager’s unit, 4,441 square feet of supportive services, and 3,085 square-feet of ground floor commercial use (office). A total of six parking spaces are provided at the ground level.

### CEQA Determination – Class 32 Categorical Exemption Applies

- 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 project site is located in the Venice Community Plan and designated for General Commercial land use, with corresponding zones of C1.5, C2, C4, CR, RAS3, and RAS4. The site is zoned [Q]C2-1-CDO and is consistent with the land use designation. The project proposes the construction of a mixed-use development comprised 40 dwelling units and ground floor commercial uses. The proposed density is consistent with the base density permitted by the Venice Specific Plan (R3 density) and the density increases pursuant to LAMC Section 12.22 A.25 and LAMC Section 12.24 U.26, and is consistent with the following provisions of the Venice Community Plan:

*Objective 1-1 To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.*

*Policy 1-1.2 Protect the quality of the residential environment and the appearance of communities with attention to site and building design.*

*Objective 1-2 To reduce vehicular trips and congestion by developing new housing in proximity to services and facilities.*

*Policy 1-2.1 Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.*

*Policy 1-2.2 Encourage multiple-family residential development in commercial zones.*

*Objective 1-4 To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.*

*Policy 1-4.1 Promote greater individual choice in type, quality, price and location of housing.*

*Policy 1-4.2 Ensure that new housing opportunities minimize displacement of residents.*

*Objective 2-2 To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.*

*Policy 2-2.1 Encourage pedestrian-oriented uses and mixed-use in designated areas.*

The project proposes the construction of 40 dwelling units: 39 permanent supportive housing units for Homeless – Low Income Households and 1 manager’s unit. The project also provides 4,441 square feet of supportive services onsite and will maintain and expand an existing office space for the Safe Place for Youth nonprofit organization. The supportive housing project provides 28 studio units, nine (9) one-bedroom units, and three (3) two-bedroom units. The project will provide affordable housing in close proximity to transit stations, including Metro Local Lines 33, Metro Rapid Line 733, Culver City Lines 1 and 2, and Big Blue Bus Route 3. The proposed project would construct a mixed-use development on commercially zoned lot along a commercial corridor, where mixed-use development is encouraged. The ground floor contains a commercial (office) use and incorporates a public plaza area, entrances, and transparent facades that enhance the pedestrian realm. As such, the project conforms to the Venice Community Plan.

The project is conformance with the General Plan Zoning and Land Use designation. The project conforms with the requirements of Zoning Code, Specific Plan, and Lincoln Boulevard CDO.

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

The project site is approximately 15,986 square feet (0.36 acres), is wholly within the City of Los Angeles, and surrounded by urban uses. The properties north of Lincoln Boulevard are zoned [Q]C2-1-CDO and developed with one-story commercial structures, comprised of car wash and retail uses. The property adjoining the site to the west is zoned [Q]C2-1-CDO and developed with a McDonalds fast food restaurant and parking lot. The property adjoining the site to the east is zoned [Q]C2-1-CDO and developed with a one-story private school (extension building), part of the Saint Mark School. The property adjoining the site to the south is zoned R2-1 and developed with a surface parking lot for the Saint Mark’s Church; the church and private school are located along Coeur D’Alene Avenue south of the parking lot area.

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

The project site maintains commercial structures and paved areas. The site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. The area around the site is highly urbanized and surrounded by commercial and residential uses. There are no protected trees on the project site. Therefore, the project site has no value as 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 for pollutant discharge, dewatering, and stormwater mitigations; and Best Management Practices for stormwater 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 Southern California Air Quality Management District (SCAQMD) District Rule 403.** The project shall comply with all applicable standards of the SCAQMD, 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), 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 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.

These RCMs will reduce any potential impacts on noise and water quality. Furthermore, the project does not exceed the threshold criteria established by the Los Angeles Department of Transportation (LADOT) for preparing a traffic study. The project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle facilities, or pedestrian facilities. Therefore, the project will not have any significant impacts

to traffic. Likewise, air quality will not worsen as a result of the proposed project. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with SCAQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. Pacific Environmental Company prepared a Phase 1 Environmental Site Assessment Report dated March 21, 2018 that did not identify any recognized environmental conditions that would warrant further review. 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 property is currently developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan.

The project is a transit-oriented, infill development on a site within an urbanized area and meets the criteria outlined above. Therefore the project qualifies for a Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

The City has considered whether the Proposed Project is subject to any of the six (6) exceptions that would prohibit the use of a categorical exemption as set forth in State CEQA Guidelines Section 15300.2. The six (6) exceptions to this Exemption are: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) 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 following multi-family and mixed-use projects have either filed or were granted approvals for land use entitlements within a half-mile of the subject site:

- Case No. DIR-2019-4920-TOC (1600 Venice Boulevard)
- Case No. DIR-2019-1133-TOC-CDO(1808-1816 Lincoln Boulevard)
- Case No. DIR-2019-5267-TOC-CDO (2422 Lincoln Bouelvard)

The project will be subject to citywide Regulatory Compliance Measures. Regulatory Compliance Measures (RCMs) include, but are not limited to, compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations, and Best Management Practices for stormwater runoff. There is no evidence to conclude that significant impacts will occur based on past project approvals or that the project's impacts are cumulatively considerable when evaluating any cumulative impacts associates with construction noise and transportation/traffic in the surrounding area.

**b. Significant Effect Due to Unusual Circumstances.** *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 a mixed-use structure in an area zoned and designated for such development. The surrounding area is developed with commercial, institutional, and

residential uses. The proposed density is consistent with the base density permitted by the Venice Specific Plan (R3 density) and the density increases pursuant to LAMC Section 12.22 A.25 and LAMC Section 12.24 U.26. The proposed height and massing are not unusual for the project vicinity or the nearby Lincoln Boulevard corridor. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- 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. State Route 27 is located more than 7 miles northwest of the project site. Therefore, the project will not impact a designated state scenic highway.

- d. **Hazardous Waste Sites.** *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 project 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. Pacific Environmental Company prepared a Phase 1 Environmental Site Assessment Report, dated March 21, 2018, that did not identify any recognized environmental conditions that would warrant further review. Therefore, the project is not identified as a hazardous waste site, or in the vicinity of a hazardous waste site, and this exception does not apply.

- e. **Historical 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.

#### **ADDITIONAL MANDATORY FINDING**

9. **Flood Insurance.** 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 in Zone X, outside the flood zone.

# 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](http://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](mailto: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