LOS ANGELES CITY PLANNING COMMISSION

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

LETTER OF DETERMINATION

MAILING DATE: MAY 23 2023

Case No. DIR-2018-4190-TOC-SPR-1A Council District: 1 – Hernandez
CEQA: ENV-2018-4189-CE
Plan Area: Northeast Los Angeles

Project Site: 3800 – 3830 North Pasadena Avenue;
3832 – 3836 North Figueroa Street; 110 East Avenue 39

Applicant: Michael Naim, Naim Associates, Architecture & Development
Representative: Harvey Goodman C.E.

Appellants: Derek Ryder, Arroyo Seco Alliance

Saul Ramirez, Jr., Ramirez Family

At its meeting of **March 23, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of existing structures and the construction, use, and maintenance of a new, seven-story mixed-use building with 100 dwelling units, including 10 dwelling units set aside for Extremely Low Income Households and 14,734 square feet of ground floor commercial space within 13 commercial condominium units. The Project includes commercial, residential, and parking on the ground floor. The Project will provide a total of 114 automobile parking spaces, 16 short-term and 210 long-term bicycle parking spaces.

1. **Determined**, that based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies;
2. **Denied** the appeals in part and **granted** the appeals in part, **sustained** the Planning Director's Determination dated September 15, 2022;
3. **Approved**, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a 70 percent increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program along with the following one Additional Incentive for a Tier 3 project with a total 100 dwelling units and 13 commercial condominium units, including 10 units reserved for Extremely Low Income (ELI) Household occupancy for a period of 55 years:

    a. Height. To permit a maximum of two additional stories up to an additional 22 feet;

4. **Conditionally Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for the construction, use and maintenance of a new, seven-story, 150,501 square foot mixed-use building with 100 dwelling units, and 14,734 square feet of commercial space within 13 commercial condominium units in the [T][Q]RAS3-1VL Zone;
5. **Adopted** the attached Modified Conditions of Approval; and
6. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved:	Perlman
Second:	Lawshe
Ayes:	Cabildo, Choe, Leung
Absent:	Mack, Millman, Zamora

Vote: 5 – 0

Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

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

Notice: An appeal of the CEQA clearance for the Project pursuant to LAMC Section 11.5.13 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. For other limitations see LAMC Section 11.5.13.

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: Modified Conditions of Approval, Amended Findings, Interim Appeal Filing Procedure (CEQA)

c: Heather Bleemers, Senior City Planner
Michelle Carter, City Planner

CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on March 23, 2023)

Pursuant to LAMC Section 12.22-A,31, and 16.05, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.

2. **Base Incentives.**

   a. **Residential Density**. The project shall be limited to a maximum density of 100 residential units, including On-site Restricted Affordable Units.

   b. **Floor Area Ratio (FAR)**. The project is permitted a maximum FAR of 4 to 1.

   c. **Parking.**

      i. **Automobile Parking.** The project shall provide a maximum 0.5 automobile parking space per unit, and a 30 percent reduction in the nonresidential parking requirement, consistent with LAMC Section 12.22-A.31.

      ii. **Bicycle Parking.** Bicycle parking shall be provided in compliance with LAMC Section 12.21-A.16 and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.

      iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.

      iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by the Los Angeles Housing Department (LAHD).

3. **Additional Incentive.**

   a. **Height.** The project shall be permitted an increase in height of two (2) additional stories and up to an additional 22 feet. The exceptions for roof structures and equipment in LAMC Section 12.21.1-B,3 shall be permitted.

4. **On-site Restricted Affordable Units.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 10% of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing Department (LAHD) and California Government Code Section 65915(c)(2) for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22-A,31, to the satisfaction of LAHD, and in consideration of the project's AB 2556 Determination. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination.

   Housing replacement units required pursuant to AB 2556 may be used to satisfy the On-site Restricted Affordable Units provided such units meet the income levels, to the satisfaction of LAHD.

5. **Changes in On-site Restricted Units**. Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.

6. **Housing Replacement Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to replace one (1) unit for Extremely Low Income Households and make one (1) unit for Very Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination.

   On-site Restricted Affordable Units may be used to satisfy the housing replacement units required pursuant to AB 2556 provided such units meet the income levels, to the satisfaction of LAHD.

7. **Existing Tenants**.

   a. The applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Department of City Planning binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with LAMC Section 47.07 relating to demolition. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement.

   b. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to offer one or more affordable units as right of first refusal to the existing tenants, if eligible, with initial rents reserved for Extremely Low Income

Households. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements and fees established by LAHD for the first year.

Site Plan Review

8. **Residential Units.**

   a. The project shall provide a minimum of three (3) two-story dwelling units at the ground floor along Avenue 39. These units shall abut each other, shall provide direct access onto Avenue 39, and shall not be separated by a driveway.

   b. No residential dwelling units shall be permitted on the ground floor along Pasadena Avenue, except that any unit fronting Pasadena Avenue and containing a dwelling unit shall include a commercial use at the ground floor and a residential use, consistent with LAMC Section 13.09-B,3 - Definitions of Mixed-Use Project. Joint living and work quarters, as defined in LAMC Section 12.03, shall not be permitted.

9. **Commercial Units**. The applicant shall create a program to be approved by Council District 1 that provides opportunities for local small businesses operating within the Arroyo Seco community to lease two or more of the project's commercial spaces through, among other potential means, rent subsidies of a reduced rent of fifty percent for a period of five years or other incentives. The maximum total square footage of the commercial space shall not exceed 2,800 square feet. The applicant may require such local small businesses to obtain any necessary permitting and provide a reasonable fair share of project provided insurance and security costs.

10. **Site Plan.**

    a. The building shall be constructed and maintained in substantial conformance with Exhibit "A", as modified herein.

    b. The commercial tenant spaces shall have a minimum 25-foot depth.

    c. The ceiling height of the colonnade along Pasadena Avenue shall not exceed 14 feet.

    d. The 4,767 square feet of open space located at the northern portion of the site shall be open to the public between the hours of 6:00 a.m. and 9:00 p.m. daily.

11. **Vesting Tentative Tract Map No. VTT-74933-CN.**

    a. Prior to issuance of any permit, a copy of the approval for Case No. VTT-74933-CN shall be submitted to the satisfaction of the Department of Planning. In the event that Case No. VTT-74933-CN is not approved, the subject grant shall be null and void.

    b. Prior to issuance of any permit, the applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, the Case No. VTT-74933-CN shall be recorded as a Final Map,

12. **Landscaping and Street Trees.**

    a. The four (4) protected trees (three [3] coast live oak *[Quercus agrifolia]* and one [1] Western sycamore *[Platanus racemosa]*) located at the northern portion of the site shall be retained.

    b. The project shall provide a minimum of 64 trees.

    c. All planters containing trees shall have a minimum depth of 48 inches (48”), including those located on the rooftop area or above a parking garage.

    d. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

    e. Street trees shall be removed and planted as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. The actual number and location of new trees shall be determined at the time of tree planting.

13. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping at the satisfaction of LADWP. All rooftop mechanical equipment screening shall be permitted to exceed the maximum building height as necessary to screen the mechanical equipment, and consistent with the provisions of LAMC Section 12.21.1 B.3.

14. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

15. **Trash Containers.** Trash storage bins shall be located within the building or a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and screened with landscaping, so as not to be viewed from public right-of way or adjacent residences.

16. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.

17. **Solar.** The project shall comply with LAMC Sections 99.04.211 and 99.05.211, to the satisfaction of the Department of Building and Safety.

18. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in LAMC Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

19. **Transportation Demand Management.** Residential parking shall be provided at a cost of $150 a month for each residential parking spaces, with the exception of all Restricted

Affordable Units which shall include any required parking in the base rent or sales price, as verified by the Los Angeles Housing Department (LAHD).

20. The project shall comply with all provisions of Ordinance No. 179,280, except as otherwise permitted herein.

21. The project shall comply with all provisions of CPC-2006-5242-ZC-GPA and Council File No. 07-2796, except as otherwise permitted herein.

Administrative Conditions

22. **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.

23. **Covenant**. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.

24. **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.

25. **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.

26. **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.

27. **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.

28. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules

Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

29. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

30. **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.

31. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

32. **Indemnification and Reimbursement of Litigation Costs.**

    Applicant shall do all of the following:

    a. 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.

    b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

    c. 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 (b).

    d. 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 (b).

e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with <u>any</u> federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

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

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

1. **Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(3) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the director finds that.**

   a. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

   The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed a percent gross income based on area median income thresholds dependent on affordability levels. There was no substantial evidence in the record that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law.

   The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include various types of relief that minimize restrictions on the size of the project. The base incentives are required to provide for affordable housing costs because the incentives by their nature may result in increasing the scale of the project. The additional incentives requested to utilize density calculation pursuant to LAMC Section 12.22.A25(f)(7), and an increase height would result in building design or construction efficiencies that provide for affordable housing costs. As a result of the prescribed incentives, it is likely that the Director will always conclude that the incentives are required for such projects to provide for affordable housing units as identified by the TOC Guidelines.

   Height. The requested use of up to two (2) additional stories and a 22-foot increase height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments located in a Tier 3 TOC area may utilize up to two (2) additional stories and a 22-foot increase in height. In this case, the project would be limited to a height of 50 feet, but with the allowable increase in height, the project will provide seven (7) stories and a height of 72-feet in lieu of the required 50-feet.

   Note: *Density Calculation.* The requested use of density calculation pursuant to LAMC Section 12.22-A,25(f)(8) is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments may utilize density calculation per LAMC 12.22-A,25(f)(8). In this case, the project would be required to calculate the density for the project site <u>prior</u> to the proposed merger of 9,633 square feet strip of land adjacent to Pasadena Avenue. For purposes of calculating the maximum density permitted, this would result in a reduced lot area

totaling 37,055 square feet. The project as proposed, will provide density calculations based on 46,688 square feet inclusive of the 9,633 square feet strip of land adjacent to the subject site.

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

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

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the project was determined to be exempt from CEQA pursuant to Article 19, Class 32 of the CEQA Guidelines.

Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

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

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

SITE PLAN REVIEW FINDINGS

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

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan

objectives. The project site is located in the Northeast Los Angeles Community Plan area and is not subjected to any applicable specific plans.

Northeast Los Angeles Community Plan

The subject property is located within the Northeast Los Angeles Community Plan which was updated by the City Council on June 15, 1999. The Northeast Los Angeles Community Plan designates the subject property for Community Commercial land use, corresponding to the CR, C2, C4, P, PB and RAS3 Zones. The subject property is zoned [T][Q]RAS3-1VL. The proposed project advances the following goals, objectives, and policies of the Community Plan:

Goal 1: A safe, secure, and attractive residential environment for all economic, age, and ethnic segments of the community.

Objective 1-1: To preserve and enhance existing residential neighborhoods.

Policies 1-1.1: Protect existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential and other uses that are incompatible as to scale and character or would otherwise diminish the quality of life.

Objective 1-2: To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live and work in the community based on adequate infrastructure and government services, especially schools.

Policies 1-2.1: Designate specific areas to provide for adequate residential development to accommodate anticipated increases in population while maintaining a balance between single-family and multiple family uses.

Policies 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, providing that infrastructure, public service facilities, utilities, and topography will fully accommodate this development.

Policies 1-2.3: Encourage mixed-use development in selected commercially-zoned areas.

Objective 1-3: To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.

Policies 1-3.1: Protect the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design.

Objective 1-6: To promote and ensure the provision of fair and equal housing opportunities for all persons regardless of income and age groups or ethnic, religious, or racial background.

Policies 1-6.1: Promote individual choice in type, quality, price, and location of housing.

The proposed 100-unit project promotes fair and equal housing opportunities through its diversity of unit types, including three (3) studio units, 13 one-bedroom units, 32 two-bedroom units, 18 three-bedroom units, 20 four-bedroom units, 11 five-bedroom units, and, as conditioned, three (3) mixed-use units, and the allocation of 10 units set aside for Extremely Low Income Households. The mixed-use development, which is located on property designated as Community Commercial land uses, will encourage pedestrian activity and the use of public transportation due to its proximity (approximately 1,000 feet) from the Heritage Square Metro L (Gold) Line Rail Station and thereby reducing vehicular trips to and from the project site and congestion around the site. Additionally, the project minimizes the number of curb cuts and driveways.

The project promotes the health, safety, welfare, and a pleasant environment and will enhance the adjacent residential neighborhood by removing a recycling collection center (a use prohibited in the RAS3 Zone). Additionally, the elimination of the recycling collection center enables the property to be developed as the RAS3 Zone permits, a mixed-use, multi-family development which supports the community plan's housing needs while protecting existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential. furthers the development of Northeast Los Angeles and contributes to the preservation and enhancement of the positive characteristics of the neighborhood while providing a variety of compatible new housing opportunities by allowing for the development of a mixed-use building with 100 dwelling units, including 10 units reserved for Extremely Low Income Households, and 14,734 square feet of ground floor commercial space. Surrounding uses are within residential and commercial zones and are generally developed with single- and multi-family residential structures and commercial uses.

Lastly, the project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the adjacent residential neighborhood. These units would be oriented to Avenue 39, including a front door and stoop abutting the sidewalk.

Goal 2: Strong and competitive commercial areas that suitably serve the needs of the community and attracts customers from outside the plan area by satisfying market demand and maximizing convenience and accessibility while preserving unique historic and cultural identities of each commercial area.

Objective 2-1: To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

Policies 2-1.2: Protect commercially planned/zoned areas, from residential-only development.

Objective 2-2: To enhance the identity and appearance of commercial districts.

Policy 2-2.2: Require that projects in commercial areas be designed and developed to achieve a high level of quality, distinctive character, and compatibility with appropriate existing uses and development.

Objective 2-3: To minimize conflicts between auto-related and pedestrian-oriented activities and encourage use of public transportation in commercial areas.

Policies 2-3.2: Encourage the formation of pedestrian-friendly shopping environments.

The subject property is zoned [T][Q]RAS3-1VL (Residential/Accessory Services Zone). The property is currently improved with a recycling collection center, the elimination of the which enables the property to be developed as the RAS3 Zone permits, a mixed-use, multi-family development. The proposed 100-unit mixed-use project includes 14,734 square feet of ground commercial floor area, establishing a pedestrian-friendly shopping environment along Pasadena Avenue. The 14,734 square feet of commercial floor area is proposed as neighborhood-serving commercial retail uses within up to 10 spaces that will serve the needs of the community and help stimulate and revitalize development within the area.

The project has been well-designed, prioritizing the pedestrian experience, minimizing the number of driveways needed to access the site, including prohibiting any driveway along Pasadena Avenue, and providing a consistent and unified architectural design throughout the entire development. The project also provides 4,767 square feet of publicly accessible open space, which the general public will be able to access at the intersection of Figueroa Street, Pasadena Avenue and Avenue 39.

At the City Planning Commission Meeting, the applicant volunteered to provide a maximum of 2,800 square feet of commercial space at a fifty percent reduced rent to local small business in the community as a means to strengthen potentially viable commercial areas in order to create opportunities for appropriate new commercial development.

Lastly, the project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the adjacent residential neighborhood. These units would be oriented to Avenue 39, including a front door and stoop abutting the sidewalk.

Therefore, the project is consistent with the Goals, Objectives and Policies of the Northeast Los Angeles Community Plan.

The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide polices regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

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

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

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

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

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

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as

districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The proposed project will result in the development of a mixed-use building that will provide 100 dwelling units, including 10 units reserved for Extremely Low Income Households, and 13 commercial condominium units located within 14,734 square feet of commercial space thereby contributing toward and facilitating the City's long-term economic viability and vision for a more liveable city.

The project is proper in relation to the project's location within the Community Commercial land use designation, and its proximity to bus transit stations and corridors (within ½ mile of the Heritage Square Metro L (Gold) Line Rail Station). The approval of the requested TOC allows for more intense use of the subject property, while reducing vehicular trips to and from the project, vehicle miles traveled, and air pollution.

The project site is currently developed with two (2) separate single-story commercial structures totaling 4,054 square feet, one duplex residential building and a garage structure. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and encourage the majority of new commercial and mixed-use. The project has been conditioned to provide three (3) residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the residential neighborhood to the north.

Therefore, the proposed 100-unit mixed use building with 14,734 square feet of ground floor commercial space is consistent with the Distribution of Land Use goals, objectives, and policies of the General Plan Framework Element.

The **Housing Element** is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, establishes goals, objectives, and policies to guide future housing decisions, and provides an array of programs to meet Citywide Housing Priorities, including addressing the housing shortage, advancing racial equity and access to opportunity, preventing displacement and promoting sustainability and resilience. The Housing Element includes the following objectives and policies relevant to the instant request:

<u>Goal 1:</u> A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

<u>Objective 1.1:</u> Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

<u>Policy 1.1.2:</u> Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

<u>Objective 1.2:</u> Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.1: Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Policy 1.3.2: Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

The proposed project implements the Housing Element by increasing the housing supply consistent with the Community Commercial land use designation. The site is currently developed with two one-story commercial structures, one duplex residential structure with an associated garage. The approval of the request would permit 100 dwelling units through the TOC process with 10 units set aside for Extremely Low Income Households. The project would achieve the production of new housing opportunities, meeting the needs of the city, while facilitating the construction of a range of different housing types (studios, one- two- three -four and five-bedroom units for sale) that address the needs of the city's diverse households. Therefore, the project is consistent with the Housing Element goals, objectives and policies of the General Plan.

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Figueroa Street, abutting the property to the northwest, is

designated as an Avenue I dedicated to a varying road width and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Pasadena Avenue, abutting the property to the east, is designated as an Avenue II dedicated to a varying road width of 80 to 86 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Avenue 39, abutting the property to the north, is a Local Street – Standard with a road width of 60 to 62 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Avenue 38, abutting the property to the south, is a Local Street – Standard with a road width of 60 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks.

The project as designed will support the development of these Networks and meets the following goals and objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Vehicular access to the project site will be provided via a two-way driveway off Avenue 39. All private residential parking spaces and the commercial parking spaces would be accessed via this driveway. The existing driveways will be removed. Pedestrian access will be off Pasadena Avenue, Avenue 38, and Avenue 39.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

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

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

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

The project's proximity to existing regional transit services (within ½ mile of the Heritage Square Metro L (Gold) Line Rail Station) will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. The adjacency of the regional transit services along with the creation of 100 dwelling units, ties the proposed project into a regional network of transit and housing.

In addition, the project will provide a total of 226 bicycle parking spaces (16 short-term and 210 long-term bicycle parking spaces) in storage rooms located within the parking garages to provide bicyclists with convenient, secure, and well-maintained bicycle parking facilities.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, automobile parking spaces provided shall be capable of supporting future electric vehicle supply equipment (EVSE) in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

Therefore, the project is consistent with Mobility Plan 2035 goals, objectives, and policies of the General Plan.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project shall comply with Sections 99.04.211.1 and 99.05.211.1 of the LAMC. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and does not conflict with any applicable regulations or standards.

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

The subject property is 46,688 square-feet lot comprised of seven (7) contiguous parcels and 9,633 square feet of right-of-way along the Pasadena Avenue to be merged into the project site with frontages along Avenue 38, Avenue 39 and Pasadena Avenue. The subject property is currently developed with residential and commercial uses.

The land use and zoning within close proximity of the subject site are within commercial, residential, and public facilities zones and are generally developed with single-and multi-family residential structures and commercial buildings. Surrounding uses are within residential and commercial zones and are generally developed with a combination of commercial and residential single-family and multi-family structures. The properties to the north are zoned R3-1, PF-1, and [Q]C2-1VL and are improved with commercial, multi-family uses and the Metro L (Gold) Line. The properties to the east are zoned RD2-1HPOZ, and [Q]C2-1VL-HPOZ and are improved with an Auto Repair Shop and single and multi-family residential uses. The properties to west, across Pasadena Avenue and Figueroa Street are zoned PF-1 and [T][Q]RAS3-1VL and are improved with the Metro L (Gold) Line and residential uses. The properties to the south across Avenue 38 are zoned [T][Q]RAS3-1XL-HPOZ and are developed with residential uses.

The proposed project is the construction, use, and maintenance of a new, seven-story, 150,501 square-foot mixed use building with 100 dwelling units, including 10 dwelling units set aside for Extremely Low Income Households and two (2) levels of ground and second floor parking. The proposed 150,501 square foot (3.75:1 FAR), seven-story mixed-use building located on a 46,688 square foot lot is compatible with the existing and future surrounding developments.

The project includes commercial uses on the ground floor, primarily parking uses on the second floor and residential and amenities for residents on the third through seventh floors. The project includes 11 five-bedroom units, 20 four-bedroom units, 18 three-bedroom units, 32 two-bedroom units, three (3) studio units, 13 one-bedroom units, and three (3) townhome style units, and a total of 19,450 square feet of open space for residents. Therefore, pursuant to LAMC Section 12.21-G, the project as proposed is required to provide 14,475 square feet of open space. The project provides approximately 19,450 square feet total of open space, which includes a total of 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project.

The project will provide 91 residential automobile parking spaces located within two (2) levels of parking. Twenty-three off-street parking spaces will be provided for the commercial space which will be located within the ground floor parking level. Vehicular access to the proposed project will be provided via a driveway off Avenue 39. All private residential parking spaces and the commercial parking spaces would be accessed via this driveway and will not be visible from the street.

The project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the residential neighborhood to the north.

<u>Height, Bulk, and Setbacks</u>

The project is zoned [T][Q]RAS3-1VL and proposes a maximum height of 72 feet. The [T][Q]RAS3-1VL zone has a maximum height limit of 50 feet for mixed-use developments. The approval of the associated additional incentive would allow a 22 feet increase in height.

The project has a maximum FAR of 3.22:1. The [T][Q]RAS3-1VL zone has a maximum permitted FAR of 3:1; the TOC base incentive allows for a 4.5:1 FAR. The FAR of 3.75:1 has been granted in conjunction with the TOC request with the provision of providing 10% of the total number of units or 10 units for Extremely Low Income Households.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying [T][Q]RAS3-1VL Zone. Therefore, in conjunction with the TOC base incentives, and consideration of other development in the area, the project is consistent with the surrounding.

<u>Parking</u>

The project will provide a total of 114 parking spaces and 210 long-term bicycle parking spaces. Sixteen short-term bicycle parking stalls will be located within the building within close

proximity to the commercial spaces and will be accessible from Pasadena Avenue and Avenue 39.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Pedestrian access will be located from Pasadena Avenue, Avenue 38, and Avenue 39. Vehicular ingress and egress for the parking will be located on Avenue 39 which is a Local Street – Standard. Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate building, entrances, walkways, and parking areas. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. There, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide approximately 19,450 square feet total of open space, which includes 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project. The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Area

The development is not required to provide a loading area pursuant to LAMC Section 12.21-C.6. Waiting areas and drop areas will be on the ground level. Tenants moving in or out of the building will be able to park moving trucks on the street level adjacent to the parking entrance and the lobby.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. The service area for trash and recycling collection will be conditioned to be located at grade level and accessible from the parking area along Avenue 38. Additionally, service area for trash collection is to be located on all upper floors. Therefore, as proposed, and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project consists of a seven-story, mixed-use building, with parking on-site for residents and commercial parking spaces, lighting, landscaping, trash collection, and other

pertinent improvements, that is compatible with existing and future development in the surrounding area.

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

The project proposes provide a variety of unit types which includes: 11 five-bedroom units, 20 four-bedroom units, 18 three-bedroom units, 32 two-bedroom units, three (3) studio units, 13 one-bedroom units, and three (3) townhome style units. Pursuant to LAMC section 12.21-G, the project would be required to provide 14,475 square feet of open space. As approved, the project will provide 19,450 square feet of open space. The project will provide approximately 19,450 square feet total of open space, which includes 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.

FINDINGS

(As Amended by the City Planning Commission at its meeting on March 23, 2023)

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

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

1. **Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(3) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the director finds that.**

   a. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

   The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed a percent gross income based on area median income thresholds dependent on affordability levels. There was no substantial evidence in the record that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law.

   The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include various types of relief that minimize restrictions on the size of the project. The base incentives are required to provide for affordable housing costs because the incentives by their nature may result in increasing the scale of the project. The additional incentives requested to utilize density calculation pursuant to LAMC Section 12.22.A25(f)(7), and an increase height would result in building design or construction efficiencies that provide for affordable housing costs. As a result of the prescribed incentives, it is likely that the Director will always conclude that the incentives are required for such projects to provide for affordable housing units as identified by the TOC Guidelines.

   Height. The requested use of up to two (2) additional stories and a 22-foot increase height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments located in a Tier 3 TOC area may utilize up to two (2) additional stories and a 22-foot increase in height. In this case, the project would be limited to a height of 50 feet, but with the allowable increase in height, the project will provide seven (7) stories and a height of 72-feet in lieu of the required 50-feet.

   Note: *Density Calculation.* The requested use of density calculation pursuant to LAMC Section 12.22-A,25(f)(8) is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments may utilize

density calculation per LAMC 12.22-A,25(f)(8). In this case, the project would be required to calculate the density for the project site prior to the proposed merger of 9,633 square feet strip of land adjacent to Pasadena Avenue. For purposes of calculating the maximum density permitted, this would result in a reduced lot area totaling 37,055 square feet. The project as proposed, will provide density calculations based on 46,688 square feet inclusive of the 9,633 square feet strip of land adjacent to the subject site.

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

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

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the project was determined to be exempt from CEQA pursuant to Article 19, Class 32 of the CEQA Guidelines.

Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

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

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

SITE PLAN REVIEW FINDINGS

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

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. The City's Land Use Element

is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located in the Northeast Los Angeles Community Plan area and is not subjected to any applicable specific plans.

Northeast Los Angeles Community Plan

The subject property is located within the Northeast Los Angeles Community Plan which was updated by the City Council on June 15, 1999. The Northeast Los Angeles Community Plan designates the subject property for Community Commercial land use, corresponding to the CR, C2, C4, P, PB and RAS3 Zones. The subject property is zoned [T][Q]RAS3-1VL. The proposed project advances the following goals, objectives, and policies of the Community Plan:

Goal 1: A safe, secure, and attractive residential environment for all economic, age, and ethnic segments of the community.

Objective 1-1: To preserve and enhance existing residential neighborhoods.

Policies 1-1.1: Protect existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential and other uses that are incompatible as to scale and character or would otherwise diminish the quality of life.

Objective 1-2: To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live and work in the community based on adequate infrastructure and government services, especially schools.

Policies 1-2.1: Designate specific areas to provide for adequate residential development to accommodate anticipated increases in population while maintaining a balance between single-family and multiple family uses.

Policies 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, providing that infrastructure, public service facilities, utilities, and topography will fully accommodate this development.

Policies 1-2.3: Encourage mixed-use development in selected commercially-zoned areas.

Objective 1-3: To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.

Policies 1-3.1: Protect the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design.

Objective 1-6: To promote and ensure the provision of fair and equal housing opportunities for all persons regardless of income and age groups or ethnic, religious, or racial background.

Policies 1-6.1: Promote individual choice in type, quality, price, and location of housing.

The proposed 100-unit project promotes fair and equal housing opportunities through its diversity of unit types, including three (3) studio units, 13 one-bedroom units, 32 two-bedroom units, 18 three-bedroom units, 20 four-bedroom units, 11 five-bedroom units, and, as conditioned, three (3) mixed-use units, and the allocation of 10 units set aside for Extremely Low Income Households. The mixed-use development, which is located on property designated as Community Commercial land uses, will encourage pedestrian activity and the use of public transportation due to its proximity (approximately 1,000 feet) from the Heritage Square Metro L (Gold) Line Rail Station and thereby reducing vehicular trips to and from the project site and congestion around the site. Additionally, the project minimizes the number of curb cuts and driveways.

The project promotes the health, safety, welfare, and a pleasant environment and will enhance the adjacent residential neighborhood by removing a recycling collection center (a use prohibited in the RAS3 Zone). Additionally, the elimination of the recycling collection center enables the property to be developed as the RAS3 Zone permits, a mixed-use, multi-family development which supports the community plan's housing needs while protecting existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential. furthers the development of Northeast Los Angeles and contributes to the preservation and enhancement of the positive characteristics of the neighborhood while providing a variety of compatible new housing opportunities by allowing for the development of a mixed-use building with 100 dwelling units, including 10 units reserved for Extremely Low Income Households, and 14,734 square feet of ground floor commercial space. Surrounding uses are within residential and commercial zones and are generally developed with single- and multi-family residential structures and commercial uses.

Lastly, the project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the adjacent residential neighborhood. These units would be oriented to Avenue 39, including a front door and stoop abutting the sidewalk.

Goal 2: Strong and competitive commercial areas that suitably serve the needs of the community and attracts customers from outside the plan area by satisfying market demand and maximizing convenience and accessibility while preserving unique historic and cultural identities of each commercial area.

Objective 2-1: To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

Policies 2-1.2: Protect commercially planned/zoned areas, from residential-only development.

Objective 2-2: To enhance the identity and appearance of commercial districts.

Policy 2-2.2: Require that projects in commercial areas be designed and developed to achieve a high level of quality, distinctive character, and compatibility with appropriate existing uses and development.

Objective 2-3: To minimize conflicts between auto-related and pedestrian-oriented activities and encourage use of public transportation in commercial areas.

Policies 2-3.2: Encourage the formation of pedestrian-friendly shopping environments.

The subject property is zoned [T][Q]RAS3-1VL (Residential/Accessory Services Zone). The property is currently improved with a recycling collection center, the elimination of the which enables the property to be developed as the RAS3 Zone permits, a mixed-use, multi-family development. The proposed 100-unit mixed-use project includes 14,734 square feet of ground commercial floor area, establishing a pedestrian-friendly shopping environment along Pasadena Avenue. The 14,734 square feet of commercial floor area is proposed as neighborhood-serving commercial retail uses within up to 10 spaces that will serve the needs of the community and help stimulate and revitalize development within the area.

The project has been well-designed, prioritizing the pedestrian experience, minimizing the number of driveways needed to access the site, including prohibiting any driveway along Pasadena Avenue, and providing a consistent and unified architectural design throughout the entire development. The project also provides 4,767 square feet of publicly accessible open space, which the general public will be able to access at the intersection of Figueroa Street, Pasadena Avenue and Avenue 39.

At the City Planning Commission Meeting, the applicant volunteered to provide a maximum of 2,800 square feet of commercial space at a fifty percent reduced rent to local small business in the community as a means to strengthen potentially viable commercial areas in order to create opportunities for appropriate new commercial development.

Lastly, the project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the adjacent residential neighborhood. These units would be oriented to Avenue 39, including a front door and stoop abutting the sidewalk.

Therefore, the project is consistent with the Goals, Objectives and Policies of the Northeast Los Angeles Community Plan.

The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the

project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide polices regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

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

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

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

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

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

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and

residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The proposed project will result in the development of a mixed-use building that will provide 100 dwelling units, including 10 units reserved for Extremely Low Income Households, and 13 commercial condominium units located within 14,734 square feet of commercial space thereby contributing toward and facilitating the City's long-term economic viability and vision for a more liveable city.

The project is proper in relation to the project's location within the Community Commercial land use designation, and its proximity to bus transit stations and corridors (within ½ mile of the Heritage Square Metro L (Gold) Line Rail Station). The approval of the requested TOC allows for more intense use of the subject property, while reducing vehicular trips to and from the project, vehicle miles traveled, and air pollution.

The project site is currently developed with two (2) separate single-story commercial structures totaling 4,054 square feet, one duplex residential building and a garage structure. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and encourage the majority of new commercial and mixed-use. The project has been conditioned to provide three (3) residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the residential neighborhood to the north.

Therefore, the proposed 100-unit mixed use building with 14,734 square feet of ground floor commercial space is consistent with the Distribution of Land Use goals, objectives, and policies of the General Plan Framework Element.

The **Housing Element** is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, establishes goals, objectives, and policies to guide future housing decisions, and provides an array of programs to meet Citywide Housing Priorities, including addressing the housing shortage, advancing racial equity and access to opportunity, preventing displacement and promoting sustainability and resilience. The Housing Element includes the following objectives and policies relevant to the instant request:

<u>Goal 1:</u> A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

<u>Objective 1.1:</u> Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

<u>Policy 1.1.2:</u> Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.1: Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Policy 1.3.2: Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

The proposed project implements the Housing Element by increasing the housing supply consistent with the Community Commercial land use designation. The site is currently developed with two one-story commercial structures, one duplex residential structure with an associated garage. The approval of the request would permit 100 dwelling units through the TOC process with 10 units set aside for Extremely Low Income Households. The project would achieve the production of new housing opportunities, meeting the needs of the city, while facilitating the construction of a range of different housing types (studios, one- two- three -four and five-bedroom units for sale) that address the needs of the city's diverse households. Therefore, the project is consistent with the Housing Element goals, objectives and policies of the General Plan.

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Figueroa Street, abutting the property to the northwest, is designated as an Avenue I dedicated to a varying road width and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Pasadena Avenue, abutting the property to the east, is designated as an Avenue II dedicated to a varying road width of 80 to 86 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Avenue 39, abutting the property to the north, is a Local Street – Standard with a road width of 60 to 62 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Avenue 38, abutting the property to the south, is a Local Street – Standard with a road width of 60 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks.

The project as designed will support the development of these Networks and meets the following goals and objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Vehicular access to the project site will be provided via a two-way driveway off Avenue 39. All private residential parking spaces and the commercial parking spaces would be accessed via this driveway. The existing driveways will be removed. Pedestrian access will be off Pasadena Avenue, Avenue 38, and Avenue 39.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

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

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

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

The project's proximity to existing regional transit services (within ½ mile of the Heritage Square Metro L (Gold) Line Rail Station) will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. The adjacency of the regional transit services along with the creation of 100 dwelling units, ties the proposed project into a regional network of transit and housing.

In addition, the project will provide a total of 226 bicycle parking spaces (16 short-term and 210 long-term bicycle parking spaces) in storage rooms located within the parking garages to provide bicyclists with convenient, secure, and well-maintained bicycle parking facilities.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, automobile parking spaces provided shall be capable of supporting future electric vehicle supply equipment (EVSE) in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

Therefore, the project is consistent with Mobility Plan 2035 goals, objectives, and policies of the General Plan.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project shall comply with Sections 99.04.211.1 and 99.05.211.1 of the LAMC. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and does not conflict with any applicable regulations or standards.

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

The subject property is 46,688 square-feet lot comprised of seven (7) contiguous parcels and 9,633 square feet of right-of-way along the Pasadena Avenue to be merged into the project site with frontages along Avenue 38, Avenue 39 and Pasadena Avenue. The subject property is currently developed with residential and commercial uses.

The land use and zoning within close proximity of the subject site are within commercial, residential, and public facilities zones and are generally developed with single-and multi-family residential structures and commercial buildings. Surrounding uses are within residential and commercial zones and are generally developed with a combination of commercial and residential single-family and multi-family structures. The properties to the north are zoned R3-1, PF-1, and [Q]C2-1VL and are improved with commercial, multi-family uses and the Metro L (Gold) Line. The properties to the east are zoned RD2-1HPOZ, and [Q]C2-1VL-HPOZ and are improved with an Auto Repair Shop and single and multi-family residential uses. The properties to west, across Pasadena Avenue and Figueroa Street are zoned PF-1 and [T][Q]RAS3-1VL and are improved with the Metro L (Gold) Line and residential uses. The

properties to the south across Avenue 38 are zoned [T][Q]RAS3-1XL-HPOZ and are developed with residential uses.

The proposed project is the construction, use, and maintenance of a new, seven-story, 150,501 square-foot mixed use building with 100 dwelling units, including 10 dwelling units set aside for Extremely Low Income Households and two (2) levels of ground and second floor parking. The proposed 150,501 square foot (3.75:1 FAR), seven-story mixed-use building located on a 46,688 square foot lot is compatible with the existing and future surrounding developments.

The project includes commercial uses on the ground floor, primarily parking uses on the second floor and residential and amenities for residents on the third through seventh floors. The project includes 11 five-bedroom units, 20 four-bedroom units, 18 three-bedroom units, 32 two-bedroom units, three (3) studio units, 13 one-bedroom units, and three (3) townhome style units, and a total of 19,450 square feet of open space for residents. Therefore, pursuant to LAMC Section 12.21-G, the project as proposed is required to provide 14,475 square feet of open space. The project provides approximately 19,450 square feet total of open space, which includes a total of 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project.

The project will provide 91 residential automobile parking spaces located within two (2) levels of parking. Twenty-three off-street parking spaces will be provided for the commercial space which will be located within the ground floor parking level. Vehicular access to the proposed project will be provided via a driveway off Avenue 39. All private residential parking spaces and the commercial parking spaces would be accessed via this driveway and will not be visible from the street.

The project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the residential neighborhood to the north.

<u>Height, Bulk, and Setbacks</u>

The project is zoned [T][Q]RAS3-1VL and proposes a maximum height of 72 feet. The [T][Q]RAS3-1VL zone has a maximum height limit of 50 feet for mixed-use developments. The approval of the associated additional incentive would allow a 22 feet increase in height.

The project has a maximum FAR of 3.22:1. The [T][Q]RAS3-1VL zone has a maximum permitted FAR of 3:1; the TOC base incentive allows for a 4.5:1 FAR. The FAR of 3.75:1 has been granted in conjunction with the TOC request with the provision of providing 10% of the total number of units or 10 units for Extremely Low Income Households.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying [T][Q]RAS3-1VL Zone. Therefore, in conjunction with the TOC base incentives, and consideration of other development in the area, the project is consistent with the surrounding.

<u>Parking</u>

The project will provide a total of 114 parking spaces and 210 long-term bicycle parking spaces. Sixteen short-term bicycle parking stalls will be located within the building within close proximity to the commercial spaces and will be accessible from Pasadena Avenue and Avenue 39.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Pedestrian access will be located from Pasadena Avenue, Avenue 38, and Avenue 39. Vehicular ingress and egress for the parking will be located on Avenue 39 which is a Local Street – Standard. Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate building, entrances, walkways, and parking areas. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. There, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide approximately 19,450 square feet total of open space, which includes 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project. The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Area

The development is not required to provide a loading area pursuant to LAMC Section 12.21-C.6. Waiting areas and drop areas will be on the ground level. Tenants moving in or out of the building will be able to park moving trucks on the street level adjacent to the parking entrance and the lobby.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. The service area for trash and recycling collection will be conditioned to be located at grade level and accessible from the parking area along Avenue 38. Additionally, service area for trash collection is to be located on all upper floors. Therefore, as proposed, and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project consists of a seven-story, mixed-use building, with parking on-site for residents and commercial parking spaces, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

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

The project proposes provide a variety of unit types which includes: 11 five-bedroom units, 20 four-bedroom units, 18 three-bedroom units, 32 two-bedroom units, three (3) studio units, 13 one-bedroom units, and three (3) townhome style units. Pursuant to LAMC section 12.21-G, the project would be required to provide 14,475 square feet of open space. As approved, the project will provide 19,450 square feet of open space. The project will provide approximately 19,450 square feet total of open space, which includes 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020

LOS ANGELES CITY PLANNING

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.

OPTION 1: Online Appeal Portal

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

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). 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. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: 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.

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/and or phone to:

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