



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: JULY 18, 2023

Case No. DIR-2022-7636-TOC-SPR-VHCA-1A
CEQA: ENV-2022-7637-CE
Plan Area: Wilshire

Council District: 10 – Hutt

Project Site: 728 – 742 ½ South Western Avenue

Applicant: Garrett Lee, 730 Western, LP
Representative: Gary Benjamin, Alchemy Planning + Land Use

Appellant: Supporters Alliance for Environmental Responsibility (SAFER)
Representative: Amalia Bowley Fuentes

At its meeting of **June 8, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

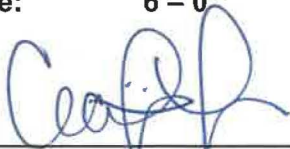
Construction, use, and maintenance of a new, seven-story, approximately 108,000 square-foot mixed-use building with 125 dwelling units, including 13 units set aside for Extremely Low Income Households as well as a 3,920 square-foot commercial tenant space. The building will be constructed with one level of subterranean level parking, ground level parking along with a commercial space, six residential levels above, and a rooftop recreation space. The Project includes 85 one-bedroom units, 40 two-bedroom units, and 10,350 square feet of open space for residents.

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, Section 15332, Class 32, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the CEQA Guidelines regarding location, cumulative impacts, significant effects based on unusual circumstances, scenic highways, hazardous waste sites, or historical resources apply;
2. **Denied** the appeal and **sustained** the Planning Director's Determination dated March 31, 2023;
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 for a Tier 3 project with a total of 125 dwelling units, including 13 units reserved for Extremely Low Income (ELI) Households for a period of 55 years, along with the following two Additional Incentives:
 - a. RAS3 Zone Yards. To permit the use of the rear and side yard requirements of the RAS3 Zone of five feet; and
 - b. Open Space. To permit up to a 25 percent decrease in required open space;
4. **Approved** with Conditions, pursuant to LAMC Section 16.05, a Site Plan Review for a development project creating 50 or more residential dwelling units;
5. **Adopted** the Conditions of Approval; and
6. **Adopted** the Findings.

The vote proceeded as follows:

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

Vote: 6 – 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: Conditions of Approval, Findings, Appeal Filing Procedures (CEQA)

cc: Heather Bleemers, Senior City Planner
Alexander Truong, City Planning Associate

CONDITIONS OF APPROVAL

Pursuant to LAMC Sections 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 125 residential units, including On-site Restricted Affordable Units.
 - b. **Floor Area Ratio (FAR).** The project is permitted a maximum FAR of 3.75 to 1.
 - c. **Parking.**
 - i. **Automobile Parking.** Minimum residential automobile parking requirements shall be provided consistent with LAMC Section 12.22-A.25(d) and California Government Code Section 65915(p). Under California Government Code Section 65915(p)(2), the project shall provide residential parking at a ratio of 0.5 parking spaces per dwelling unit. In addition, the project shall be provided up to a 30% reduction in the nonresidential parking requirement.
 - 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. In the event that the number of On-Site Restricted Affordable Units should increase, or the composition of such units should change, then no modification of this determination shall be necessary, and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A.16. 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,31.
 - 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 Incentives.**

- a. **RAS3 Yards.** The project shall be permitted to use the RAS3 yard requirements for the rear yard and side yards.
- b. **Open Space.** The project shall be permitted a 25% decrease in the required open space provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O".
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 percent 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) 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. 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.
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.

Site Plan Review

6. **Landscaping.**
 - a. 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.
 - b. All planters containing trees, including those located on the rooftop area or above a parking garage, shall have a minimum depth and volume of soil consistent with the Urban Design Studio, Design Resource 2, Soil Depths.
7. **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.
8. **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.
9. **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.

10. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
11. **Solar Panels.** The project shall comply with Sections 99.04.211.1 and 99.05.211.1 of the LAMC.

Administrative Conditions

12. **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.
13. **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.
14. **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.
15. **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.
16. **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.
17. **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.
18. **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.

19. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
20. **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.
21. **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 any federal, state or local law.

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

FINDINGS

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

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

No substantial evidence has been entered into the record indicating that any of the requested Incentives do not result in identifiable and actual cost reductions to provide for the project's affordable housing costs (as defined in California Health and Safety Code Sections 50052.5 or 50053) and/or accommodate the restricted extremely low income unit rents.

Additionally, the list of Additional 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 types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

RAS3 Yards. The requested reduction in yards/setbacks is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments located within a commercial zone can use any or all of the yard requirements of the RAS3 Zone. In this case, the project is utilizing the RAS3 yard requirements for side yard setbacks and rear yard setback all at 5-feet.

Open Space. The requested incentive for a 25 percent reduction in the required amount of open space is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. The requested incentive allows the developer to utilize more of the total building square footage for residential units, which facilitates the creation of more affordable units, while remaining in compliance with all other applicable zoning regulations.

Therefore, the requested Additional Incentives are necessary to provide for affordable

housing costs.

2. **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 City's L.A. CEQA Thresholds Guide 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.

3. **The Incentives are contrary to State or Federal law.**

There is no substantial evidence in the record indicating that the requested Incentives are contrary to any State or federal laws.

SITE PLAN REVIEW FINDINGS

4. **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 Wilshire Community Plan area and is not subject to any applicable specific plans.

Wilshire Community Plan

The Wilshire Community Plan was adopted by the City Council in 2001. The Community Plan's purpose is to enhance neighborhood characteristics while providing housing opportunities, improving commercial areas preserving community identity, development around transit, providing economic base, and improving the quality of the built environment. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC.

Goal 1 *Provide a safe, secure, and high-quality residential environment for all economic, age, and ethnic segments of the Wilshire community.*

Objective 1-1 *Provide for the preservation of existing quality housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.*

Policy 1-1.3 *Provide for adequate multi-family residential development.*

Objective 1-2 *Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.*

Policy 1-2.1 *Encourage higher density residential uses near major public transportation centers.*

Objective 1-3 *Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.*

Development of a mixed-use building with 125 dwelling units, including 13 units reserved for Extremely Low Income Households, increases the housing stock and promotes greater individual choice in new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area. The 125-unit project, with 3,920 square feet of ground floor commercial space, as a higher density residential use, will be located within a ¼ mile of a Major Transit Stop and thereby reducing the need for vehicular trips and congestion. The project will be compatible with the surrounding multi-family residential and commercial developments. Therefore, the project is consistent with the Wilshire 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 policies 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 125 dwelling units, including 13 units reserved for Extremely Low Income Households, and 3,920 square feet of ground floor commercial space, thereby contributing

toward and facilitating the City's long-term economic viability and vision for a more liveable city.

The project site is zoned C2-1 with a General Commercial land use designation. The project is proper in relation to its proximity to regional transit services (within ¼ mile of the Metro D Line). With this project, the project achieves the City's housing needs and relieves pressure on existing stable residential neighborhoods. The approval of the project allows for more intense use of the subject property providing residential units and commercial uses within close proximity to transit and thereby reducing vehicular trips to the property.

Therefore, the proposed mixed-use building 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, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: Housing Production and Preservation.

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

Policy 1.1.3: Account for existing housing needs when planning for future development by conducting analysis to develop and incorporate a buffer above household projections.

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.

The proposed project implements the Housing Element by increasing the housing supply. The site encompasses four (4) parcels developed with a commercial building. The project proposes to demolish the existing improvements on these four (4) contiguous lots. The approval of the request would permit 125 units and a commercial space through the TOC process with 13 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 ensuring a range of different housing types (one- and two-bedroom rental units) that address the needs of the city's 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. Western Avenue, abutting the property to the west, is designated an Avenue II, dedicated to a right-of-way width of 86 feet and 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 one (1) two-way driveway along Western Avenue.

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 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 125 dwelling units and a commercial space, ties the proposed project into a regional network of transit and housing.

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

As conditioned, the project shall comply with LAMC Sections 99.04.106 and 99.05.106.

In addition, the project will provide a total of 89 long-term and 11 short-term bicycle parking spaces in areas located within the parking garage to provide bicyclists with convenient, secure and well-maintained bicycle parking facilities. 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 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 LAMC Sections 99.04.211.1 and 99.05.211.1. 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.

- 5. 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 a flat, 28,917 square-foot site comprised of four (4) parcels with a frontage of approximately 193 feet along Western Avenue to the west. The subject property is currently improved with a commercial structure and parking lot.

Surrounding properties are developed with commercial and residential uses. The property to the north, is zoned C2-1 and improved with a commercial structures. The property to east, are zoned R3-2 and [Q]C2-2 and improved with multi-family residential buildings and a hotel. The property to the south, C2-1 and improved with a commercial structure. The properties to the west and across Western Avenue are zoned C2-1 and improved with a mixed-use building and commercial building.

The proposed project is the construction, use, and maintenance of a new, seven-story, approximately 108,000 square-foot mixed-use building with 125 dwelling units, including 13 units set aside for Extremely Low Income Households and 3,920 square feet of ground floor commercial space. The building will be constructed with one (1) level of subterranean level parking, ground level parking along with a commercial space, six (6) residential levels above, and a rooftop recreation space. The project includes 85 one-bedroom units, 40 two-bedroom units, and 10,350 square feet of open space for residents.

The project will provide a total of 101 automobile parking spaces; 95 residential and 6 commercial. Additionally, there will be 11 short-term and 89 long-term bicycle parking spaces. Vehicular access to the site is provided via one (1) two-way driveway Western Avenue.

Height, Bulk, and Setbacks

The proposed project is for a seven-story, approximately 97-foot and 9-inch tall mixed-use building, with a total of 125 residential units and 3,920 square-foot commercial space. The apparent bulk of the structure is minimized by second level pool court. According to the

applicant, changes in material, angle, and articulation serve to reduce the visual mass of the structure, highlighting individual sections of the building and adding to the aesthetic appeal of the façade. The project incorporates architectural details including use of balconies, differing building materials, and fenestration.

The new building will observe a similar setback as the original footprint of the existing commercial structure. The requested incentives will allow for an increase in the buildable area of the parcel so units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses can be increased. Thus, the incentives support the applicant's decision to reserve 13 units for Extremely Low Income Households and the remaining 112 units will be rented as market-rate units, for a total of 125 units. Therefore, the height, bulk, and setbacks of project are consistent with existing development in the immediate surrounding area. Therefore, the project will be compatible with the existing and future developments in the neighborhood.

Parking

The project will provide a total of 101 automobile parking spaces; 95 residential and 6 commercial. There will be a total of 100 bicycle parking spaces; 89 long-term bicycle parking spaces and 11 short-term bicycle parking spaces. All parking will be located within an at-grade and one subterranean level.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Vehicular ingress and egress for the parking will be located along Western Avenue. Therefore, the parking facilities will be compatible with the existing and future development in the neighborhood.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate the street level. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. According to the applicant, exterior lighting includes a low level of reflectivity to accent architectural features and landscaping elements all while minimizing light trespass onto adjacent properties. There, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide approximately 10,350 square feet total of open space, which includes a ground recreation rooms, second level courtyard and recreation, and a roof deck. The proposed project also includes 2,950 square feet of private balconies. 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.

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 the ground level and accessible from the parking area. 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 application, the project consists of a seven-story, mixed-use residential building, with parking on-site for residents, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

6. 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: 85 one-bedroom units, and 40 two-bedroom units. With the utilization of the Additional Incentive for Open Space as discussed above, the project would be required to provide 10,350 square feet of open space and pursuant to LAMC Section 12.21-A,16, the project would be required to provide 75 total bicycle parking spaces. The project will provide 100 bicycle parking spaces; 11 short-term and 89 long-term.

The project will provide 10,350 square feet of open space; distributed between common areas on the second level, recreation rooms, and roof deck areas. The remaining open space will be provided by private balconies throughout the building. All common open space areas will be landscaped. The roof deck is setback from all sides to minimize potential impacts to neighboring properties. Furthermore, there are recreation rooms on the first and second levels as well as a pool court on the second level. As proposed, the project would provide recreational and service amenities which would improve habitability for its residents and minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

- 7.** 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 not located in a flood zone.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing