

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL CASE:	COUNCIL DISTRICT:
CPC-2022-1048-DB-HCA-1A	ENV-2022-1049-SCEA	13 – Soto-Martinez
RELATED CASE NOS.		COUNCIL FILE NO:
<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A
PROJECT ADDRESS / LOCATION:		
6422 West Selma Avenue; 1540 – 1552 North Wilcox Avenue		
APPLICANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
1550 Wilcox Owner, LLC	N/A	N/A
APPLICANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Dana Sayles, Three6ixty	310-204-3500	dana@three6ixty.com
APPELLANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
CREED LA c/o Aidan P. Marshall	(650) 589-1660	amarshall@adamsbroadwell.com
APPELLANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Adams, Broadwell, Joseph & Cardozo 601 Gateway Blvd . Ste. 1000 San Francisco, CA 94080	(650) 589-1660	amarshall@adamsbroadwell.com
PLANNER CONTACT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
More Song	(213) 978-1319	more.song@lacity.org
ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):		
ENV-2022-1049-SCEA (ENV)		
FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)		
Density Bonus Off-Menu Incentives and Waivers <input type="checkbox"/> N/A		
ITEMS APPEALED:		
ENV-2022-1049-SCEA (ENV)		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination <input checked="" type="checkbox"/> Findings of Fact <input checked="" type="checkbox"/> Staff Recommendation Report <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> T Conditions <input type="checkbox"/> Proposed Ordinance <input type="checkbox"/> Zone Change Map and Ordinance <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A – Plans <input checked="" type="checkbox"/> Mailing List <input checked="" type="checkbox"/> Interested Parties List <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Development Agreement <input type="checkbox"/> Site Photographs <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption) <input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption) <input type="checkbox"/> Negative Declaration (ND) <input type="checkbox"/> Mitigated Negative Declaration (MND) <input type="checkbox"/> Environmental Impact Report (EIR) <input type="checkbox"/> Mitigation Monitoring Program (MMP) <input type="checkbox"/> Sustainable Communities Project Exemption (SCPE) <input checked="" type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA) <input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR) <input type="checkbox"/> Appendices <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
NOTES / INSTRUCTIONS:			
<input checked="" type="checkbox"/> N/A			
FISCAL IMPACT STATEMENT:			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *If determination states administrative costs are recovered through fees, indicate "Yes."			
PLANNING COMMISSION:			
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission		<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission	
PLANNING COMMISSION HEARING DATE:		COMMISSION VOTE:	
July 13, 2023		8 – 0	
LAST DAY TO APPEAL:		DATE APPEALED:	
August 18, 2023		Yes, August 17, 2023	
TRANSMITTED BY:		TRANSMITTAL DATE:	
Cecilia Lamas Commission Executive Assistant II		August 23, 2023	



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: AUGUST 3, 2023

Case No. CPC-2022-1048-DB-HCA

CEQA: ENV-2022-1049-SCEA

Plan Area: Hollywood

Related Case: AA-2019-476-PMEX

Council District: 13 – Soto-Martinez

Project Site: 6422 West Selma Avenue; 1540 – 1552 North Wilcox Avenue

Applicant: 1550 Wilcox Owner, LLC
Representative: Dana Sayles, three6ixty

At its meeting of **July 13, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of an existing one-story storage building and the partial demolition and conversion of an existing historic one-story commercial building for the construction, use, and maintenance of a new 15-story residential building with 45 units, with six units reserved for Very Low Income households. The Project proposes to provide 36 vehicle parking spaces. The Project also involves a lot line adjustment for minor internal lot boundary adjustments, to be reviewed under a separate ministerial process.

1. **Found**, pursuant to Public Resources Code (PRC), Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental Assessment, No. ENV-2022-1049-SCEA ("SCEA"), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **Found** the project is a "transit priority project" as defined by PRC Section 21155 and the project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG 2020-2045 RTP/SCS EIR Schedule No. 20199011061; **Found** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **Found** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **Found** the SCEA reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the Project; and **Adopted** the SCEA and the Mitigation Monitoring and Reporting Program prepared for the SCEA;
2. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review to permit a housing development project consisting of 45 residential units, of which a minimum of six will be set aside for Very Low Income households, and with the following On-Off Menu Incentives and Waivers of Development Standards:
 - a. An On-Menu Incentive to allow a rear yard setback of 18 feet five inches in lieu of the otherwise required 20 feet;

- b. An On-Menu Incentive to allow a 20 percent reduction in the required amount of open space;
 - c. An Off-Menu Incentive to allow a maximum Floor Area Ratio (FAR) of 4.5:1 in lieu of the otherwise permitted 3:1;
 - d. A Waiver of Development Standard to allow a northerly side yard setback of zero feet in lieu of the otherwise required 17 feet;
 - e. A Waiver of Development Standard to allow an easterly side yard setback of zero feet in lieu of the otherwise required 17 feet;
 - f. A Waiver of Development Standard to allow a westerly side yard setback of zero feet in lieu of the otherwise required 17 feet; and
 - g. A Waiver of Development Standard to allow a drive aisle width of 23 feet five inches in lieu of the otherwise required 27 feet four inches and to waive the requirement for the required column clearance distance of 10 inches.
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 8 – 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 related to the Off-Menu Density Bonus Incentives and Waiver of Development Standards is not appealable. The On-Menu Density Bonus Incentive is appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: AUGUST 18, 2023

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

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedures

c: Heather Bleemers, Senior City Planner
More Song, City Planner

CONDITIONS OF APPROVAL

Pursuant to Section 12.22 A.25 of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, landscape plan, renderings, and materials submitted by the applicant, stamped "Exhibit A", and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 45 dwelling units, including affordable units.
3. **Affordable Units:** A minimum of six units, equal to a minimum of 15 percent of the base density, shall be reserved as Very Low Income units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2), to meet the requirements of the requests herein. In the event of deviations to the requests that change this number of restricted affordable units, the composition/typology of units, and/or vehicle parking numbers, such changes shall be consistent with LAMC Section 12.22 A.25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 15 percent of the site's base density units, equal to six units, available to Very Low Income households, 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 reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to Los Angeles 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 LAHD.
5. **Incentives:**
 - a. **Rear Yard Setback.** The project is permitted a rear yard setback of 18 feet five inches in lieu of the otherwise required 20 feet.
 - b. **Open Space.** The project is permitted a 20 percent reduction in the required amount of open space.
 - c. **Floor Area Ratio.** The project is permitted a maximum FAR of 4.5:1 in lieu of the otherwise permitted 3:1.
6. **Waivers of Development Standards:**
 - a. **Side Yard Setback.** The project is permitted a northerly side yard setback, easterly side yard setback, and westerly side yard setback of zero feet in lieu of the otherwise required 17 feet.

- b. Drive Aisle Width and Column Clearance. The project is permitted to provide a drive aisle width of 23 feet five inches in lieu of the otherwise required 27 feet four inches and to waive the requirement for the required column clearance distance of 10 inches.

7. **Parking:**

- a. Minimum automobile parking shall be provided consistent with the provisions of Assembly Bill (AB) 2097 (2021-2022), Section 65915 of the California Government Code, and/or the LAMC.
 - b. In the event that the composition of residential units and/or commercial uses (i.e. the number of bedrooms or square footage of certain commercial uses) changes, or the applicant selects a different Parking Option as provided by State Density Bonus law and the LAMC 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 by Section 65915 of the California Government Code and/or LAMC Section 12.22 A.25.
 - c. Bicycle Parking. Residential bicycle parking shall be provided consistent with LAMC 12.21 A.16.
 - d. 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 LAHD.
 - e. All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
8. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval. The project shall minimize the number of curb cuts on the subject property, to the satisfaction of LADOT.
9. **Signage.** On-site signs shall comply with the Municipal Code. Signage rights are not part of this approval.
10. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
11. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
12. **Solar Energy Infrastructure.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

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

Environmental Conditions

14. **MM CUL-1.** Prior to any demolition or construction activity, the garage at 6422 Selma Avenue will be documented to Historic American Buildings Survey (HABS) Level 2 standards, according to the outline format described in the Historic American Building Survey Guidelines for Preparing Written Historical Descriptive Data. Photographic documentation should follow the Photographic Specification– Historic American Building Survey, including 10-15 archival quality, large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details should be documented, especially noting the measurements, hardware, and other features that tie architectural elements to a specific date. If original architectural plans are located, they should be archivally reproduced, following HABS standards. Three copies of the HABS documentation package, with one copy including original photo negatives, will be produced, with at least one copy placed in an archive or history collection accessible to the general public.
15. **MM CUL-2.** Additional review of the project by Los Angeles City Planning's Office of Historic Resources (OHR) will only be required if, during construction, more than 10% of the materials currently proposed for retention cannot be retained as planned. For example, if after removal and storage of the wooden trusses it is discovered that 5 percent more of the wood must be replaced prior to reinstallation, no additional review will be required and the wood elements of the truss that require replacement will be made in-kind. However, if 15 percent more of the brick walls must be removed than is currently planned (33 percent), subsequent review of the construction plans would be required by OHR.
16. **MM CUL-3.** Develop at least two interpretative signs or murals that would communicate the significance of the garage at 6422 Selma Avenue to the Hollywood community. This could consist of a permanent interpretive exhibit that would incorporate information from historic photographs, HABS documentation, or other materials to highlight the building's association with the automobile and the significance of the automobile to Hollywood. The interpretive signs should be developed by a team that includes a Secretary of the Interior (SOI) qualified historian. At least one of the signs should be located near the Selma entrance to the garage to be accessible by the general public. The second mural could be located on the interior of the garage.
17. **MM CUL-4.** Prior to the start of construction, surveys shall be performed to document the conditions of the masonry of the remaining walls at 6422 Selma Avenue as well as the Gilbert Hotel building. A structural monitoring program shall be implemented and recorded during construction to ensure that ground borne vibration levels do not exceed 0.12 inches per second, peak particle velocity (PPV). The structural monitoring plan shall include documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exterior of the buildings. A historic architect (meeting the SOI's Professional Qualification Standards) or structural engineer with experience with historic masonry buildings shall establish baseline structural conditions of the building and prepare the shoring design. Additionally, a qualified acoustical engineer shall be retained to review the proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the Project Site during demolition and excavation phases where heavy construction

equipment (e.g., large bulldozer and drill rig) would be operating within 15 feet of the affected buildings.

The vibration monitoring system shall measure and continuously store the PPV in inch/second. Vibration data shall be stored on a one-second interval. The system shall also be programmed for two preset velocity levels: a warning level of 0.07 inch/second (PPV) and a regulatory level of 0.12 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed either of the two preset levels.

- In the event the warning level of 0.07 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.
- In the event the regulatory level of 0.12 inch/second (PPV) is triggered, the contractor shall halt the construction activities and visually inspect the Baker Garage for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide steps to reduce the vibration level. Vibration measurement shall be made with the new construction method to verify that the vibration level is below the warning level of 0.07 inch/second (PPV). Construction activities may then restart.
- In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant.

The structure-monitoring program shall be submitted to the City of Los Angeles Department of Building and Safety (LADBS) and received into the case file for the associated discretionary action permitting the Project prior to initiating any construction activities.

18. **MM CUL-5.** Inadvertent discovery of archaeological resources.

- If any archaeological materials are encountered during the course of Project development, all further development activity in the vicinity of the materials shall halt and:
- The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact;
- The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource; and
- The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study, or report. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:

South Central Coastal Information Center
Department of Anthropology

McCarthy Hall 477
CSU Fullerton
800 North State College Boulevard
Fullerton, CA 92834

- Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
 - A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to the issuance of a grading permit.
19. **MM GEO-1.** In the event that paleontological resources are unearthed during ground-disturbing activities, the City of Los Angeles Department of Building and Safety will be notified immediately, and all work will cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project Site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California PRC Section 21083.2.
20. **MM NOI-1.** Noise-generating equipment operated at the Project Site shall be equipped with noise control devices, such as mufflers, lagging (enclosures for exhaust pipes), and/or motor enclosures capable of reducing construction equipment noise by 10 dBA. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
21. **MM NOI-2.** Prior to the start of construction, surveys shall be performed to document the conditions of the masonry of the remaining walls at 6422 Selma Avenue as well as the Gilbert Hotel building. A structural monitoring program shall be implemented and recorded during construction to ensure that ground borne vibration levels do not exceed 0.12 inches per second, peak particle velocity (PPV). The structural monitoring plan shall include documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exterior of the buildings. A historic architect (meeting the SOI's Professional Qualification Standards) or structural engineer with experience with historic masonry buildings shall establish baseline structural conditions of the building and prepare the shoring design. Additionally, a qualified acoustical engineer shall be retained to review the proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the Project Site during demolition and excavation phases where heavy construction equipment (e.g., large bulldozer and drill rig) would be operating within 15 feet of the affected buildings.

The vibration monitoring system shall measure and continuously store the PPV in inch/second. Vibration data shall be stored on a one-second interval. The system shall also be programmed for two preset velocity levels: a warning level of 0.07 inch/second (PPV) and a regulatory level of 0.12 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed either of the two preset levels.

- In the event the warning level of 0.07 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

- In the event the regulatory level of 0.12 inch/second (PPV) is triggered, the contractor shall halt the construction activities and visually inspect the Baker Garage for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide steps to reduce the vibration level. Vibration measurement shall be made with the new construction method to verify that the vibration level is below the warning level of 0.07 inch/second (PPV). Construction activities may then restart. In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant.

The structure-monitoring program shall be submitted to the City of Los Angeles Department of Building and Safety (LADBS) and received into the case file for the associated discretionary action permitting the Project prior to initiating any construction activities.

22. **MM TCR-1.** Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, auguring, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleno/Tongva San Gabriel Band of Mission Indians tribe. Any qualified archaeological monitor(s) shall be approved by OHR.
- The qualified archeological and tribal monitors shall observe all ground disturbance activities on the Project Site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the Project Site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.
 - Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.
 - In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- iv. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and OHR.
 - v. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
 - vi. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
 - vii. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
 - viii. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the SCCIC at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
 - ix. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's Assembly Bill 52 Confidentiality Protocols.
23. **MM TCR-2.** In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the City to develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. In the event the archaeological resources are prehistoric, the archaeological monitor shall coordinate with the Applicant and the City to retain a Native American Representative from the Gabrieleno/Tongva San Gabriel Band of Mission Indians tribe to help determine the appropriate treatment for the resources and whether Native American construction monitoring is warranted in the area of the find thereafter. If avoidance of the resource is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource from the Project Site.

Administrative Conditions

24. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
25. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
26. **Notations on Plans.** Plans submitted to the Department of Building and Safety for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
27. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of city Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
28. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
29. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
30. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
31. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
32. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

33. **Expedited Processing Section.** 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.

34. **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 of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- 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 (ii).
- 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 (ii).
- 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 include actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

FINDINGS

Density Bonus / Affordable Housing Incentives Findings

1. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director of Planning shall approve a density bonus and requested incentive(s) and/or Waiver(s) unless the Director of Planning finds that¹:
 - a. *The Incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the 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.

In exchange for reserving at least 15 percent of the base density for Very Low Income households, the applicant is entitled to three Incentives under both Government Code Section 65915 and the LAMC. The project proposes to reserve at least 15 percent of the base density of 38 units for Very Low Income households; accordingly, the project is entitled to the three requested On- and Off-menu Incentives. These requested Incentives provide cost reductions that provide for affordable housing costs because the incentives by their nature increase the scale of the project, which facilitates the creation of more affordable housing units.

Rear Yard Setback

The subject property is zoned C4-2D, which prescribes rear yard setbacks (corresponding to those requirements of the R4 Zone for residential uses at the lowest residential story) of 15 feet plus one additional feet for each story beyond the third level, not to exceed a maximum of 20 feet. With 15 stories proposed in this zone, the project would be required to provide the maximum rear yard setback of 20 feet; the applicant is proposing to provide a rear yard setback of 18 feet five inches in lieu of this requirement. This reduction enables the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more dwelling units. The larger building footprint facilitates the creation of more residential units of all types, including market-rate units which enable the applicant to subsidize and reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside six dwelling units for Very Low Income households as proposed. The requested Incentive provides actual and identifiable cost reductions that provide for affordable housing costs because the incentive by nature increases the building envelope of the project so that additional residential units can be provided, resulting in additional affordable housing units.

Open Space

¹ Pursuant to LAMC Section 12.22 A.25(g)(3), the City Planning Commission is considered the decision-maker for Off-menu density bonus requests. The findings referenced in LAMC Section 12.22 A.25(g)(2)(i)(c) apply to Off-menu requests.

Based on the number and typology of residential units proposed, the project would be required to provide 7,785 square feet of open space. The project proposes to provide approximately 6,456 square feet of open space that can be counted towards zoning requirements, and accordingly is requesting an On-menu Incentive for a 20 percent decrease in the required amount of open space. This reduction enables the project to expand the building envelope by utilizing more space for building floor area and provide additional floor space and residential units, thus enabling the provision of more dwelling units. The larger building footprint facilitates the creation of more residential units of all types, including market-rate units which enable the applicant to subsidize and reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside six dwelling units for Very Low Income households as proposed. The requested Incentive provides actual and identifiable cost reductions that provide for affordable housing costs because the incentive by nature increases the building envelope of the project so that additional residential units can be provided, resulting in additional affordable housing units.

Floor Area Ratio

The subject property is zoned C4-2D, with "D" Development Limitations limiting building FAR to 3:1. The project is seeking an increase in FAR to 4.5:1 as an Off-menu Incentive. The project proposes a total of approximately 67,600 square feet of building area, equal to a FAR of 4.5:1. This increase permits the project to expand the building envelope and provide additional building floor area, which enables the provision of additional living space and residential units and enables the applicant to reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside six dwelling units for Very Low Income households. The requested Incentive provides actual and identifiable cost reductions that provide for affordable housing costs because the incentive by nature increases the building envelope of the project so that additional residential units can be provided.

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

There is no substantial evidence in the record that the proposed Incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). Although the existing commercial automobile service building is a recognized historic resource, the project has been carefully designed to incorporate the existing building and to retain sufficient character-defining features and integrity such that impacts to historic resources would be less than significant. In addition, potential environmental impacts, including impacts to historic resources, have been fully analyzed in the SCEA prepared for the project, which concludes the same. The property is not located on a substandard street in a Hillside area and is not located in a Liquefaction Zone, a Special Grading Area, a Very High Fire Hazard Severity Zone, a Methane Zone, or any

other special hazard area. Therefore, there is no substantial evidence that the proposed project, and thus the requested Incentives, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource. Based on the above, there is no basis to deny the requested Incentives.

- c. The waiver[s] or reduction[s] of development standards relate to development standards that will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).**

A project that meets the requirements of Government Code 65915 may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Side Yard Setbacks

Due to the irregular lot shape, the subject property has three side yards, including an interior northerly side yard, an easterly side yard, and a westerly side yard. The project includes requested Waivers to permit reduced setbacks for all three side yards. These requests enable the expansion of the building footprint and envelope which directly results in the provision of residential units, including the proposed restricted affordable units. In addition, due to the irregular shape of the subject property and the narrow street frontage, requiring full-width side yard setbacks would result in an impractically narrow and irregular building footprint, thereby precluding development of the proposed project.

Drive Aisle Width and Column Clearance

The project proposes to provide a drive aisle width of 23 feet five inches in lieu of the required 27 feet four inches, as well as to waive the requirement for a 10-inch column clearance for a reduced drive aisle width. Due to the irregular shape of the subject property and the narrow street frontage, requiring a full-width drive aisle width and column clearance along with all other engineering and architectural requirements would be infeasible within the subject property and would physically preclude the provision of the proposed 45 units, including six restricted affordable units. In addition, the project involves the partial maintenance of an existing historic commercial automotive service building along the street frontage, specifically proposing to utilize an existing automobile bay for vehicle ingress and egress and maintaining various existing structural columns and trusses; as the project, the project also cannot meet the required drive aisle width and column clearance because doing so would preclude the preservation of an existing historic resource, a core element of the proposed project. The requested waiver enables the development of the proposed project, including the proposed restricted affordable units, along with vehicle ingress and egress.

Therefore, the requested Waivers of Development Standards relate to development standards that would physically preclude a project otherwise meeting the requirements of State Density Bonus law.

- d. The Incentives and/or Waivers are contrary to State/federal law.**

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

Environmental Findings

- 2. SCEA.** The City of Los Angeles finds that the Proposed Project complies with the requirements of CEQA for using an SCEA as authorized pursuant to Public Resources Code Section 21155.2(b). The City of Los Angeles has determined that:

The Project is a Transit Priority Project (TPP) pursuant to PRC Section 21155:

- a. The Project is consistent with the general use designation, density, building intensity, and applicable policies specified in the project area in the current SCAG RTP/SCS.
- b. The Project contains at least 50 percent residential use, based on total building square footage, and if the project contains between 26 percent and 50 percent non-residential uses, a floor area ratio of not less than 0.75;
- c. The Project provides a minimum net density of at least 20 dwelling units per acre;
- d. The Project is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan, consistent with PRC Section 21155(b). A major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The Transit Priority Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the following prior applicable EIRs: SCAG's 2020-2045 RTP/SCS EIR.

An initial study has been prepared and circulated in compliance with PRC Section 21155.2(b). A public hearing on the SCEA, and all comments received on the SCEA, will be considered by the City Planning Commission prior to SCEA adoption and approval of the Project.

All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed.

With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:

- i. Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance.
 - ii. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- 3. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

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

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

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

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

Metro DSC

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

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

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



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing