

ATTACHMENT “A”
8775 - 8799 VENICE BOULEVARD,
3166 – 3170 HELMS AVENUE, 3165 – 3177 HUTCHISON AVENUE

Discretionary Request

Walter N. Marks, Inc., the Applicant, respectfully requests the following approval:

1. Pursuant to **Los Angeles Municipal Code (“LAMC”) Section 12.22.A.25** and **Government (“Gov”) Code Section 65915**, the Applicant requests approval of Density Bonus Affordable Housing Incentive Program Compliance Review for a mixed-use development with 73 dwelling units, of which 15% would be restricted affordable units at the Very Low Income level, which qualifies the Project for the following incentives and waivers:
 - a. Pursuant to **LAMC Section 12.22.A.25(f)(8)**, an on-menu incentive to average the density, floor area, open space, parking and vehicle access across the project site.
 - b. Pursuant to **LAMC Section 12.22.A.25(f)(4)**, an on-menu incentive to permit a Floor Area Ratio (“FAR”) of 3.53 to 1, in lieu of the otherwise permitted 3 to 1, averaged across the project site.
 - c. Pursuant to **LAMC Section 12.22.A.25(g)(3)**, an off-menu incentive to permit an overall height increase up to 23.5 additional feet, applicable over the entire project site (not inclusive of limited permitted exceptions for parapet walls, rooftop equipment, structures, and improvements pursuant to West Adams-Baldwin Hills-Leimert CPIO Sections VI-2.A.1.f and VI-2.A.1.g and LAMC Section 12.21.1.B.3).
 - d. Pursuant to **LAMC Section 12.22.A.25(g)(3)**, waivers to allow:
 - i. Deviations from the Transitional Height requirements to allow a maximum building height of 78.5 feet, in lieu of the otherwise permitted 25 feet between 0 and 49 feet from the Open Space (“OS”) Zone in the Venice Boulevard median, 33 feet between 50 and 99 feet from the OS Zone in the Venice Boulevard median, and 61 feet between 99 and 199 feet from the OS Zone in the Venice Boulevard median.
 - ii. Interior recreation rooms to qualify for up to 36% of total required usable open space, in lieu of the otherwise permitted maximum of 25% of total required usable open space.

Note: Pursuant to Section 1.1.4.F of the Exposition Corridor Transit Neighborhood Plan, areas within the Exposition Corridor Transit Neighborhood Plan are exempt from Site Plan Review regulations of LAMC Section 16.05. However, additional permits may be requested including, but not limited to, demolition, excavation, shoring, grading, foundation, building, haul route and street tree removal.

PROJECT DESCRIPTION

The Applicant proposes to redevelop an approximately 47,042-square-foot area within the West Adams – Baldwin Hills – Leimert Community Plan in the City of Los Angeles (the “City”) generally bound by Venice Boulevard to the south, Helms Avenue to the west, Regent Street to the north and Hutchison Avenue to the east (the “Project Site”). The Project Site includes the following addresses: 8775-8799 Venice Boulevard, 3166-3170 Helms Avenue and 3165-3177 Hutchison Avenue. The Project Site is comprised of fourteen lots and five Assessor’s Tax Parcels (APNs 4312-006-013, -014, -025, -026 and -041).

The Project Site is served by robust public transportation, with a Metro Line 33 bus stop located across the street and the Metro E (Expo) Line Culver City Station within approximately ½- mile. The Helms Bakery District is located immediately south of the Project Site, across Venice Boulevard and includes a mix of retail, restaurant, and office uses spanning the border between the cities of Los Angeles and Culver City. Along the north side of Venice Boulevard, the commercially zoned lots east of the Project Site contain commercial uses, and the commercially zoned lots west of the Project Site contain a surface parking lot. The residentially zoned portion of the Project Site is surrounded by single- and multi-family residential buildings to the north, east, and west.

The Project Site is currently occupied by a surface parking lot containing approximately 140 parking spaces, and an approximately 1,851 square foot maintenance building. The Applicant proposes to remove these existing on-site uses to construct a new six-story mixed-use development, which would include up to 73 residential apartment units (including 11 units restricted affordable at the Very Low Income level) and approximately 69,176 square feet of commercial uses, including approximately 53,046 square feet of office space and approximately 16,130 square feet of ground floor retail space (the “Project”). The Project’s total floor area would be approximately 148,448 square feet, for a floor area ratio (“FAR”) of 3.53 to 1. The maximum height of the Project would be 78.5 feet within the C2-zoned portion of the Project Site and 67 feet in the RD2-zoned portion of the Project Site.

Vehicular access to the Project would be provided via two driveways, one on Helms Avenue and one on Hutchison Avenue. The two-way Helms Avenue driveway would serve as the Project’s primary vehicle access point, while the Hutchison Avenue driveway would exhibit one-way egress as well as bidirectional access for emergency vehicles and limited delivery operations. In addition, a two-way “drive aisle” connecting the driveways would provide an on-site drop-off/pick-up area for Project-related transportation activities (such as for Uber, Lyft, taxis, etc.).

Approximately 329 vehicle parking spaces would be provided at-grade and in a subterranean parking envelope. The Project would also provide 18 short-term bicycle parking spaces and 77 long-term bicycle parking spaces. Finally, the Project would include 7,300 square feet of open space and a variety of indoor and outdoor amenities, landscaped terraces and seating areas, gym, and business lounge.

The project is designed in a classic modernist contemporary idiom. Each elevation is organized to articulate massing and materiality into a variety of components derived from their underlying use. The program is divided into two primary volumes each carved with recesses and step backs to create a hierarchy of scales which introduce opportunities for sustainable open spaces and landscaping vertically and horizontally along the facades at strategic locations.

PROJECT SITE INFORMATION

Location

The Project Site is a relatively flat, approximately 47,042-square-foot rectangular-shaped area generally bound by Venice Boulevard to the south, Helms Avenue to the west, Regent Street to the north and Hutchison Avenue to the east. The Project Site has approximately 250 feet of linear frontage on Venice Boulevard, 185 feet of linear frontage on Helms Avenue and 190 feet of linear frontage on Hutchison Avenue.

Table 1. Site Information

Address	APN	Lot Area (SF)	Zone	CPIO Parcel Group
8775 - 8799 W. Venice Boulevard, 3177 S. Hutchison Avenue	4312-006-041	22,022	C2-2D-CPIO	Parcel Group C
3171 S. Hutchison Avenue	4312-006-014	5,630	RD2-1-CPIO	Parcel Group D
3165 S. Hutchison Avenue	4312-006-013	5,724		
3170 S. Helms Avenue	4312-006-025	5,630		
3166 S. Helms Avenue	4312-006-026	5,036		
Total		47,042		

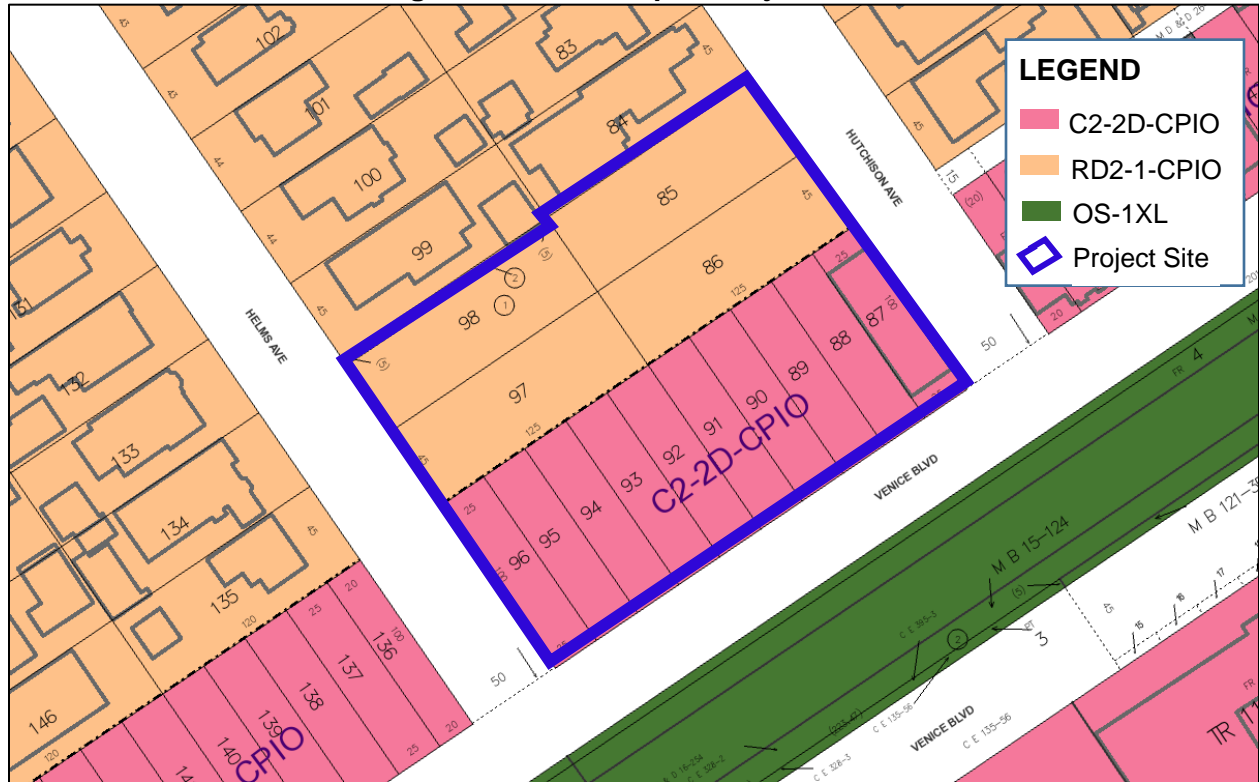
The Project Site is located within the West Adams – Baldwin Hills – Leimert Community Plan, which was adopted by City Council in 2017. The Plan designates the southern portion of the Project Site along Venice Boulevard as Neighborhood Commercial, which corresponds to the C1, C1.5, C2, C4, R3, and RAS3 zones. The Plan designates the northern portion of the Project Site as Low Medium II Residential, which corresponds to the RD1.5 and RD2 zones.

The southern portion of the Project Site along Venice Boulevard is zoned C2-2D-CPIO and the northern portion of the Project Site is zoned RD2-1-CPIO (see Figure 1 below). The C2 zoned portion of the Project Site is located in Height District 2D. Height District 2 permits a 6 to 1 FAR and an unlimited height limit. But, the “D” Limitation states that “new uses and development projects shall comply with the West Adams CPIO District, including the Venice/National TOD Subarea regulations.” The West Adams CPIO District regulates floor area and height to a 3 to 1 FAR and a 55-foot height limit. The RD2 portion of the Project Site is located in Height District 1, which permits a 3 to 1 FAR and a 45-foot height limit.

Both the C2 and RD2 portions of the site are located in the West Adams – Baldwin Hills – Leimert Community Plan Implementation Overlay (the “CPIO”). The Project Site is located within the Venice/National TOD Subarea of the CPIO, which is further defined by Parcel Groups within the subarea. The Project Site is located within Parcel Group C and Parcel Group D of the Venice/National TOD Subarea. Parcel Group C, which encompasses the C2-2D-CPIO portion of the Project Site, allows for most commercial uses including office, retail and restaurant. Residential uses are permitted in mixed-use developments, but 100% residential projects are not permitted. Parcel Group D, which encompasses the RD2-1-CPIO portion of the Project Site, allows for residential uses including multi-family residential buildings.

The Project Site is also located within the boundaries of the Exposition Corridor Transit Neighborhood Plan (the “TNP” or the “Specific Plan”), but it is not located within a subarea within the TNP and thus the zoning designation does not reference the TNP.

Figure 1. ZIMAS Map of Project Site



Surrounding Area

North

Properties to the north are located in the RD2-1-CPIO zone and Parcel Group D of the CPIO. These properties are improved with single- and multi-family residential uses.

South

Venice Boulevard is located directly south of the Project Site, of which a portion is located within the Open Space (OS) zone. Venice Boulevard is improved as a public right-of-way. While much of this street has a landscaped median, the segment abutting the Project Site generally lacks a landscaped median due to a center left-turn lane, and no open space uses are present.

South of Venice Boulevard is located in the C2-2D-CPIO zone. The Helms Bakery District is located immediately south of the Project Site, across Venice Boulevard and includes a mix of retail, restaurant, and offices uses spanning the border between the cities of Los Angeles and Culver City.

East

Along the north side of Venice Boulevard, the C2-2D-CPIO zoned lots east of the Project Site contain commercial uses. The RD1.5-1 zoned area east of the Project Site is improved with single- and multi-family residential uses.

West

Properties located to the west are located in the C2-2D-CPIO and RD2-1-CPIO zones and Parcel Groups C and D. Along the north side of Venice Boulevard, the commercially zoned lots contain commercial uses and the lots immediately west of the Project Site contain a surface parking lot. The residentially zoned area surrounding the Project Site is improved with single- and multi-family residential uses.

Previous Cases

Case No. ZA-2006-3491-CU

On November 6, 2006, the Zoning Administrator approved a conditional use permit to allow an expansion of the existing surface parking lot in the RD2-1 Zone and construction of a 6-foot high wall within the front yard setback in lieu of 3 feet and 6 inches under LAMC Section 12.22.C.20(f)(2).

Case No. ZA-1999-0830-CU

On August 16, 2000, the Zoning Administrator approved a conditional use to permit the following: A conditional use permit with specified deviations from the requirements of Section 12.22-A,23(a) of the Code to allow tandem parking spaces (84 spaces in 42 stalls), height to be 48 feet in lieu of the permitted 40 feet; deviation from landscaping and landscaping setback, and to provide less than 50% transparent windows on exterior walls, and A conditional use permit to permit public parking areas in an "R" Zone; and A request to permit a wall to extend 5 feet along the edge of the surface parking lot located in the front yard of the RD2-1 Zone.

Case No. ZA 10935

On September 13, 1949, the Zoning Administrator approved a variance to permit the use of a portion of Lots 98 and 97 at 3164-68 Helms Avenue for parking. In that determination it was stipulated a 5-foot planting strip would be maintained along the northerly side of this parking lot and that a 5-foot solid board fence would be maintained between the parking lot and this planting strip.

ZONING CONFORMANCE

In accordance with TNP Section 1.1.4.C, the TNP supersedes applicable provisions of the LAMC and other relevant Ordinances and overlays, unless otherwise stated in the TNP (which is considered a Specific Plan). According to LAMC Section 13.14.B, if the provisions of the CPIO conflict with any other City-wide regulations in the LAMC or supplemental use districts other than a Specific Plan or HPOZ, then the requirements of the CPIO prevail. So the hierarchy of applicable zoning standards is as follows 1) Exposition Corridor TNP, 2) West Adams CPIO, 3) other provisions of the LAMC.

The Project Site is not located in a TNP Subarea, but all projects within the TNP are subject to the Urban Design Standards (Section 4) of the TNP. Since the Project Site is located in both a residential and commercial zone, both the Multifamily Residential Design Standards and the Mixed Use, Commercial and Industrial Design Standards apply, respectively. The Project Site is located within the Venice/National TOD Subarea of the CPIO. The Project Site is also subject to any applicable development standards not covered by the TNP or CPIO in accordance with LAMC Sections 12.09.1 and 12.14.

Use

The TNP does not regulate uses, so the use regulations in the CPIO apply. CPIO Table VI-1 outlines use regulations.

Parcel Group C

In Parcel Group C, most commercial uses are permitted however there are special regulations that pertain to alcohol sales, automotive uses, fast food establishments, motels, recycling centers, storage buildings and swap meets. The Project does not include any of these uses. Additionally, the CPIO prohibits 100% residential uses, but mixed-use projects are permitted provided the residential component does not exceed 75% of the total floor area (CPIO Section VI.B.1.b). In Parcel Group C, the Project is primarily commercial with less than 20% of the floor area designed for residential uses. Therefore, the Project is consistent with the use regulations in Parcel Group C.

Parcel Group D

Multi-family residential uses are permitted in Parcel Group D, but commercial uses are prohibited. As a mixed-use project, all commercial uses would be located in the Parcel Group C and all uses in Parcel Group D would be residential or accessory to the residential uses. Therefore, the Project is consistent with the use regulations in Parcel Group D.

Density Bonus Eligibility

Housing Development Project

Pursuant to LAMC Section 12.22.A.25(b), a Housing Development Project includes the construction of five or more new residential dwelling units in a project in which the residential floor area occupies at least fifty percent of the total floor area of the building or buildings. The Project includes a mixed-use building with 148,448 square feet including 79,272 square feet of residential floor area and 69,176 square feet of commercial floor area, or 53% residential and 47% commercial. As a result, the Project qualifies as a Housing Development Project.

Affordability

The statewide density bonus program, enacted locally pursuant to LMAC Section 12.22.A.25 et seq., requires the on-site set aside of residential units with specified levels of affordability in order to qualify for program incentives and waivers. The Project does not seek a density increase from the otherwise permitted density, but it nonetheless qualifies for incentives and waivers based upon the affordable housing proposed. Pursuant to Gov. Code Section 65915(d)(3) and LMAC Section 12.22.A.25(e), a Project that sets aside 15% of its density at the Very Low Income level is eligible for three incentives. The Project includes 73 dwelling units and includes 15% (11 units) restricted for Very Low Income households. As a result, the Project qualifies for 3 incentives and additional waivers.

Density

Neither the TNP nor the CPIO set out density requirements, and in the absence of such limitations, Project density is regulated by the underlying LAMC zoning requirements. In the C2 zone, residential density provisions of the R4 zone would apply at a rate of one dwelling unit per 400 square feet of lot area. The lot area of the C2-zoned portion of the Project Site would allow approximately 62 dwelling units. In the RD2 zone, residential density is permitted at a rate of 1 dwelling unit per 2,000 square feet of lot area. The lot area of the RD2-zoned portion of the Project side would allow approximately 11 dwelling units. The combined total permitted dwelling units is approximately 73 dwelling units.

The Project includes 73 one-bedroom dwelling units. The Applicant requests averaging of density across the Project Site and proposes 12 units in the C2 zone and 61 units in the RD2 zone.

Table 2. Permitted and Proposed Density

Zone	Lot Area	Ratio (Unit per SF)	Permitted Units	Proposed Units
C2-2D-CPIO	25,022	1 unit per 400	62	73
RD2-1-CPIO	22,020	1 unit per 2,000	11	
TOTAL			73	

Floor Area

The TNP does not regulate floor area, so the floor area regulations in the CPIO apply. CPIO Table VI-2.1 outlines the floor area regulations in different parcel groups and provides a minimum and maximum floor area, except that Affordable Housing Incentive Programs such as Density Bonus permit floor area increases and floor area averaging. According to CPIO Section VI.B.1.a, projects in Parcel Group C can utilize the maximum FAR provided at least 80% of the parking is located below grade. Since the Project includes 329 parking spaces and only 15 parking spaces at grade, so approximately 95% of parking spaces are below grade and the Project is eligible for the maximum FAR of 3 to 1. In Parcel Group D, the maximum FAR permitted is also 3 to 1.

The Applicant will provide 15% of the permitted density as restricted affordable for Very Low Income households, so the Project is eligible for a 35% floor area increase or an FAR of up to 4.05 to 1. The Project would provide 148,448 SF of floor area for an FAR of up to 3.53 to 1, averaged across the Project Site. See Table 3 below.

Table 3. Permitted and Proposed Floor Area

Permitted	FAR	Buildable Area (SF)	Permitted Floor Area (SF)	% Increase	Permitted Floor Area (SF)	Proposed Floor Area (SF)
Parcel Group C	3 to 1	25,022	75,066	35%	170,290	148,448
Parcel Group D	3 to 1	17,025	51,075			
TOTAL			126,141			

Lot Coverage

The TNP Section 4.2.1.C.3 requires lot coverage of at least 50% of the total lot area but no more than 85% of the total lot area. The proposed building footprint is approximately 31,068 square feet. With 47,042 square feet of lot area, the project will cover approximately 66% of the Project Site.

Height

Overall Height

The TNP does not impose limitations on overall building height, so the regulations in the CPIO apply. According to CPIO Sections VI-2.A.1.b and c, the height limit for Parcel Group C is 55 feet and the height limit for Parcel Group D is 45 feet. The Project will set aside 15% of the proposed density for households at the Very Low Income level and is therefore eligible for incentives in accordance with the Density Bonus program. The Applicant requests 23.5-foot building height increase across the Project Site for an overall building height in Parcel Group C of 78.5 feet and an overall building height in Parcel Group D of 67 feet.

CPIO Section VI-2.A.1.f permits parapet walls and guard rails enclosing roof uses, such as terraces, gardens or green roofs to exceed the maximum allowable building height by up to 42 inches or as required by the Building Code. The Project is designed with a green roof and thus a 42-inch parapet exceeds the overall building height.

In accordance with LAMC Section 12.21.1.B, the Project contains additional permitted projections such as solar equipment and the elevator overrun.

Street Wall

The TNP requires a minimum street wall height along Venice Boulevard of 4 stories (TNP Section 4.2.1.B and Table L). However, TNP Section 4.2.1.B.2 requires that where utility poles exist along a street in excess of 30 feet, no portion of a building above 30 feet in height may be constructed within 5 feet of the property line along that street. The Project design includes a 6-story building along Venice Boulevard. However, Venice Boulevard supports several power poles greater than 30 feet in height, so the proposed frontage will be designed consistent with requirements prescribed by the Los Angeles Department of Water and Power (“LADWP”).

Story Height

According to CPIO Section VI-2.A.1.e, individual stories may not exceed 14 feet in height from finished floor to finished ceiling, except the ground floor, which is required to have a minimum height of 11 feet and permitted a maximum height of 25 feet.

The Project consists of one building, containing two elements referred to herein as North and South. The North portion of the project is 100% residential and the South portion of the project contains a large commercial component. Because each use included in the project (residential, office and retail) has different design needs, the story heights are not the same across the levels in the North portion of the project as the South portion of the project. The North portion of the project will be 6 stories and achieve an overall height of 67 feet with a ground floor story height of 11'-10" and above ground story heights ranging from 10'-5" to 11'-1". The South portion of the project will be 6 stories and achieve an overall height of 78.5 feet with a ground floor story height of 15'-9" and above ground story heights ranging from 10'-6" to 14 feet.

Table 4. Required and Permitted Building Height

Level	CPIO Requirement	Proposed North (residential)	Proposed South (mixed use)
1	Min: 11 feet Max: 25 feet	11 feet 10 inches	15 feet 9 inches (retail)
2	Max: 14 feet	10 feet 5 inches	12 feet 7 inches (office)
3		10 feet 5 inches	12 feet 7 inches (office)
4		10 feet 5 inches	14 feet (office)
5		10 feet 8 inches	10 feet 6 inches (residential)
6		11 feet 1 inch	13 feet 1 inch (residential)
Overall Height	67 feet/78.5 feet (with height incentive)	67 feet	78.5 feet

Transitional Height

Transitional Height regulations in LAMC Section 12.21.1.A.10 also apply to the Project Site because the Venice Boulevard median is located in the OS zone. Transitional Height regulations limit portions of buildings on a C zoned lots located within 200 feet from a lot classified in the RW1 Zone or a more restrictive zone. The OS zone is more restrictive than the RW1 zone.

Transitional height regulates that between 0 and 49 feet from the OS zone, the height limit would be 25 feet; between 50 – 99 feet from the OS zone, the height limit would be 33 feet; and between 100- 199 feet from the OS zone, the height limit would be 61 feet (see Figure 2 below). A 25- to 33-foot height limit would restrict development to 2 or 3 stories, which is in conflict with the TNP street wall requirement and also does not allow a physical building envelope for the construction of housing. The Applicant requests a waiver from the transitional height regulation from the OS zone within Venice Boulevard.

CPIO Section VI-2.A.2.b delineates transitional height requirements for Parcel Group C when its property line is oriented toward the front yards or side yards of lots in Parcel Group D. Since the Project Site consists of lots in Parcel Group C and Parcel Group D, no transitional height is required within the Project Site itself. The portion of the Project Site that faces toward the front or side yard of Parcel Group D is located within Parcel Group D, so no transitional height is required from the Project Site toward any of the north, east or west adjacent residential area. The

only applicable transitional height is from the area zoned for Open Space within the Venice Boulevard median, which generally lacks landscaping and any open space uses adjacent to the Project Site, due to an existing center left-turn lane.

Figure 2. LAMC Section 12.21.1 Transitional Height Requirements



Yards and Setbacks

The Project Site is a through lot as defined by LAMC Section 12.03, with parallel front yards on Helms Avenue and Hutchison Avenue. All other property lines are considered side yards. Regardless of yard determination, the TNP regulates setbacks on street frontages. The interior side yards are regulated by the Zoning Code.

Commercial Zone Street Frontage

According to TNP Section 4.2.1.A.1, projects with frontage on Venice Boulevard, Helms Avenue and Hutchison Avenue (neither a Retail Streets nor Active Streets) are permitted to provide a setback for ground floor retail uses with a maximum of 10 feet. The Project would provide setbacks between 0 to 2 feet along the commercially zoned street frontages.

Residential Zone Frontage

According to TNP Section 4.3.1.A.2, projects with frontage on Helms Avenue and Hutchison Avenue are required to be located within 5 feet of the Prevailing Front Setback on the block face. The Prevailing Front Setback on Helms Avenue is approximately 16 feet and the Prevailing Front Setback on Hutchison Avenue is approximately 17.5 feet. The Project would provide a 15-foot setback on Helms Avenue and a 16-foot setback on Hutchison Avenue.

Interior Side Yards

Pursuant to LAMC Section 12.09.1.B.2, projects in the RD2 zone are required to provide side yards with a minimum of 5 feet and an additional 1 foot for every story over two stories. With a 6-story building, the side yard setback requirement is 9 feet. The Project would provide side yard setbacks ranging from 10 to 15 feet along the north property line.

Figure 3. Applicable Setback Regulations

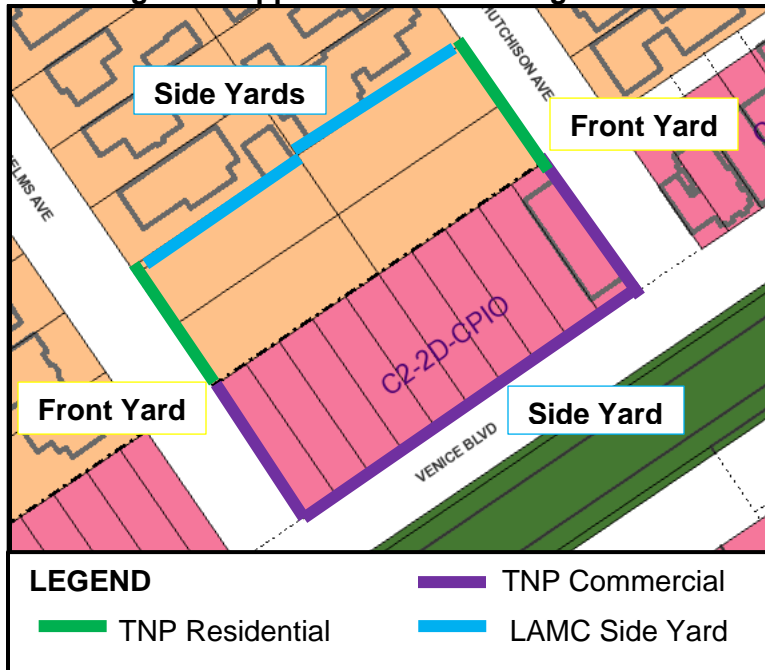


Table 5. Required and Provided Yard Setbacks

Yard	Required / Permitted	Provided
Venice (Side Yard) Setback	Maximum 10 feet	0-2 feet
Helms (Front Yard) Setback	Maximum 10 feet	0-2 feet
	16 feet +/- 5 feet	15 feet
Hutchison (Front Yard) Setback	Maximum 10 feet	0-2 feet
	17.5 feet +/- 5 feet	16 feet
North PL (Side Yard) Setback	Minimum 9 feet (for 6-story building)	10 – 15 feet

Open Space

LAMC Section 12.21.G requires open space to be provided per dwelling unit based on the number of habitable rooms. For the purposes of open space calculation, the kitchen is not considered a habitable room. Projects are required to provide 100 square feet of open space per unit with less than three habitable rooms, 125 square feet of open space for units with three habitable rooms and 175 square feet of open space for units with more than three habitable rooms. The Project includes 73 one-bedroom dwelling units, so 7,300 square feet of open space is required.

The Project would provide 7,300 square feet of open space including 300 square feet of private open space, 4,392 square feet of outdoor open space and 2,608 square feet of interior recreation rooms. However, LAMC Section 12.21.G.2(a)(4)(i) only permits up to 25% of the total open space requirement to be provided as recreation rooms. As a result, the Applicant requests a waiver of development standards pursuant to LAMC Section 12.22.A.25(g) to permit up to 36% of the open space to be provided as recreation rooms.

Landscaping and Trees

TNP Section 4.2.4.C.1 and 2 requires at least 80% of the landscaped area shall be planted with drought tolerant shrubs and groundcover as well as permeable paving for at least 50% of the area, except where not feasible due to water table levels, contamination, or permeability of the soil.

LAMC Section 12.21.G requires at least 25% of the outdoor open space be landscaped and 1 tree be provided for every 4 dwelling units. The Project includes ample landscaping including on the ground floor and the rooftop, which will exceed the 730 square feet otherwise required. Of the proposed landscaping, at least 80% will be planted with drought tolerant shrubs and groundcover. Provided the site coverage of the subterranean parking structure, it is not feasible to provide at least 50% of the hardscaping as permeable.

The Project Site currently has 28 trees including 4 trees in the public right-of-way. The Applicant proposes to keep as many existing trees as possible, including 4 Brisbane Box trees along the north property line and 2 American Sweet Gum in the public right-of-way. The remainder of 22 trees will be removed, including 2 in the public right-of-way.

With 73 dwelling units, the Project is required to provide 18 trees. The Project proposes 34 new trees, including 17 trees on-site and 17 trees in the public right-of-way (pending Urban Forestry approval). With the 34 proposed trees and the 6 existing trees to be preserved, the Project includes an overall total of 40 trees.

Vehicle Parking and Access

Parking Spaces

The TNP does not regulate parking maximums or minimums, so the regulations in the CPIO Section VI-2.E apply. Table VI-2.2 outlines maximum parking requirements in addition to more commonly prescribed minimum parking requirements. The maximum and minimum requirements are described as a percentage of the LAMC Section 12.21.A.4 parking requirements, which are based on use. The CPIO parking requirements are based on Parcel Group. For the purposes of the parking calculation, the residential uses are considered in Parcel Group D and the commercial uses are considered in Parcel Group C.

The Project proposes 73 one-bedroom dwelling units. LAMC Section 12.21.A.4 requires 1.5 parking spaces for dwelling units with three habitable rooms such as one-bedroom dwelling units (the kitchen counts as a habitable room in accordance with LAMC Section 12.03). As a result, the residential parking requirement is 110 parking spaces. Parcel Group D permits up to 100% of the LAMC parking requirement and so the project proposes the maximum of 110 parking spaces.

The Project includes 69,176 square feet of commercial, which includes 16,130 square feet of retail and 53,046 square feet of office. Pursuant to the CPIO, Retail uses require 4 spaces per 1,000 square feet and office uses require 2 spaces per 1,000 square feet, which results in a total of 65 and 106 parking spaces, respectively, for a total of 171 permitted commercial parking spaces. The CPIO authorizes with respect to Parcel Group C up to 90% of the LAMC parking requirement, and the Project accordingly proposes the maximum of 154 parking spaces.

The Project Site currently has 2 off-site parking covenants that serve businesses for the south-adjacent Helms Bakery District for a total of 65 covenanted parking spaces. While the parking spaces will be relocated during construction, the Project includes 65 replacement parking spaces such that no covenanted parking will be lost as a result of the Project.

Table 6. Required and Proposed Parking

	LAMC 12.21.A.4 Requirement	Minimum	Maximum	Proposed
Parcel Group C	171 spaces	50% 85 spaces	90% 154 spaces	154 spaces
Parcel Group D	110 spaces	50% 55 spaces	100% 110 spaces	110 spaces
AFF 2009-0435260 On-Site Replacement	-	-	-	29 spaces
AFF 2014-0633020 On-Site Replacement	-	-	-	36 spaces
Total				329 spaces

Vehicle Access

Consistent with the requirements of the TNP, the CPIO, Mobility Plan 2035 (an element of the General Plan) and Vision Zero, no vehicle access is proposed on Venice Boulevard. TNP Section 4.2.5.A.1 and Mobility Plan 2035 Program No. PL.1 require vehicular access to be from an alley or a local street where physically feasible. CPIO Section VI-E.2 requires access driveways to be taken from alleys or side-streets when present. Moreover, Venice Boulevard is considered a High Injury Network, which spotlights streets with a high concentration of traffic collisions that result in severe injuries and deaths. High Injury Networks are areas where the City prioritizes the Vision Zero philosophy, a data-driven approach for achieving zero traffic deaths by 2025. One principle

of Vision Zero is that vehicle access cannot be taken from a High Injury Network where there is a physically feasible alternative.

Vehicle access will be taken from side streets through a drive aisle central to the Project Site that runs east-west between Helms Avenue and Hutchison Avenue. The Project includes one two-way driveway on Helms Avenue, which allows vehicles to make use of the existing stoplight at Helms Avenue and Venice Boulevard. Vehicle egress will also be provided from one one-way driveway on Hutchison Avenue, which will also provide for off-street commercial loading, trash vehicle access and emergency vehicle access. Both driveways will have a maximum driveway width of 24 feet, as permitted by TNP Section 4.2.5.A.2.a.

Along the drive aisle, the Project would provide 15 at-grade parking spaces. The at-grade parking spaces are consistent with the requirements of TNP Section 4.2.5.B such that the parking spaces are not located between the building and the street. However, the residential ADA parking space is located at-grade, adjacent to the residential lobby, covered by the building above, but not wrapped by a building wall. Consistent with TNP Section 4.2.5.B.2.a, this parking space will be set back from the property line by 20 feet and screened with a landscaping strip that would be a minimum of 2 feet wide and 3 feet in height to achieve the intent of the TNP in conformance with relevant ADA policies.

Vehicle access to the subterranean parking level is from a central, circular ramp. The Project minimizes vehicle-pedestrian conflicts by providing the ramp landing at the internal drive aisle as opposed to the public street. The subterranean parking area includes 27 traditional parking spaces and 287 automated parking spaces. Of the Project's 329 parking spaces, 5% are located at grade and 95% are located in the subterranean parking area.

Table 7. Zoning Consistency

*Policies only relevant to commercially zoned parcels in C2-2D-CPIO Zone are shaded blue
Policies only relevant to residentially zoned parcels in RD2-1-CPIO Zone are shaded yellow*

Regulation	Source	Required/Permitted (with Density Bonus)	Proposed	Sheet
Use	Parcel Group C CPIO Table VI-1	Commercial, Office, Mixed-Use	Commercial, Office, Mixed-Use	A201
	Parcel Group D CPIO Table VI-1	Multi-Family Residential	Multi-Family Residential, Mixed-Use Vehicular Access with Density Bonus Averaging	
Density	C2-2D-CPIO LAMC Section 12.14.C.3	62 units	73 units with Density Bonus Averaging	G001
	RD2-1-CPIO LAMC Section 12.09.1.B.4	11 units		
Affordability	LAMC Section 12.22.A.25(e)	15% Very Low Income (11 Very Low Income units)	15% Very Low Income (11 Very Low Income units)	n/a
Replacement Units	SB 8	No existing housing on-site	n/a	n/a
FAR	Parcel Group C CPIO Table VI-2.1 and LAMC Section 12.22.A.25(f)(4)	4.05 to 1 with Density Bonus (3 to 1 allowed by underlying zoning)	3.53 to 1 With Density Bonus FAR Increase and Averaging (including 69,176 SF commercial floor area and 79,272 SF residential floor area, for a grand total of 148,448 SF of floor area)	G006 – G007
	Parcel Group D CPIO Table VI-2.1 and LAMC Section 12.22.A.25(f)(4)	4.05 to 1 with Density Bonus (3 to 1 allowed by underlying zoning)		
Height	Parcel Group C CPIO Section VI.2.A.1.b and LAMC Section 12.22.A.25(g)(3)	78.5 feet with Density Bonus (55 feet allowed by underlying zoning)	78.5 feet	A202

Regulation	Source	Required/Permitted (with Density Bonus)	Proposed	Sheet
	Parcel Group D CPIO Section VI.2.A.1.c and LAMC Section 12.22.A.25(g)(3)	68.5 feet with Density Bonus (45 feet allowed by underlying zoning)	67 feet	
Transitional Height	LAMC Section 12.22.A.25(g)(3)	A waiver to allow deviations from the Transitional Height requirements to allow a maximum building height 78.5 feet in lieu of the otherwise permitted 25 feet between 0 and 49 feet from the OS Zone in the Venice Boulevard median, 33 feet between 50 and 99 feet from the OS Zone in the Venice Boulevard median, and 61 feet between 99 and 199 feet from the OS Zone in the Venice Boulevard median.		A202
Ground Floor Height	CPIO Section VI.2.A.1.e	Up to 25 feet	11 feet to 25 feet, actual height varies	A301 – A302
Individual Story Height	CPIO Section VI.2.A.1.e	Up to 14 feet	14 feet or less, actual height varies	A301 – A302
Venice Boulevard Setback	CPIO Section VI.2.D.1.a	Up to 2 feet	0 to 2 feet	A101
Venice Boulevard Street Wall	TNP Section 4.2.1.B.2	Where utility poles greater than 30 feet in height exist along a street, no portion of a building above 30 feet in height may be constructed within 5 feet of the property line along that street.	Project complies with LADWP setback requirements	A202
Helms (Front Yard) Setback	C2 Zone TNP Table K	Up to 10 feet	0-2 feet	A101
	RD2 Zone TNP Section 4.3.1.A.2	16 feet +/- 5 feet	15 feet	
Hutchison (Front Yard)	C2 Zone TNP Table K	Up to 10 feet	0-2 feet	A101

Regulation	Source	Required/Permitted (with Density Bonus)	Proposed	Sheet
Setback	RD2 Zone TNP Section 4.3.1.A.2	17.5 feet +/- 5 feet	16 feet	
North PL (Side Yard) Setback	RD2 Zone LAMC Section 12.09.1.B.2	9 feet (for 6-story building)	10 – 15 feet	A101
Lot Coverage	C2 Zone TNP Section 4.2.1.A.3	50 – 85% of lot area	82.3% (19,573 SF)	G002
	Parcel Group D CPIO Section VI.2.C.1.a.2 ¹	Minimum 50% of lot area	54.4% (11,495 SF)	
Pedestrian Entrances	C2 Zone TNP Section 4.2.2.A.1	At least one entrance along each street	Corner entrances engage all adjacent streets (entrance at Helms/Venice corner and entrance at Hutchison/Venice corner)	A101
Primary Frontage storefront glazing	Venice Boulevard CPIO Section VI.2.D.c	30% of façade	At least 30%, see sheet A305	A305
Primary Frontage public interior spaces ²	Venice Boulevard CPIO Section VI.2.D.4.d.1	Minimum 75% of frontage length	100% of frontage length including retail and lobbies	A101
Upper Floors Glazing	TNP Sections 4.2.2.C.3 and 4.3.2.C.2	At least 15% of building façade	At least 15%, see sheets A305 and A306	A305
Recessed Windows	TNP Sections 4.2.2.C.3	All windows visible from the street will be recessed at least 2 inches from building façade		Project will comply

¹ Note, the CPIO does not reference a minimum lot area coverage for Parcel Group D. However, page 4 of CP-3538 states this as a requirement for Parcel Group D.

² CPIO defines public interior spaces as public access areas, lobbies or spaces used for Commercial Uses or Community Facilities.

Regulation	Source	Required/Permitted (with Density Bonus)	Proposed	Sheet
Drought Tolerant Plants	TNP Sections 4.2.4.C.1	At least 80% of the landscaped area shall be planted with drought tolerant shrubs and groundcover. See Sheet L104 for plant palette.		L104
Open Space	LAMC Section 12.21.G.2 and LAMC Section 12.22.A.25(g)(3)	7,300 SF	7,300 SF (including 4,392 SF exterior common open space, 2,608 SF interior open space at recreation rooms, and 300 SF private open space)	G010
Landscaping	LAMC Section 12.21.G.2(a)(3)	25% of outdoor open space (1,138 SF)	1,462 SF ³	L001
Trees	LAMC Section 12.21.G.2(a)(3)	1 tree per 4 dwelling units (19 trees)	Up to 47 trees	L001
Permeable Paving	TNP Sections 4.2.4.C.2	Hardscape areas shall include permeable paving for at least 50% of the area, except where not feasible due to water table levels, contamination, or permeability of the soil.	Not feasible due to subterranean parking structure below building.	-
Parking	Parcel Group C CPIO Table VI.2.2	LAMC Req – 171 90% Max – 154	219 spaces	G002
	Parcel Group D CPIO Table VI.2.2	LAMC Req – 110 100% Max – 110	110 spaces	
	Covenants	65 spaces	65 spaces	

³ Landscaping in open space areas. Additional landscaping proposed including green roof.

Regulation	Source	Required/Permitted (with Density Bonus)	Proposed	Sheet
Driveway Location	TNP Section 4.2.5.A.1 and TNP Section 4.3.5.A.1	Vehicle access must be taken from local street and as far from the corner as possible	Vehicle Access will be taken from Helms Avenue and Hutchison Avenue and located as far from the corner as possible while also balancing building operation and zoning requirements.	A001
Number and Width of Driveways	TNP Section 4.2.5.A.2 and TNP Section 4.3.5.A.2	Project sites with greater than 200 feet of street frontage are allowed a maximum of two two-way driveways up to 24 feet wide	2 driveways proposed up to 24 feet wide	A001
Parking Location	RD2 Zone TNP Section 4.3.5.B.1	Parking shall be located underground or set back a minimum of 30 feet from the front property line, exclusive of any required driveway(s), unless determined physically infeasible by the Director of Planning in consultation with LADOT.	The majority of parking is located below ground. However, the RD2 includes 5 at-grade parking spaces. One ADA Van stall is located within 30 feet of the front yard, which is consistent with ADA requirements. ⁴	A101

⁴ The remainder of ADA stalls will be located within the Automated Parking system (API), however an ADA Van will not fit in the system.

Regulation	Source	Required/Permitted (with Density Bonus)	Proposed	Sheet
Parking Landscaping/ Screening	C2 Zone TNP Section 4.2.5.C.1	Parking and loading areas shall be buffered with habitable floor area with a minimum depth of 25 feet, between the parking area or loading area and any public street, except for necessary access pathways and driveways.	The at-grade parking will be set back from a public street by at least 25 feet.	A101
	RD2 Zone TNP Section 4.3.5.B.2.b	Un-Enclosed Parking Areas must be screened with densely planted trees or shrubs that are at least 3 feet in height at the time of planting.	See Sheet L100 for proposed landscaping. The entire front yard setback on Helms is designed with landscaping and hardscaping for pedestrian access to the residential lobby.	
Bicycle Parking	Commercial LAMC Table 12.21 A.16.(a)(2)	13 short term 19 long term	13 short term 19 long term	G002
	Residential LAMC Table 12.21 A.16.(a)(1)(i)	5 short term 58 long term	5 short term 58 long term	

**DENSITY BONUS WITH INCENTIVES AND WAIVERS
FINDINGS PURSUANT TO LAMC SECTION 12.22.A.25 AND GOV. CODE SECTION 65915**

The applicant proposes a Housing Development Project containing 73 dwelling units, 11 of which will be restricted to Very Low Income Households for a period of 55 years. Under the Density Bonus Program requirements, and as a result of setting aside 15 percent of the 73 units for Very Low Income Households, the Project qualifies for three (3) affordable housing incentives under the City's Density Bonus Program pursuant to LAMC Section 12.22.A.25(e) and the State Density Bonus Law Gov. Code Section 65915(d). In addition to three incentives, the Project also qualifies for waivers under LAMC Section 12.22.A.25(g)(3) and Gov. Code Section 65915(e). The applicant seeks the following three (3) Incentives:

- (i) Pursuant to **LAMC Section 12.22.A.25(f)(8)**, an on-menu incentive to average the density, floor area, open space, parking and vehicle access across the C2-2D-CPIO and RD2-1-CPIO zones.
- (ii) Pursuant to **LAMC Section 12.22.A.25(f)(4)**, an on-menu incentive to permit a Floor Area Ratio ("FAR") of 3.53 to 1, in lieu of the otherwise permitted 3 to 1, averaged across the project site.
- (iii) Pursuant to **LAMC Section 12.22.A.25(g)(3)**, an off-menu incentive to permit an overall height increase up to 23.5 additional feet, applicable over the entire project site (not inclusive of limited permitted exceptions for parapet walls, rooftop equipment, structures, and improvements pursuant to West Adams-Baldwin Hills-Leimert CPIO Sections VI-2.A.1.f and VI-2.A.1.g and LAMC Section 12.21.1.B.3).

The following is a delineation of the findings related to the request for three Incentives, two of which are On-Menu Incentives and one of which is an Off-Menu incentive. Government Code Section 65915 and LAMC Section 12.22 A.25(g)(2)(c) provide that the Planning Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:

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

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost 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 of gross income based on area median income thresholds dependent on affordability levels.

The requested incentives would result in building design or construction efficiencies that provide for reduced affordable housing costs. Further, the grant for these incentives would allow the Applicant to expand the building envelope so the housing can be constructed and the overall space dedicated to residential uses will be increased. Without the incentives, the Project's ability to provide the range of residential amenities, unit configurations and sizes would be diminished,

jeopardizing the financial feasibility of constructing the proposed development and providing the affordable housing proposed by the Applicant at the affordable housing costs defined by State law.

Requested On-Menu Incentives

The list of on-menu incentives in 12.22 A.25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Department of City Planning will arrive at the conclusion that the density bonus on-menu incentives will result in identifiable and actual cost reductions that provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Averaging of Density, Floor Area Ratio, Open Space, Parking and Vehicular Access:

The Applicant requests to utilize the on-menu incentive to average the density, floor area, open space, parking and vehicle access across the C2-2D-CPIO and RD2-1-CPIO zones. Pursuant to LAMC 12.22-A,25(f)(8), the Project may average the floor area on two or more contiguous lots because the Project proposes to set aside 15 percent of its density (11 units) for Very Low Income Households and all the proposed uses are permitted by the underlying zoning.

The incentive is necessary to create a practical and unified development at the Project Site, and to provide development and programmatic efficiencies that will contribute to the reduction of the cost of providing the housing. For example, the C2 zoned portion of the Project Site permits 62 dwelling units and the RD2 zoned portion of the Project Site only permits 11 dwelling units, or 85% and 15% of the permitted units, respectively. However, the RD2 zoned portion of the Project Site contributes 40% of the overall buildable area. Averaging the Density and FAR would allow the Applicant to create a building envelope that allow for the dwelling units to be of a sufficient size and to include sufficient amenities and configurations to be economically feasible and to enable the development of the Affordable Units within the Project.

Floor Area Increase

The Project seeks an On-Menu Incentive to increase the maximum Floor Area Ratio ("FAR") for the Project. The CPIO permits an FAR of 3 to 1 in both the C2-2D-CPIO and RD-1-CPIO zones and height districts. The City's Density Bonus program permits a percentage increase in the allowable FAR equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35%. The Applicant will restrict 15% of the proposed density on-site as affordable for households at the Very Low Income level, which qualifies the project for a 35% density bonus. The Applicant requests an FAR of 3.53 to 1 in lieu of an FAR of 3 to 1, a 15% FAR increase.

Overall, the Project has been well designed to maximize efficiencies and incorporate the highest quality urban design principles with contextually appropriate massing while providing housing on-site. The proposed 3.53 to 1 FAR allows 148,448 square feet of floor area that will be dedicated to residential and commercial programming, allowing for efficiencies and expanded unit types, configurations and amenities that will reduce the costs of the affordable housing and assure the feasibility of the housing development proposed by the Applicant. The requested incentive will allow the Applicant to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses can be increased.

Table 1. By Right Floor Area and FAR

FAR	Buildable Area (sf)	Total Floor Area (sf)
3 to 1	42,047	126,141

Table 2. Proposed Floor Area Calculation

FAR	Total Floor Area	Additional Floor Area (sf)
3.53 to 1	148,448	22,307

Without the increased FAR, the Project's ability to provide the proposed housing, at both market rate and affordable costs, and essential residential amenities consistent with other similar properties while remaining economically feasible, would be diminished, jeopardizing the Applicant's ability to provide the housing and the commercial portions of the Project that will be a resource for on-site residents, visitors and community members in the neighborhood. Accordingly, this incentive provides for actual and identifiable cost reductions requisite to provide for affordable housing.

Requested Off-Menu Incentive

Pursuant to LAMC Section 12.22 A.25(g)(3), the Applicant is requesting one Off-Menu incentive: to permit an overall height increase up to 23.5 additional feet, applicable over the entire project site (not inclusive of limited permitted exceptions for parapet walls, rooftop equipment, structures, and improvements pursuant to West Adams-Baldwin Hills-Leimert CPIO Sections VI-2.A.1.f and VI-2.A.1.g and LAMC Section 12.21.1.B.3).

The TNP does not regulate on overall building height, so the regulations in the CPIO apply. According to CPIO Section VI-2.A.1.b and c, the height limit for Parcel Group C is 55 feet and the height limit for Parcel Group D is 45 feet. The Applicant will provide 15% of the proposed density for households at the Very Low Income level and is therefore eligible for incentives in accordance with the Density Bonus program. The Applicant requests 23.5-foot building height increase across the Project Site for an overall building height in Parcel Group C of 78.5 feet and an overall building height in Parcel Group D of 67 feet. The increase in height allows for an additional 2 stories in both parcel groups, where 35 dwelling units are proposed (12 in Parcel Group C and 23 in Parcel Group D). Without the height increase, the Applicant would not be able to expand the building envelope and the Project's ability to provide the proposed range of residential amenities, unit configurations and sizes would be diminished, jeopardizing the financial feasibility of constructing the proposed development and the affordable housing proposed by the Applicant at the affordable housing costs defined by State law.

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

There is no substantial evidence in the record that the proposed incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)).

The finding that there is no evidence in the record that the proposed incentives will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. This document establishes guidelines and thresholds of significant impact, and provides the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds.

As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

c. The incentive(s) are contrary to state or federal law.

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

In fact, the incentives further the objectives of the Density Bonus Program as well as the policy objectives of other statewide housing legislation and support recent state legislation to increase the production of housing and respond to greenhouse gas emissions and climate change by fostering the production of housing near transit resources and contributing to the City's obligations to fulfill its portion of the Regional Housing Needs Assessment (RHNA) under the SCAG RTP/SCS at all levels of affordability, including Very Low Income and market rate. The RHNA allocations pertinent to the City represent significant requirements for new housing construction at all levels of affordability, and the Project is located in one of the few areas of the City identified by the applicable Housing Element and RTP/SCS as suitable for high density housing development on a scale that is realistically likely to meet the City's RHNA obligations.

In addition, the Housing Accountability Act (Government Code Section 65589.5) strictly limits a regulatory authority's ability to reject, or to significantly condition its approval of, housing development projects that either (1) comply with applicable, objective general plan and zoning standards and criteria, or (2) include a specified minimum amount of very low, low or moderate income housing. The Project satisfies both of those criteria.

For the foregoing reasons, the proposed incentives support and further the policies and objectives of statewide and regional housing laws and planning policies.

Requested Waivers

The applicant proposes a Housing Development Project containing 73 dwelling units, 11 of which will be restricted to Very Low Income Households for a period of 55 years. Under the Density

Bonus Program requirements, and as a result of setting aside 15 percent of the 73 units for Very Low Income Households, the Project qualifies for three (3) affordable housing incentives under the City's Density Bonus Program pursuant to LAMC Section 12.22.A.25(e) and the State Density Bonus Law Gov. Code Section 65915(d). In addition to three incentives, the Project also qualifies for waivers under LAMC Section 12.22.A.25(g)(3) and Gov. Code Section 65915(e) if a development standard will have the effect of physically precluding the construction of housing. The applicant seeks the following two (2) waivers:

- i. Deviations from the Transitional Height requirements to allow a maximum building height of 78.5 feet, in lieu of the otherwise permitted 25 feet between 0 and 49 feet from the Open Space ("OS") Zone in the Venice Boulevard median, 33 feet between 50 and 99 feet from the OS Zone in the Venice Boulevard median, and 61 feet between 99 and 199 feet from the OS Zone in the Venice Boulevard median.
- ii. Interior recreation rooms to qualify for up to 36% of total required usable open space, in lieu of the otherwise permitted maximum of 25% of total required usable open space.

Pursuant to Government Code Section 65915, the decision maker shall approve a Density Bonus and requested Waiver(s) of Development Standards unless the decision maker finds that:

a. The waiver[s] or reduction[s] of development standards 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))

Transitional Height

The Applicant requests deviations from the Transitional Height requirements to allow a maximum building height of 78.5 feet, in lieu of the otherwise permitted 25 feet between 0 and 49 feet from the OS Zone in the Venice Boulevard median, 33 feet between 50 and 99 feet from the OS Zone in the Venice Boulevard median, and 61 feet between 99 and 199 feet from the OS Zone in the Venice Boulevard median.

The relief requested from the limitations of Transitional Height will allow construction of the fifth and sixth floors, which include 12 dwelling units. Denial of the requested waiver would physically preclude the construction of 12 dwelling units in the C2 zone.

Open Space

The Applicant requests interior recreation rooms to qualify for up to 36% of total required usable open space, in lieu of the otherwise permitted maximum of 25% of total required usable open space. The proposed 73 dwelling units require 7,300 square feet of open space, which would permit 1,825 square feet (25% of 7,300) of interior recreation rooms to count toward the open space requirement. The Project includes 2,608 square feet of interior recreation rooms, or an excess of 783 square feet.

In order to be consistent with the open space requirements as prescribed by LAMC Section 12.21.G, the Project would either need 1) to reduce the overall unit count which would reduce the overall open space requirement or 2) reduce dwelling units on Level 6 to provide additional open-to-the-sky open space. But, the Project is able to accommodate all the required 7,300 square feet of open space on-site without impacting the total unit count provided that up to 36% of the total required open space can be provided indoors. This indoor open space includes high quality

amenities, such as gym that will support the physical fitness goals of residents (consistent with goals, objectives and policies of the Plan for a Healthy Los Angeles, an element of the City's General Plan) and business lounge that will provide office and meeting space to support an increasing percentage of residents who work from home.

b. The waivers or reductions of development standards would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

There is no substantial evidence in the record that the proposed waivers will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)).

The finding that there is no evidence in the record that the proposed waivers will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. This document establishes guidelines and thresholds of significant impact, and provides the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds.

As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety.

c. The waivers or reductions of development standards are contrary to state or federal law.

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

In fact, the waivers further the objectives of the Density Bonus Program as well as the policy objectives of other statewide housing legislation and support recent state legislation to increase the production of housing and respond to greenhouse gas emissions and climate change by fostering the production of housing near transit resources and contributing to the City's obligations to fulfill its portion of the Regional Housing Needs Assessment (RHNA) under the SCAG RTP/SCS at all levels of affordability, including Very Low Income and market rate. The RHNA allocations pertinent to the City represent significant requirements for new housing construction at all levels of affordability, and the Project is located in one of the few areas of the City identified by the applicable Housing Element and RTP/SCS as suitable for high density housing development on a scale that is realistically likely to meet the City's RHNA obligations.

In addition, the Housing Accountability Act (Government Code Section 65589.5) strictly limits a regulatory authority's ability to reject, or to significantly condition its approval of, housing development projects that either (1) comply with applicable, objective general plan and zoning standards and criteria, or (2) include a specified minimum amount of very low, low or moderate income housing. The Project satisfies both of those criteria.

For the foregoing reasons, the proposed waivers support and further the policies and objectives of statewide and regional housing laws and planning policies.