## Developer Guidelines

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<tr>
<td>Requested SORO NC Land Use Committee meeting date</td>
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<tr>
<td>Planning case number</td>
<td>ENV-2018-5765-CE</td>
</tr>
<tr>
<td>Project address</td>
<td>1416-18 S. Beverly Drive&lt;br&gt;Los Angeles&lt;br&gt;90035</td>
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<tr>
<td>Information for</td>
<td>Applicant</td>
</tr>
<tr>
<td>Name</td>
<td>Chris Parker</td>
</tr>
<tr>
<td>Address</td>
<td>23622 Calabasas Road&lt;br&gt;Ste 100&lt;br&gt;Calabasas&lt;br&gt;CA&lt;br&gt;91302</td>
</tr>
<tr>
<td>Phone number</td>
<td>(818) 5919309</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:chris@pccla.com">chris@pccla.com</a></td>
</tr>
</tbody>
</table>

### 1. Description of what is being requested of this Committee that is not "by right"

Haul route hearing to export 11,538 CY of dirt in conjunction with a previously approved 5-story, 23-unit multi-family facility with 2 levels of subterranean garage

- **a. Size of property**: 14052
- **b. Size of proposed building(s)**: 37679

### 3. Proposed use of property

Project has already received approval for 5-story, 23-unit facility. The ENV-2018-5765-CE case was filed as part of the haul route request to export 11,38 CY of dirt to construct the 2 levels of subterranean garage.

### 4. Describe the community benefit from your proposed use of the property

- **a. Currently on property**: 7
- **b. Required by code**: 44

### Compact spaces

| Standard spaces | 30 |
| Compact spaces | 33 |

- **a. Trash enclosure**: No
- **b. Loading dock**: No

### 7. Have you provided any additional amenities we should know about to offset requested discretionary approvals affects on adjacent neighbors and/or the SORO community?

The owner will agree to all standard conditions imposed by the Building & Safety Board of Commissioners for safe and efficient haul routes. In addition, the owner will agree to not perform any hauling activities on Saturdays in deference to those who walk to temple on those days.
<table>
<thead>
<tr>
<th>Name</th>
<th>ID</th>
<th>Link (if available)</th>
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10. Additional comments: none
DETERMINATION – Density Bonus/Affordable Housing Incentive Program

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22 A.25, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve the following 2 incentives requested by the applicant for a project totaling 23 dwelling units, reserving 2 dwelling units for Very Low Income household occupancy for a period of 55 years, subject to the conditions of approval:

1. Floor Area Ratio. An allowance for a 3.8:1 Floor Area Ratio in lieu of the normally required 3:1 Floor Area Ratio.

2. Height. An 11 foot increase in height to 56 feet in lieu of 45 feet.

Find that a Categorical Exemption, ENV-2014-4783-CE, is adequate environmental clearance, pursuant to the California Environmental Quality Act (CEQA) guidelines, Article 19 and Section 15332 (Class 32 – Infill Development).

Adopt the attached Findings.
CONDITIONS OF APPROVAL

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

2. Residential Density. The project shall be limited to a maximum density of 23 residential units including Density Bonus Units.

3. Affordable Units. A minimum of 2 units, (11 percent of the 17 base dwelling units,) shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2).

4. Changes in Restricted Units. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).

5. Housing Requirements. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 2 units available to Very-Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.

6. Floor Area Ratio (FAR). The project shall be limited to a maximum floor area ratio of 3.8:1.

7. Height. The proposed building shall be limited to a height of 56 feet.

8. Automobile Parking. Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. Based upon the number and type of dwelling units proposed, a minimum of 44 is required. However, the proposed project will include 63 parking spaces.

9. Adjustment of Parking. In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) 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 above.

10. Bicycle Parking. Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten
dwellng units or guest rooms, with a minimum of two bicycle parking spaces for both long- and short-term bicycle parking. Based upon the number of dwelling units, 23 long-term and 2 short-term bicycle parking spaces shall be provided on-site.

11. **Qualified Permanent Conditions of Approval.** The proposed project shall comply with the [Q] Conditions as provided in Ordinance No. 166,676 for the subject property. The Density Bonus Ordinance shall supersede conflicting landscaping, parking and open space requirements listed in Ordinance No. 166,676 for the subject property.

12. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with the landscape plan included in Exhibit A, marked Sheets L-1 and L-2.

13. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

14. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

15. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

16. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.

17. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

18. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:

   (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to
claim personal property damage, including from inverse condemnation or any other constitutional claim.

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

(iii) Submit an initial deposit for the City’s litigation costs to the City within 10 days’ notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney’s Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $25,000. The City’s failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City’s interests. The City’s failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

The proposed project includes the demolition of two multi-family residential buildings with eleven units and two detached garages and the new construction of an approximately 37,879 square foot multi-family residential development containing 23 units, in a 56-foot tall, five-story building. The proposed project will provide 63 vehicle parking spaces in two subterranean levels and 25 bicycle parking spaces. The property is on the northeast corner of Beverly Drive and Alcott Street. The subject site is comprised of two lots with a total area of approximately 14,052 square feet. The subject site is in the [Q]R3-1VL-O zone within the West Los Angeles Community Plan area and is designated as Medium Residential land use. Adjacent land uses consist of multi-family residential structures, ranging from two to four stories in height, also zoned [Q]R3 and designated as Medium Residential.

In accordance with California State Law (including Senate Bill 1818, and Assembly Bills 2280 and 2222), the applicant is proposing to utilize Section 12.22 A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC), which permits a density bonus of 35 percent. The base residential units for the subject property are calculated by dividing the lot area (14,052 sf) by the minimum square footage of lot area required per dwelling in an R3 zone (14,052 sf/800 sf), which equals 17 dwelling units by right. The Density Bonus Ordinance permits a 35% increase (6 units) over the 17 dwelling units for a total of 23 units. At least 11% of the base units, or 2 dwelling units, are required for habitation by Very Low income households for a period of 55 years. Consistent with the Density Bonus Ordinance, the Applicant is also automatically granted a reduction in required parking based on two Parking Options, or a reduction based on the Bicycle Parking Ordinance. The Applicant selected Parking Option 1, which requires 44 parking spaces, however, the project proposes a total of 63 parking spaces.

LAMC Criteria
As permitted by LAMC Section 12.22 A.25 the applicant is requesting two incentives that will facilitate the provision of affordable housing at the site: a 35% increase in the floor area ratio allowing 4.05:1 Floor Area Ratio in lieu of the normally required 3:1 Floor Area Ratio and a 35% increase in height allowing a maximum 56 feet in lieu of 45 feet. The proposed project is less than the 35% FAR increase; therefore the requested FAR increase is to 3.8:1. Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

a. The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.

The subject site is located on the northeast corner of Beverly Drive and Alcott Street. As evident from the elevation drawings and the floor plans in Exhibit 'A', the street facing facades of the proposed building are articulated with breaks in plane both vertically and horizontally. The different planes are further differentiated by the use of material, color, and depth. Decorative light fixtures are placed at the main entrance on Alcott Street. The project’s exterior employs a variety of material and textures including smooth stucco, glazing and ornate railings for each unit's balcony. Combined, the variation in building plane and materials sufficiently organizes the façade horizontally and breaks down the scale of the building massing. The project meets the goals and intent of the Citywide Residential Design Guidelines.

b. All buildings must be oriented to the street by providing entrances, windows architectural features and/or balconies on the front and along any street facing elevation.
The proposed project has two street-facing façades. The primary building façade, on Alcott Street, measures approximately 110 feet in length, and contains the main pedestrian access to the building and the vehicular points of entry and exit to the subterranean parking levels. The main entrance is located at the center of the building on the ground floor and is comprised of a set of double glass doors with a transom window. The entrance doors are recessed from the cobblestone colored stucco arched wall that frames the entrance. The secondary façade on Beverly Drive measures approximately 88 feet in length. The proposed design, shown in Exhibit A, shows a mix of glazing, balconies with ornate railings and built-in planters on the façade for five levels facing Beverly Drive and Alcott Street. A prominent cornice is placed on top of the parapet of the building. Landscaping is provided on the ground and roof levels to add visual interest to the open spaces while enhancing the pedestrian experience. The project meets the goals and intent of the Citywide Residential Design Guidelines.

c. The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM).

The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

d. The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.

The project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

   a. The incentives are not required 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 are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels. The list of on-menu incentives in LAMC Section12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.
The requested incentives, an increase in Floor Area Ratio (FAR) and an increase in height, are expressed in the Menu of Incentives per LAMC Section 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentives allows the developer to expand the building envelope so the additional two (2) restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. The incentives support the applicant’s decision to set aside two (2) Very Low Income dwelling units for 55 years. As depicted in Exhibit A, an 11-foot increase in height allows for a fifth floor within which additional floor area can be accommodated for the density bonus units.

**Floor Area Ratio Increase:** The subject site is zoned [Q]R3-1VL-O which allows for 17 units on the 14,052 square foot site, with a maximum 3:1 Floor Area Ratio (FAR) and a maximum height of 45 feet. The FAR Increase incentive permits up to a 35% increase in the allowable Floor Area Ratio. The project is proposing a 3.8:1 FAR, or 37,679 square feet. The maximum percentage of Density Bonus for which the Housing Development Project is eligible is 4.05:1, or 39,957 square feet. The 3.8:1 FAR increase creates an additional 8,081 square feet in floor area.

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<th>Buildable Lot Area (sf)</th>
<th>Total Floor Area (sf)</th>
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<tr>
<td>3:1</td>
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*9,866 sf (100’x98.66’) gross lot area less required yards.

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<th>FAR +up to 35%</th>
<th>Buildable Lot Area (sf)</th>
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<td>9,866*</td>
<td>37,679</td>
<td>37,679 – 29,598 = 8,081</td>
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</table>

**Height:** The requested incentive allows for a 35% increase in height because the project qualifies for a 35% density bonus. Therefore, an 11 foot increase in height to 56 feet in lieu of 45 feet is allowed. The proposed project’s total building height is 56 feet. Section 12.22 A.25(f)(5) of the LAMC provides an incentive to increase the allowable building height if the site is in a zone where the height is limited, is not within 15 feet of any property zoned R2, and is not within 50 feet of nor does it share a lot line with any R1 property. Building height is limited in the R3 zone, and the project site is not within 15 feet of any property zoned R2 and is not within 50 feet of, nor does it share a lot line with any R1 property.

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

There is no evidence that the proposed incentives will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and
unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City’s L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed project determined that it is Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the CEQA Guidelines. The Class 32 exemption is intended to promote infill development within urbanized areas.

The proposed project qualifies for a Categorical Exemption because it conforms to the definition of “In-fill Development” as follows:

1. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:**

   The General Plan designation of the West Los Angeles Community Plan is Medium Residential. The project as proposed is consistent with the Medium Residential land use designation as well as the [Q]R3-1VL-O zoning. The Community Plan policies and goals seek to provide "...for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area..." (Objective 1-1). The construction of the proposed 23 unit residential project within approximately 230 feet of Pico Boulevard will "reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities" (Objective 1-2). The project is adjacent to a large commercial boulevard: Pico Boulevard, where several local and Rapid bus lines operate.

   Additionally, Policy 1-13 calls out to “Provide for adequate Multiple Family residential development.” The proposed project meets all of the applicable Citywide Residential Design Guidelines. The project utilizes several building materials and colors, varies façade planes, and provides landscaping, which adds visual interest. As a result, the project’s design reinforces Policy 1-3.1, to “Require architectural compatibility and landscaping for new multi-family residential development to protect the character and scale of existing residential neighborhoods.”

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

   The subject site is comprised of two lots totaling approximately 14,052 square feet, or 0.33 acre within the boundaries of the City of Los Angeles, and is substantially surrounded by similar land uses for several hundred feet. Existing development on the northwest, northeast and southeast of the proposed project are multi-family buildings which range in height from 1 to 4 stories. The project site is also located approximately 1 ½ blocks south of Pico Boulevard, which is designated as an Avenue I in the Mobility Plan.

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

   The project site is situated in an urbanized neighborhood including residential and commercial uses with a Medium Residential land use designation. The project site is currently developed with two buildings consisting of 11 units on two lots. The project site has no value as habitat for endangered, rare or threatened species.
4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:**

The West Los Angeles Community Plan has envisioned this area for Medium Density Land Use and has the appropriate infrastructure to support it. The project is in close proximity to Pico Boulevard, which is designated as an Avenue I in the Mobility Plan and serves as an arterial spanning the major parts of the City, including direct access to the freeway. Pico Boulevard contains several local and Rapid bus lines that are among those with the heaviest ridership in the City. Since the project is replacing 11 units that currently exist on the site, it will result in the net addition of 12 units. The existing mobility and circulation available in near proximity to the proposed project will result in no traffic impacts as a result of the additional 12 units that are being introduced into the community.

The project must comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e., post-construction), as well as any noise impact during construction. As a result of the project being required to comply with said ordinances, it can be found that the project would not result in any significant noise impacts.

The development of the project would not result in any significant effects relating to air quality operational emissions for the project related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. The sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The net increase of 12 units will not cause the SCAQMD's threshold levels to be exceeded. Construction impacts will also be at less-than-significant levels since Best Available Control Measures must be used where feasible.

The development of the project would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and does not involve extensive excavation that might have an impact on the water table. Furthermore, the project will comply with the City's stormwater management provisions per LAMC Sec. 64.70.

5. **The site can be adequate served by all required utilities and public services:**

The site can be adequately served by all required utilities and public services. The subject site is located in the West Los Angeles Community Plan area, a well-established medium density residential area with public infrastructure that is fully improved. The site is currently being served by the City's Department of Water and Power, the City's Bureau of Sanitation, the SoCal Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, and other public services. The utilities and public services have been servicing the neighborhood continuously for over 50 years. In addition, the California Green Building Standards Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes that are required of all projects, it is anticipated that the project will not create any impact on existing utilities and public services through the net addition of 12 residential units.

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

DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section §65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all low and very low income units that qualified the applicant" for the density bonus.

California State Assembly Bill 2222 recently went into effect January 1, 2015. It introduces rental dwelling unit replacement requirements, which pertain to cases filed (not issued) as of January 1, 2015. This determination letter does not reflect replacement requirements because the case application was submitted to the Department of City Planning in 2014, prior to the effective date of the amended Law. The new state law also increases covenant restrictions from 30 to 55 years for cases issued (not just filed) as of January 1, 2015. This determination letter does reflect 55 year covenant restrictions, given that the case decision, or approval, as noted on the front page, is being issued after January 1, 2015.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for "averaging" of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

Under Government Code Section § 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify zoning code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentives or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City's development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that
the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

FINANCIAL ANALYSIS/PRO-FORMA

Pursuant to the Affordable Housing Incentive Density Bonus provisions of the LAMC (Section 12.22 A.25) proposed projects that involve on-menu incentives are required to complete the Department’s Master Land Use Permit Application form, and no supplemental financial data is required. The City typically has the discretion to request additional information when it is needed to help make required findings. However, the City has determined that the level of detail provided in a pro forma is not necessary to make the findings for on-menu incentives. This is primarily because each of the City’s eight on-menu incentives provides additional buildable area, which, if requested by a developer, can be assumed to provide additional project income and therefore provide for affordable housing costs. When the menu of incentives was adopted by ordinance, the impacts of each were assessed in proportion to the benefits gained with a set-aside of affordable housing units. Therefore, a pro-forma illustrating construction costs and operating income and expenses is not a submittal requirement when filing a request for on-menu incentives. The City’s Density Bonus Ordinance requires “a pro forma or other documentation” with requests for off-menu incentives but has no such requirement for on-menu requests.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director’s Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within three years after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant’s attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, or through the Department of City Planning website at http://cityplanning.lacity.org. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): “It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.
Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than $1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

Downtown Office
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

Valley Office
Marvin Braude Constituent Service Center
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal this Density Bonus Compliance Review Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Faisal Roble, Principal City Planner

Reviewed by:

Debbie Lawrence, AICP, Senior City Planner

Prepared by:

Lakisha Hull, AICP, City Planner
PROPOSED 5 STORY, 23 UNITS
APARTMENT BUILDING OVER 2 LEVEL SUBTERRANEAN GARAGE