

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL CASE:</b>	<b>COUNCIL DISTRICT:</b>	
CPC-2023-1539-DB-VHCA-1A	ENV-2023-1540-SCEA	13 – Soto-Martinez	
<b>RELATED CASE NOS.</b>		<b>COUNCIL FILE NO:</b>	
<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A	
<b>PROJECT ADDRESS / LOCATION:</b>			
1201 North Gower Street; 6121 West Lexington Avenue			
<b>APPLICANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>	
CLG Gower, LLC	(310) 234-8880	<a href="mailto:ari@californialandmark.com">ari@californialandmark.com</a>	
<b>APPLICANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>	
Matthew Hayden, Hayden Planning	310-614-2964	<a href="mailto:matthew@haydenplanning.com">matthew@haydenplanning.com</a>	
<b>APPELLANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>	
SAFER	N/A	N/A	
<b>APPELLANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>	
Marjan Abubo, Lozeau Drury LLP	(510) 607-8238	<a href="mailto:marjan@lozeaudrury.com">marjan@lozeaudrury.com</a>	
<b>PLANNER CONTACT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>	
More Song	213-978-1319	<a href="mailto:more.song@lacity.org">more.song@lacity.org</a>	
<b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>			
N/A			
<b>FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>			
Density Bonus Off-Menu Incentives and Waivers			
<b>ITEMS APPEALED:</b>			
ENV-2023-1540-SCEA – CEQA (SCEA)			
<b>ATTACHMENTS:</b>	<b>REVISED:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>REVISED:</b>
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration (ND)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration (MND)	<input type="checkbox"/>
<input type="checkbox"/> T Conditions	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report (EIR)	<input type="checkbox"/>
<input type="checkbox"/> Proposed Ordinance	<input type="checkbox"/>		

<input type="checkbox"/> Zone Change Map and Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program (MMP)	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Project Exemption (SCPE)	<input type="checkbox"/>
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>	<input checked="" type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA)	<input type="checkbox"/>
<input type="checkbox"/> Exhibit A – Plans	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>	<input type="checkbox"/> Appendices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Interested Parties List	<input type="checkbox"/>	<input type="checkbox"/> Other:	<input type="checkbox"/>
<input checked="" type="checkbox"/> Appeal	<input type="checkbox"/>		
<input type="checkbox"/> Development Agreement	<input type="checkbox"/>		
<input type="checkbox"/> Site Photographs	<input type="checkbox"/>		
<input type="checkbox"/> Other:	<input type="checkbox"/>		

**NOTES / INSTRUCTIONS:**

Please create Council File

**FISCAL IMPACT STATEMENT:**

Yes  No

\*If determination states administrative costs are recovered through fees, indicate "Yes."

**PLANNING COMMISSION:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> City Planning Commission (CPC)<br><input type="checkbox"/> Cultural Heritage Commission (CHC)<br><input type="checkbox"/> Central Area Planning Commission<br><input type="checkbox"/> East LA Area Planning Commission<br><input type="checkbox"/> Harbor Area Planning Commission | <input type="checkbox"/> North Valley Area Planning Commission<br><input type="checkbox"/> South LA Area Planning Commission<br><input type="checkbox"/> South Valley Area Planning Commission<br><input type="checkbox"/> West LA Area Planning Commission |
|---|---|

**PLANNING COMMISSION HEARING DATE:**

December 14, 2023

**COMMISSION VOTE:**

6 – 0

**LAST DAY TO APPEAL:**

N/A

**DATE APPEALED:**

Yes, February 1, 2024

**TRANSMITTED BY:**

Cecilia Lamas  
Commission Executive Assistant II

**TRANSMITTAL DATE:**

February 7, 2024



# LOS ANGELES CITY PLANNING COMMISSION

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

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: JANUARY 18, 2024**

**Case No. CPC-2023-1539-DB-VHCA**  
CEQA: ENV-2023-1540-SCEA  
Plan Area: Hollywood

Council District: 13 – Soto-Martinez

**Project Site:** 1201 North Gower Street; 6121 West Lexington Avenue

**Applicant:** CLG Gower LLC  
Representative: Matthew Hayden, Hayden Planning

At its meeting of **December 14, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Partial maintenance and partial demolition of an existing multi-family residential complex for the construction of a new eight-story multi-family residential building with 108 new residential units, resulting in a total of 152 units (equal to a net increase of 80 units). 16 units will be set aside for Very Low Income households and two units will be set aside for Low Income households. The Project will provide a total of 99 vehicle parking spaces.

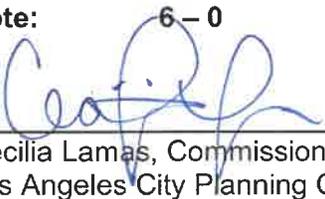
1. **Found**, pursuant to Public Resources Code (PRC), Section 21155.2, after consideration of the whole of the administrative record, including the SB 375 Sustainable Communities Environmental Assessment, No. ENV-2023-1540-SCEA (“SCEA”), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **Found** the project is a “transit priority project” as defined by PRC Section 21155 and the project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior EIR(s), including SCAG 2020-2045 RTP/SCS EIR Schedule No. 20199011061; **Found** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **Found** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **Found** the SCEA reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the project; and **Adopted** the SCEA and the Mitigation Monitoring and Reporting Program prepared for the SCEA;
2. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review to permit a housing development project consisting of a total of 152 residential units (including 108 new units and 44 existing units to remain), of which a minimum of 16 will be set aside for Very Low Income households, and with the following Off-Menu Incentives and Waivers of Development Standards:
  - a. An Off-Menu Incentive to permit parking stall widths of eight feet six inches without a 10-inch increase where obstructions occur on either side of the longer dimension;

- b. An Off-Menu Incentive to permit vehicle ingress and egress along a designated Collector roadway;
  - c. An Off-Menu Incentive to allow 10,181 square feet of open space in lieu of the otherwise required 13,575 square feet of open space;
  - d. A Waiver to allow a maximum Floor Area Ratio (FAR) of 3.12:1 in lieu of the otherwise permitted 3:1;
  - e. A Waiver of Development Standards to allow a maximum building height of 95 feet in lieu of the otherwise permitted height;
  - f. A Waiver of Development Standards to allow an easterly side yard setback of zero feet in lieu of the otherwise required 11 feet;
  - g. A Waiver of Development Standards to allow a westerly side yard setback of zero feet in lieu of the otherwise required 20 feet; and
  - h. A Waiver of Development Standards to allow a rear yard setback of five feet in lieu of the otherwise required 15 feet;
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

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

**Vote:** 6 – 0



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

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus Incentives and Waivers of Development Standards are not appealable. Therefore, the decision of the Los Angeles City Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to LAMC Section 11.5.13 is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) is not further appealable and the decision is final. For other limitations see LAMC Section 11.5.13.

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

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures (CEQA)

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

## CONDITIONS OF APPROVAL

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

### **Development Conditions**

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, landscape plan, renderings, and materials submitted by the applicant, stamped "Exhibit A", and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 152 dwelling units, including existing units, new proposed units, and affordable units.
3. **State Density Bonus Requirements.** A minimum of 16 units, equal to a minimum of 15 percent of the base density, shall be reserved as Very Low Income units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2), to meet the requirements of the requests herein. In the event of deviations to the requests that change this number of restricted affordable units, the composition/typology of units, and/or vehicle parking numbers, such changes shall be consistent with Government Code Section 65915.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 15 percent of the site's base density units, equal to 16 units, available to Very Low Income households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In addition, the owner shall execute a covenant to the satisfaction of LAHD to make at least two units available to Low Income households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with Government Code Section 65915, to the satisfaction of Los Angeles City Planning and LAHD. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to Los Angeles City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by LAHD, as well as any additional requirements in consideration of the Replacement Unit Determination dated August 23, 2022.
5. **Rent Stabilization Ordinance.** The project shall comply with the City's rent stabilization ordinance, and in consideration of the Replacement Unit Determination dated August 23, 2022, to the satisfaction of LAHD.
6. **Incentives:**
  - a. **Parking Stalls.** The project is permitted to provide parking stall widths of eight feet six inches without a 10-inch increase where obstructions occur on either side of the longer dimension.
  - b. **Vehicular Access.** The project is permitted to provide vehicle ingress and egress along a designated Collector roadway.

- c. **Open Space.** The project is permitted to provide 10,181 square feet of open space in lieu of the otherwise required amount of open space.
7. **Waivers of Development Standards:**
  - a. **Floor Area Ratio.** The project is permitted a maximum floor area ratio (FAR) of 3.12:1.
  - b. **Building Height.** The project is permitted a maximum building height of 95 feet.
  - c. **Side Yard Setbacks.** The project is permitted to provide zero-foot easterly and westerly side yard setbacks.
  - d. **Rear Yard Setback.** The project is permitted to provide a five-foot rear yard setback.
8. **Parking:**
  - a. The project shall not be required to provide any minimum vehicle parking, consistent with AB 2097. The applicant may choose to provide a greater amount of vehicle parking.
  - b. **Bicycle Parking.** Residential bicycle parking shall be provided consistent with LAMC 12.21 A.16.
  - c. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable units which shall include any required parking in the base rent or sales price, as verified by LAHD.
  - d. All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
9. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval. The project shall minimize the number of curb cuts on the subject property, to the satisfaction of LADOT.
10. **Signage.** On-site signs shall comply with the Municipal Code. Signage rights are not part of this approval.
11. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
12. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
13. **Solar Energy Infrastructure.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
14. **Maintenance.** The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the

property lines, shall be maintained in an attractive condition and shall be kept free of trash and debris.

### **Environmental Conditions**

#### **15. ARCHEO-1: Inadvertent Discovery of Archaeological Resources**

If any archaeological materials are encountered during the course of Project development, all further development activity in the vicinity of the materials shall halt and:

The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact;

The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource; and

The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study, or report.

Project development activities may resume once copies of the archaeological survey, study or report are submitted to the following:

SCCIC Department of Anthropology  
McCarthy Hall  
477 CSU Fullerton  
800 North State College Boulevard  
Fullerton, CA 92834

Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered. A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to the issuance of a grading permit.

16. **PALEO-1:** If paleontological resources are encountered, the Applicant would be required to notify the Building Safety Division immediately, and all work shall cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project Site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits would be treated in accordance with federal, state, and local guidelines, including those set forth in PRC Section 5097.5.
17. **NOISE-1:** Temporary noise barriers shall be installed along the perimeter of the Project Site along the northern property line, the property line along Lodi Place where construction would face, and along Building 2's frontage with the construction site. The barrier shall achieve at least a 6.2 dBA  $L_{eq}$  reduction at off-site sensitive receptors (not including Building 2) and a 14.5 dBA  $L_{eq}$  reduction at Building 2. The supporting structure shall be engineered and erected in order to comply with Los Angeles Municipal Code noise

requirements, including those set forth in Chapter XI, Article 2 of the Los Angeles Municipal Code.

**18. TCR-1: Inadvertent discovery of tribal cultural resources**

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1290.

If the City determines, pursuant to PRC Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any affected tribe a reasonable period of time, not less than 30 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.

The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.

The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.

Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

**Administrative Conditions**

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

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

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

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### Density Bonus / Affordable Housing Incentives Findings

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

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

In exchange for reserving at least 15 percent of the base density for Very Low Income households, the applicant is entitled to three Incentives under both Government Code Section 65915 and the LAMC. The project proposes to reserve at least 15 percent of the base density of 101 units for Very Low Income households; accordingly, the project is entitled to the three requested On- and Off-menu Incentives. These requested Incentives provide cost reductions that provide for affordable housing costs because the incentives by their nature increase the scale of the project, which facilitates the creation of more affordable housing units.

### Parking Stall Dimension and Clearance

The project proposes to provide vehicle parking stalls without the otherwise required 10-inch column clearance for a reduced drive aisle width. The project proposes to demolish a portion of the existing improvements on the property and construct a new eight-story residential structure, including an underground parking level, on that portion of the property only. As a result, vehicle parking will only be provided on a limited and irregularly shaped parcel of land, and as such requiring parking spaces to provide the otherwise required clearance along with all other engineering and architectural requirements would be infeasible within the subject property and would physically preclude the provision of the proposed 108 new units, including 18 restricted affordable units. In addition, vehicle parking is a desirable amenity that attracts tenants and may potentially increase the value of the market-rate units, thereby supporting and off-setting the costs of providing the restricted affordable units. The requested Incentive enables the development of the proposed project, including the proposed restricted affordable units, along with vehicle parking for residents and guests.

### Vehicular Access on Collector Roadway

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

The subject property fronts Gower Street, a designated Collector roadway in the City of Los Angeles Mobility Plan 2035. The project proposes to demolish a portion of the existing improvements on the property and construct a new eight-story residential structure on that portion of the property only, primarily fronting Gower Street. As a result, it is practically necessary to provide vehicular access on Gower Street, and prohibiting such access would result in an infeasible design and layout that would physically preclude the provision of the proposed 108 new units, including 18 restricted affordable units. The requested Incentive enables the development of the proposed project, including the proposed restricted affordable units, along with adequate vehicle access and parking for residents and guests.

### Open Space

Based on the number and typology of residential units proposed, the project would be required to provide 13,575 square feet of open space. The project proposes to provide approximately 10,181 square feet of open space that can be counted towards zoning requirements, and accordingly is requesting an Off-menu Incentive for a 25 percent decrease in the required amount of open space. This reduction enables the project to expand the building envelope by utilizing more space for building floor area and provide additional floor space and residential units, thus enabling the provision of more dwelling units. The larger building footprint facilitates the creation of more residential units of all types, including market-rate units which enable the applicant to subsidize and reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside 16 dwelling units for Very Low Income households and two additional dwelling units for Low Income households as proposed. The requested Incentive provides actual and identifiable cost reductions that provide for affordable housing costs because the incentive by nature increases the building envelope of the project so that additional residential units can be provided, resulting in additional affordable housing units.

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

There is no substantial evidence in the record that the proposed Incentives and Waivers will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. 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)). There are no historic resources on the subject property, and although there are historic resources nearby, the project will not adversely affect any other properties and will not result in any change to any existing historic resource. In addition, potential environmental impacts, including impacts to historic resources, have been fully analyzed in the SCEA prepared for the project, which concludes the same. The property is not located on a substandard street in a Hillside area and is not located in a Liquefaction Zone, a Special Grading Area, a Very High Fire Hazard Severity Zone, a Methane Zone, or any other special hazard area. Therefore, there is no

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

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

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

#### Floor Area Ratio

The underlying zoning of the subject property permits a maximum floor area ratio (FAR) of 3:1. At completion, the project will result in a total of approximately 216,259 square feet, equal to a FAR of approximately 3.12:1. This increase permits the project to expand the building envelope and provide additional building floor area, which enables the provision of additional living space and residential units and enables the applicant to reserve more residential units for lower income levels. Therefore, the Waiver supports the applicant’s decision to set aside 16 dwelling units for Very Low Income households and two additional units for Low Income households. The requested Waiver by nature increases the building envelope of the project so that additional residential units can be provided, and the otherwise limited FAR of 3:1 would physically preclude development of the proposed project.

#### Building Height

The underlying zoning of the subject property (R3-1 and R3-1XL) permits a maximum building height of 45 feet and 30 feet, respectively. The proposed new building is partially located within both zones and will rise to a maximum of 95 feet. This increase permits the project to expand the building envelope and provide additional building floor area, which enables the provision of additional living space and residential units and enables the applicant to reserve more residential units for lower income levels. Therefore, the Waiver supports the applicant’s decision to set aside 16 dwelling units for Very Low Income households and two additional units for Low Income households. The requested Waiver by nature increases the building envelope of the project so that additional residential units can be provided, and the otherwise limited building height would physically preclude development of the proposed project.

#### Side and Rear Yard Setbacks

The underlying zoning on the project site would require an 11-foot easterly side yard setback, a 20-foot westerly side yard setback, and a 15-foot northerly rear yard setback. The project is proposing reduced yard setbacks of zero feet for the easterly side yard, zero feet for the westerly side yard, and 15 feet for the northerly rear yard. These reductions enable the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more dwelling units. The larger building footprint facilitates the creation of more residential units of all types, including market-rate

units which enable the applicant to subsidize and reserve more residential units for lower income levels. Therefore, the Waiver supports the applicant's decision to set aside 16 dwelling units for Very Low Income households and two additional units for Low Income households as proposed. The requested Waiver by nature increases the building envelope of the project so that additional residential units can be provided, and the otherwise required side and rear yard setbacks would physically preclude development of the proposed project.

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

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

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

**Environmental Findings**

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

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

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

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

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

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

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

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



## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

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

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

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

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

**Metro DSC**

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

**Van Nuys DSC**

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

**West Los Angeles DSC**

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

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

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



QR Code to Online  
Appeal Filing



QR Code to Forms  
for In-Person Filing