

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL CASE:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2024-4111-DB-PR-VHCA-1A	ENV-2024-4112-HES	10 – Hutt
<b>RELATED CASE NOS.:</b>	<b>COUNCIL FILE NO:</b>	<b>PROCEDURAL REGULATIONS:</b>
<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.) <input checked="" type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.)
<b>PROJECT ADDRESS / LOCATION:</b>		
550 South Shatto Place; 3119 West 6th Street		
<b>APPLICANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Devin Spence, TF Shatto GP, LLC <input checked="" type="checkbox"/> New/Changed		<a href="mailto:Devin.Spence@townline.com">Devin.Spence@townline.com</a>
<b>APPLICANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Tim Moran, Irvine and Associates	213.437.3403	<a href="mailto:tim@irvineassoc.com">tim@irvineassoc.com</a>
<b>APPELLANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Supporters Alliance for Environmental Responsibility (SAFER), Lozeau Drury LLP	510.836.4200	<a href="mailto:richard@lozeaudrury.com">richard@lozeaudrury.com</a>
<b>APPELLANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Kylah Staley, Lozeau Drury LLP	510.836.4200	<a href="mailto:kylah@lozeaudrury.com">kylah@lozeaudrury.com</a>
<b>PLANNER CONTACT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Michelle Carter	213.978.1262	<a href="mailto:michelle.carter@lacity.org">michelle.carter@lacity.org</a>
<b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>		
<input checked="" type="checkbox"/> N/A		
<b>FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>		
Density Bonus Incentives and Waivers		
<b>ITEMS APPEALED:</b>		
Project Review (PR)		

ATTACHMENTS:		REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination <input checked="" type="checkbox"/> Findings of Fact <input checked="" type="checkbox"/> Staff Recommendation Report <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> T Conditions <input type="checkbox"/> Proposed Ordinance <input type="checkbox"/> Zone Change Map and Ordinance <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A – Plans <input checked="" type="checkbox"/> Mailing List (both Word and PDF) <input checked="" type="checkbox"/> Interested Parties List <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Development Agreement <input type="checkbox"/> Site Photographs <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption) <input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption) <input type="checkbox"/> Negative Declaration (ND) <input type="checkbox"/> Mitigated Negative Declaration (MND) <input type="checkbox"/> Environmental Impact Report (EIR) <input type="checkbox"/> Mitigation Monitoring Program (MMP) <input type="checkbox"/> Sustainable Communities Project Exemption (SCPE) <input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA) <input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR) <input type="checkbox"/> Appendices <input checked="" type="checkbox"/> Other: Housing Element Streamlining Checklist	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<b>NOTES / INSTRUCTIONS:</b>				
Please create council file				
<b>CITY COUNCIL NOTICE TIMING:</b>	<b>NOTICE LIST (SELECT ALL):</b>		<b>NOTICE PUBLICATION:</b>	
<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input checked="" type="checkbox"/> 24 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Adjacent/Abutting <input type="checkbox"/> 100' radius <input checked="" type="checkbox"/> 300' radius <input type="checkbox"/> 500' radius <input checked="" type="checkbox"/> Neighborhood Council <input checked="" type="checkbox"/> Interested Parties <input type="checkbox"/> Other:		<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input checked="" type="checkbox"/> 24 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other:	
<b>FISCAL IMPACT STATEMENT:</b>				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small>				
<b>PLANNING COMMISSION:</b>				
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission		<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission		

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
March 13, 2025	8 – 0
<b>LAST DAY TO APPEAL:</b>	<b>DATE APPEALED:</b>
April 17, 2025	April 4, 2025
<b>COUNCIL TIME TO ACT:</b>	<b>TIME TO ACT START:</b>
<input type="checkbox"/> 30 days <input type="checkbox"/> 45 days <input type="checkbox"/> 60 days <input checked="" type="checkbox"/> 75 days <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other:	<input type="checkbox"/> Appeal Filing Date <input type="checkbox"/> Received by Clerk <input checked="" type="checkbox"/> Last Day to Appeal <input type="checkbox"/> N/A / None <input type="checkbox"/> Other:
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant II	April 28, 2025



# 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:** APRIL 2, 2025

**Case No.:** CPC-2024-4111-DB-PR-VHCA  
CEQA: ENV-2024-4112-HES  
Plan Area: Wilshire

Council District: 10 – Hutt

**Project Site:** 550 South Shatto Place; 3119 West 6th Street

**Applicant:** Chase Pense, TF Shatto GP, LLC  
Representative: Tim Moran, Irvine and Associates

At its meeting of **March 13, 2025**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Demolition of the existing uses, and re-purposing of the existing church building for the construction, use and maintenance of a new eight-story, 262,638 square-foot mixed-use building with 318 dwelling units, including 35 dwelling units (11 percent) set aside for Very Low Income households and 21,482 square feet of commercial space, with a maximum building height of 96 feet over two subterranean levels of parking. The Project includes 234 vehicle parking spaces and a total of 171 bicycle parking spaces (155 long-term spaces and 16 short-term spaces) and 24,431 square feet of open space, including indoor open space areas, common outdoor open space areas, and private balconies.

1. **Determined** in the independent judgment of the decision maker, pursuant to CEQA Guidelines Section 15168(c), based on the whole of the administrative record, including the Housing Element Checklist, and all its appendices, prepared for this Proposed Housing Project, the Proposed Housing Project is within the scope of the program approved with the 2021-2029 Housing Element for which the 2021-2029 Housing Element Environmental Impact Report No. ENV-2020-6762-EIR; SCH No. 2021010130 (EIR), certified on November 24, 2021, and Addendum No. ENV-2020-6762-EIR-ADD1 adopted on June 14, 2022 and the Addendum No. ENV-2020-6762-EIR-ADD2 adopted on December 10, 2024, the Proposed Housing Development project was adequately described in the EIR, and the impacts of the Proposed Housing Project are within the scope of the EIR and the Addendum; and **Adopted** the Mitigation Monitoring Program (MMP) for the Proposed Housing Project;
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 318 residential units, of which a minimum of 35 dwelling units will be set aside for Very Low Income households, and with the following requested Off-Menu Incentives and Waivers of Development Standards:
  - a. An Off-Menu Incentive to permit an increase in the Floor Area Ratio (FAR) to allow a 4.29:1 FAR in lieu of the otherwise required 1.5:1 FAR;
  - b. An Off-Menu Incentive to permit an increase in height to allow eight stories and 96 feet in lieu of the otherwise required six stories and 75 feet in the CR-1 Zone;
  - c. A Waiver of Development Standard to allow a reduction in the required rear yard setback to permit a 10-foot rear yard in lieu of the otherwise required 20 feet;

- d. A Waiver of Development Standard to allow a 25 percent reduction in the required open space to permit 24,431 square feet in lieu of the otherwise required 32,575 square feet;
  - e. A Waiver of Development Standards to allow a reduction in the side yard to permit a westerly side yard of five feet;
  - f. A Waiver of Development Standards to allow a reduction in the side yard to allow an easterly side yard of five feet;
  - g. A Waiver of Development Standard to allow a 29 percent reduction in the tree requirement to permit 57 trees in lieu of the otherwise required 80 trees; and
  - h. A Waiver of Development Standard to allow a reduction in the required passageway to permit 10 feet in lieu of the otherwise required 22 feet;
3. **Approved**, pursuant to LAMC Section 16.05 and Section 13B.2.4. of Chapter 1A, a Project Review for a development project that creates or results in an increase of 50 or more dwelling units or guest rooms;
  4. **Adopted** the attached Conditions of Approval; and
  5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe  
Second: Mack  
Ayes: Diaz, Klein, Lawshe, Newhouse, Saitman, Zamora  
Absent: Cabildo

**Vote: 8 – 0**



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

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission as it relates to the Density Bonus Off-Menu Incentives and Waivers of a Development Standards are not further appealable. The remaining entitlements are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

**FINAL APPEAL DATE: APRIL 17, 2025**

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

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

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures

cc: Heather Bleemers, Senior City Planner  
Michelle Carter, City Planner

## CONDITIONS OF APPROVAL

Pursuant to Sections 12.22. A.25, 16.05, and Section 13B.2.4. (Chapter 1A) of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### **Density Bonus Conditions**

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, renderings, and materials submitted by the Applicant, dated September 19, 2024, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **Residential Density.** The project shall be limited to a maximum density of 318 dwelling units.
3. **Affordable Units.**
  - a. A minimum of 35 dwelling units, or 11 percent of the base dwelling units, shall be reserved for Very Low Income Households, as defined by Government Code Section 65915.
  - b. **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 and State Density Bonus Law (Government Code Section 65915).
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 11 percent of the site's base density units available to Very Low Income Households. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination.
5. **Incentives.**
  - a. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 4.29:1.
  - b. **Height.** The project shall be permitted a maximum height of 96 feet and eight (8) stories.
6. **Waivers.**
  - a. **Rear Yard.** The project shall be permitted a 10-foot rear yard.
  - b. **Open Space.** The project shall be permitted a maximum of 25 percent reduction in the required open space.

- c. **Side Yards.** The project shall be permitted five-foot easterly and westerly side yards.
- d. **Tree Reduction.** The project shall be permitted a maximum of 29 percent reduction in the required on-site trees.
- e. **Building Passageway.** The project shall be permitted a 10-foot passageway.

7. **Parking.**

- a. **Residential.** No minimum residential parking shall be required pursuant to AB 2097. The project may provide 234 automobile parking spaces as volunteered.
- b. **Commercial.** Commercial parking shall be provided in compliance with AB 2097.
- c. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Los Angeles Municipal Code, Section 12.21. A.16. and to the satisfaction of the Department of Building and Safety.
- d. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

**Project Review Conditions**

8. **Landscaping.**

- a. All open areas not used for buildings, driveways, parking areas, or recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape development plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
- b. All planters containing trees shall have a minimum depth of 48 inches (48”).

9. **Trees.**

- a. Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).
- b. The project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced as approved by the Board of Public Works and Urban Forestry Division.
- c. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.



10. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.
11. **Vehicular Access.** The project shall be limited to a maximum of two (2) driveways located along Shatto Place, as shown in Exhibit A. The curb cut dimension shall be as narrow as permitted by LADOT.
12. **Solar Panels.** The project shall comply with the Los Angeles Municipal Code, to the satisfaction of the Department of Building and Safety.
13. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
14. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
15. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard or Manchester Avenue side yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
16. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
17. **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.

### **Environmental Conditions**

18. The Mitigation Monitoring and Reporting Program (MMRP) included in the Housing Element Streamlining Checklist (Case No. ENV-2024-4112-HES) have been incorporated into this project and shall be enforced through all phases of the project. The applicant shall be responsible for implementing each Mitigation Measure (MM), Substitute Mitigation Measure, and Implementing Mitigation Measure identified in the MMRP and shall be obligated to provide certification to the appropriate monitoring and enforcement agencies that each MM has been implemented.

### **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. **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.
21. **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.

22. **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.
23. **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.
24. **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.
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. **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.
27. **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 (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
  - e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions 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 / Waivers Compliance Findings

1. Pursuant to Section 12.22.A.25 of the LAMC and Government Code 65915, the Commission shall approve a density bonus and requested incentive(s)/waiver(s) unless the director finds any of the following:

- 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 gross income based on area median income thresholds dependent on affordability levels.

Floor Area Ratio (Off-Menu Incentive) – The subject property is zoned CR-1 and C2-1. Pursuant to LAMC Section 12.22. A.25(g)(3), the project is requesting an Off-Menu Incentive for an increase in the FAR of the project site. The CR and C2 zones in Height District 1 generally permit a 1.5:1 FAR. In this case, the project has requested an Off-Menu Incentive to allow an increase in the FAR for the project site for a FAR of 4.29:1.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. 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, including additional market-rate units that can generate income to subsidize the provision of the project's restricted affordable units.

Height (Off-Menu Incentive) – The subject property is zoned CR-1 and C2-1. Pursuant to LAMC Section 12.22. A.25(g)(3), the project is requesting an Off-Menu Incentive for an increase in the height of the proposed project. Generally, Height District 1 for the C2 zone does not restrict the height and number of stories. However, Height District 1 for the CR zone limits the height to six (6) stories and 75 feet. In this case, the project has requested an Off-Menu Incentive to allow an increase in the height for the project to allow for a height of 96 feet and eight (8) stories.

The requested increase in height and stories will allow for the construction of affordable units in addition to larger-sized dwelling units and retail space at the ground level. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all

dwelling units are of a habitable size while providing a variety of unit types. The increase in height and stories creates a larger floor plate that allows more habitable floor area and more units to be built on each floor, thus avoiding a taller development that is more expensive to build. This construction cost savings is then passed on to each of the units in the project, including the affordable units.

The project provides 11 percent of the base units for Very Low Income Households to qualify for the Density Bonus and the requested Incentives. The requests will allow the developer to expand the building envelope so the affordable units can be constructed, and the overall space dedicated to residential uses is increased. The increase in FAR, height, and the number of stories will allow for the construction of additional market rate floor area whose rents will subsidize the construction and operational costs of the affordable units. These Incentives support the applicant's decision to set aside 35 dwelling units for Very Low Income Households for 55 years.

***b. The incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources 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.***

There is no substantial evidence in the record 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)). As required by Section 12.22. A.25.(e)(2), the project meets the eligibility criterion that is required for density bonus projects. The record does not identify a public health and safety standard in relation to this finding.

The existing church building (formerly the First English Evangelical Lutheran Church) is not designated as an Historic-Cultural Monument, however, it is identified in SurveyLA as eligible "as an excellent example of Spanish Colonial Revival institutional architecture" and is treated as a historical resource as defined by CEQA. The project will renovate and re-purpose an existing, 19,972 square-foot church building into commercial (retail/restaurant) uses.

The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies any objective health and safety standard that has been exceeded or violated. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on the above, there is no basis to deny the requested incentives.

***c. The incentives are contrary to state or federal law.***

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

- 2. Government Code Section 65915 and LAMC Section 12.22. A.25 state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds any of the following that:**

- a. *The Waiver(s) will have specific adverse impact 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 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 substantial evidence in the record that the proposed waivers of a development standard 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)). The record does not identify a public health and safety standard in relation to this finding.

The existing church building (formerly the First English Evangelical Lutheran Church) is not designated as an Historic-Cultural Monument, however, it is identified in SurveyLA as eligible "as an excellent example of Spanish Colonial Revival institutional architecture" and is treated as a historical resource as defined by CEQA. The project will renovate and re-purpose an existing, 19,972 square-foot church building into commercial (retail/restaurant) uses.

The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies any objective health and safety standard that has been exceeded or violated. Therefore, there is no substantial evidence that the project's proposed waivers will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on the above, there is no basis to deny the requested waivers.

- b. *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)).***

A Density Bonus project 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)).

Rear Yard – The subject property is zoned CR-1 and C2-1. Pursuant to LAMC Section 12.12.2.C.3, the project is required to provide a 20-foot rear yard. The project request includes a waiver of development standard to allow for a reduction of the required rear yard setback in lieu of the otherwise required 20 feet.

Open Space – The subject property is zoned CR-1 and C2-1. Pursuant to LAMC Section 12.21.G, the project to provide 32,575 square feet of required open space. The project request includes a waiver of development standard to allow for a 25 percent reduction of the required open space in lieu of the otherwise required 32,575 square feet.

Side Yards – The subject property is zoned CR-1 and C2-1. Pursuant to LAMC Section 12.12.2.C.2, the underlying zone requires the project to provide a 11-foot side yard setbacks. The project request includes a waivers of development standard to allow for a reduction of the required side yards along the property's westerly and easterly side yards in lieu of the otherwise required 11-foot side yard.

Tree Reduction – The subject property is zoned CR-1 and C2-1. Pursuant to LAMC Section 12.21.G, the project is required to provide a total of 80 trees onsite. The project request includes a waiver of development standard to allow for a reduction of the required trees in lieu of the otherwise required 80 trees.

Building Passageway – The subject property is zoned CR-1 and C2-1. Pursuant to LAMC Section 12.21.C.2, the project is required to provide a 22-foot building passageway. The project request includes a waiver of development standard to allow for the reduction in the required building passageway to allow 10 feet in lieu of the otherwise required 22 feet.

These waivers are necessary to allow the project to be developed at its proposed density and floor area, as imposing the yards, open space, tree, and passage requirements would result in removing a portion of the currently proposed building envelope and a corresponding reduction in residential floor area and dwelling units for the project.

As proposed, the granting of these waivers will allow for the development of the proposed development with the inclusion of the affordable residential units because the quantity of units allowed under the density bonus within the 4.29 to 1 floor area ratio and increase in the height under the Incentives allows for the development of the affordable units. As presented by the applicant, without the requested open space, tree, passageway and yard reductions waivers, floor area located within the additional height would be physically precluded from the project preventing the construction of the proposed floor area and units described in the plans.

***c. The Waivers are contrary to State/federal law.***

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

**Project Review Findings**

**3. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located in the Wilshire Community Plan area and is consistent with applicable goals, objectives, and policies of this plan, as described below.

## Wilshire Community Plan

The Wilshire Community Plan Area has a pattern of low to medium density residential uses interspersed with areas of higher density residential uses. The Community Plan designates the project site as Regional Commercial with the corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5. The proposed project conforms to the following goals, objectives and policies of the Wilshire Community Plan:

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

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

Policy 1-1.3: Provide for adequate Multiple Family residential development.

Policy 1-1.4: Provide for housing along mixed-use boulevards where appropriate.

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

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

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

Policy 1-3.3: Promote the preservation and rehabilitation of individual residential buildings of historic significance.

Objective 1-4: Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.

Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.

Policy 1-4.2: Ensure that new housing opportunities minimize displacement of residents.

Policy 1-4.3: Encourage multiple family residential and mixed-use development in commercial zones.

The project is a mixed-use development with a total of 318 dwelling units including 35 units restricted for families or persons of Very Low Income and maximizes the property's development potential. The project's Very Low Income and market rate units satisfy both the needs of affordable housing as well as the City's need for more housing overall. The project will result in the net addition of 35 covenanted affordable dwelling units in a community in-



need of more affordable housing.

Goal 2: Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire community through well-designed, safe and accessible areas, while preserving historic and cultural character.

Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.1: New commercial uses should be located in existing established commercial areas or shopping centers.

Policy 2-1.2: Protect existing and planned commercially zoned areas, especially in Regional Commercial Centers, from encroachment by standalone residential development by adhering to the community plan land use designations.

Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.

Policy 2-2.1: Encourage pedestrian-oriented design in designated areas and in new development.

Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.

Objective 2-3: Enhance the visual appearance and appeal of commercial districts.

Policy 2-2.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.

The project proposes to develop a mixed-use development with commercial uses for restaurant use. The commercial component is also consistent with the Community Plan because it provides additional opportunities for new commercial development and services within the repurposed former church building incorporating restaurant, neighborhood serving uses along the street frontage of the mixed-use project.

Goal 17: Preserve and restore cultural resources, neighborhoods and landmarks which have historical and/or cultural significance.

Objective 17-1: Ensure that the Wilshire Community's historically significant resources are protected, preserved, and/or enhanced.

Policy 17-1.1: Encourage the preservation, maintenance, enhancement and reuse of existing historic buildings and the restoration of original facades.

Objective 17-3: Encourage private owners of historic resources to maintain and enhance their properties in a manner that will preserve the integrity of such resources.

Policy 17-3.1: Assist private owners of historic resources to maintain and enhance their properties in a manner that will preserve the integrity of such resources.

The existing church building (formerly the First English Evangelical Lutheran Church) is not designated as an Historic-Cultural Monument; however, it is identified in SurveyLA as eligible “as an excellent example of Spanish Colonial Revival institutional architecture” and is treated as an historical resource as defined by CEQA. The project as proposed will preserve and reuse the church building as commercial/restaurant uses.

Therefore, the project is consistent with the Wilshire Community Plan in that it implements the above-mentioned goals, objectives and policies of the Plan.

The **Framework Element** for the General Plan was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower - intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The proposed project will result in the development of a mixed-use residential building that will provide 318 dwelling units, including 35 units reserved for Very Low Income Households, thereby contributing toward and facilitating the City's long-term housing demands and vision for a more livable city.

The project site is located approximately 750 feet from Vermont/Wilshire Metro Station, with direct access to both the Metro B (Red) and D (Purple) Lines, thereby reducing vehicular trips to and from the project site and congestion around the site.

The project site is currently developed with a private school serving grades K-12, and a four-story office building in the north which includes a one-story plus mezzanine 12,800 square feet church building constructed in 1936. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts by locating density along major corridors, and allowing controlled growth away from such neighborhoods and districts. Therefore, the proposed 318-unit residential building is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

The **Housing Element** of the General Plan (2021-2029) is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

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

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the

City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Policy 1.1.6: Allocate citywide housing targets across Community Plan areas in a way that seeks to address patterns of racial and economic segregation, promote jobs/ housing balance, provide ample housing opportunities, and affirmatively further fair housing.

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

Objective 2.3: Preserve, conserve and improve the quality of housing.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Objective 3.1: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

Policy 3.1.5: Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.

Policy 3.1.6: Establish plans and development standards that promote positive health outcomes for the most vulnerable communities and populations.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: *Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

Policy 3.2.1: *Promote the integration of housing with other compatible land uses at both the building and neighborhood level.*

Policy 3.2.2: *Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing.*

The proposed project implements the Housing Element by increasing the housing supply consistent with the Regional Commercial land use designation. The subject site consists of a private school and a four-story office building which includes a one-story plus mezzanine 12,800 square foot church building. The approval of the request permits 318 units with 35 units set aside for Very Low Income Households. As such, the project would achieve the production of new housing opportunities, meeting the needs of the city, while ensuring a range of different housing types (studio, one- and two-bedroom rental units) that address the needs of the city's households. Therefore, the project is consistent with the Housing Element goals, objectives and policies of the General Plan.

The **Mobility Element** of the General Plan (Mobility Plan 2035) will not be affected by the recommended action herein. Shatto Place, adjoining the property to the west, is a Local Street dedicated to a width of 100 feet and is improved with asphalt roadway, curb, gutter, concrete sidewalks, and street trees. 6<sup>th</sup> Street, adjoining the property to the south, is designated as an Avenue II dedicated to a width of 80 feet and is improved with asphalt roadway, curb, gutter, concrete sidewalks, and street trees.

The project as designed will support the development of these Networks and meets the following policy objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Vehicular access to the site is provided by two (2) ingress/egress driveways located along Shatto Place, with access to the three (3) parking levels (subterranean and at grade). Pedestrian access to the building is also provided from entrances along Shatto Place.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

Policy 3.8: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The project site is located within 0.25 miles of a Major Transit Stop, which is defined in Section 21064.3 of the Public Resources Code (PRC) as an existing, under construction, or planned rail station or intersection of two or more bus routes with service intervals of 15 minutes or less during the morning and afternoon commuter peak periods. Therefore, the subject site is located within a Transit Priority Area (TPA), which is defined in Section 21099(a) of the PRC as an area within 0.50 miles of a major transit stop that is existing or planned. The subject site is located approximately 750 feet from Vermont/Wilshire Metro Station, with direct access to both the Metro B (Red) and D (Purple) Lines, which qualifies as a Major Transit Stop. The proposed project is therefore located within close proximity to public transit which will reduce vehicular trips and VMT associated with the project.

In addition, the project will provide a total of 234 parking spaces and will also provide bicycle parking in compliance with the City's bike parking standards, which will facilitate non-motorized modes of transportation to and from the project and associated reductions in vehicle miles traveled and improvement of air quality.

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

As conditioned, all electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Section 99.04.106 of Article 9, Chapter IX of the LAMC to immediately accommodate electric vehicles within the parking areas.

Therefore, the project is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5      Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1      It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project shall comply with the Los Angeles Municipal Code. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and does not conflict with any applicable regulations or standards.

- 4. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The subject property is comprised of four (4) lots resulting in approximately 66,418 square feet of lot area with a 345-foot frontage along Shatto Place and a 187-foot frontage along 6<sup>th</sup> Street. The property is currently developed with a private school and a four-story office building which includes a one-story plus mezzanine 12,800 square feet church building. The subject property is zoned CR-1 and C2-1, within the Wilshire Community Plan Area.

Surrounding properties are developed with a mix of residential, commercial retail/restaurant, commercial office, and institutional uses. To the west of the project site, along Shatto Place, land uses include office and creative office development, surface parking, a parking structure, and educational uses and county government uses. The project site is bordered to the north

along West 5<sup>th</sup> Street by multi-family residential uses. To the east, along South Westmoreland Avenue, uses include multi-family residential, commercial and office development. To the south of the project site, along West 6<sup>th</sup> Street, land uses include various commercial, and office uses and related surface parking. Southwest of the project site is Young Oak Kim Academy, a Los Angeles Unified School District (LAUSD) middle school.

The proposed project involves the demolition of the existing uses, and the re-purposing of the existing church building for the construction, use, and maintenance of a new eight-story 262,638 square-foot mixed-use building. The project includes 318 dwelling units, including 35 dwelling units (11 percent) set aside for Very Low Income households and 21,482 square feet of commercial space, with a maximum building height of 96 feet over two (2) subterranean levels of parking. The project includes 234 vehicle parking spaces and a total of 171 bicycle parking spaces (155 long-term spaces and 16 short-term spaces); and 24,431 square feet of open space, including indoor open space areas, common outdoor open space areas, and private balconies.

The project includes 149 studio, 138 one-bedroom, and 31 two-bedroom units and a total of 24,431 square feet of open space for residents, pursuant to the waiver of development standard to allow a 25 percent reduction in open space. Pursuant to LAMC Section 12.21. G. the project, as proposed, is required to provide 32,575 square feet of open space. The project provides approximately 24,431 square feet total of open space, which includes a 1,500 square foot entry plaza. Open space accessible to residents includes a 3,260 square foot courtyard on the second floor, as well as patios on the ground floor. The project also includes private patios and recreation rooms on the first and second levels. As conditioned, the project will provide open space as required by LAMC Section 12.21. G. and pursuant to the requested Density Bonus waiver of development standard.

Vehicular access to the site is provided by two (2) ingress/egress driveways located along Shatto Place, with access to the three (3) parking levels (subterranean and at grade). Pedestrian access to the building is also provided from entrances along Shatto Place. Access to the commercial/restaurant uses is provided via entrances facing the street.

#### Height, Bulk, and Setbacks

The subject property is zoned CR-1 and C2-1. Height District 1 for the C2 zone does not restrict the height and number of stories. However, Height District 1 for the CR zone limits the height to six (6) stories and 75 feet. The project request includes an Off-Menu Incentive to allow an increase in the height for the project to allow for a height of 96 feet and eight (8) stories. The proposed building height is consistent with applicable zoning regulations and State and City density bonus law; moreover, the building height is compatible with the existing and proposed development patterns in the immediate surrounding area which include existing and approved multi-story buildings.

The project has a maximum FAR of 4.29:1. The subject property is zoned CR-1 and C2-1. The CR and C2 zones in Height District 1 generally permit a 1.5:1 FAR. In this case, the project has requested an Off-Menu Incentive to allow an increase in the FAR for the project site for a FAR of 4.29:1 to accommodate the proposed number of residential dwelling units and associated floor area allowed due to the provision of 35 Very Low Income affordable units. The scale, massing and location of the project will respond to the unique triangular shape of the site and the surrounding urban context. The proposed floor area and bulk of the project is consistent with applicable zoning regulations and State and City density bonus law.

The subject property is zoned CR-1 and C2-1, which requires a 20-foot rear yard setback. As such the project is providing a 10-foot front setback with the requested waiver of development standard. Additionally, the underlying zones require an 11-foot side yard. The request includes density bonus waivers of development standard to allow a reduction in the easterly and westerly side yard setbacks to allow five (5) feet in lieu of the otherwise required 11 feet side yard setback.

As such, with the approval of the requested waiver, the project complies with the required setbacks.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying CR-1 and C2-1 Zones. The surrounding properties are developed with a mix of residential, commercial, educational and commercial office uses. To the west of the project site, along Shatto Place, land uses include office and creative office development, surface parking, a parking structure, and educational uses and county government uses. The project site is bordered to the north along West 5th Street by multi-family residential uses. To the east, along South Westmoreland Avenue, uses include multi-family residential, commercial and office development. To the south of the project site, along West 6th Street, land uses include various commercial, and office uses and related surface parking.

Therefore, in consideration of other development in the area, the project is consistent with the surrounding area.

#### Parking

The project is subject to Assembly Bill 2097 which eliminates parking requirements for residential and commercial projects located within one-half mile of a major transit stop. However, the project will provide a total of 234 parking spaces and 155 long-term bicycle parking spaces will be provided on-site within the building. Sixteen (16) short-term bicycle racks will be provided on-site and along the Shatto Place frontage.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Parking is provided within two (2) subterranean parking levels as well as one (1) parking level on the first floor. An access gate between commercial and residential will be provided to ensure security for resident parking. Vehicular access to the site is provided by two (2) ingress/egress driveways located along Shatto Place. Both driveways are located as far as possible from pedestrian accessways given the configuration of the site.

Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

#### Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate buildings, entrances, walkways and parking areas. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

#### On-Site Landscaping



The project proposes 24,431 square feet of common open space areas, which includes a 1,500 square foot entry plaza. Open space accessible to residents includes a 3,260 square foot courtyard on the second floor, as well as patios on the ground floor. The project also includes private patios and recreation rooms on the first and second levels.

The project includes landscaped areas distributed throughout the project. The project has been conditioned to provide open space and on-site trees pursuant to the Density Bonus waivers of development standards for a reduction in the required open space and on-site tree requirement. Furthermore, the project is conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

#### Loading/Trash Area

The development is not required to provide a loading area pursuant to LAMC Section 12.21. C.6. Waiting areas and drop areas will be on the ground level. Tenants moving in or out of the building will be able to park moving trucks in the loading zone located at the ground floor parking level. Loading and drop for the commercial uses will be in compliance with the LAMC.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. The service area for trash and recycling collection will be accessible from the parking area at the ground floor level. Therefore, as proposed, and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project consists of an eight-story, mixed-use building, with parking on-site for residents, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

#### **5. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The project consists of 318 total dwelling units including 149 studio, 138 one-bedroom, and 31 two-bedroom units, therefore pursuant to the LAMC the project is required to provide 32,575 square feet of open space. The project provides approximately 24,431 square feet total of open space, which includes a 1,500 square foot entry plaza. Open space accessible to residents includes a 3,260 square foot courtyard on the second floor, as well as patios on the ground floor. The project also includes private patios and recreation rooms on the first and second levels. There is also a recreation room, and co-working spaces located on the ground floor.

Therefore, the project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

#### **Environmental Finding**

#### **6. Housing Element Streamlining Checklist.** The proposed project was found to be within the scope of the 2021-2029 Housing Element Environmental Impact Report (EIR), SCH No.

2021010130, ENV-2020-672-EIR, certified on November 24, 2021 (Housing Element EIR). The proposed project, which includes the development of 420,327 housing units (cumulatively, 456,643), is within the scope of the 2021-2029 Housing Element as it will build out the City's regional housing needs assessment (RHNA). A CEQA Streamlining Checklist for a Project Within the Scope of the Housing Element Program EIR, ENV Case No. ENV-2024-4112-HES (HE Streamlining Checklist), was prepared for the proposed project, pursuant to CEQA Guidelines Section 15168(c). Section 15168(c) provides for limited environmental review of subsequent projects under a Program EIR, where the project is found to be an activity within the scope of the program for which the EIR was prepared, and the impacts of the project are within the scope of the impacts analyzed in the EIR. Council found that the Housing Element EIR analyzed the impacts of the build-out of the RHNA, which involves the development of housing citywide. The HE Streamlining Checklist was prepared by staff to determine whether the impacts of the proposed project are within the scope of the Housing Element EIR. The prepared HE Streamlining Checklist supports that the impacts of the proposed project are within the scope of the Housing Element EIR and that no significant environmental effects not examined in the Program EIR will occur from the proposed project. All required mitigation measures from the Housing Element EIR Mitigation Monitoring Program (MMP) will be imposed on the proposed project. An MMP for the proposed project has been prepared for adoption by the decisionmaker.

7. **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 in Flood Zone X, areas determined to be outside the 0.2% annual chance floodplain.



## **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