

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL CASE:	COUNCIL DISTRICT:
DIR-2023-4545-TOC-SPR-VHCA-1A	ENV-2023-4546-CE-1A	10 – Hutt
RELATED CASE NOS.		COUNCIL FILE NO:
<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A
PROJECT ADDRESS / LOCATION:		
638 South Berendo Street (3273, 3275, 3277, 3279, 3281, 3283, 3285, 3287, 3289 West Wilshire Boulevard, 638, 642, and 646 South Berendo Street)		
APPLICANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Scott Dobbins, 3275 Wilshire LP	(310)693-6949	wrj@wrjassoc.com
APPLICANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jim Ries, Craig Lawson & Co. LLC	(310)838-2400 x 101	jim@craiglawson.com
APPELLANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Supporters Alliance for Environmental Responsibility (SAFER)	(510) 836-4200	richard@lozeaudrury.com
APPELLANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Hayley Uno, Lozeau Drury LLP	(510) 836-4200	hayley@lozeaudrury.com
PLANNER CONTACT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
David Woon	(213) 978-1368	David.Woon@lacity.org
ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):		
CEQA Appeal (ENV-2023-4546-CE)		
FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)		
TOC, SPR		
ITEMS APPEALED:		
CEQA appeal, Class 32 Categorical Exemption		

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 checked="" type="checkbox"/> Exhibit A – Plans <input checked="" type="checkbox"/> Mailing List <input checked="" type="checkbox"/> Interested Parties List <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Development Agreement <input type="checkbox"/> Site Photographs <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/> Appendices <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
NOTES / INSTRUCTIONS:			
<p>Entitlements were appealed on August 30, 2024.</p> <p>City Planning Commission denied the appeal on November 14, 2024, and the Decision Letter was mailed December 11, 2024.</p> <p>Appellant appealed the Environmental Case (CEQA appeal) on December 13, 2024</p>			
FISCAL IMPACT STATEMENT:			
<input type="checkbox"/> Yes <input type="checkbox"/> No <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small>			
PLANNING COMMISSION:			
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission		<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission	
PLANNING COMMISSION HEARING DATE:		COMMISSION VOTE:	
November 14, 2024		6 – 0	
LAST DAY TO APPEAL:		DATE APPEALED:	
N/A		December 13, 2024	
TRANSMITTED BY:		TRANSMITTAL DATE:	
Cecilia Lamas Commission Executive Assistant II		December 19, 2024	



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **DEC 11 2024**

Case No.: DIR-2023-4545-TOC-SPR-VHCA-1A
CEQA: ENV-2023-4546-CE
Plan Area: Wilshire

Council District: 10 – Hutt

Project Site: 638 South Berendo Street (3273, 3275, 3277, 3279, 3281, 3283, 3285, 3287, 3289 West Wilshire Boulevard, 638, 642, and 646 South Berendo Street)

Applicant: Scott Dobbins, 3275 Wilshire LP
Representative: Jim Ries, Craig Lawson & Co. LLC

Appellant: Supporters Alliance for Environmental Responsibility (SAFER)
Representative: Hayley Uno, Lozeau Drury LLP

At its meeting of **November 14, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

Construction, use, and maintenance of a new, eight-story, 86,700 square-foot residential building with 163 dwelling units of which 18 dwelling units (11 percent of the proposed density) will be set aside for Extremely Low Income Households. The Project will rise to a maximum height of 99 feet and 9 inches with a Floor Area Ratio (FAR) of 3.39:1. The building will be constructed with seven residential levels above one ground floor level of residential lobby and parking and one subterranean level of parking. The Project will provide a total of 39 automobile parking spaces and 118 bicycle parking spaces (107 long-term spaces and 11 short-term spaces).

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Planning Director's determination dated August 16, 2024;
3. **Approved** with Conditions, pursuant to Section 12.22 A.31 of the Los Angeles Municipal Code (LAMC), a Tier 4 Transit Oriented Communities (TOC) housing development project consistent with the Transit Oriented Communities Affordable Housing Incentive Program with a total of 163 dwelling units, including 18 dwelling units reserved for Extremely Low Income (ELI) Household occupancy for a period of 55 years, along with the following three additional incentives:
 - a. Yard/Setbacks. A front yard setback which aligns with the facade of the northern adjoining building and a 35 percent reduction in the northern rear yard setback;
 - b. Averaging. Permit averaging of Floor Area Ratio, Density, Parking, Open Space and permitting Vehicular Access; and
 - c. Open Space. A reduction in open space by up to 25 percent otherwise required;
4. **Approved** with Conditions, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates or results in an increase of 50 or more dwelling units;
5. **Adopted** the attached Modified Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 6 – 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 is final effective upon the mailing of this determination letter and not further appealable.

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

cc: Heather Bleemers, Senior City Planner
Esther Ahn, City Planner
David Woon, Planning Assistant

CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on November 14, 2024)

Pursuant to LAMC Sections 12.22 A.31 and 16.05 the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit "A," and attached to the subject case file. 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. **On-site Restricted Affordable Units.** A total of eighteen (18) units shall be set aside for Extremely Low Income Households, as defined by the Los Angeles Housing Department (LAHD) and California Government Code Section 65915(c)(2).
3. **Changes in On-site 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.31.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 11 percent of the total number of dwelling units available to Extremely 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 set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of LAHD, and in consideration of the project's SB 8 or SB 330 Determination. 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. The project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination Letter, dated September 14, 2021, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.
5. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from the Los Angeles Housing Department (LAHD) regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided.
6. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 163 residential units, including On-site Restricted Affordable Units.

- b. **Floor Area Ratio.** Development of the subject property shall be limited to a maximum Floor Area Ratio (FAR) of up to 3.39:1.
- c. **Parking.**
 - i. **Automobile Parking.** Pursuant to California Government Code Section 65915(p)(3) and AB 2097, the project shall not be required to provide any minimum vehicle parking. The applicant may choose to provide a greater amount of vehicle parking.
 - ii. **Bicycle Parking.** Bicycle parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.
 - iii. **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 the Los Angeles Housing Department.
 - iv. **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.

7. **Additional Incentives.**

- a. **Yards/Setbacks.** The project shall be permitted a front yard setback which aligns with the façade of the northern adjoining building and a 35 percent reduction in the northern rear yard setback. The front yard shall be limited to 0 feet in lieu of 15 feet otherwise required by 12.12 C and the northern rear yard shall be limited to 13 feet in lieu of 20 feet otherwise required by LAMC Section 12.12 C.
- b. **Averaging.** The project shall average Floor Area Ratio, Density, Parking, Open Space, and permit Vehicular Access to permit a FAR of 3.39:1, a density of 163 residential units, an Open Space area of 12,263 square feet, and vehicular access from a less restrictive zone to a more restrictive zone.
- c. **Open Space.** The project shall be permitted up to a 25 percent reduction in open space, or a minimum of 12,225 square feet in lieu of the required 16,300 square feet otherwise required by LAMC Section 12.21 G.

Site Plan Review Conditions

8. **Landscaping.**

- a. All open areas not used for buildings, driveways, parking areas, recreational facilities, or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect.
- b. All planters containing trees shall have a minimum depth of 42 inches, including those located on the rooftop.
- c. **Landscape Plan.** Landscaping shall be substantial conformance with the Landscape Plan stamped "Exhibit A".

9. **Tree Requirement.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." There shall be a minimum of forty-one (41) 24-inch box, or larger, trees on site pursuant to LAMC Section 12.21 G.2. Any required trees pursuant to LAMC Section 12.21 G.2 shown in the public right of way in Exhibit "A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right of way is proven to be infeasible due to City determined physical constraints.
10. **Street Trees.** 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 Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).
11. **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.
12. **Materials.** A variety of high quality exterior building materials, consistent with the approved Exhibit "A" plans, shall be used. Substitutes of an equal quality shall be permitted to the satisfaction of the Department of City planning.
13. **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.
14. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer(s), if located at-grade and facing the public right-of-way, shall be screened with landscaping or a green wall.
15. **Trash Collection.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
16. **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.
17. **Solar Energy.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211.1, to the satisfaction of the Department of Building and Safety.
18. **Parking / Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Department of Transportation for approval.

Administrative Conditions

19. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
20. **Covenant.** Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770)

shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.

21. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
22. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
23. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
24. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
25. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
26. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
27. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
28. **Expedited Processing Section Fee.** 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, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- 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 includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

FINDINGS

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM /AFFORDABLE HOUSING INCENTIVES COMPLIANCE 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 Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:
 - a. *The incentive 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 are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of Additional Incentives in the Transit Oriented Communities Guidelines was pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the Project. As such, the Director will always arrive at the conclusion that the Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the Project.

Yard/Setback. The requested Additional Incentive to permit a front yard setback which aligns with the façade of the northern adjoining building and a 35 percent reduction in the northern rear yard setback is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The proposed eight-story residential building will be developed in the R5P-2 and C2-2 Zones which require a 15-foot front yard setback adjacent to South Berendo Street, a 20-foot rear yard setback adjacent to the northern adjacent alley, and an 11-foot easterly side yard setback. The Project will maintain the existing commercial building (Roseberry Building) located on the southern portion of the Project site, which is located in the C4-2 Zone, therefore the front, side, and rear yard setbacks will remain unchanged for this portion of the Project site (The C2-2 and C4-2 zoning of the Project site allows for no setback requirements for commercial uses and the front yard, and side and rear yard setback requirements in conformance with the R4 Zone for residential uses). The proposed Project will utilize the Tier 4 yard/setback incentive to permit a front yard setback which aligns with the northern adjoining building for a 0-foot front yard setback and to reduce the northern rear yard setback requirement to 13 feet. The Project will maintain an easterly side yard setback of 11 feet in accordance to the zoning of the Project site. With the incentive, the Project will dedicate more floor area to the construction of additional dwelling units thereby allowing for more affordable units to be set aside for Extremely Low Income households. This incentive supports the Applicant's decision to reserve 11 percent, or 18 units, as affordable housing units.

Averaging. The requested Additional Incentive for averaging Floor Area Ratio (FAR),

Density, Parking, and Open Space are expressed in the Menu of Incentives in the TOC Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. For this Project, the LAMC permits a total base density of 190 units. The request to average density across the two lots zoned C4, C2, and R5 will permit a proposed density of 163 dwelling units throughout the Project site. The permitted base FAR for the portions of the lots zoned C4, C2, and R3 is 6:1. The request to average FAR across the Project site will allow the proposed FAR of 3.39 to 1. Per LAMC and the requested Additional Incentive for a 25 percent reduction in open space pursuant to the TOC Program, the required area dedicated to Open Space is 12,255 square feet. The request to average Open Space would allow the applicant to propose a combination of common and private open space areas in the form of private balconies, two recreation rooms, a second-floor courtyard, and an eighth-floor terrace encompassing a total area of 12,263 square feet. With regards to parking, the Project is not required to comply with any minimum automobile parking requirements pursuant to Assembly Bill (AB) 2097 as it is located one-half mile of a Major Transit Stop. Nevertheless, the Project will provide 39 parking spaces within the ground and subterranean-floor levels of the proposed housing development. Therefore, the averaging of parking and permitting of vehicular access from a less restrictive zone to a more restrictive zone is not necessary for this Project. The incentive allows the applicant to utilize more of the total building square footage for residential units, which facilitates the construction of more affordable housing units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the Applicant's decision to reserve at least 11 percent of the total units proposed for Extremely Low Income Households. Therefore, the Additional Incentive is necessary to provide for affordable housing costs.

Open Space. The requested Additional Incentive for a 25 percent reduction in the required amount of open space is expressed in the Menu of Incentives in the TOC Guidelines, which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. For this Project, the LAMC requires a total open space area of 16,300 square feet. The requested Tier 4 incentive allows the applicant to reduce the open space requirement to 12,255 square feet. The Project proposes a total open space area of 12,263 square feet, which includes common and private open space. The incentive allows the applicant to utilize more of the total building square footage for residential units, which facilitates the construction of more affordable housing units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 11 percent of the total units proposed for Extremely Low Income households. Therefore, the Additional Incentive is necessary to provide for affordable housing costs.

- b. *The Incentive will have a 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 are no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.*

There is no evidence that the proposed incentives will have a specific adverse impact 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 Project site is comprised of the Roseberry Building which is identified as an eligible historic

resource in a Community Redevelopment Agency (CRA) survey. However, the structure does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. As concluded in the Historic Resources Impacts Assessment Report prepared by Historic Resources Group in July 2022 and the Addendum to the Historic Resources Impacts Analysis Report dated May 25, 2023, the Project will not result in a substantial adverse change in the significance of an historical resource in the Project vicinity and therefore the Project will not have a significant effect on the environment. In a correspondence dated August 2022, the City's Office of Historic Resources has confirmed that they have reviewed the reports and accept their conclusions.

The proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the State's CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorical Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines.

According to ZIMAS, the Project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. The Project is required to comply with all pertinent regulations including those governing construction, use, and maintenance, and will not create any significant direct impacts on public health and safety. Therefore, there is no substantial evidence that the proposed Project will have a specific adverse impact on public health and safety, or on any Historical Resource.

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

There is no substantial evidence in the record indicating that the requested incentives are contrary to any state and federal law.

SITE PLAN REVIEW FINDINGS

2. That 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 proposed Project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations. The Wilshire Community Plan Map designates the property for Regional Center Commercial land uses with the corresponding zones CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, R5 zones. The Project site is zoned C2-2, C4-2, and R5P-2, and is thus consistent with the land use designation. The Project will provide 163 dwelling units with 11 percent of the units set aside for Extremely Low Income households.

The proposed project is consistent with the Goals, Objectives, and Policies, of the Wilshire Community Plan and Framework Element as discussed below.

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

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.

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

The Project will provide a net increase of 163 residential dwelling units of which 11 percent, or 18 units, will be reserved for Extremely Low Income Households. These units will encompass the second- through eighth-floor levels of the Project, with amenities such as recreation rooms, a courtyard, and an outdoor terrace. The Project will also incorporate design features such as landscaping, lighting, windows, and balcony spaces that will create a safe and comfortable environment. Regarding unit composition, the Project is comprised of 163 studio units. As such the Project will provide mixed income housing for prospective residents.

The Project is located in a Tier 4 TOC Incentive Area as it is located less than one-half mile, or 2,640 feet, east from the intersection of West Wilshire Boulevard and South Vermont Avenue which functions as a major public transit stop for numerous Metro and LADOT bus lines and the Metro “B” and “D” Rail Lines. These bus and rail lines connect commuters to essential services and job centers across Los Angeles. The Applicant requests Tier 4 Incentives pursuant to the Transit Oriented Communities Affordable Housing Incentive Program to increase residential density and floor area ratio (FAR), and reduce residential parking, among other Incentives, in exchange for dedicating a portion of the total proposed units for affordable housing. The Project proposes 163 dwelling units with a FAR of 3.39:1, and no automobile parking spaces pursuant to AB 2097. As such, the reduction in parking spaces will reduce the number of vehicle trips to and from the Project site. In addition, the Project will also encourage residents to utilize public and active transit opportunities as it is within close proximity to bus and rail service, and will provide 118 bicycle parking spaces. These features will allow residents to access essential services and job centers without automobile dependency.

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 services with the existing commercial areas.

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

The Project is located in the Wilshire Center area bound by 6th Street, Vermont Avenue, 8th Street, and Western Avenue. The Wilshire Community Plan identifies the Wilshire Center area as a mixed-use district, in which the integration of housing and commercial development is encouraged. The intent of mixed use development is to locate housing in close proximity to jobs and services, to reduce vehicular trips, traffic congestion and air pollution, to provide rental housing, and to stimulate vibrancy and activity in pedestrian-oriented areas.

In addition to providing 163 residential dwelling units, the Project will maintain the existing commercial building, known as the Roseberry Building, fronting West Wilshire Boulevard which encompasses 33,057 square feet of commercial tenant space. The Roseberry Building consists of dining and personal health/beauty establishments which attract commercial activity and employment to the Wilshire Center district. The Wilshire Center district is highly-developed with residential, commercial, and community-serving facility uses including multi-family residences, restaurants, markets, hotels, clinics, and community centers. The Project

will preserve the Roseberry Building and enhance the mixed-use character of Wilshire Boulevard corridor with the integration of new housing opportunities into the community. As previously discussed, the Project site is in close proximity to numerous public transit lines that connect residents, visitors, and workers to essential services and job centers. In conjunction with the mixed-use development of the neighborhood, Project users will be able to access numerous goods and services by foot or public transit further promoting commercial and pedestrian activity in the community.

The proposed Project is also consistent with the Goals, Objectives, and Policies, of the General Plan's Housing Element as described below.

Objective 1.1 Produce an adequate supply of rental and ownership housing in order to meet current and projected needs;

Policy 1.1.1 Expand opportunities for residential development, particularly in designated centers, Transit Oriented Districts, and along mixed-use boulevards.

The proposed Project will intensify the use of the Project site by contributing to a net increase of 163 dwelling units in the Wilshire Center – Koreatown neighborhood. The Project will be compatible with the surrounding properties as it will integrate new housing opportunities with the mix of commercial, residential, office, and community facility uses established in the vicinity as well as complement the surrounding public transportation infrastructure. Wilshire Boulevard functions as a mixed-use corridor providing residents, workers, and visitors access to major job centers, commercial districts, and essential services across the community. Approximately 600 feet east of the Project site, is the intersection of Wilshire Boulevard and South Vermont Avenue which functions as a stop for numerous Metro and LADOT bus lines as well the Metro "B" and "D" Rail Lines. These bus and subway lines provide regional access to communities across Los Angeles County. As such, the proposed Project will expand housing opportunities within a transit-rich and mixed-use community.

The proposed Project is also consistent with the Goals, Objectives, and Policies, of the General Plan's Mobility Element, also known as Mobility Plan 2035, which provides policies with the goal of developing a balanced transportation network for all users. The Project supports the following policies of the Mobility Element:

Policy 2.3

Pedestrian Infrastructure: 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.

The Project will incorporate pedestrian-oriented design elements that will enhance the pedestrian experience along the public right-of-way and provide a safe and comfortable walking environment. The proposed residential building will front South Berendo Street and the existing Roseberry Building will front Wilshire Boulevard. The Project will comply with the standard street dimensions pursuant to the Mobility Plan 2035, thereby providing a sidewalk width that is compatible with the local streets and development in the community. Landscaping, including trees and groundcover, will be maintained along the street fronts and alley to create a more attractive and comfortable space for pedestrians. The Project will maintain four street trees along South Berendo Street and Wilshire Boulevard and will feature a canopy over the Project's entrance along South Berendo Street thereby offering pedestrians shade coverage and relief from excessive sunlight and high-heat days. The Project will also

install lighting fixtures that will illuminate the public right-of-way during the night and will be compatible with the surrounding commercial and residential uses. In addition, the residential lobby will utilize storefront glazing along the South Berendo Street frontage, providing a sense of transparency and “eyes on the street” between the private and public realms. Therefore, these components will create a high-quality pedestrian experience for the community.

Policy 5.4 Clean Fuels and Vehicles

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

Per California Green Building Code Section 110.10(b)1B, the Project is required to designate 15 percent of the total roof area for solar installation. The Project may be exempt from this requirement if it provides smart thermostats and Energy Star rated dishwashers and refrigerators in every unit. As such, the Project promotes clean and renewable energy infrastructure with the construction of the eight-story residential building.

The Project is also consistent with the goals and provisions of the Wilshire/Koreatown Redevelopment Plan. Residential and commercial uses proposed at the Project site are permitted in the C2-2, C4-2, and R5P-2 Zones with a land use designation of Regional Center Commercial. The Project will comply with all zoning standards including those dictating density, floor area ratio, setbacks, parking, utilities, and open space pursuant to the Los Angeles Municipal Code and the TOC Program, as well as maintain the existing street configuration detailed in the Redevelopment Plan Map. In addition, the Project will comply with the Citywide Design Guidelines. The proposed 163-unit residential building will expand the range of housing types, prices, and rent levels in the area and will maintain the existing commercial use of the Project site with the preservation of the Roseberry Building. The Roseberry Building is identified as an eligible historic resource in a Community Redevelopment Agency (CRA) survey, however it is not designated as a Historic-Cultural Monument and is not listed in the California Register of Historical Resource. With the proposed Project, the Roseberry Building will undergo minor alterations to the northern façade however it will not alter or remove any of the building’s character-defining features. The Office of Historic Resources has reviewed and accepted the Historical Resources Impacts Assessment Report dated July 2022. The Project will contribute to the economic, social, cultural, and physical well-being of the community through the development and revitalization of the Wilshire Center district. As such, the Project will enhance the livability of the Project site and create a more cohesive and sustainable neighborhood.

As detailed above, the Project conforms with the goals and policies of the Wilshire Community Plan, the Wilshire/Koreatown Redevelopment Plan, the General Plan’s Housing Element, and the Mobility Plan 2035.

3. **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 Project site is comprised of two contiguous lots with a total lot area of 36,066 square feet (1.99 acres) and a frontage of approximately 215 feet along South Berendo Street and 130 feet along West Wilshire Boulevard in the Wilshire Center – Koreatown neighborhood. The Project site gradually declines in elevation when traveling north along South Berendo Street. The Project site is currently developed with a two- to three-story commercial building, also known as the Roseberry Building, which is located at the southern portion of the site fronting

West Wilshire Boulevard and South Berendo Street. The northern portion of the Project site is developed with a surface parking lot.

The Project site is zoned R5P-2, C4-2, and C2-2 and is located within the Wilshire Community Plan with a General Plan Land Use Designation of Regional Center Commercial (Lot 1 is zoned R5P-2 and C2-2, Lot 3 is zoned C4-2). Additionally, the site is located within the Los Angeles State Enterprise Zone, a Transit Priority Area, the Wilshire/Koreatown Redevelopment Plan area, a TOC Tier 4 area, an Adaptive Reuse Incentive Area, an Urban Agriculture Incentive Zone, Methane Zone, Fire District No. 1, and is within .001 kilometers from the Puente Hills Blind Thrust zone.

The property site is located in an urbanized neighborhood bound by South Berendo Street to the west, West Wilshire Boulevard to the south, a multi-story commercial-office building and medical clinic to the east, and a five-story residential building and surface parking to the north. West Wilshire Boulevard is highly developed with multi-story commercial, office, residential, public facility buildings, community institutions, and historic structures. Properties to the west, across South Berendo Street are zoned C4-2 and are developed with a multi-story commercial-office building and parking structure. Properties to the south are zoned C4-2 and are developed with the Tallmadge apartment building and Immanuel Presbyterian Church. Properties to the east are zoned C4-2 and C2-2 and are developed with a multi-story commercial-office building and Kheir Wilshire Clinic. Properties to the north are zoned R5P-2 and are developed with surface parking lots and a five-story residential building.

The proposed Project involves the demolition of the existing surface parking lot and the construction, use, and maintenance of a new eight-story residential building with 163 dwelling units. The Roseberry Building, located on the southern portion of the Project site, will remain on-site and will be rehabilitated. The proposed residential building will encompass approximately 86,700 square feet of floor area and will rise to a maximum height of 99 feet and 9 inches. With the addition of the floor area of the Roseberry Building, which encompasses approximately 33,057 square feet, the Project will result in a FAR of 3.39:1. Pursuant to the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, the applicant requests Base Incentives and three Additional Incentives in exchange for reserving 11 percent, or 18 units, for Extremely Low Income Households. The project is comprised of 163 studio units between the second and eighth floors. Regarding parking, the Project is not required to comply with any minimum automobile parking requirements pursuant to Assembly Bill (AB) 2097 as it is located one-half mile of a Major Transit Stop. Nevertheless, the Project will provide 39 parking spaces within the ground and subterranean-floor levels of the proposed housing development. The Project will provide a total of 118 bicycle parking spaces of which 107 long-term spaces will be located in an enclosed bicycle storage room and 11 short-term spaces will be located on the public right-of-way facing South Berendo Street. An existing driveway located adjacent to the northeast corner of the Project site, will provide access to an alley as well the Project's "back of house" uses. A total of 12,263 square feet will be dedicated to open space which includes private balconies, two recreation rooms, a second-floor courtyard, and an eighth-floor terrace.

Height, Bulk, and Setbacks

The Project proposes a maximum height of 99 feet and 9 inches, encompassing eight stories constructed above-grade and one subterranean level. Based on the underlying C2-2, C4-2, and R5P-2 Zones of the Project site, the Project is permitted unlimited height. Properties along West Wilshire Boulevard are developed with multi-story commercial, office, and residential buildings that are similar in height to the proposed residential building. Therefore, the Project's height is consistent with the LAMC and is compatible with the surrounding properties.

Regarding FAR and density, the LAMC permits projects in the C2, C4, and R5 Zones within Height District No. 2, a FAR of 6:1 and a maximum density of 190 dwelling units. The Project proposes a 163-unit residential building with a floor area of 86,700 square feet, a maximum FAR of 3.39:1, and a Tier 4 TOC Incentive to permit the averaging of FAR and density across the two lots that comprise the Project site. (The calculation for density and FAR includes the existing 33,057 square-foot commercial building that will remain on-site for a total floor area of 119,757 square feet). The Project will be comparable to new and existing developments that are constructed in the Wilshire Center – Koreatown community in scale and density, therefore the proposed Project is compatible with the adjacent properties.

In accordance with the TOC Incentive Program, the Project requests an Additional Incentive to reduce the front and rear yard requirements for the portion of the Project site in the R5P-2 Zone in exchange for the provision of affordable housing units. The Applicant requests an Additional Incentive to permit a front yard setback which aligns with the northern adjoining building for a 0-foot front yard setback and to reduce the northern rear yard setback requirement by up to 35 percent for a 13-foot rear yard setback. The Project will maintain a 11-foot eastern side yard setback along West Wilshire Boulevard, consistent with the LAMC. The Project will maintain the existing commercial building (Roseberry Building) located on the southern portion of the project site, which is located in the C4-2 Zone, therefore the front, side, and rear yard setbacks will remain unchanged for this portion of the Project site

The bulk and massing of the proposed residential development would be tempered by multiple design features which relate to the Project's selection of building materials, the programming of open space, landscaping, and the Project's orientation in relation to the surrounding built environment. The Project will feature private balconies along the perimeter of the building as well as an articulated cement exterior, aluminum and glass storefronts and railings, vinyl windows and doors to enhance the building's articulation and provide visual interest on the streetscape. These design features will also help achieve a comfortable balance of light and air ventilation into each dwelling unit. With respect to the abutting Roseberry Building, the Project closely follows the fenestration of the commercial building with storefront glazing at the base and similar horizontal lines and breaks are carried across the Project that reference lines and building heights of the Roseberry Building. On the roof level, mechanical equipment will be appropriately screened from public view to reduce visual and audible impacts to surrounding properties. In addition, adjacent residential properties will not possess any lines of sight to the rooftop equipment. Additional utility and mechanical rooms will be enclosed within the ground floor level and will not be readily accessible to Project users and the public. Landscaping will be utilized in a thoughtful manner particularly within the common open space areas and street-level frontage to create an attractive and comfortable experience for residents and visitors. Street trees, shrubs, and ground cover will provide relief from the heat and sun during the day and will function as a buffer between pedestrians and the roadway. The eighth-floor level will feature lounge seating, a barbeque grill, bar seating, and shrub and tree planters that will provide residents a safe and comfortable space to relax and socialize. The installation of storefront glazing along the lobby and the dwelling units fronting Wilshire Boulevard and South Berendo Street will provide a sense of security and "eyes on the street". In addition, the building's lobby entrance will be covered by a canopy to provide shade and coverage from the sun and rain. The combination of these design features and strategies will help produce a balanced and cohesive look that distinguishes the Project as a residential development.

Parking

Per LAMC, the Project would be required to provide 400 automobile parking spaces. However, the Project is not required to comply with any minimum automobile parking requirements pursuant to Assembly Bill (AB) 2097 as it is located one-half mile of a Major Transit Stop.

Nevertheless, the Project will provide 39 parking spaces within the ground and subterranean-floor levels of the proposed housing development.

The Project's proximity to numerous Metro and LADOT bus lines and the Metro "B" and "D" Rail Lines encourages public transportation as a means of commuting within and across Los Angeles. The Project site is located approximately 600 feet east from the intersection of West Wilshire Boulevard and South Vermont Avenue which functions as a Major Transit Stop for these public transit lines.

The Project will also provide 107 long-term bicycle parking spaces and 11 short-term bicycle parking spaces. The long-term bicycle parking spaces will be located in an enclosed bike storage room with a work space on the ground floor level of the proposed residential building. Short-term bicycle parking will be located along the public right-of-way fronting South Berendo Street.

Lighting

Lighting is required to be provided per LAMC requirements. The Project would provide security lighting on exterior areas to illuminate the building entrances and walkways. The Project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. This condition has also been included in the subject approval. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-site Landscaping

Per the LAMC, the Project is required to provide 16,300 square feet of open space. The Applicant requests a Tier 4 TOC Incentive to reduce open space by 25 percent. With the TOC Incentive the Project is permitted a minimum of 12,255 square feet of open space. The Project proposes 12,263 square feet of open space distributed among the Project's private balconies, two recreation rooms, second-floor courtyard, and eighth-floor terrace. Of the 12,263 square feet of open space, 6,113 square feet will be dedicated to common open space and 6,150 square feet will be dedicated to private open space.

The Project proposes 1,256 square feet of landscaped area and will plant a total of 41 trees. Landscaping will be maintained among the Project site's street frontage along South Berendo Street and West Wilshire Boulevard and Project's second-floor courtyard and eighth-floor terrace which will feature a variety of trees, shrubs, and ground cover. The Project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walkways will be attractively landscaped and maintained in accordance with a landscape plan. The planting of any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Division's requirements. Therefore, the on-site landscaping will be compatible with the existing the future developments in the neighborhood.

Trash Collection/Load Area

The Project will feature a single enclosed trash collection room that will serve Project users. While the trash room is located on the ground-floor level, residents will be encouraged to dispose of their trash and recycling through chutes located on each floor, which feed into the trash collection area. Trash trucks will temporarily stop and collect trash along the northern alley or South Berendo Street, and therefore would not interrupt daily operations and parking around the surrounding neighborhood. South Berendo Street will also function as a loading space for Project users.

As described above, the Project consists of an arrangement of buildings and structure (including height, bulk, and setbacks), off-street parking facilities, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on neighboring properties.

4. **That the residential project provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.**

The proposed Project will provide 163 residential units. The Project would also provide 12,263 square feet of common and private open space, and would include a variety of amenities to improve habitability for residents and minimize impacts on neighboring properties. The Project has been designed to include indoor and outdoor amenities throughout the residential development such as private balconies, two recreation rooms, a second-floor courtyard, and a eighth-floor terrace. These spaces will provide residents a place to relax, socialize, and participate in recreational activities on-site with features including outdoor furniture, barbeque grills and counters, and more. The placement of these amenities has been thoughtfully arranged in a manner that would reduce potential nuisances from impacting the surrounding properties. Indoor amenities will be enclosed within the residential building and therefore will not impose noise or visual impacts to neighboring properties. Outdoor amenities will be located on the 8th floor will not possess any lines of sight with the adjacent residential buildings. Therefore, the height at which these amenities lie will dampen noise and visual impacts.

The Project site is surrounding by various compatible land uses and transit amenities which encourage walking, biking, and public transit usage. Approximately 600 feet east of the Project site is the intersection of Wilshire Boulevard and South Vermont Avenue which is a Major Transit Stop for numerous Metro and LADOT Dash buses and the Metro “B” and “D” Rail Lines. The Project will also provide residents and visitors a bike storage room with a work space for repairs and bicycle racks to accommodate the Project’s 118 bicycle spaces. Bike racks accommodating 11 short-term parking spaces will be located along the sidewalk fronting South Berendo Street. Access to nearby public transit and bicycle storage provides and encourages residents to utilize sustainable modes of transportation that will reduce traffic impacts. As proposed, the Project will offer a variety of recreational and service amenities in order to improve habitability for the residents while minimizing impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. 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.
6. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of “In-fill Projects”. The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated September 2022 and attached to the subject

case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.



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