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(213) 978-1300

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200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

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May 29, 2024

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**SUPPLEMENTAL REPORT REGARDING APPEAL OF CASE NO. CPC-2023-4250-DB-HCA
FOR PROPERTY LOCATED AT 2662-2668 SOUTH BARRINGTON AVENUE WITHIN THE
PALMS-MAR VISTA-DEL REY COMMUNITY PLAN AREA (CF 24-0395)**

The proposed project involves the demolition of two (2) existing single-family homes and the construction, use, and maintenance of a new 27,313 square foot, five-story, 55 feet and six inches in height residential building. The project would provide a total of 21 dwelling units with three (3) units set aside for Very Low-Income Households. A total of 39 vehicle parking spaces will be provided within an at-grade and subterranean parking levels.

The applicant is seeking a Density Bonus to allow a housing development consisting of 21 dwelling units of which three (3) units will be set aside for Very Low Income Households, with the following On- and Off-Menu incentives: a.) an on-menu incentive to permit an increase in floor area ratio (FAR) to allow a total FAR of 3.54:1 in the R3 Zone in lieu of the otherwise permitted 3:1 FAR; b.) an on-menu incentive to allow a 20 percent side yard setback reduction to allow a side yard setback of six-feet and five-inches in lieu of the otherwise required eight-feet in the R3-1 Zone; and c.) an off-menu incentive to allow a maximum building height of 55 feet and six-inches in lieu of the otherwise allowed 45 feet in the R3-1 Zone and to allow increased height for portions of the building that are within 50 feet of an R1-Zoned lot.

The City Planning Commission approved the project on December 7, 2023. The City Planning Commission also determined that the project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. Subsequently, on March 20, 2024, Patricia Hustler, appealed the City Planning Commission's approval of the project's Density Bonus On-Menu Incentives.

The appellant, Patricia Hustler, is a neighbor to the subject property. Ms. Hustler's property is located at 2659 Barry Avenue which is adjacent to the proposed project site. The appellant's appeal justification contends that the construction of the proposed housing development will result in a 50% annual power loss to her solar panels and therefore she should be offered monetary compensation or decreased floor area and setbacks for the proposed development.

In exchange for providing at least 15 percent of the base density for Very Low-Income Households, the applicant is entitled to three (3) incentives under both Government Code Section 65915 and the Los Angeles Municipal Code (LAMC). The request for FAR increase, reduced side yard setbacks and height increase qualify as requested Incentives.

The project substantially complies with the applicable regulations, standards, and provisions of the State Density Bonus Program. The project includes 20 percent of the project's base density set aside as Very Low Income restricted affordable units, for a total three (3) residential units. No substantial evidence has been entered into the record indicating that any of the requested incentives do not result in identifiable and actual cost reductions to provide for the project's affordable housing costs (as defined in California Health and Safety Code Sections 50052.5 or 50053) and/or accommodate the restricted very low-income unit rents.

The requested on-menu incentives for increase in FAR and reduction in the side yard setbacks will allow for the construction of affordable units in addition to larger-sized dwelling units. Granting of the incentives 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 increased floor area allows certain fixed development costs to be spread out over more floor area resulting in a lower per-square-foot development cost. In addition, the additional floor area and reduction in the side yard will allow the construction of additional market rate floor area whose rents will support the operational costs of the affordable units.

Additionally, 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. The project 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. Accordingly, the project will not have a significant impact on any on-site resource or any resource in the surrounding area. The property is not located on a substandard street in a Hillside area or in a Very High Fire Hazard Severity Zone, Methane Zone, or any other special hazard area; accordingly, the project will not have a specific adverse impact upon public health and safety or the physical environment. The project is required to comply with all other 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 the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

Regarding the alleged loss of power to the solar panels, the appellant has not provided substantial evidence demonstrating the alleged potential impacts of the proposed development on her property's solar power panels. Per the Solar Rights Act, the property owner should provide a solar

easement to show evidence of the potential impacts. The appellant has not provided such evidence therefore the appeal justification is without merit.

As such, it is hereby recommended that the Planning and Land Use Management Committee deny the appeal and sustain the City Planning Commission's approval of the entitlements herein, as well as adopt the Class 32 Categorical Exemption as the project's environmental clearance.

Actions for the City Council:

1. Determine that based on the whole of the administrative record that the project is exempt from California Environmental Quality Act (CEQA) pursuant to Article 19, Class 32 of the CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. Deny the appeal and sustain the City Planning Commission's approval of a Density Bonus housing development with the requested incentives.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



MICHELLE CARTER
City Planner