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**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING
INCENTIVE PROGRAM REVIEW AND SITE PLAN REVIEW**

December 23, 2022

Applicant

Ugonna Mbelu
Icon & Ikon, Inc.
14623 Hawthorne Boulevard, Unit 306
Lawndale, CA 90260

Owner

Benbaroukh, LLC
319 S. Robertson Boulevard
Beverly Hills, CA 90211

Case No. DIR-2021-7344-SPR-TOC-HCA

CEQA: ENV-2020-5078-CE

Location: 550 S. Union Avenue, 1701
– 1717 ½ W. 6th Street

Council District: 1 - Cedillo

Neighborhood Council: Westlake North

Community Plan Area: Westlake

Land Use Designation: Community Commercial

Zone: C2-1

Legal Description: Lots 20 - 22, Oscar B.
Smith's Crown Hill Tract,
Lot 2, J.W. Ellis'
Subdivision of Lot 6 Block
38 Hancock's Tract

Last Day to File an Appeal: January 9, 2023

DETERMINATION

Pursuant to the Los Angeles Municipal Code (LAMC) Sections 12.22 A.31 and 16.05, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Determine that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332 Class 32 (Class 32 Urban In-Fill Development) and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies; and

Approve with Conditions a Transit Oriented Communities (TOC) Affordable Housing Incentive Program Compliance Review for a qualifying Tier 3 project,

totaling 100 dwelling units, reserving 10 units for Extremely Low Income Household occupancy for a period of 55 years, with the following Additional Incentives:

a. Yard/Setbacks. Utilization of the yard setback requirements of the RAS3 Zone for a project in a commercial zone; and

Approve with Conditions a Site Plan Review for the construction of a seven story, mixed-use building containing approximately 105,620 square feet of floor area, including 13,046 square feet of commercial retail space and 100 residential units, on an approximately 29,058 square-foot site. The project will reserve 10 dwelling units for Extremely Low Income Households. The building will have a maximum height of approximately 92 feet. The project will provide a total of 72 vehicular parking spaces located within the ground floor and two-level subterranean parking garage. The project will provide a total of 125 long-term spaces and 32 short-term bicycle spaces for a total of 157 total bicycle parking spaces. The project will provide 16,478 square feet of usable open space and twenty-six (26) 24-inch box trees. The project will export approximately 21,400 cubic yards of excavated earth.

Adopt the attached Findings and Conditions of Approval.

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit "A," and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Covenant.** Prior to the issuance of any permits relative to this matter, 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.

Transit Oriented Communities Conditions

3. **Residential Density.** The project shall be limited to a maximum density of 100 residential dwelling units.
4. **On-Site Restricted Affordable Units.** A minimum of 10 units, that is 10-percent of the 100 total units, shall be restricted to Extremely Low Income Households, as determined by the Los Angeles Housing Department (LAHD).
5. **Changes in On-Site Restricted Units.** Deviations that increase the number of On-Site Restricted Units or that change the composition of units or parking numbers shall be consistent with LAMC Section 12.22 A.31 and TOC Guidelines.
6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute and record a covenant and agreement running with the land to the satisfaction of LAHD. The covenant shall bind the owner to reserve 10 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 and TOC Guidelines, to the satisfaction of LAHD, and in consideration of the project's 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 TOC Guidelines and any monitoring requirements established by the LAHD. Refer to the TOC Affordable Housing Incentive Program and Housing Replacement (SB 330 Determination) Background sections of this determination.
7. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 3.63:1 or 105,620 square feet.

8. **Residential Northerly Side Yard Setback.** The project shall provide a minimum side yard setback of one-foot three-inches for the residential portion of the project.
9. **Residential Southerly Side Yard Setback.** The project shall provide a minimum southerly side yard setback of one-foot three inches for the residential portion of the project.
10. **Residential Easterly Front Yard Setback.** The project shall provide a minimum yard setback of one-foot three inches for the residential portion of the project.
11. **Residential Westerly Rear Yard Setback.** The project shall provide a minimum rear yard setback of five-foot three inches for the residential portion of the project.
12. **Residential Automobile Parking.** Residential automobile parking shall be provided consistent with LAMC Section 12.22 A.31, which requires a minimum of 0.5 spaces per unit for all residential units in an Eligible Housing Development Project located in Tier 3 TOC Affordable Housing Incentive Area.
13. **Non-residential Automobile Parking.** Commercial automobile parking shall be provided consistent with LAMC Section 12.21 A.4(x)(3)(6), which requires 2 parking spaces for every 1,000 square feet of commercial and retail uses in an Enterprise Zone and LAMC Section 12.22 A.31, which allows up to a 30 percent reduction in the nonresidential parking requirement in a mixed-use project located in a Tier 3 TOC Affordable Housing Incentive Area.
14. **Open Space.** The project shall provide a minimum of 16,478 square feet of usable open space.

Site Plan Review Conditions

15. **Commercial Use Restrictions.** The project shall be limited to 13,046 square feet of commercial retail space.
16. **Building Height.** The project shall be limited to a maximum building height of approximately 92 feet as measured from Grade to the highest point of the parapet pursuant to LAMC Section 12.03.
17. **Commercial Yards.** The commercial portion of the project shall provide setbacks of zero (0) feet pursuant to LAMC Section 12.14 C.
18. **Yard/Setback Requirements.** The project is utilizing the yard setback requirements of the RAS3 Zone for a project in a commercial zone.
19. **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, to the satisfaction of the Department of Building and Safety.
20. **Non-required Parking.** Any parking spaces which are provided in excess of the Code required parking requirement shall be capable of supporting EVSE and installed with EV

chargers to immediately accommodate electric vehicles within the parking areas. The parking spaces shall be designed and labeled for EV chargers consistent with the requirement for Required Parking.

21. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A 16.
22. **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 Section 12.21 G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units). Per Exhibit "A" and 12.21 G.3, 5 new Street trees shall be provided.
23. **Required Trees per 12.21 G.2.** 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 twenty-five (25) 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.
24. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
25. **Landscape Maintenance.** All landscaped areas, trees, shrubs and ground cover shall be maintained as healthy and vigorous at all times; irrigation systems shall be continuously maintained pursuant to LAMC Section 12.41 B.5.
26. **Trash Storage.** Trash storage and collection shall be enclosed in the parking garage and no visible from the public right-of-way. Trash collection shall occur within the enclosed parking garage and shall not interfere with traffic on any public street.
27. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. All surface or ground mounted mechanical equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.
28. **Maintenance.** The project site (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.
29. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
30. **Utilities.** All new utility lines shall be installed underground.

31. **Solar Ready.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
32. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
33. **Hours.** Parking lot cleaning and sweeping, and trash collections and deliveries shall occur no earlier than 7 a.m., nor later than 8 p.m., Monday through Friday, and no earlier than 10 a.m., nor later than 4 p.m. on Saturdays and Sundays.
34. **Signage.** Any signage shall comply with the Municipal Code or other applicable laws. No sign rights are granted with this case.
35. **Parking Screening.** Screening shall be required for ground level and upper story parking levels, and shall be no less than 60% opaque for any individual tier of parking. Openings in screening shall be 4 inches or less in at least one dimension (vertical or horizontal). For ground level parking a frontage screen is required between ground level (vertical parking and all frontage lot lines). The parking levels shall each include a 3-foot high crash wall, which will screen headlights from being visible from the street, to the satisfaction of the Department of City Planning. The Applicant shall submit a Revised Exhibit A to demonstrate compliance to the satisfaction of Central Division Project Planning.

Administrative Conditions

36. **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.
37. **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.
38. **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.
39. **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.
40. **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.

41. **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.
42. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
43. **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.
44. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.
45. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, 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.
- (ii) 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, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's

fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

PROJECT BACKGROUND

The project site is improved with a surface parking lot, mart, and plaza mall located at 1701 -1717 ½ West 6th Street, and 550 South Union Avenue. The project site consists of four (4) contiguous lots with a total lot size of approximately 29,058 square feet of gross lot area per the Lot Survey, which also includes a partial, approximately 570 square-foot alley. Because the project site is proposed on a reversed corner lot, a Yard Determination letter was issued November 1, 2021 to determine lot frontage. The project site fronts approximately 140.33 feet along Union Avenue and approximately 207 feet along the northern portion of 6th Street. The project site is zoned C2-1 and is designated for Community Commercial land use by the Westlake Community Plan. The site is also located within the Westlake Recovery Redevelopment Project Area, a Los Angeles State Enterprise Zone, Transit Priority Area, and is within 1 km (0.62 miles) of the Puente Hills Blind Thrust.

Surrounding properties are developed with commercial and multi-family residential buildings, and a grocery store. Properties to the north are zoned R4-1 and are developed with a one-story cottage bungalow complex, and a two-story residential building. Properties to the east, across Union Avenue, are zoned C2-4 and developed a series of small commercial retail businesses, including a bakery and market and a three-story residential abutting an alley. The property to the south, across 6th Street is zoned C2-2 and is developed with a one-story supermarket with a surface parking lot. Lastly, the abutting property to the west facing 6th Street is zoned C2-1 and is developed with a five-story commercial building with dental offices on the ground floor.

The proposed project includes the demolition of the existing and the new construction, use and maintenance of a seven-story mixed-use building comprised of approximately 105,622 square feet of residential and commercial floor area, for a proposed floor area ratio (FAR) of 3.63:1. The project proposes 100 dwelling units, of which 10 units or 10 percent of the total units will be restricted to Extremely Low Income Households. Additionally, the project proposes 13,046 square feet of ground floor commercial use. The building will have a maximum height of 92 feet, as measured from grade to the top of the roof structure. The project will provide 50 residential parking spaces and 22 commercial parking spaces across one (1) subterranean level and one (1) above-grade at the second level. The project will also provide a total of 157 residential and commercial bicycle parking spaces, which includes 24 short-term and 10 long-term commercial spaces, and eight (8) short-term and 115 long-term residential bicycle parking spaces. The project includes a total of 16,478 square feet of usable open space, consisting of a 2,066 square-foot gym on the second floor, a 4,466 square-foot courtyard and a 977 square-foot community hall on the third floor, a 7,219 square-foot roof deck, and 1,750 square feet of private open space through balconies.

According to the Tree Report prepared by McKinley & Associates dated June 17, 2022, there is one (1) non-protected tree on-site and another non-protected tree within the right of way. The street tree, commonly known as a Yew Pine, will remain within the right of way and the tree within the project, commonly known as Sapphire Dragon Tree, is planned for removal. Pursuant to LAMC Section 12.21 G, the project is required to provide 25 new trees and proposes a total of 26 new trees within the site, which includes five (5) new street trees, for a total of six (6) street trees, eight (8) trees on the third floor, and 12 trees on the roof deck.

On November 29, 2021, the proposed project was reviewed during the Urban Design Studio's (UDS) Project Review meeting. The purpose of the UDS meeting is to provide project specific recommendations, organized around three distinct yet interrelated approaches to design that

include: 1) Pedestrian First Design, 2) 360 Degree Design, and 3) Climate Adaptive Design. At this meeting, UDS had the following recommendations for the project; On pedestrian-first design, staff recommended the removal of the above-ground parking level, which included a second driveway, adding some textured wrappings to conceal the parking structure, and providing more street trees, wherever possible. On 360-design, staff recommended avoiding long blank walls, and providing some articulations. On Climate-Adapted Design, staff recommended more details on the solar areas of the roof, including a landscape set of plans with details on the native trees. The development team provided a set of responses addressing these design elements.

On Pedestrian First Design, the development team opted to keep automobile parking above-ground and also opted to separate the retail level of commercial spaces, which will allow residents to have their own entrance. Further, the design was revised to relocate one of the two entrances to operate on 6th Street, thereby providing a break on the frontage of the building. In addition, the façade received an improvement with a modern and colorful redesign with a new parking screen to provide a unique building design that creates natural ventilation. The project was conditioned to provide all be no less than 60% opaque for any individual tier of parking and parking levels shall each include a 3-foot high crash wall on each level. For street trees, the development team will retain the one existing non-protected tree and 5 proposed street trees.

On 360 Degree Design, as previously mentioned, the development team redesigned the façade of the building, thereby avoiding long, blank walls, with new textured materials such as corrugated metal panels, split faced CMU and stacked stone, 20/50 and smooth stucco finishes, welded wire mesh guardrails, and a metal screen at the garage level, as shown on Exhibit A.

Finally, on Climate Adaptive Design, a solar area was updated on the Architectural Plans to provide 2,777 square-feet of solar area, which is 70 square-feet more than required, and at least 15% of the total roof area. The landscape plans were also revised, with significant revisions to the roof deck area and courtyard terrace on the podium, or third floor, and the minimum 25 percent is being met.

Additionally, pursuant to the Transportation Study Assessment form, dated July 8, 2022 the project warrants an additional Traffic Study report by the Los Angeles Department of Transportation (LADOT). On October 3, 2022, LADOT reviewed the report submitted by the development team dated September 2022 and confirmed overall that the project would not have significant transportation impacts and Planning Staff confirmed that the project still qualifies for a Class 32 California Environmental Quality Act (CEQA) Exemption. Furthermore, on November 23, 2021, the Los Angeles Office of Historic Resources determined the property is not eligible as a potential historical resource. Finally, the project will be exporting 21,400 cubic yards of earth and will be requesting a Haul Route approval with the Board of Building and Safety Commissioners.

HOUSING REPLACEMENT (SB 8 DETERMINATION) BACKGROUND

The Housing Crisis Act of 2019 was amended by Senate Bill 8 (SB 8), which prohibits the approval of any proposed housing development project on a site that will require demolition of existing dwelling units on occupied or vacant protected units unless the project replaces those units for discretionary housing development projects. SB 8 applies to any discretionary housing development projects that receive final approval, and for ministerial on-menu Density Bonus, SB 35 and AB 2162 housing development projects that submit an applicant to Los Angeles City Planning on or after January 1, 2022, and ministerial housing development projects that submit a

complete a set of plans to the Los Angeles Department of Building and Safety for plan check and permit on or after January 1, 2022.

Pursuant to the SB 8 (TOC) Determination Letter dated March 8, 2022, and prepared by the Los Angeles Housing Department (LAHD), the project is not required to replace replacement units and the existing site is a commercial development without residential uses. The project will set aside 10 units restricted to Extremely Low Income Households. As such, the project complies with SB 8.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council and established the Transit Oriented Communities (TOC) Affordable Housing Incentive Program. The measure required that the Department adopt a set of TOC Guidelines, which establishes incentives for residential and mixed-use projects located within one-half mile of a major transit stop, as defined under existing State law.

The TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines), released on September 22, 2017, and amended on February 26, 2018, established a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

Per the TOC Referral Form, dated February 25, 2019 and last revised February 22, 2021, the project site is located within one-half mile of the Metro Rail "B" and "D" Line, Westlake / MacArthur Park Station. As such, the project is eligible for Tier 3 TOC Affordable Housing Incentives.

Tier 3 Base Incentives require On-Site Restricted Affordable Units at the rate of 10 percent of the total number of units for Extremely Low Income Households. The project proposes to set aside 10 units, that is 10 percent of the total 100 units, for Extremely Low Income Households. Up to three (3) Additional Incentives may be granted for projects that include at least 11-percent of the base units for Extremely Low Income Households. The project proposes to set aside 10 units, that is 14 percent of the base 73 units, for Extremely Low Income Households. As such, the project is eligible for up to three (3) Additional Incentives.

The project is eligible for the following Tier 3 Base Incentives, which are granted by-right for eligible TOC projects:

1. Density. A 37-percent increase in density to allow a total of 100 units in lieu of 73 base units.

The project site is zoned C2-1 which allows a maximum density of one dwelling unit per 400 square feet of lot area. Based on the net lot area of 29,058 square feet, the project is permitted a maximum base density of 73 units. With a 70 percent increase in density permitted in Tier 3 of the TOC Guidelines, the project is permitted up to 125 units. The project is proposing 100 units, which is within the maximum density permitted.

2. Floor Area Ratio (FAR). An increase in the FAR to 3.63:1 in lieu of the 1.5:1 FAR in the C2-1 Zone.

The C2-1 zone allows a maximum FAR of 1.5:1, and the TOC Guidelines allows an increase to 3.75:1 FAR. With 29,058 square feet of buildable area in the C2-1 zone, a total of 43,587 square feet would be allowed. The project proposes 101,442 square feet of floor area with an FAR of 3.63:1, which meets the maximum permitted.

3. Parking. A minimum of 0.5 automobile parking spaces per residential unit and a 30-percent reduction for non-residential parking in a mixed-use project for an eligible Tier 3 Transit Oriented Communities Project.

The project proposes a total of 100 dwelling units. The TOC Guidelines allows 0.5 spaces per unit, which requires a minimum of 50 residential parking spaces. The project proposes 50 residential parking spaces, which meets the minimum requirement.

A minimum of two (2) commercial parking spaces are required per 1,000 square feet of commercial floor area. For non-residential parking, the project proposes 13,046 square feet of commercial space, for a minimum of 27 commercial parking spaces required. The TOC Guidelines allow a 30 percent reduction in nonresidential parking in a mixed-use project, which requires a minimum of 19 commercial parking spaces. The project is proposing 22 commercial parking spaces located on the ground floor, which exceeds the minimum requirement.

On November 1, 2021, the Zoning Engineer issued a Yard Determination letter that determined that the subject project is considered a Reversed Corner Lot, and further identified the easterly property line fronting Union Avenue to be the front lot line. For the remaining lot lines, the westerly property line was identified as the rear yard, and the northerly and southerly lines were identified as the side yards.

Further, pursuant to TOC Guidelines, in any Commercial zone, Eligible Housing Developments may utilize any or all of the yard requirements for the RAS3 zone per LAMC 12.10.5. The applicant is requesting one (1) one additional incentive it is eligible to be granted for the Yard/Setback requirements in any Commercial Zone.

The Incentive is as follows:

Residential Northerly Side Yard Setback. The project shall provide a minimum side yard setback of one-foot three-inches.

Residential Southerly Side Yard Setback. The project shall provide a minimum southerly side yard setback of one-foot three inches.

Residential Easterly Front Yard Setback. The project shall provide a minimum yard setback of one-foot three inches.

Residential Westerly Rear Yard Setback. The project shall provide a minimum rear yard setback of five-foot three inches

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

To be an eligible TOC Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the TOC Guidelines. A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which it does:

1. **On-Site Restricted Affordable Units.** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*

Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) Households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) Income Households, or 20% of the total number of dwelling units shall be affordable to Lower Income Households.

Tier 2 - 9% ELI, 12% VL or 21% Lower.

Tier 3 - 10% ELI, 14% VL or 23% Lower.

Tier 4 - 11% ELI, 15% VL or 25% Lower.

Per the PAR-2021-901-TOC Transit Oriented Communities (TOC) Referral Form, dated February 22, 2021, the project qualifies for Tier 3 TOC Affordable Housing Incentives. As such, the project is reserving 10 percent, or 10 units, of the total 100 units for Extremely Low Income Households. As such, the project satisfies the eligibility requirement for On-Site Restricted Affordable Units.

2. **Major Transit Stop.** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

A Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. Per the Transit Oriented Communities Referral Form, PAR-2021-901-TOC, dated February 22, 2021, the project site is located within 0.5 miles of Metro Rail "B" and "D" Line, Westlake/MacArthur Park Station. As such, the project meets the eligibility requirement for proximity to a Major Transit Stop.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

Pursuant to the SB 8 and AB 2556 Replacement Unit Determination Letters, dated March 8, 2022, and June 3, 2019, respectively, both prepared by the Los Angeles Housing Department (LAHD), the provisions of SB 8 and AB 2556 do not apply to the commercial properties where no previous residential uses were found; therefore, no SB 8 and AB 2556 replacement affordable units are required. However, as required by the TOC program requirements, the

project will set aside 10 units restricted to Extremely Low Income Households. As such, the project complies with SB 8 and AB 2556.

4. ***Other Density or Development Bonus Provisions.*** *A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (State Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.*

The project is not seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other State or local program that provides development bonuses, including, but not limited to a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Implementation Overlay (CPIO), Specific Plan, or overlay district. As such, the project meets this eligibility requirement.

5. ***Base Incentives and Additional Incentives.*** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below, "base units" refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in the Eligibility Requirement No. 1 above (except Moderate Income units).*
 - a. *One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
 - b. *Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*
 - c. *Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

The project is seeking only one additional incentive for the Yard/Setback requirements, whereby in any Commercial zone, Eligible Housing Developments may utilize any or all of the yard requirements for the RAS3 Zone per LAMC 12.10.5., which requires at least four (4) percent, or three (3) units, of the 73 base units to be set aside for Extremely Low Income Households. The project proposes to set aside 10 units for Extremely Low Income

Households, which is 14 percent of the 73 base units. As such, the project meets the eligibility requirement for Additional Incentives.

6. ***Projects Adhering to Labor Standards.*** *Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).*

The project is not seeking two (2) Additional Incentives beyond the three (3) permitted in Section VII of the TOC Guidelines. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11, and this eligibility requirement does not apply.

7. ***Multiple Lots.*** *A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The project site consists of four (4) contiguous lots which are all located within a Tier 3 TOC Affordable Housing Incentive Area. As such, this eligibility requirement does not apply.

8. ***Request for a Lower Tier.*** *Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.*

The applicant has not selected a lower Tier. As such, this eligibility requirement does not apply.

9. ***100% Affordable Housing Projects.*** *Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.*

The proposed project does not consist of 100-percent On-Site Restricted Affordable units. As such, this eligibility requirement does not apply.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM / AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

Pursuant to Section 12.22 A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities (TOC) Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. **Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentives unless the Director finds that:**

- a. **The incentives are not required to provide for affordable housing costs 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. 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 incentives in the TOC Guidelines were pre-evaluated at the time the TOC 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 on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

The following incentives allow the developer to reduce the northerly and southerly side residential yard setbacks, and the front and rear residential yard setbacks; so that affordable housing units reserved for 10 Extremely Low Income units can be constructed and the overall space dedicated to residential uses is increased. These incentives are expressed in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. These incentives also support the applicant's decision to reserve 10 units of the total 100 units for Extremely Low Income Households.

- b. The Incentive will not 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 in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The finding that there is no evidence in the record that the proposed incentives will have a specific adverse impact is further supported by the CEQA findings. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.

The proposed project and potential impacts were analyzed in accordance with the CEQA Guidelines. The project was evaluated against the exceptions to the use of Categorical Exemptions pursuant to Section 15300.2 of the CEQA Guidelines. The Director of Planning determined that none of the exceptions apply to the proposed project and the project is Categorically Exempt from CEQA pursuant to Class 32 of the CEQA Guidelines.

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

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 Applicant proposes to construct a seven-story mixed-use development containing 100 residential units, of which 10 units will be Restricted Affordable units to Extremely Low-Income Households. The Project is consistent with many of the goals and policies of the General Plan. The following will discuss the Project's consistency with various elements of the General Plan, including the General Plan Framework, Housing Element, Health and Wellness Element, Transportation Element (known as the "Mobility Plan 2035"), and the Westlake Community Plan. It also references some provisions of the Westlake Redevelopment Plan. There are no Specific Plans that are applicable to the Project Site.

The Project will be consistent with the character of development in the immediate area and will be in harmony with the applicable elements of the General Plan. The Applicant is committed to creating a dynamic and visually appealing development that improves the conditions of the site, improves the character of the surrounding area and provides critically needed housing.

General Plan Framework Element

The project is in conformance with the following Framework goals and objectives:

Land Use (from General Plan Framework, Chapter 3, Land Use Goals, Objectives, and Policies – Distribution of Land Use)

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 livable city.*

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

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.*

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.*

The proposed mixed-use development will revitalize a property that is currently a surface parking lot, a one-story mart and one-story plaza mall, with a new seven-story building, including 90 market rate apartment units, 10 Extremely Low Income restricted affordable apartment units and approximately 13,046 square feet of commercial space. The proposed mix of uses is consistent with the goals outlined in the General Plan Framework Element to provide a balance of uses as well as opportunities for housing near transit.

The mixed-use and mixed-income nature of the Project will also contribute to the City's long-term goal of economic vitality as well as the revitalization of Westlake. The proposed residential project also conserves the existing residential neighborhood that adjoins the commercial properties located along 6th Street. The proposed commercial space, as well as the ongoing operation of the building itself, will provide additional job opportunities.

The proposed mixed-use project supports the needs of the City's existing and future residents by providing 100 new dwelling units, of which 10 dwelling units will be set aside for Extremely Low-Income residents in a mix of five studios, 75 one-bedrooms, and 20 two-bedroom units to accommodate a diversity of population and families. The new residents will be located at a site in close proximity to numerous transit options including subway lines and bus lines that offer easy access to nearby employment centers including downtown Los Angeles and Wilshire Center as well as to other areas of the City. The Project's location is also within a dense neighborhood of Los Angeles that is in proximity to several neighborhood-serving commercial businesses along 6th Street and within the Westlake community.

The residents of the new development will have multiple transit options that will facilitate the reduction of vehicular trips, vehicle miles traveled, and air pollution. The project is approximately 2,025 feet (0.5 miles) from the MacArthur Park rail station serving Metro's B (Red) and D (Purple) Lines. In addition to the rail lines, the adjoining and nearby streets along 6th Street are served by several bus lines that offer residents convenient access to employment centers, shopping, dining, and entertainment opportunities in the neighborhoods of Westlake, Pico Union, Koreatown, University Park, and Downtown Los Angeles. Quality of life is improved as residents may forego the use of personal automobiles in favor of the numerous transit options that offer easy access to job-enriched environments such as Wilshire Center and Downtown Los Angeles.

Housing (from General Plan Framework, Chapter 4, Housing Goals, Objectives, and Policies)

GOAL 4A: *An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

Objective 4.1: *Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010.*

Objective 4.2: *Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.*

The Framework Element encourages new construction of a range of different housing types that address the needs of the City's households. Consistent with Framework Goal 4 above and the related objectives, the proposed mixed-use project provides market rate housing and affordable housing for Extremely Low Income households, thus offering a range of housing opportunities by type and cost which will be accessible to City residents of various income levels. In addition, to provide a range of housing opportunities by type and cost, the Project will include 5 studio apartments, 75 one-bedroom apartments, and 20 two-bedroom apartments.

The Project will help meet the 2021-2029 Regional Housing Needs Assessment's (RHNA) goal of 456,643 units by contributing a total of 100 new residential units, of which 10 units will be reserved for Extremely Low-Income households, into the City's housing stock. As a result, the Project will also expand affordable rental housing for the income groups that need assistance.

Housing Element

The 2021-2029 Housing Element (The Plan to House LA) was adopted by City Council on November 2021. The Housing Element is one of the eight State mandated elements of the General Plan and identifies the City's housing conditions and needs, establishes the goals, objectives, policies, and programs that are the foundation of the City's housing strategy.

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

Policy 1.2.1: Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

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.

For the current 2021-2029 Housing Element, the regional Southern California Association of Governments (SCAG) issued a target of 456,643 housing units for the entire City of Los Angeles, of which 184,721 units (40 percent) are designated for very low- and low-income households. The proposed project contributes to the RHNA target units by adding 100 housing units and also contributes to the affordable target units by setting aside 10 units for Extremely Low Income households.

Mobility Plan 2035

Approval of the Project will facilitate a mixed-use project in proximity to mass transit options will be consistent with the purposes of the Mobility Plan 2035. Various modes of travel are encouraged by the Mobility Plan 2035, including walking, biking and using public transit. The following policies of the Mobility Plan apply to the proposed project:

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.

The Project will enhance the pedestrian experience in this area by transforming a surface parking lot, a one-story mart and one-story plaza mall into a well-designed mixed-use development. The main pedestrian entrances to the residential lobby and commercial space will be located at the corner of 6th Street and Union Avenue. The entrance to the residential lobby will be accessed from Union Avenue whereas the entrance to the commercial space will be accessed along 6th Street.

The 6th Street frontage will be enhanced by a combination of textures and finishes aimed at enhancing the pedestrian experience. The renderings indicate that there will transparent floor-to-ceiling windows along the commercial frontage, a wire mesh screen hanging above the ground floor, and pillars separating long blank lines. The way the building mass is broken up along the 6th Street frontage creates visual interest which further promotes a safe and comfortable walking environment. Vertical articulation is achieved through a fenestration of recessed and projecting windows and balconies. In addition, the patio balconies above the ground floor protected by metal guardrails allows for more interaction between residents and outdoor leisure while facing an active street. Further, the residential pedestrian entrance at the southwest corner of the project includes transparent lobby areas overlooking 6th Street.

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.

The Mobility Plan 2035 recognizes that neighborhoods with frequent, reliable transit service are the ideal place to cluster uses and services so that area residents can complete a number of errands within a single walk or bike trip. Likewise, the Mobility Plan observes that it makes sense for land uses situated near major transit stops to be of the intensity and type that they attract a high number of transit riders. The project, situated in close proximity to Metro Rapid Bus stops and within easy walking distance of the Metro Purple and Red Rail Lines, is ideally located to satisfy the Mobility Plan's objective to reduce vehicular trips.

The Project will be located within approximately 0.5 miles of the Westlake/MacArthur Park transit station, with access to Metro's B (Red) and D (Purple) Lines. Residents will have greater proximity and access to jobs and other neighborhood services in Downtown Los Angeles and Wilshire Center as well as to other areas of the City. The Project's location is also in proximity to neighborhood-serving commercial businesses along 6th Street. This, the Project will promote an equitable land use decision that will result in fewer vehicle trips.

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

The Project will provide bicycle parking for its' future residents and commercial patrons by adhering to the Code requirements of the Bicycle Parking Ordinance. As such, the Project will provide convenient, secure and well-maintained bicycle parking facilities. Visitors of the Project will know that they have a place to safely and conveniently secure their bicycles for the duration of a visit.

Policy 4.13: Balance on-street and off-street parking supply with other transportation and land use objectives.

The Mobility Plan 2035 recognizes that an oversupply of parking can undermine broader regional goals of creating vibrant public spaces and a robust multi-modal mobility system and that parking consumes a vast amount of space in the urban environment, which otherwise could be put to valuable alternative uses. Additionally, the Mobility Plan observes that large parking lots create significant environmental impacts, detract from neighborhoods' visual quality, and discourage walking by increasing the distances between services and facilities. The Project will eliminate a surface parking lot that exacerbates urban run-off and heat island effects and replace it with a mixed-use project that will improve the visual quality of the neighborhood and activate the streets with more pedestrian activity. The residential structure is oriented to the street to encourage more walking and bicycling.

Policy 5.2: Support ways to reduce vehicle miles traveled (VMT) per capita.

The Mobility Plan 2035 promotes a combination of sustainable approaches to reduce vehicle miles. Land use policies should be aimed at shortening the distance between housing, jobs, and services, thereby reducing the need to travel long distances on a daily basis. More attractive non-vehicle alternatives, including transit, walking and bicycling, need to be offered. The Project will promote these sustainable approaches by locating housing in proximity to jobs, transit and services. The Project would facilitate a reduction of vehicular trips and vehicle miles traveled for residents as the Westlake/MacArthur Park Metro Rail transit station, located approximately 0.5 miles from the Project Site, provides easy access to Metro's B (Red) and D (Purple) Lines that allow connections to downtown Los Angeles and the network of other Metro Rail lines, including Union Station, the Blue Line and Expo Line. The immediate neighborhood is served by a variety of Metro Rapid and Metro Local Bus lines, thereby providing even more transit options that would incentivize the residents to reduce vehicular trips.

The Project is in a prime location to take advantage of Metro's extensive network of bus service, including major bus routes on 6th Street, Union Avenue, and along Wilshire Boulevard which is one block away, and several other local lines, connecting to downtown Los Angeles and other destinations throughout the region. The Project Site's proximity to these transit options provides for optimal multi-family development potential.

The DASH Pico Union/Echo Park Route is located a block from the Project Site with a stop at 6th Street and Union Avenue. The DASH route accesses stops throughout the Pico Union and Echo Park communities. The DASH bus has stops near Good Samaritan Hospital, Riley High School and MacArthur Park.

Quality of life is improved as residents may forego the use of personal automobiles in favor of the numerous transit options that offer easy access to the jobs-rich environment of Downtown

Los Angeles, and as a result, the land use policy is fulfilled to shorten the distance between housing, jobs, and services that reduce the need to travel long distances on a daily basis. The Project's 100 new residential units will increase the availability of housing options in proximity to transit stations and major bus stops. The Project offers the nonvehicle alternatives of transit, walking, and bicycling. The Project is located near recreational activities at MacArthur Park and the neighborhood-serving commercial uses attract residents who walk and ride bicycles. The Project provides the Code required bicycle parking within a garage with easy access to the street.

For these reasons outlined above the Project demonstrates consistency with the Mobility Plan 2035.

Health and Wellness Element – Plan for a Healthy Los Angeles

The Health Element, A Plan for a Healthy Los Angeles, was adopted by City Council on March 31, 2015 with a technical amendment on November 24, 2021 to highlight compliance with SB 1000.

Policy 2.2: Healthy building design and construction – Promote a healthy built environment by encouraging the design and rehabilitation of building and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.

The Plan for a Healthy Los Angeles also includes goals/objectives/policies/programs that relate to the health of the city. The Conservation Element primarily addresses the conservation aspects of the open spaces.

Policy 5.6 Resilience: In collaboration with public, private, and nonprofit partners, increase the city's resilience to risks (increasing temperatures and heat related effects, wildfires, reduced water supply, poor air quality, and sea level rise) resulting from climate change, and target resilience in the most vulnerable communities.

Conservation Element

It is important to conserve natural open space lands and enhance urban open spaces. "Open space" is a broad term that can include virtually anything from a sidewalk or lawn to the mountains and ocean. It is defined by the California general plan law (Government Code Section 65560) as "any parcel or area of land or water that essentially is unimproved and devoted to an open-space use," whether for preservation and protection of natural resources or for human activity.

The Project proposes to provide 100 dwelling units in a mixed-use development that will offer healthy design features, such as an indoor gym and community hall and outdoor roof deck that allows for physical activity and positive social experiences. The Project's location and orientation to the street will enhance pedestrian-oriented circulation for both residents and visitors. The Project proposes five (5) new 24-inch box trees in public right-of-way parkways along Union Avenue and 6th Street that will help prevent the heat island effect and provide passive cooling opportunities for the enjoyment of the public. As such, the project conforms

to the purpose of the Plan for a Healthy Los Angeles and Conservation Elements of the General Plan.

Westlake Community Plan

The Westlake Community Plan was adopted by the City Council on September 16, 1997. The project is consistent with the following residential land use objectives of the Westlake Community Plan:

Objective 1: *To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population.*

Objective 2: *To conserve and improve existing viable housing for persons desiring to live in Westlake, especially low and moderate income families.*

Objective 3: *To sequence housing development so as to provide a workable, efficient, and adequate balance between land use, circulation, and service system facilities at all times.*

In Chapter III, Land Use Plan Policies and Programs, the Community Plan notes that “housing objectives and policies are based on an analysis of existing zoning, housing characteristics, and the socio-economic makeup of the community. Westlake like many of the older communities of Los Angeles could benefit greatly from housing rehabilitation.” The Plan notes further that the “physical decay of housing is a complex problem not unique to Westlake,” and that the “community has a variety of housing styles although multi-family housing is most dominant. The overall density in Westlake is high compared to the rest of the city, built on small parcels with insufficient parking.” The Project proposes to replace an underutilized surface parking lot with a new housing development that rehabilitates the Project Site with improved housing conditions and amenities for the benefit of the residents in a Project that adds 100 new residential units to the housing stock.

Unlike the situation identified in the Community Plan noting that many multi-family developments are built on small parcels with insufficient parking, the Project Site area is 28,488 square-feet per the Lot Survey not including the partial alley, or .65 acres, which is suitable to supply the residential land adequate to provide housing of the size, type and density proposed in this application. As discussed above, the Community Plan has identified the need for more affordable housing as a significant issue for land use planning. The Project will provide 10 units as restricted affordable to Extremely Low Income Households to promote the supply of affordable housing in Westlake. The Project would be consistent with the Community Plan's Objective 2 by improving viable housing for low-income families and persons desiring to live in Westlake.

The Project would utilize its location to satisfy land use goals of locating housing where there is a balance between the use of the land and circulation in area with many transit options and the use of vehicles is practically reduced. The Project would be consistent with the Community Plan's Objective 3 to sequence housing development so as to provide a workable, efficient, and adequate balance between land use, circulation, and service system facilities at all times.

The Project is consistent with the following commercial land use objectives of the Westlake Community Plan:

Objective 1: *To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services*

Objective 2: *To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community.*

Objective 3: *To improve the compatibility between commercial and residential uses.*

The Project will provide additional opportunities for new commercial development by including approximately 13,046 square feet of neighborhood-serving retail space primarily along the 6th Street frontage. As such, the Project will accommodate the shopping needs of residents and provide increased employment opportunities within the community.

The modest size of the proposed neighborhood serving retail space is appropriate along 6th Street, as the street is considered a neighborhood-level commercial corridor. Surrounding uses include a mix of low-rise commercial buildings and low to mid-rise multi-family residential buildings. Surrounding properties are developed with commercial and multi-family residential buildings, and a grocery store. Properties to the north are zoned R4-1 and are developed with a one-story cottage bungalow complex, and a two-story residential building. Properties to the east, across Union Avenue, are zoned C2-1 and developed a series of small commercial retail businesses, including a bakery and market and a three-story residential abutting an alley. The property to the south, across 6th Street is zoned C2-2 and is developed with a one-story supermarket with a surface parking lot. Finally, the property to the west facing 6th Street is zoned C2-1 and is developed with a five-story commercial building with dental offices on the ground floor.

As the surrounding area is comprised with a mix of commercial and residential uses, the Project will improve the compatibility by adding 100 new residential units and 13,046 square feet of neighborhood serving retail space on a site that fronts along 6th Street.

For these reasons outlined above, the Project demonstrates consistency with the Westlake Community Plan.

Westlake Recovery Redevelopment Plan

The Project Site is located in the Westlake Recovery Project Study Area of the Westlake Community Plan. The Westlake Recovery Redevelopment (WRR) Project Area was adopted by the City Council on May 12, 1999 and will expire May 12, 2030. In addition, the Redevelopment Plan Unit with the City of Los Angeles reviewed the project and confirmed it is in compliance with the WRR Plan and signed off on the Administrative Review Form on January 6, 2021.

The following project is consistent with the following Westlake Recovery Redevelopment Plan land use objectives:

Commercial No.1: *To promote the economic well being of Westlake through the encouragement of the revitalization of viable commercial areas.*

The Project will promote the economic well being of Westlake by adding 13,046 square feet of neighborhood-serving retail space along 6th Street in an area surrounded by a mix of single-story commercial buildings and low to mid-scale residential buildings.

Safety No. 4: *To enhance the safety of residents, business owners, employees and visitors, and their property.*

The Project will promote a livable neighborhood by redeveloping an underutilized surface parking lot into a new high-quality and well-designed mixed-use building that is oriented towards the public right of way with commercial storefronts along 6th Street and residential units on Union Avenue. The introduction of more residents in a safe, livable and well-designed mixed-use development will enhance the Westlake community as a place to live, work and shop.

Safety No. 6: *To establish neighborhood and business watch groups throughout the community.*

The Project would add more residents to an area that has a mix of commercial and residential uses, thereby promoting a 24-hour community where increased pedestrian activity would enhance the safety of the community as the result of more people actively involved in creating a safe, livable and sustainable neighborhood. The presence of more residents would act as a greater number of eyes on the street as a deterrent to criminal activity, thereby reducing crime, graffiti and vandalism for the benefit of neighborhood residents and businesses.

Housing No. 8: *To make provisions for housing as is required to satisfy the needs and desires of the various age, income, and disabled groups of the community, maximizing the opportunity for individual choice.*

The proposed residential Project will provide 100 new residential units, of which 10 units will be set aside for Extremely Low-Income residents, in a mix of studios, one-bedrooms, and two-bedrooms to accommodate a diversity of population and families. The new residents will be located at a site in close proximity to numerous transit options including subway lines and bus lines that offer easy access to nearby employment centers including downtown Los Angeles and Wilshire Center as well as to other areas of the City. Therefore, the Project will satisfy the needs and desires of various age and income groups thereby maximizing the opportunity for individual choice in the selection of residential units.

Housing No. 9: *To encourage the preservation and enhancement of the varied and distinctive residential character of the community.*

The Project would replace an underutilized surface parking lot by enhancing the distinctive residential character of the community with a well-designed project that is visually appealing for its architectural features. The design concept of the Project was inspired by the site's central location and proximity to both modern Downtown Los Angeles and old MacArthur Park. The surrounding up-and-coming neighborhood has a varying and vibrant culture, and the Project has "front-porch" views of the Los Angeles skyline to the East, as well as the Hollywood Hills beyond MacArthur Park to the North-West.

The building massing is formed with large transparent windows, a wire mesh screen wrapped around the façade facing 6th Street and Union Avenue, metal guard rails facing 6th Street, and additional patio balconies overlooking 6th Street, varying stone and CMU textures, multiple color schemes, and a roof deck. Further, the project includes a gym on the second floor, a community hall and central courtyard on the third floor, and a large roof deck.

These spaces give residents outdoor rooms to be used as gathering places near the intimacy of their homes where they are given respite from the bustling activity of the surrounding urban fabric and as points of interest. This connection from the Project outward is designed to be a catalyst of rejuvenation for the surrounding area in the near future.

The design takes inspiration from the traditional neighborhood buildings with their materials, ordered windows, and base / middle / top massing. In response, the design proposes a split face CMU concrete, 20/50 and smooth stucco finishes at the ground level along the street frontages, with storefront windows allowing views into and out of the building. The base / middle / top reading helps to break up the height of the street wall, and the stacked windows and recessed balconies provide elements that give the building a residential character.

The project will be a new aesthetic to the existing community commercial storefronts, where a contemporary element of transparent storefront glass, wire mesh screening, and varied stucco, stone, concrete, and stucco finishes, creating a vivid “Old meets New” focal point by introducing an aesthetic more similar to what one would find in the urban core of Downtown LA.

A 6,255 square-foot and 964 square-foot roof deck are located on the top residential level with many intimate, enclosed areas for more intimate outdoor convenings. As shown in Exhibit A, the area will be adequately landscaped with ample seating and will provide panoramic views overlooking the neighborhood with views of Downtown, the Hollywood Hills, and MacArthur Park, creating an iconic element and visual point of interest.

Housing No. 10: *To provide housing choices and to increase the supply and improve the quality of housing for all income and age groups, especially affordable housing including housing for very low-, low- and moderate-income large families and individuals. To eliminate overcrowding in individual units, and to provide home ownership opportunities, and other housing choices which meet the needs of the community.*

The proposed Project will provide 100 new residential units, of which 10 units will be set aside for Extremely Low-Income residents, in a mix of studios, one-bedrooms, and two-bedrooms to accommodate a diversity of population and families. Overcrowding in the individual units would be eliminated by the range of bedroom type including well-sized studios, one- and two-bedroom units. Of the proposed 100 residential units, 5 units are studio units, 75 are one-bedroom units and 20 are two-bedroom units. Unit sizes averages range between approximately 399 square feet for studio units, 599 square feet for one-bedrooms, and 755 square feet for two-bedroom units.

Public No. 17: *To encourage active and passive recreational opportunities in MacArthur Park.*

The Project would be located about 0.4 miles of MacArthur Park, resulting in the ability of the residents to have easy access to the enjoyment of recreational opportunities at the park.

Services No. 21: *To reduce crime, the fear of crime, graffiti and vandalism in the community to enhance livability for residents and businesses and to encourage visitors.*

The Project would increase safety in the area by providing more natural surveillance and eyes on the street consistent with the goal of providing a safe, livable and sustainable neighborhood. The well-designed development would enhance the livability for the residents and prove attractive to enhance business opportunities in the neighborhood. The presence of more residents would act as a greater number of eyes on the street as a deterrent to criminal activity, thereby reducing crime, graffiti and vandalism for the benefit of neighborhood residents and businesses.

General No. 26: *To enhance and promote the Westlake community as a place to live, shop and work, and to create a safe 24-hour community.*

The Project would enhance the Westlake community as a place to live, work and shop. The promotion of a 24-hour community would also enhance the public safety. The close proximity of the Westlake/MacArthur Park Metro Rail transit station would also enhance the Westlake community as new residents would be encouraged to use public transit and to patronize the retail businesses located in proximity to the Metro Rail station and along nearby commercial corridors along 6th Street and Wilshire Boulevard, which is one block south of the site.

For these reasons outlined above the project demonstrates consistency with the Westlake Recovery Redevelopment Plan.

- 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 improved with a surface parking lot, mart, and plaza mall located at 1701 - 1717 ½ West 6th Street, and 550 South Union Avenue. The project site consists of four (4) contiguous lots with a total lot size of approximately 28,488 square feet of gross lot area per the Lot Survey. The project site also includes a partial, approximately 570 square-foot alley that will be incorporated as part of the project. Because the project site is proposed on a reversed corner lot, a Yard Determination letter was issued November 1, 2021 to determine lot frontage. According to this letter issued by the Zoning Engineer, the easterly property line fronting Union Avenue was identified to be the front lot line, while the westerly property line was identified as the rear yard, and the remaining northerly and southerly lines were identified as the side yards, with the southerly line facing 6th Street. The project site fronts approximately 140.33 feet along Union Avenue and approximately 207 feet along the northern portion of 6th Street. The project site is zoned C2-1 and is designated for Community Commercial land use by the Westlake Community Plan. The site is also located within the Westlake Recovery Redevelopment Project Area, a Los Angeles State Enterprise Zone, Transit Priority Area, and is within 1 km (0.62 miles) of the Puente Hills Blind Thrust.

Surrounding properties are developed with commercial and multi-family residential buildings, and a grocery store. Properties to the north are zoned R4-1 and are developed with a one-story cottage bungalow complex, and a two-story residential building. Properties to the east, across Union Avenue, are zoned C2-4 and developed a series of small commercial retail businesses, including a bakery and market and a three-story residential abutting an alley. The property to the south, across 6th Street is zoned C2-2 and is developed with a one-story supermarket with a surface parking lot. Finally, the property to the west facing 6th Street is zoned C2-1 and is developed with a five-story commercial building with dental offices on the ground floor.

The proposed project includes the demolition of the existing surface parking lot, mart, and plaza mall, and the new construction, use and maintenance of a seven-story mixed-use building comprised of approximately 105,622 square feet of floor area, for a proposed floor area ratio (FAR) of 3.63:1. The project proposes 100 dwelling units, of which 10 units or 10 percent of the total units will be restricted to Extremely Low Income Households. Additionally, the project proposes 13,046 square feet of ground floor commercial use. The building will have a maximum height of 92 feet, as measured from grade to the top of the roof structure. The project will provide 50 residential parking spaces and 22 commercial parking spaces across one (1) subterranean level and one (1) above-grade at the second level. The project will also provide 157 bicycle parking spaces, including 24 short-term and 10 long-term commercial spaces, and eight (8) short-term and 115 long-term residential bicycle spaces. The project includes a total of 16,478 square feet of usable open space, consisting of a 2,066 square foot gymnasium, 4,466 square foot courtyard and 977 square foot community hall, a 7,219 square-foot roof deck, and 1,750 square feet of private open space through balconies.

Height

The site is within Height District No. 1, which allows for unlimited height and stories for developments within the C2 zone. The proposed building reaches a maximum height of 92 feet measured from the lowest grade point. Therefore, the project is within the allowable maximum height for the subject zones.

Bulk/Massing

The bulk and massing of the building is broken up by both vertical and horizontal elements, in addition to the topography of the site. The building has frontages along both 6th Street and Union Avenue. Along 6th Street, or the southern elevation, the ground-floor commercial spaces, metal mesh screen cover, residential lobby and transparent above-ground lobby areas, patio balconies, roof decks, color variations, trees for the ground floor work together to break up the building plane and mass. Along Union Avenue, the slope of the site cuts the bulk of the building. Additionally, several elements along this southern elevation break up the bulk and massing, including color and material variations, balconies, windows, ground-floor commercial, and ground-floor landscaping. Overall, the project incorporates several architectural and design elements to create distinct breaks in the building plane, in a manner that will be complementary to the neighborhood.

Setbacks

On November 1, 2021, the Zoning Engineer issued a Yard Determination letter that determined that the subject project is considered a Reversed Corner Lot, and further identified

the easterly property line fronting Union Avenue to be the front lot line. For the remaining lot lines, westerly property line was identified as the rear yard, and the northerly and southerly property lines were identified as the side yards.

Pursuant to TOC Guidelines, in any Commercial zone, Eligible Housing Developments may utilize any or all of the yard requirements for the RAS3 zone per LAMC 12.10.5. The subject property is in a Commercial Zone and the project complies with the Yard/Setback required and is compatible with surrounding properties. The applicant is requesting one (1) Additional Incentive for the reduction in the Yard/Setback as follows:

Residential Northerly Side Yard Setback. The project shall provide a minimum side yard setback of one-foot three-inches.

Residential Southerly Side Yard Setback. The project shall provide a minimum southerly side yard setback of one-foot three inches.

Residential Easterly Front Yard Setback. The project shall provide a minimum yard setback of one-foot three inches.

Residential Westerly Rear Yard Setback. The project shall provide a minimum rear yard setback of five-foot three inches.

Parking/Loading

The parking garage will be accessible via an ingress and egress driveways located along 6th Street and Union Avenue. These driveways provide access to the subterranean parking level and second floor parking. Additionally, the above-grade parking garage will be screened to reduce the visibility of parking spaces and automobile lights from the public right-of-way.

Per LAMC Section 12.21 A.4, the project would be required to provide 158 residential parking spaces and 27 commercial parking spaces. However, the project is utilizing a TOC base incentive to reduce the amount of parking to a minimum of 50 residential parking spaces and 19 commercial parking spaces required. The project is proposing 50 residential parking spaces and 22 commercial parking spaces, which meets the minimum required.

In accordance with LAMC Sections 12.21-A, the project is required to provide a minimum of six (6) short-term and six (6) long-term bicycle parking spaces for commercial uses and eight (8) short-term and 75 long-term bicycle parking spaces for commercial uses. The project is providing 24 short-term spaces and 10 long-term spaces for commercial stalls, and eight (8) short-term and 115 long term residential stalls which meets the minimum required.

Lighting

The project is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping

The project will provide landscaping on the ground floor, second floor, third floor, and rooftop, including 26, 24-inch box trees, and a variety of shrubs and ground cover.

The project is conditioned to landscape all open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center.

Trash Collection

Trash storage and collection are proposed to be enclosed within the interior rear of the building on the ground floor and are therefore not visible from the drive aisle or public view. Trash collection can only be accessed from the garage and shall not interfere with traffic on any public street, as conditioned.

Building Materials

The building facades consist of different colored plaster, vinyl windows, aluminum elements, metal railings, glass railing, and brick, shown on the stamped "Exhibit A".

Solar Panels

The project is conditioned to comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety. Additionally, the project is conditioned to power generators used during the construction process through electric or solar. Solar generator and electric generator equipment must be located as far away from sensitive uses as feasible.

Electric Vehicle Charging Stations

The project is conditioned to provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) per the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

4. Any residential project provides recreation and service amenities to improve habitability for its residents and minimize the impacts of neighborhood properties.

The project is required to provide a minimum of 10,500 square feet of open space and is providing 16,478 square feet, 5,978 more than required. Indoor common open space amenities include a consisting of a 2,066 square foot gymnasium, 4,466 square foot courtyard and 977 square foot community hall, and a 7,219 square-foot roof deck. Additionally, the project provides 1,750 square feet of private balconies. As shown in Exhibit A, the applicant submitted a landscape plan showing that the common open space areas will be attractively landscaped with trees, shrubs, and groundcover. As such, the project will provide recreation and service amenities to improve habitability for its residents and minimize the impacts on neighboring properties.

ENVIRONMENTAL FINDINGS

The Director of Planning determined that based on the whole of the administrative record as supported by *Justification for Categorical Exemption Case No. ENV-2021-4252-CE* in the case file, the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332 Class 32 and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the CEQA Guidelines, regarding cumulative impacts, significant effects, unusual circumstances, scenic highways, hazardous waste sites or historical resources applies.

TIME LIMIT – OBSERVANCE OF CONDITIONS

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

APPEAL PERIOD – EFFECTIVE DATE

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

Planning Department public offices are located at:

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

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

**West Los Angeles Office
Development Services Center**
1828 Sawtelle Boulevard
2nd Floor
Los Angeles, CA 90025
(310) 231-2901

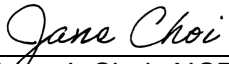
Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal this Density Bonus Compliance Review Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density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

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at Figueroa Plaza in Downtown Los Angeles, Marvin Braude Constituent Service Center in the Valley, or in West Los Angeles. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7077, (818) 374-5050, or (310) 231-2901. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

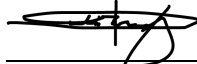
VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



Jane J. Choi, AICP, Principal City Planner

Reviewed by:



Chi Dang, City Planner

Prepared by:



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