

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL CASE:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2023-4250-DB-HCA-1A	ENV-2023-4251-CE	11 – Park
<b>RELATED CASE NOS.</b>		<b>COUNCIL FILE NO:</b>
<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A
<b>PROJECT ADDRESS / LOCATION:</b>		
2662 – 2668 South Barrington Avenue		
<b>APPLICANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Ronald Jordashe Wynn and Cory Scott Wynn, 2662 and 2668 South Barrington Avenue LLC	310-740-1835	<a href="mailto:rjsemail@gmail.com">rjsemail@gmail.com</a>
<b>APPLICANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Jake Heller JDJ Consulting Group	818-827-6243	<a href="mailto:jheller@jdi-consulting.com">jheller@jdi-consulting.com</a>
<b>APPELLANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Patricia Hutsler	310-709-3751	<a href="mailto:phutsler@gmail.com">phutsler@gmail.com</a>
<b>APPELLANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>PLANNER CONTACT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Stephanie Escobar	213-978-1492	<a href="mailto:stephanie.escobar@lacity.org">stephanie.escobar@lacity.org</a>
<b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>		
Density Bonus On-Menu Incentives (DB)		
<b>FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>		
N/A		
<b>ITEMS APPEALED:</b>		
Density Bonus On-Menu Incentives (DB)		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination <input checked="" type="checkbox"/> Findings of Fact <input checked="" type="checkbox"/> Staff Recommendation Report <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> T Conditions <input type="checkbox"/> Proposed Ordinance <input type="checkbox"/> Zone Change Map and Ordinance <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A – Plans <input checked="" type="checkbox"/> Mailing List <input checked="" type="checkbox"/> Interested Parties List <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Development Agreement <input type="checkbox"/> Site Photographs <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption) <input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption) <input type="checkbox"/> Negative Declaration (ND) <input type="checkbox"/> Mitigated Negative Declaration (MND) <input type="checkbox"/> Environmental Impact Report (EIR) <input type="checkbox"/> Mitigation Monitoring Program (MMP) <input type="checkbox"/> Sustainable Communities Project Exemption (SCPE) <input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA) <input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR) <input type="checkbox"/> Appendices <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>NOTES / INSTRUCTIONS:</b>			
Please create Council File.			
<input type="checkbox"/> N/A			
<b>FISCAL IMPACT STATEMENT:</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small>			
<b>PLANNING COMMISSION:</b>			
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission		<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission	
<b>PLANNING COMMISSION HEARING DATE:</b>		<b>COMMISSION VOTE:</b>	
December 14, 2023		7 – 0	
<b>LAST DAY TO APPEAL:</b>		<b>DATE APPEALED:</b>	
April 3, 2024		Yes, March 21, 2024	
<b>TRANSMITTED BY:</b>		<b>TRANSMITTAL DATE:</b>	
Cecilia Lamas, Commission Executive Assistant II		April 3, 2024	





# LOS ANGELES CITY PLANNING COMMISSION

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

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

## \*CORRECTED\* LETTER OF DETERMINATION

**MAILING DATE: MARCH 19, 2024**

**Case No. CPC-2023-4250-DB-HCA**

CEQA: ENV-2023-4251-CE

Plan Area: Palms – Mar Vista – Del Rey

Council District: 11 – Park

**Project Site:** 2662 – 2668 South Barrington Avenue

**Applicant:** 2662 and 2668 South Barrington Avenue, LLC  
Representative: Jake Heller, JDJ Consulting Group

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

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

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32 (Urban Infill), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25(g) of the Los Angeles Municipal Code (LAMC), a Density Bonus for a housing development project consisting of 21 dwelling units, of which three units will be set aside for Very Low Income Households, with the following On- and Off-Menu Incentives:
  - a. An On-Menu Incentive to allow an increase in Floor Area Ratio (FAR) to 3.54:1 in lieu of the otherwise permitted 3:1 FAR in the R3-1 Zone;
  - b. An On-Menu Incentive to allow a 20 percent side yard setback reduction to allow a side yard setback of six feet and five inches in lieu of the otherwise required eight-feet in the R3-1 Zone; and
  - c. An Off-Menu Incentive to allow a maximum building height of 55 feet and six inches in lieu of the otherwise allowed 45 feet in the R3-1 Zone and to allow increased height for portions of the building that are within 50 feet of an R1-zoned lot;
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

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

**Vote: 7 – 0**



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

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus Incentive are not appealable. The Density Bonus On-Menu Incentives are appealable to City Council by the Applicant or abutting owners/occupants per LAMC Section 12.22 A.25(g)(2)(i)(f) within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; or 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

**\*<sup>1</sup>FINAL APPEAL DATE: APRIL 3, 2024**

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

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

Attachments: Conditions of Approval, Findings, Appeal Filing Procedure

c: Heather Bleemers, Senior City Planner  
More Song, City Planner  
Stephanie Escobar, City Planning Associate

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<sup>1</sup> Corrected determination letter issuance to capture the entire interested parties mailing list. Therefore, the appeal period is re-opened for 15 days after the mailing date of this corrected determination letter.

## CONDITIONS OF APPROVAL

Pursuant to Sections 12.22 A.25 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### A. Development Conditions

#### Density Bonus

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans dated 11/30/2023, submitted by the Applicant, stamped "Exhibit A," and /attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 21 dwelling units.
3. **Affordable Units.**
  - a. A minimum of three (3) units, that is at least 15 percent of the base dwelling units permitted in the R3-1 Zone, shall be reserved as Very Low Income Households, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
  - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make at least 15 percent of the site's base density units (equal to 3 units) available to Very Low Income Households, for sale or rental as determined to be affordable to such Households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD, and in consideration of the project's SB 8 Determination, dated April 20, 2023. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination for more information.
5. **Housing Replacement.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD), and in compliance with LAHD's April 20, 2023, SB 8 Determination Letter. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination for more information.

On-site Restricted Affordable Units may be used to satisfy the Housing Replacement units required pursuant to SB 8 provided such units meet the income levels, to the satisfaction of LAHD.

## 6. Incentives.

- a. **Floor Area.** The project shall be permitted an on-menu incentive to permit an increase in floor area ratio (FAR) to allow a total FAR of 3.54:1 in the R3 Zone in lieu of the otherwise permitted 3:1 FAR in the R3 Zone.
- b. **Side Yard Setback.** The project shall be permitted a 20 percent reduction to allow a side yard setback of six (6) feet and five (5) inches in lieu of the otherwise required eight (8) foot side yard setback in the R3 Zone.
- c. **Height** The project shall be permitted a height increase of 11 feet and six (6) inches to allow a maximum building height of 55 feet and six (6) inches in lieu of the otherwise allowed 45 feet in the R3-1 Zone and to allow increased height for portions of the building that are within 50 feet of an R1-Zoned lot.

## 7. Parking:

- a. Minimum residential automobile parking shall be provided consistent with the provisions of Section 65915 of the California Government Code, as amended by Assembly Bill 744, and/or the LAMC.
- b. In the event that the composition of residential units (i.e. the number of bedrooms) changes, or the applicant selects a different Parking Option as provided by State Density Bonus law and the LAMC and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth by Section 65915 of the California Government Code and/or LAMC Section 12.22 A.25.
- c. **Bicycle Parking.** Residential bicycle parking shall be provided consistent with LAMC 12.21 A.16.
- d. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable units which shall include any required parking in the base rent or sales price, as verified by LAHD.
- e. All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

## B. Administrative Conditions

- 8. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

- 9. Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval attached herein as a cover sheet and shall include any modifications or notations required herein.
- 10. Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
- 11. Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 12. Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 13. Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
- 14. Department of Building and 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 and 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 and 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.
- 15. 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.
- 16. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a

copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

**17. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.

**18. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

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

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

Applicant shall do all of the following:

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

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of

any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### Density Bonus/Affordable Housing Incentives Compliance Findings

1. Pursuant to Section 12.22 of the LAMC and Section 65915 of the California Government Code, the City shall approve a density bonus and requested incentive(s) unless it finds that:

***a. The Incentive(s) does not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.***

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

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

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

### Floor Area Ratio

The subject property is zoned R3-1 which limits the property to an FAR of 3 to 1. Thus, pursuant to LAMC Section 12.22-A,25 the applicant is requesting an On-Menu incentive to allow a FAR increase from 3:1 to 3.54:1 to allow 27,313 square feet in floor area.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed, and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. The increased floor area allows certain fixed development costs to be spread out over more floor area resulting in a lower per-square-foot development cost. In addition, the additional floor area allows the construction of additional market rate floor area whose rents will support the operational costs of the affordable units. This Incentive supports the applicant's decision to set aside a minimum three (3) dwelling units for Very Low Income Households for 55 years.

### Side Yard Setback

The subject property is zoned R3-1 which permits the subject property a side yard setback of eight (8) feet. Thus, pursuant to LAMC Section 12.22-A,25 the applicant is requesting an On-Menu incentive to allow a 20 percent reduction in required side yard setbacks to allow a setback of six (6) feet and five (5) inches in lieu of the otherwise required eight (8) foot setback.

The requested reduction in side yard setback will allow for the construction of affordable units in addition to larger-sized dwelling units. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed, and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. The increased floor area allows certain fixed development costs to be spread out over more floor area resulting in a lower per-square-foot development cost. In addition, the additional floor area allows the construction of additional market rate floor area whose rents will support the operational costs of the affordable units. This Incentive supports the applicant's decision to set aside a minimum three (3) dwelling units for Very Low Income Households for 55 years.

### Height

The subject property is zoned R3-1 which limits the property to maximum height of 45 feet. The project is also located within 50 feet from an R1 Zone. Thus, pursuant to LAMC Section 12.22-A,25 the applicant is requesting an Off-Menu Incentive to allow a maximum height of 55 feet and six (6) inches in lieu of the otherwise required 45 feet and to allow increased height for portions of the building that are within 50 feet of an R1-Zoned lot.

The requested incentive to allow increased height requirements will allow for the construction of affordable units within a zone that allows for such uses. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to be able to utilize the sites full potential so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased through the increased height from 45 maximum feet to 55 feet and six (6) inches in height. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentive supports the applicant's decision to set aside a minimum three (3) dwelling units for Very Low Income Households for 55 years.

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

There is no evidence that the proposed incentives and waivers will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Accordingly, the project will not have a significant impact on any on-site resource or any resource in the surrounding area. The property is not

located on a substandard street in a Hillside area or in a Very High Fire Hazard Severity Zone, Methane Zone, or any other special hazard area; accordingly, the project will not have a specific adverse impact upon public health and safety or the physical environment. The project is required to comply with all other pertinent regulations including those governing construction, use, and maintenance, and will not create any significant direct impacts on public health and safety. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives and waivers, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

***c. The Incentive(s) and/or Waivers is/are contrary to State/federal law.***

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



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

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

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

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

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

**Metro DSC**

(213) 482-7077

201 N. Figueroa Street

Los Angeles, CA 90012

**Van Nuys DSC**

(818) 374-5050

6262 Van Nuys Boulevard

Van Nuys, CA 91401

**West Los Angeles DSC**

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

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

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



QR Code to Online  
Appeal Filing



QR Code to Forms  
for In-Person Filing