

FINDINGS

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES

1. **Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested incentive(s)/waiver(s) unless the Commission finds that:**
 - a. **The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

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

The applicant proposes to construct a total of 11 dwelling units, of which two (2) dwelling units will be set aside for Very Low Income Household Occupancy for a period of 55 years. Density Bonus projects are eligible for three (3) incentives if they reserve at least 15 percent of base dwelling units for Very Low Income Households or at least 30 percent of base dwelling units for Low Income Households. The project is eligible for three (3) Density Bonus Incentives because two (2) units will be reserved for Very Low Income Households (38 percent of base dwelling units). The requests for increases in height and allowable FAR as well as a reduced front yard setback qualify as requested Incentives. The remaining requests to allow a reduction in the other front yard setback and relief from the ground floor open space requirement are Waivers of Development Standards.

FAR: The subject site is zoned [Q]RD1.5-1 which permits a maximum Floor Area Ratio ("FAR") of 3:1. LAMC Section 12.22 A.25 allows an FAR increase of 35 percent through an On-Menu Incentive which would allow a 4.05:1 FAR. The applicant has requested an On-Menu Incentive to allow a 3.66:1 FAR in lieu of the otherwise permitted 3:1 FAR. While the proposed project qualifies for a maximum 4.05:1 FAR, the project is providing a maximum floor area of 11,941 square feet or a 3.66:1 FAR. The proposed FAR allows an additional 2,158 square feet than would normally be permitted. As proposed, the additional FAR will allow for the construction of the affordable dwelling units. The requested incentive will allow the developer to expand the building envelope so the additional units can be constructed, provide for design efficiencies, allow fixed costs of construction to be spread over more floor area, and increase the overall space dedicated to residential uses.

FAR by-right	Buildable Lot Area (sf)	Permitted Floor Area (sf)
3:1	3,261	3,261 x 3.0 = 9,783

FAR Requested	Buildable Lot Area (sf)	Proposed Floor Area (sf)	Additional Floor Area (sf)
3.66:1	3,261	11,941	11,941 – 9,783 = 2,158

Height: The subject site is zoned [Q]RD1.5-1, with a Height District No. 1 that permits a maximum 45-foot building height. The applicant has requested an On-Menu Incentive for an 11-foot height increase to allow a maximum height of 56 feet. The enclosed staircases and elevator shaft are allowed to exceed the maximum building height by 20 feet in accordance with Section 12.21.1 B.3 of the LAMC. Utilization of the height incentive enables the construction of one (1) additional level, without which the project would lose at least two (2) units. The requested On-Menu Incentive facilitates the provision of two (2) Very Low Income Units by allowing one (1) additional story of residential uses that could not be constructed under the normally required 45-foot height limit.

Front Yard Setback (Ohio Avenue): Pursuant to LAMC Section 12.09.1 B.1, projects in the RD1.5-1 Zone must provide front yard setbacks of at least 15 feet. According to a determination by LADBS, dated May 12, 2021, the project site is considered a Through Lot and has two (2) Front Lot Lines on Wilkins Avenue and Ohio Avenue. Therefore, the project would be required to have two (2) 15-foot front yard setbacks along both streets. The applicant has requested an Off-Menu Incentive to permit a 11-foot – 7-inch front yard setback on the Ohio Avenue frontage. The project site has a unique triangular shape that makes the buildable area unusually small. As such, strict compliance with the front yard setback requirement would reduce the project's building envelope and restrict the number and range of units that could be constructed. The requested Off-Menu Incentive will allow for an expanded building envelope and design efficiencies that will facilitate the provision of additional density bonus units and help offset the cost of the two (2) required Very Low Income Units. Expanding each floorplate to accommodate requested floor area also avoids the cost of constructing an additional story to the development that would be needed to accommodate floor area and project amenities.

- b. The waiver[s] or reduction[s] of development standards relate to development standards that will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1))**

A project that meets the requirements of Government Code 65915 may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as Waivers of Development Standards. Without the below Waivers, the existing development standards would physically preclude development of the base units, build out of the incentives, and project amenities:

Front Yard Setback (Wilkins Avenue): Pursuant to LAMC Section 12.09.1 B.1, projects in the RD1.5-1 Zone must provide front yard setbacks of at least 15 feet. According to a determination by LADBS, dated May 12, 2021, the project site is considered a Through Lot and has two (2) Front Lot Lines on Wilkins Avenue and Ohio Avenue. Therefore, the project would be required to have two (2) 15-foot front yard setbacks along both streets. The applicant has requested a Waiver of Development Standards to permit a 10-foot front yard setback on the Wilkins Avenue frontage. The project site has a unique triangular shape that makes the buildable area unusually small. As such, strict compliance with the front yard setback requirement would reduce the project's buildable area and restrict the number and range of units that could be constructed. The requested Waiver of Development Standards will allow for an expanded building envelope and design efficiencies that will facilitate the provision of additional density bonus units and help offset the cost of the two (2) Very Low Income Units.

Ground Level Open Space: Section 6.A.3 of the WMFSP states that the project's requisite amount of open space shall be located at the ground level except that one-fourth of the open space may be located above the ground level. Projects in RD Zones are required to provide a minimum of 350 square feet of open space per dwelling unit. Additionally, the WMFSP has its own open space definition that supersedes LAMC Section 12.21.G and requires that all open space be open from the ground to the sky. In contrast, LAMC Section 12.21.G allows 25 percent of open space to be indoors. The applicant is requesting a Waiver of Development Standards to permit 72 percent of open space located above ground level in lieu of the 25 percent allowed by the WMFSP. Strict adherence to this regulation would require at least 1,777 square feet of additional ground floor open space, equal to more than 50 percent of the proposed building footprint. As such, denial of the waiver would have the effect of physically precluding construction of the density bonus units. This Waiver of Development Standards will allow for an expansion of the building envelope that will facilitate the provision of additional density bonus units and help offset the cost of the two (2) Very Low Income Units.

The existing development standards would physically preclude development of the proposed density bonus units and additional floor area, as strict compliance with the front yard setback and ground floor open space regulations would require the removal of floor area that encroaches into that space and could otherwise be dedicated to the number, configuration, and livability of affordable housing units. Therefore, the requested Waivers of Development Standards are recommended for approval.

- c. **The Incentive(s) / waiver(s) will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Gov. Code 65915(d)(1)(B) and 65589.5(d)).**

There is no evidence in the record that the proposed density bonus incentive(s) or waiver(s) will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources. 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. The project is located within a Special Grading Area (BOE Basic Grid Map A-13372) and the Santa Monica Fault Zone. However, there is no substantial evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no substantial evidence in the record that the project's proposed incentives or waivers will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

d. The incentive(s) are contrary to state or federal laws.

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

CONDITIONAL USE FINDINGS

2. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.

The project will provide an essential service to the community, city, and region through the provision of mixed income housing units, including two (2) new Very Low Income Units. The project site is located within the [Q]RD1.5-1 Zone, which is limited to a density of one (1) dwelling unit per 1,500 square feet of lot area. As such, the 6,774 square-foot site has a base density of five (5) units.

The Density Bonus Ordinance permits a density bonus of up to 35 percent in exchange for setting aside 11 percent of the five (5) base density units for Very Low Income Households. The State Density Bonus Law (Government Code Section 65915(n)) allows a city to grant a density bonus greater than 35 percent for a development, if permitted by a local ordinance. The City adopted the Value Capture Ordinance (Ordinance No. 185,373), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent with the approval of a Conditional Use. In exchange for the increased density, the Value Capture Ordinance requires projects to set aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. A density increase of 102.5 percent may be granted if a project sets aside 38 percent of base density units for Very Low Income Households.

For the subject property, a 35 percent by-right density bonus would allow for seven (7) units (equal to an increase of two (2) units beyond the 5-unit base density) to be constructed on the project site. In order to qualify for the 35 percent by-right density bonus, the project would be required to set aside 11 percent of the base density, or one (1) unit, for Very Low Income Households. The applicant requests an additional 67.5 percent density bonus through a Conditional Use to allow a total of 11 dwelling units. This is an increase beyond what would otherwise be permitted with the by-right 35 percent density bonus. As such, the project must set aside at least 38 percent of the base density, or two (2) Very Low Income units, to obtain the requested 102.5 percent density bonus. As previously noted, the project is providing two (2) Very Low Income Units. Therefore, the project satisfies the minimum percentage of base

density restricted to Very Low Income Households to be eligible for a 102.5 percent density increase.

According to the 2021-2029 Housing Element of the City of Los Angeles, pages 99-100, the City's Regional Housing Needs Assessment allocation for Very Low Income Households is 57,989 units over the 6th Housing Element Cycle. Between 2014 and 2020, the City permitted a total of 7,012 Very Low Income Units. Additionally, more than 75% of Very Low Income Renters in the City are cost burdened, meaning that housing costs account for more than 30 percent of their income (p.90 of Housing Element). In 2019, Los Angeles had a higher percentage of cost burdened renter households than any other major American city (p.88 of Housing Element). Therefore, the increased intensity of the proposed development will be offset by the provision of two (2) new Very Low Income Units required by the City's Density Bonus policy.

Additionally, the project is located approximately 3,047 feet from UCLA's campus. The project site and the properties in the surrounding area are predominately developed with multi-family residential uses ranging from one (1) to five (5) stories in height. Students, who are low income by nature of their studies, account for many residents in the surrounding area. The project will replace a vacant single-family dwelling with a new 11-unit multi-family dwelling, resulting in a net increase of 10 units to the city's housing stock without displacing any households or removing rent-controlled units. Therefore, the proposed project would provide a service that is essential and beneficial to the community, city, and region.

3. The project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The proposed project is the construction of a new 5-story, 56-foot-tall residential building comprised of 11 dwelling units (including two (2) Very Low Income Units). The project will have a floor area of approximately 11,941 square feet with a corresponding FAR of 3.66:1. Seven (7) vehicular parking spaces and 12 long-term bicycle parking spaces will be provided in one (1) subterranean level accessed via a two-way driveway on Ohio Avenue. One (1) short-term bicycle parking space will be provided at ground level. The project will also involve the grading and export of approximately 3,200 cubic yards of soil. There are no protected trees on the subject site or associated public right-of-way according to a Tree Report prepared by The Tree Resource, dated August 17, 2023. There are two (2) non-protected trees on the project site proposed for removal and five (5) non-protected street trees in the public right-of-way that will be maintained. Three (3) new street trees in the public right-of-way are also proposed. The site is currently improved with a vacant single-family dwelling proposed for demolition.

The subject site is in an urbanized area near the UCLA campus, Ronald Reagan UCLA Medical Center, and the West Los Angeles VA Medical Center. It is also located within ½ mile of a Major Transit Stop located at the intersection of Westwood & Wilshire Boulevard, served by the future Los Angeles County Metropolitan Transit Authority ("Metro") Purple (D) Line station, Santa Monica's Big Blue Bus, and the Los Angeles Department of Transportation (LADOT).

The subject site is in an urbanized area near the University of California - Los Angeles (UCLA) campus, Ronald Reagan UCLA Medical Center, and the West Los Angeles VA Medical Center. Surrounding properties along this block of Wilkins and Ohio Avenue (bounded by Selby Avenue to the east and Malcolm Avenue to the west) are also zoned [Q]RD1.5-1 and improved with multi-family dwellings ranging from one (1) to four (4) stories in height. The

directly abutting properties to the west along Wilkins and Ohio Avenue are improved with two-story multi-family dwellings. The properties to the north are zoned [Q]RD1.5-1, R1-1-O, [Q]R3-1-O, and [Q]R5-3-O. These properties are improved with single & multi-family dwellings ranging from one (1) to three (3) stories in height as well as a mixed-use corridor along Wilshire Boulevard improved with high-rise residential and commercial structures. The properties to the east are zoned [Q]RD1.5-1 and R1-1-O and improved with single & multi-family dwellings ranging from one (1) to three (3) stories in height. The properties to the south are zoned [Q]RD1.5-1-O, R1-1, and [Q]PF-1XL-O and improved with educational and religious uses, including St. Paul the Apostle Church (a Historic/Cultural Landmark), St. Paul the Apostle School, Ralph Waldo Emerson Community Charter School, and the Los Angeles California Mormon Temple complex. Properties to the south are also improved with multi-family residential uses ranging from one (1) to five (5) stories in height. The properties to the west are zoned [Q]RD1.5-1, R1-1, and C4-1VL-POD. These properties are improved with single & multi-family dwellings as well as commercial structures along Westwood Boulevard that range from one (1) to three (3) stories in height.

The subject site is zoned [Q]RD1.5-1, with a Height District No. 1 that permits a maximum FAR of 3:1 and a maximum height of 45 feet. LAMC Section 12.22 A.25 permits 35 percent FAR increase (4.05:1 FAR) and a 11-foot height increase through On-Menu Incentives. The applicant has requested an On-Menu Incentives for a 3.66:1 FAR and a maximum building height of 56 feet. While the proposed project qualifies for a maximum 4.05:1 FAR, the project is providing a maximum floor area of 11,941 square feet or a 3.66:1 FAR. The proposed FAR allows an additional 2,506 square feet. While the project's floor area and height are larger than some of the existing multi-family dwellings in the vicinity, the proposed 3.66:1 FAR is less than the maximum of 4.05:1 FAR allowed through the Density Bonus Ordinance.

Moreover, the project has incorporated design features that reduce its massing, provide visual interest, and add both natural light and open-air circulation. The ground floor features a two-story entryway to the residential lobby that engages pedestrians along Wilkins Avenue. The ground level also utilizes an oatmeal colored cement plaster for the facade, which differentiates it from the upper levels in both material type and color. The required yards at ground level will also feature extensive landscaping, including 15 trees that will create a pleasing transition from the sidewalk to the façade. The building envelope is also well-articulated with a series of private balconies, landscaped roof terraces, recessed windows, and height transitions. The third and fifth level along the northwestern façade feature landscaped roof terraces that are recessed a maximum of 18 feet – 2 inches and 13 feet – 9 inches respectively from the level below.

The project will also move the existing driveway from Wilkins Avenue to reduce potential conflicts with the driveway at the abutting property (10764 Wilkins Ave), which is directly adjacent to the current driveway. The new two-way driveway will be located on Ohio Avenue more than 100 feet from the closest driveway and will be the minimum possible width to reduce potential conflicts with pedestrians. The proposed driveway will also be located as far as possible (92 feet) from the Ohio Avenue crosswalk on the western side of the intersection and the garage security gate will be 22 feet from the property line, in excess of the 20-foot minimum. According to the City of Los Angeles Vehicle Miles Traveled (VMT) Calculator Version 1.4 and the LADOT Transportation Assessment Referral Form, dated September 5, 2023, the proposed 11-unit multi-family dwelling with seven (7) onsite vehicular parking spaces is expected to generate 39 daily vehicle trips, well below the minimum 250 daily vehicle trips that would require an additional traffic study.

The project will also improve driver and pedestrian safety at the corner of Wilkins and Ohio Avenue. According to ZIMAS, the existing property line at the corner is 16 feet from the street.

The Bureau of Engineering will require a 17-foot dedication at the corner of Wilkins and Ohio Avenue as part of the project. Moreover, the proposed structure will be located 18 feet from this new property line, in excess of the required 15-foot front yard setback. The land dedication will more than double the size of the landing area at the corner for pedestrians while also improving visibility for drivers turning from Ohio to Wilkins Avenue or vice versa.

Nevertheless, the applicant has also revised the driveway plans to provide additional pedestrian safety measures in response to community feedback. As shown on Sheet A-03.1 of Exhibit A, convex mirrors will be installed at both points where the driveway meets the sidewalk. This will improve visibility for both pedestrians and residents accessing the garage by giving them a wider area of view. They will also flare out the driveway width from 12 to 14 feet near the sidewalk and reduce the height of the adjacent planter to 12 inches. These measures will further improve visibility for drivers departing the garage and turning left toward the intersection as well as pedestrians heading west on the sidewalk.

Given the site's proximity to public transit and many surrounding uses, including UCLA, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

Therefore, as described above, the project will provide amenities and features that will enhance the surrounding neighborhood rather than further degrade or adversely affect other properties.

4. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. The project substantially conforms with the following purposes and objectives of the General Plan Elements: Framework Element, Land Use Element (Westwood Community Plan), Housing Element, and Mobility Element.

The project site is located within the Westwood Community Plan, Westwood Community Multi-Family Specific Plan (WMFSP), Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The subject site has a Low Medium II Residential land use designation, with corresponding zones of RD1.5-1, RD2, RW2, and RZ2.5. The site is zoned [Q]RD1.5-1, consistent with the land use designation. The RD1.5 Zone allows for one dwelling unit per 1,500 square feet of lot area. The project site is also in Height District 1 which permits a floor area of three times the Buildable Area (FAR 3:1) and a maximum building height of 45 feet in the RD1.5 Zone. The Q condition on the project site, enacted through Ordinance No. 163,187, requires that all projects with two (2) or more units be subject to review by the Westwood Community Design Review Board.

Framework Element

The General Plan designates the subject site for Low Medium II Residential land uses, with corresponding zones of RD1.5-1, RD2, RW2, and RZ2.5. The property is zoned [Q]RD1.5-1, consistent with the land use designation.

The proposed project conforms with the following goals, objectives, and policies of the Framework Element:

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

Policy 3.2.3: *Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.*

Objective 3.7: *Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.*

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.*

Policy 4.2.1: *Offer incentives to include housing for very low and low-income households in mixed-use developments.*

Objective 7.9: *Ensure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent/range, access to local services and access to transportation, to accommodate future population growth and enable a reasonable portion of the City's work force to both live and work in the City.*

Policy 7.9.1: *Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure.*

The project involves the construction of a 11-unit, five-story multi-family dwelling on a site located approximately 2,500 feet from the future Metro D (Purple) Line station at the corner of Wilshire & Westwood Boulevard. The development will emphasize pedestrian/bicycle access by limiting onsite automobile parking to seven (7) spaces while also providing 12 long-term bicycle parking spaces. Moreover, the site is located within walking distance from UCLA, Ronald Reagan UCLA Medical Center, the West Los Angeles VA Medical Center, major commercial corridors along Westwood Boulevard and Westwood Village, and a variety of other employment and commercial uses.

The project is also located in an area with sufficient public infrastructure and services because the proposed multi-family residential building will be on a previously developed site that was served by all required utilities and public services and is consistent with the General Plan. The project site is served by the Los Angeles Police Department and Los Angeles Fire Department, Los Angeles Unified School District, and other public services. Additionally, the site is currently served by the Los Angeles Department of Water and Power, the Southern

California Gas Company, and the Bureau of Sanitation. As such, the site can be adequately served by all require utilities and public services.

Finally, the project is requesting Density Bonus Incentives and Waivers of Development Standards in exchange for the provision of two (2) Very Low Income Units for 55 years. These Very Low Income Units will not require any public subsidy.

As such, the proposed project is consistent with the General Plan Framework.

Land Use Element – Westwood Community Plan

The proposed project aligns with the intent of the Westwood Community Plan including the following:

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

Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs for the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.2: Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.

Policy 1-1.3: Provide for adequate multi-family residential development.

Policy 1-2.1: Locate higher density residential within designated multiple family areas and near commercial centers and major bus routes where public service facilities and infrastructure will support this development.

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

Objective 1-4: To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.

Policy 1-4.1: Promote greater individual choice in type, quality, price, and location of housing, including student housing within one mile of the UCLA campus.

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

The proposed project meets the above goals, policies, and objectives by providing multi-family dwelling units in a new, safe, and secure building. The proposed project is located within a neighborhood designated for Low Medium II Residential Land Uses, which includes multi-family residential uses, and is well served by facilities and necessary infrastructure. The project site is located approximately 3,078 feet from the UCLA campus and will result in a net increase of 10 dwelling units, including two (2) Very Low Income Units. The site is located in a Transit Priority Area (TPA) and within a ½ mile of the future Los Angeles Metropolitan Transportation Authority Purple (D) Line station at the corner of Wilshire & Westwood Boulevards, along with multiple local and rapid bus stops that encourage alternative modes

of transportation. Finally, the project will not displace any existing residents as the site is currently improved with a vacant single-family dwelling.

Housing Element 2021-2029

The proposed project also conforms with the applicable goals, objectives, and policies of the Housing Element, including:

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.*

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 1.3.2: *Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.*

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

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

Policy 3.2.2: *Promote new multi-family housing, particularly Affordable and mixed income housing, in areas near transit, jobs, and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

The proposed project will result in a net increase of 10 new dwelling units to the City's housing stock and conforms with the applicable provisions of the Housing Element. The applicant has requested deviations from code requirements through the Density Bonus program for increased FAR, height, as well as reduced yard setbacks and ground level open space in exchange for the two (2) Very Low Income Units. Pursuant to Density Bonus and Value Capture Ordinance requirements, 38 percent (2 units) of the base units, will be set aside for Very Low Income Households. Additionally, this mixed-income development will be located in a Higher Opportunity Area as defined in the Housing Element that is also near public transit options and a variety of retail, commercial, entertainment, recreational, educational and employment opportunities. The project is also in a community that currently has fewer affordable units. According to the Department of City Planning's Housing Progress Dashboard, 69 affordable units were approved in the Westwood Community Plan Area between 2015 – 2022. The citywide average over the same period was 669 affordable units per Plan Area.

Mobility Plan 2035

The proposed project also conforms with the following additional policies of the Mobility Plan, including:

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

Policy 3.3: Land Use Access and Mix: 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 project is a pedestrian oriented development that provides affordable and market-rate units and is located 2,500 feet from the future Metro D (Purple) Line Station and several other public transit options. The site is also within walking distance from commercial corridors on Westwood Boulevard and Westwood Village as well as UCLA and a variety of other employment opportunities. The project will promote multi-modal transportation by limiting onsite vehicular parking to seven (7) spaces and providing 12 long term bicycle parking spaces.

Westwood Community Multi-Family Specific Plan

The Westwood Community Multi-Family Specific Plan (WMFSP) was adopted by the Los Angeles City Council and became effective on March 5, 1988, under Ordinance No. 163,203. The subject site is located within this Specific Plan which contains regulations on land use, density, height, parking, open space, landscaping, and design review procedures. Therefore, the project is subject to a Project Permit Compliance Review and has been conditioned for compliance prior to the issuance of building permits.

Therefore, the proposed project is consistent with the purposes, intent and provisions of the General Plan, Westwood Community Plan, Housing Element, Mobility Plan, and WMFSP by meeting several of its goals, objectives, and policies. Specifically, the project would provide housing to accommodate necessary residential growth as well as a mix of apartment sizes and affordability levels through the inclusion of two (2) Very Low Income Units.

5. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan

The City's Housing Element for 2021-2029 was adopted by the City Council on November 24, 2021. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City.

As provided under Finding No. 4, the proposed Project would be in conformance with the following goals, objectives, and policies of the Housing Element as described below:

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.

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 1.3.2: *Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.*

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

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

Policy 3.2.2: *Promote new multi-family housing, particularly Affordable and mixed income housing, in areas near transit, jobs, and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

The project will implement the affordable housing provisions of the Housing Element by providing two (2) Low Income Units in a “Higher Opportunity Area” as defined in the Housing Element. Additionally, this mixed-income development will be located near public transit options and a variety of retail, commercial, entertainment, recreational, educational, and employment opportunities. The development is also in a community that currently has fewer affordable units. According to the Department of City Planning’s Housing Progress Dashboard, 69 affordable units were approved in the Westwood Community Plan Area between 2015 – 2022. The citywide average over the same period was 669 affordable units per Plan Area.

6. **The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:**
 - A. **11% Very Low Income Units for a 35% density increase; or**
 - B. **20% Low Income Units for a 35% density increase; or**
 - C. **40% Moderate Income Units for a 35% density increase in for-sale projects.**

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

- D. **For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or**
- E. **For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or**
- F. **For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or**
- G. **In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.**

The project site is zoned [Q]R1.5-1, which permits a base density of five (5) dwelling units on the subject property. The Density Bonus Ordinance permits a density bonus of up to 35

percent in exchange for setting aside 11 percent of the five (5) base density units for Very Low Income Households. The project is permitted additional density increase beyond 35 percent by setting aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5
17	50
18	52.5
19	55
20	57.5
21	60
22	62.5
23	65
24	67.5
25	70
26	72.5
27	75
28	77.5
29	80
30	82.5
31	85
32	87.5
33	90
34	92.5
35	95
36	97.5
37	100
38	102.5

The applicant also requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 102.5 percent increase in density for a total of 11 dwelling units in lieu of five (5) dwelling units as otherwise permitted in the [Q]RD1.5-1 Zone. As provided in the table above, the applicant is required to set aside at least 38 percent, or two (2) units, of five (5) base density units for the 102.5 percent density increase. The applicant is setting aside two (2) units that will be restricted to Very Low Income Households for a period of 55 years. As such, the project satisfies the minimum percentage of base density

to be restricted to Very Low Income Households to be eligible for a 102.5 percent density increase.

7. The project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3).

On October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). The Housing Crisis Act was further amended and extended by Senate Bill 8, effective January 1, 2022. SB 330/SB 8 creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2034. During the duration of the statewide housing emergency, SB 330/SB 8, among other things, creates new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant "Protected Units" unless the proposed housing development project replaces those units. Pursuant to the Determination made by Los Angeles Housing Department (LAHD), dated July 18, 2023, one (1) unit needs to be replaced with equivalent type, with one (1) unit restricted to Very Low Income Households. The LAHD housing replacement requirements are satisfied by the two (2) Very Low Income Units provided through this Density Bonus Affordable Housing Incentive Program.

8. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code.

The applicant proposes to set aside two (2) Deed Restricted Affordable Units. Per the Conditions of Approval, the applicant is required to execute a covenant to the satisfaction of LAHD to make two (2) Deed Restricted Affordable Units available to Very Low Income Households for rental as determined to be affordable to such households by LAHD for a period of 55 years. The applicant is required to present a copy of the recorded covenant to the Department of City Planning and the proposed project shall comply with any monitoring requirements established by LAHD. Therefore, as conditioned, the project satisfies this finding in regard to subjected restricted affordable units to recorded affordability per LAHD and is subject to fees as set forth in Section 19.14 of the LAMC.

9. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. LAHD utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable

units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 102.5 percent density increase above the five (5) base density units to permit a total of 11 dwelling units. The project will set aside two (2) units for Very Low Income Households. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

DESIGN REVIEW FINDINGS

10. A recommendation was not made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50.

The project was presented to the Design Review Board for final review at public hearings on November 15, 2023, and March 20, 2024. The project's design was first presented to the Westwood DRB for Final Review on November 15, 2023. This meeting also included a joint public hearing held by the Hearing Officer. At the meeting, the applicant's representative (Daniel Ahadian) and architect (Pouya Payan) gave an overview of the project and key design elements. Most DRB members praised the project's design but raised concerns about compatibility with the surrounding neighborhood as well as St. Paul the Apostle Church, a Historic/Cultural Monument. Some members thought the design would be more appropriate in a commercial corridor than a residential neighborhood and did not like the exterior strip lighting and glass guardrails on some of the balconies. Concerns about the window size & locations, upward facing lighting, and benches in the front yards were also raised. The applicant's team agreed to redesign the project in response to these concerns and return for a Second Final Review.

The project was presented to the Westwood DRB for Second Final Review on March 20, 2024, before a quorum of four (4) DRB members. At the meeting, the applicant's representative (Daniel Ahadian) and architect (Pouya Payan) gave an overview of the specific design changes made in response to feedback from the previous meeting. On the facade, they changed the originally proposed black corrugated metal to Spanish Walnut wood composite siding. The lighter color of the new material was intended to be more consistent with the nearby Mediterranean Revival buildings. Additionally, the balcony strip lighting was replaced with wall sconces and the glass balcony guardrails were changed to steel picket railings. They also reduced the window sizes and made revised the locations to be symmetrical rather than scattered in the previous design. Finally, they removed the front yard benches. Although outside the DRB's purview, the applicant's representative also noted revisions to the driveway design to enhance pedestrian safety in response to concerns raised at the previous hearing.

The DRB members acknowledged the effort made by the applicant to address their concerns and the thoroughness of their presentation. While they agreed the design had improved from the previous version, most of the DRB members in attendance remained concerned that the design was not compatible with the neighborhood context or appropriate for the site given its proximity to St. Paul the Apostle Church. Some DRB members were also concerned about the massing of the building and the color of the new façade material. After extensive discussion with the applicant's team and deliberation, the DRB was unable to reach consensus on a recommendation and the Applicant did not agree to an extension of time. Therefore, pursuant to LAMC Section 16.50 E.3(c) the DRB failed to act on the proposed project and did not provide a recommendation to the City Planning Commission.

PROJECT PERMIT COMPLIANCE REVIEW FINDINGS**11. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

- a. Section 5.A *Building Height*. This section of the WMFSP limits building height when a project immediately abuts an R1 zone and is not applicable to the project. The project site does not immediately abut an R1 zone. Immediately abutting properties are zoned [Q]RD1.5-1.
- b. Section 5.B *Parking Standards* requires 2.25 parking spaces per unit with four habitable rooms or less and 3.25 parking spaces per unit with more than four habitable rooms. Of the parking spaces required, guest parking shall be provided at a ratio of 0.25 space for every dwelling unit. However, on September 22, 2022, the Governor signed Assembly Bill (AB) 2097, which added Government Code Section (§) 65863.2. AB 2097 prohibits a public agency from imposing or enforcing any minimum automobile parking requirement on any residential, commercial, or other development project that is within one-half mile of a Major Transit Stop, with minor exceptions. A development project, for purposes of this bill, includes any project requiring a discretionary entitlement or building permit to allow the construction, reconstruction, alteration, addition, or change of use of a structure or land. Consistent with AB 2097, the project is a development project within one-half mile of a Major Transit Stop and is therefore not subject to a minimum automobile parking requirement.
- c. Section 6.A.1 *Open Space* requires 350 square feet of open space per unit for RD Zones. The WMFSP would therefore require 3,850 square feet of open space for a 11-unit multi-family dwelling in the [Q]RD1.5-1 Zone. As shown in Exhibit A, the project will provide 3,914 square feet of open space in conformance with Section 6.A.1 of the WMFSP.
- d. Section 6.A.2 *Open Space* is not applicable because the project does not include any guest rooms.
- e. Section 6.A.3 *Open Space* requires that 75 percent of required open space be located at ground level and 50 percent of required open space be landscaped. The applicant has requested a Waiver of Development Standards to allow 72 percent of required open space (2,739 square feet) located above the ground level pursuant to LAMC Section 12.25 and State Density Bonus law, which supersede the WMFSP. As discussed in Finding No. 1, the project qualifies for the subject Waiver. However, the project does comply with the minimum landscaping requirement. As shown in Exhibit A, 59 percent (2,292 square feet) of open space will be landscaped in conformance with the WMFSP's minimum landscape requirement for open space areas.
- f. Section 6.A.4 *Open Space* allows projects with stories above the first habitable level that are setback at least 10 feet from the level below to count these setback areas towards the open space requirement if 40 percent of the setback area is landscaped. As shown in Exhibit A, the proposed third and fifth level are setback a maximum of 18 feet – 2 inches and 13 feet – 9 inches respectively from the level below. Both setback areas count toward required open space because 41 percent of each setback area is landscaped. As such, the project is in conformance with Section 6.A.4 of the WMFSP.

- g. Section 6.A.5 *Open Space* of the Specific Plan requires that paved areas consist of stamped concrete, tile and/or brick pavers. As shown on Exhibit A, the project's paved areas will consist of Concrete and Tile Pavers in conformance with Section 6.A.5 of the WMFSP.
- h. Section 6.A.6 *Open Space* allows 50 percent of the required front and rear yard areas to be included as open space provided those yard areas are landscaped. Pursuant to a determination by the Los Angeles Department of Building and Safety (LADBS), dated May 12, 2021, the lot lines fronting Wilkins and Ohio Avenue are considered Front Lot Lines. Therefore, the project site has two (2) front yard areas. As shown in Exhibit A, the proposed front yards along Wilkins and Ohio Avenue have a combined area of 2,223 square feet, of which 1,263 square feet (56 percent) is landscaped. Consequently, 50 percent of the required front yard areas (1,111 square feet) may be counted toward the open space requirement in conformance with Section 6.A.6 of the WMFSP.
- i. Section 6.B *Walkways* requires that any project built on one or more lots with a width of 150 feet or more shall have a walkway which is a minimum of 10 feet in width for every 50 feet of lot width. As shown in Exhibit A, the project site has a maximum width of 109 feet. Therefore, Section 6.B of the Specific Plan is not applicable.
- j. Section 6.C. *Building Setbacks* is not applicable because the subject site is not directly across the street and within 200 feet of an R1 zone.
- k. Section 6.D *Garage* of the WMFSP permits only one level of parking garage above the natural existing grade, up to a maximum of 7-feet in height measured to the floor elevation of the level immediately above the parking garage. As shown in Exhibit A, the proposed garage will be in one (1) subterranean level. Therefore, Section 6.D of the WMFSP is not applicable.
- l. Section 6.E.1 *Yard Requirements* requires that a minimum of fifty percent of the required front, rear, and side yards be landscaped. As depicted in Exhibit A, the proposed front yards (2,223 square feet) will feature 1,263 square feet of landscaping, which is 56 percent of their total area. The 321 square-foot south westerly side yard proposes 161 square feet (51 percent) of landscaping and the 358 square-foot westerly side yard proposes 180 square feet (51 percent) of landscaping. As such, the project is in conformance with Section 6.E.1 of the WMFSP.
- m. Sections 6.E.2 *Yard Requirements* mandates a 20-foot rear yard for any projects immediately abutting a R1 or more restrictive zone along the rear property line. Section 6.E.2 of the WMFSP is not applicable because the project site does not have any rear property lines, pursuant to a determination by LADBS, dated May 12, 2021. Moreover, the immediately abutting properties are also zoned [Q]RD1.5-1. Therefore, Section 6.E.2 of the WMFSP is not applicable.
- n. Sections 6.E.3 *Yard Requirements* mandates a 10-foot side yard for any projects that immediately abutting a R1 or more restrictive zone along the side property lines. Section 6.E.3 of the WMFSP is not applicable because the abutting properties along the side property lines are zoned [Q]RD1.5-1.
- o. Section 6.F *Buffer* is not applicable because the subject site does not immediately abut an R1 zone. Immediately abutting properties are zoned [Q]RD1.5-1.

- p. Section 6.G *Screening* requires that structures on the roof be fully screened from view from adjacent properties, as seen from the grade. As depicted on Sheet A-05.6 of Exhibit A, mechanical equipment on the roof is setback from the edges of the property and screened from view in conformance with Section 6.G of the WMFSP.
- q. Section 7.A. *Landscape Standards* requires that a Landscape Plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review. In addition, the Landscape Plan is required to illustrate details of the plants and plant material (i.e., names, size at maturity, locations, planting schedule, irrigation plan) and must include a variety of plant materials. As depicted in Exhibit A, the Landscape Plan has been prepared by a landscape architect and includes: an irrigation plan; a variety of plant material, including grass and other ground cover, shrubs, and trees; and, clear identification of plant material locations, and size at maturity. The Landscape Plans were reviewed by the Westwood DRB at public hearings on November 15, 2023, and March 20, 2024. The DRB had positive feedback regarding the location and amount of proposed landscaping. However, as discussed in Finding No. 10, the DRB was unable to reach consensus on a recommendation and the Applicant did not agree to an extension of time following extensive discussion with the applicant's team and deliberation. Therefore, pursuant to LAMC Section 16.50 E.3(c) the DRB failed to act on the proposed project and did not provide a recommendation to the City Planning Commission. LAMC Section 16.50 E.3(d) states that the decision-maker shall approve a project as presented to the board if it is in compliance with the specific regulations of the applicable specific plan. As outlined in the Findings above, the project complies with the applicable regulations of the Specific Plan.
- r. Section 7.B. *Street Trees* requires street trees to be approved by the Urban Forestry Division of the Bureau of Street Services and to be planted at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project. The Specific Plan also requires Street Trees to be at least 12 feet in height and not less than three inches in caliper at the time of planting. As shown in Exhibit A, there are five (5) existing street trees along the 109-foot Wilkins Avenue frontage that will be maintained and protected in place. The applicant also proposes three (3) new street trees along the 109-foot Ohio Avenue frontage. Additionally, the conditions of approval require proposed street trees to be reviewed and approved by the Street Tree Division of the Bureau of Street Maintenance. As such, the project is in conformance with Section 7.B of the WMFSP.
- s. Section 8 *Design Review Procedures* states that no building permit shall be issued for any project, structure, or other development of property, unless the project has been reviewed and approved in accordance with the Design Review Board procedures of Section 16.50 and the Specific Plan procedures of Section 11.5.7 of the LAMC. The proposed project was reviewed, pursuant to LAMC Section 16.50, during Westwood Community Design Review Board hearings on November 15, 2023, and March 20, 2024. As discussed in Finding No. 10, after extensive discussion with the applicant's team and deliberation, the DRB was unable to reach consensus on a recommendation and the Applicant did not agree to an extension of time. Therefore, pursuant to LAMC Section 16.50 E.3(c) the DRB failed to act on the proposed project and did not provide a recommendation to the City Planning Commission. LAMC Section 16.50 E.3(d) states that the decision-maker shall approve a project as presented to the board if it is in compliance with the specific regulations of the applicable specific plan. As outlined in the Findings above, the project complies with the applicable regulations of the Specific Plan.

12. That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible

The Department of City Planning determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Sections 15301 (Class 1) and 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2023-5877-CE is provided in the case file and attached as Exhibit D. Therefore, no mitigation measures or alternatives were identified in the environmental review.

CEQA FINDINGS

The Department of City Planning determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Article 19, Sections 15301 (Class 1) and 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2023-5877-CE is provided in the case file and attached as Exhibit D.

The project is the construction of a new 5-story, 56-foot-tall multi-family residential building consisting of 11 dwelling units (including two (2) Very Low Income Units). It will consist of six (6) two-bedroom units and five (5) one-bedroom units. The project will be approximately 11,941 square feet with a Floor Area Ratio ("FAR") of approximately 3.66:1. The project will provide seven (7) vehicular parking spaces and 12 long-term bicycle parking spaces in one (1) subterranean level with access from a two-way driveway on Ohio Avenue. One (1) short-term bicycle parking space will be provided at ground level. According to a Tree Report prepared by Lisa Smith, The Tree Resource, dated August 17, 2023, there are no protected trees on the subject site or public right-of-way. However, there are two (2) non-protected trees on the subject site proposed for removal as part of the project. There are also five (5) street trees in the public right-of-way that will be retained and protected in place. The project includes necessary grading and a haul route for the cut and export of 3,200 cubic yards of soil. The site is currently improved with a vacant single-family dwelling proposed for demolition.

CEQA Determination – Class 1 Categorical Exemption Applies

A project qualifies for a Class 1 Categorical Exemption if it involves the demolition and removal of individual small structures, including up to three (3) single-family residences in urbanized areas. The proposed project qualifies for a Class 1 Categorical Exemption because it involves the demolition of a single-family dwelling on a site located in an urbanized area within the City of Los Angeles.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.**

The project site is located within the Westwood Community Plan, Westwood Community Multi-Family Specific Plan (WMFSP), Westwood Community Design Review Board Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan. Please see Findings 10 and 11 regarding the project's consistency with the WMFSP and the Westwood Community Design Review Board Specific Plan.

The subject site has a Low Medium II Residential land use designation, with corresponding zones of RD1.5-1, RD2, RW2, and RZ2.5. The site is zoned [Q]RD1.5-1, consistent with the land use designation. The RD1.5 Zone allows for one dwelling unit per 1,500 square feet of lot area. The project site is also in Height District 1 which permits a floor area of three times the Buildable Area (FAR 3:1) and a maximum building height of 45 feet in the RD1.5 Zone. The Q condition on the project site, enacted through Ordinance No. 163,187, requires that all projects with two (2) or more units be subject to review by the Westwood Community Design Review Board.

The project site, located at 10756 West Wilkins Avenue, has frontages of approximately 109 feet on both Wilkins and Ohio Avenue and 56.63 feet along both abutting properties, resulting in a total area of 6,744 square feet. The Bureau of Engineering will require a 3-foot dedication along Ohio Avenue as part of the project, resulting in a net lot area of 6,217 square feet. As such, the project site is consistent with the minimum lot width and lot area requirements for the RD1.5 Zone. Pursuant to State Density Bonus Law and LAMC Section 12.22 – A.25, the applicant is requesting On & Off-Menu Incentives and Waivers of Development Standards in exchange for providing two (2) Very Low Income Units for 55 years.

First, the proposed project is consistent with the following goals, objectives, and policies of the General Plan Framework Element:

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

Policy 3.2.3: Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

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.

Policy 4.2.1: Offer incentives to include housing for very low and low-income households in mixed-use developments.

Objective 7.9: Ensure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent/range, access to local services and access to transportation, to accommodate future population growth and enable a reasonable portion of the City's work force to both live and work in the City.

Policy 7.9.1: *Promote the provision of affordable housing through means which require minimal subsidy levels and which, therefore, are less detrimental to the City's fiscal structure.*

The project involves the construction of a 11-unit, five-story multi-family dwelling on a site located approximately 2,500 feet from the future Metro D (Purple) Line station at the corner of Wilshire & Westwood Boulevard. The development will emphasize pedestrian/bicycle access by limiting onsite automobile parking to seven (7) spaces while also providing 12 long-term bicycle parking spaces. Moreover, the site is located within walking distance from UCLA, Ronald Reagan UCLA Medical Center, the West Los Angeles VA Medical Center, major commercial corridors along Westwood Boulevard and Westwood Village, and a variety of other employment and commercial uses.

The project is also located in an area with sufficient public infrastructure and services because the proposed multi-family residential building will be on a previously developed site that was served by all required utilities and public services and is consistent with the General Plan. The project site is served by the Los Angeles Police Department and Los Angeles Fire Department, Los Angeles Unified School District, and other public services. Additionally, the site is currently served by the Los Angeles Department of Water and Power, the Southern California Gas Company, and the Bureau of Sanitation. As such, the site can be adequately served by all required utilities and public services.

Finally, the project is utilizing Density Bonus incentives and waivers in exchange for the provision of two (2) Very Low Income Units for 55 years. The Very Low Income Units will not require any public subsidy.

The proposed project is also consistent with the following goals, objectives, and policies of the General Plan Housing Element:

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.*

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 1.3.2: *Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.*

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

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

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed income housing, in areas near transit, jobs, and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

The proposed project will result in a net increase of 10 new dwelling units to the City's housing stock and conforms with the applicable provisions of the Housing Element. The project will provide two (2) Low Income Units among the 11 total units in a "Higher Opportunity Area" as defined in the Housing Element. Additionally, this mixed-income development will be located near public transit options and a variety of retail, commercial, entertainment, recreational, educational, and employment opportunities. The development is also in a community that currently has fewer affordable units. According to the Department of City Planning's Housing Progress Dashboard, 69 affordable units were approved in the Westwood Community Plan Area between 2015 – 2022. The citywide average over the same period was 669 affordable units per Plan Area.

Next, the project is consistent with the following goals, objectives, and policies of the Westwood Community Plan, one of the Land Use Elements of the General Plan:

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

Objective 1-1: To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs for the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.2: Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.

Policy 1-1.3: Provide for adequate multi-family residential development.

Policy 1-2.1: Locate higher density residential within designated multiple family areas and near commercial centers and major bus routes where public service facilities and infrastructure will support this development.

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

Objective 1-4: To promote the adequacy and affordability of multiple-family housing and increase its accessibility to more segments of the population.

Policy 1-4.1: Promote greater individual choice in type, quality, price, and location of housing, including student housing within one mile of the UCLA campus.

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

The proposed project meets the above goals, policies, and objectives by providing multi-family dwelling units in a new, safe, and secure building. The proposed project is located within a neighborhood designated for Low Medium II Residential Land Uses, which includes multi-family residential uses, and is well served by facilities and necessary

infrastructure. The project site is located approximately 3,078 feet from the UCLA campus and will result in a net increase of 10 dwelling units, including two (2) Very Low Income Units. The site is located in a Transit Priority Area (TPA) and within a ½ mile of the future Los Angeles Metropolitan Transportation Authority Purple (D) Line station at the corner of Wilshire & Westwood Boulevards, along with multiple local and rapid bus stops that encourage alternative modes of transportation. Finally, the project will not displace any existing residents as the site is currently improved with a vacant single-family dwelling.

Finally, the project is consistent with the following policies of the General Plan Mobility Element:

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

Policy 3.3: Land Use Access and Mix: 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 project is a pedestrian oriented development that provides affordable and market-rate units and is located 2,500 feet from the future Metro D (Purple) Line Station and several other public transit options. The site is also within walking distance from commercial corridors on Westwood Boulevard and Westwood Village as well as UCLA and a variety of other employment opportunities. The project will promote multi-modal transportation by limiting onsite vehicular parking to seven (7) spaces and providing 12 long term bicycle parking spaces.

As such, the project is consistent with the applicable Westwood Community Plan designation and policies and all applicable zoning designations and regulations as permitted by State Density Bonus Law.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.16 acres (6,774 square feet). It will be 0.14 acres (6,217 square feet) following dedications required by the Bureau of Engineering as part of the project. The subject site is in an urbanized area near the University of California - Los Angeles (UCLA) campus, Ronald Reagan UCLA Medical Center, and the West Los Angeles VA Medical Center. Surrounding properties along this block of Wilkins and Ohio Avenue (bounded by Selby Avenue to the east and Malcolm Avenue to the west) are also zoned [Q]RD1.5-1 and improved with multi-family dwellings ranging from one (1) to four (4) stories in height. The directly abutting properties to the west along Wilkins and Ohio Avenue are improved with two-story multi-family dwellings. The properties to the north are zoned [Q]RD1.5-1, R1-1-O, [Q]R3-1-O, and [Q]R5-3-O. These properties are improved with single & multi-family dwellings ranging from one (1) to three (3) stories in height as well as a mixed-use corridor along Wilshire Boulevard improved with high-rise residential and commercial structures. The properties to the east are zoned [Q]RD1.5-1 and R1-1-O and improved with single & multi-family dwellings ranging from one (1) to three (3) stories in height. The properties to the south are zoned [Q]RD1.5-1-O, R1-1, and [Q]PF-1XL-O and improved with educational and religious uses, including St. Paul the Apostle Church (a Historic/Cultural Landmark), St. Paul the Apostle School, Ralph Waldo Emerson

Community Charter School, and the Los Angeles California Mormon Temple complex. Properties to the south are also improved with multi-family residential uses ranging from one (1) to five (5) stories in height. The properties to the west are zoned [Q]RD1.5-1, R1-1, and C4-1VL-POD. These properties are improved with single & multi-family dwellings as well as commercial structures along Westwood Boulevard that range from one (1) to three (3) stories in height.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The site is currently developed with a vacant single-family dwelling. According to a Tree Report prepared by Lisa Smith, The Tree Resource, dated August 17, 2023, there are no protected trees on the subject site or public right-of-way. However, there are two (2) non-protected trees on the subject site proposed for removal as part of the project. There are also five (5) street trees in the public right-of-way that will be retained and protected in place. Furthermore, the project site does not adjoin any open space or wetlands that could support habitat for endangered, rare or threatened species. Therefore, the site does not contain or have value as habitat for endangered, rare or threatened species and is not located adjacent to any habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

A Noise Technical Report prepared by DKA Planning, dated August 2023, confirmed that the Project would not result in significant construction-related or operational noise impacts on the environment. The analysis considered noise from construction activities, operational noise sources from periodic delivery and trash hauling, outdoor use areas, conversation, rooftop equipment, off-site traffic, vibration, impacts to sensitive receptors. The analysis concluded that the project would not result in any significant effects relating to noise.

Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. According to the City of Los Angeles VMT Calculator Version 1.4 and LADOT Transportation Assessment Referral Form, dated September 5, 2023, the proposed 11-unit multi-family dwelling with seven (7) onsite vehicular parking spaces is expected to generate 39 daily vehicle trips, well below the minimum 250 daily vehicle trips that would require a traffic study. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant.

An Air Quality Technical Report prepared by DKA Planning, dated August 2023, evaluated the project's potential air quality effects by estimating the potential construction and operations emissions of criteria pollutants and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The project's emissions were estimated using the CalEEMod 2022.1.1.17 model for the purposes of evaluating air quality impacts of proposed projects. The analysis considered construction activity emissions during site preparation, grading, building construction, paving, and architectural coating, as well as effects to sensitive receptors. The analysis confirms that the project would not exceed SCAQMD significance thresholds for air quality impacts.

Additionally, the project will be subject to Regulatory Compliance Measures (RCMs). These require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise, air quality, and water quality. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Therefore, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

The project site will be adequately served by all public utilities and services because the proposed multi-family residential building will be on a previously developed site that was served by all required utilities and public services and is consistent with the General Plan. The project site is served by the Los Angeles Police Department and Los Angeles Fire Department, Los Angeles Unified School District, and other public services. Additionally, the site is currently served by the Los Angeles Department of Water and Power, the Southern California Gas Company, and the Bureau of Sanitation. As such, the site can be adequately served by all required utilities and public services.

Therefore, the project meets all of the Criteria for the Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

(a) Cumulative Impacts. *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

Properties in the vicinity are predominantly developed with a mix of single and multi-family dwellings and the subject site is of a similar size and slope to nearby properties. According to Navigate LA and the Department of Building and Safety Haul Route Requests Status Table, there are two approved (10757 – 10759 West Wilkins Avenue & 10770 – 10776 West Wilkins Avenue), and zero pending haul route applications within 600 feet of the project site. However, the Director of Planning received a letter from the 10757 – 10759 West Wilkins Avenue project applicant on September 11, 2022, requesting abandonment of the project approved under Case Nos. DIR-2019-2657-DRB-SPP-TOC-1A and ENV-2019-2658-CE.

In light of the increase in construction activity in Grading Hillside Areas and the increase in associated truck traffic related to the import and export of soil, a haul route monitoring program is being implemented by the Department of Building and Safety for Council Districts 4 and 5 for added enforcement to ensure safety and to protect the quality of life of area residents. As part of this program, a haul route monitor is assigned to a geographic area to monitor haul routes and keep track of daily activities in order to minimize impacts to neighboring residents. Haul routes are tracked via a Map for each district to identify the locations of construction sites for which a haul route was required.

In addition, haul route approvals will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. While there are three other known projects of the same type in the same neighborhood as the subject project, the

hauling periods will be reviewed by LADOT and LADBS to reduce overlap. The proposed project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #118330), dated August 6, 2021, for the proposed project and as it may be subsequently amended or modified.

There is a succession of projects of the same type within this neighborhood; however, there is no evidence in the file (including in any technical studies) that there is a foreseeable cumulative significant impact from these projects in any impact category; including in transportation due to LADOT and LADBS permitting and monitoring practices. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

- (b) **Significant Effect Due to Unusual Circumstances.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project proposes an 11-unit multi-family residential building in an area zoned and designated for such development. The project site is also of a similar size and slope to nearby properties. The surrounding properties on the adjacent blocks of Wilkins and Ohio Avenue are improved with single and multi-family dwellings ranging from one (1) to four (4) stories in height that host between one (1) and fifteen dwellings per site. While the proposed project is slightly taller than most of the surrounding structures, the applicant qualifies for a 11-foot height increase pursuant to LAMC Section 12.25 A.25 and State Density Bonus Law. Furthermore, there is no substantial evidence in the administrative record that this project will cause a significant effect. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately nine (9) miles west of the subject site. Therefore, the subject site will not create any impacts within a designated state scenic highway, and this exception does not apply.

- (d) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code*

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.

- (e) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The project site is currently developed with a single-family dwelling that is not listed in the National Register of Historic Places, California Register of Historical Resources, the

Los Angeles Historic-Cultural Monuments Register, and/or any local register, and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles.

The property directly across Ohio Avenue from the project site is improved with St. Paul the Apostle Catholic Church and School, a designated Historic/Cultural Landmark in the City of Los Angeles. However, the project's height, massing, and other defining features would not obscure or take away from the aesthetic of the historic resource due to the physical separation between the historic resource and proposed project – which would be located a minimum of 80 feet from the church. Additionally, the proposed project will not expand over the street and St. Paul the Apostle Church and School will remain visible from the public right-of-way along this block of Ohio Avenue. Moreover, the Los Angeles City Planning Office of Historic Resources reviewed the proposal and noted that the proposed project would not have any adverse impacts to the historic resource.

As such, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

ADDITIONAL MANDATORY FINDINGS

13. The National Flood Insurance Program Rate Maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081 have been reviewed and it has been determined that this project is located outside of a flood zone.