



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: APRIL 4, 2023

Case No. CPC-2020-2115-DB-HCA

CEQA: ENV-2020-2116-CE

Plan Area: South Los Angeles

Council District: 10 – Hutt

Project Site: 1848 South Gramercy Place

Applicant: Akhilesh Jha
Representative: Hamid Degnan, HRD Arch

At its meeting of **February 23, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction, use, and maintenance of an eight-story, 89 73-foot tall mixed-use building comprised of 33 residential dwelling units (Three units are restricted to Very Low Income households), and approximately 466 square feet of commercial space. The Project will provide two levels of parking at-grade and at the second floor, comprising a total of 20 parking spaces. The Project also provides 32 long-term and five short-term bicycle parking spaces. The project will be 31,263 square feet in floor area with a Floor Area Ratio ("FAR") of 6.04:1. The site is currently developed with a vacant, two-story residential structure that is to be demolished as part of the Project. There is one large street tree along the western side of the subject site on the public right-of-way.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332, Class 32 (Infill Development), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22.A.25(g)(3) of the Los Angeles Municipal Code (LAMC), a Density Bonus for a Housing Development with a total of 33 units (with three units – 13 percent of the total base number of units, set aside for Very Low-Income Households), to permit the following Off-Menu Incentives and Waivers of Development Standards:
 - a. An Off-Menu Incentive to allow a 6.1:1 floor area ratio (FAR) in lieu of 1.5:1 permitted by LAMC;
 - b. An Off-Menu Incentive to waive the requirements of the Low Impact Development (LID) (Ordinance 181899 and 183833);
 - c. A Waiver of Development Standards to allow an eight-story building with a height of 89 feet (to the rooftop parapet) in lieu of 45 feet otherwise permitted in the C1.5 Zone;
 - d. A Waiver of Development Standards to waive the transitional height requirement per the South LA CPIO Section II A.2(d);
 - e. A Waiver of Development Standards to allow side yard setbacks of zero feet from the first to second floors, and five feet from the third to eighth floors in lieu of 10 feet;
 - f. A Waiver of Development Standards to allow a rear yard setback of five feet from the first to second floors, and 10 feet from the third to eighth floors in lieu of 19 feet;
 - g. A Waiver of Development Standard to allow a reduction in open spaces to 2,418 square feet in lieu of 3,675 square feet per LAMC 12.21 G;
 - h. A Waiver of Development Standards to allow a passageway width of three feet in lieu of 20 feet;

- i. A Waiver of Development Standards to allow a commercial frontage of 10 feet in lieu of 17.5 feet;
- j. A Waiver of Development Standards to allow a landscape buffer of zero feet in lieu of five feet requirement per the South LA CPIO Section II C.4; and
- k. A Waiver of Development Standards to allow a ground floor height of 10 feet in lieu of 14 feet per the South LA CPIO Section II A.1(b);
- 3. **Dismiss without Prejudice** the Incentive to waive the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit;
- 4. **Adopted** the attached Conditions of Approval; and
- 5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman
 Second: Choe
 Ayes: Cabildo, Leung, Perlman, Zamora
 Absent: Mack

Vote: 6 – 0



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

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus Incentives and Waivers of Development Standards are not appealable. Therefore, the decision of the Los Angeles City Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Theodore Irving, Principal City Planner
 Michelle Singh, Senior City Planner
 Sergio Ibarra, City Planner
 Rafael Fontes, City Planning Associate

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, dated November 10, 2022, and stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 33 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 3 units, that is 13% of the 22 base dwelling units, shall be reserved as affordable units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2). The Density Bonus Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Los Angeles Housing Department (LAHD) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (a-d) and State Density Bonus Law (Government Code Section 65915).
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD). The covenant shall bind the owner to reserve three (3) units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set aside affordable units may be adjusted, consistent with LAMC Section 12.22-A.25, to the satisfaction of LAHD, and in consideration of the project's SB 330 and SB* Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background and Housing Replacement (SB 330 and SB8 Determination) Background sections of this determination (Exhibit D).
6. **Automobile Parking for Residential Uses.** The project shall provide a minimum of 19 parking spaces, as shown in Exhibit A, per AB 2345.
7. **Automobile Parking for Commercial Uses.** The project shall provide a minimum of one (1) parking space, as shown in Exhibit A; as the Property is located within an Enterprise Zone, commercial parking is required at 2 parking spaces per 1,000 SF, consistent with LAMC Section 12.21 A.4(x)(3)6.

8. **Height** The project shall be limited to eight (8) stories and 89 feet in height per Exhibit A.
9. **Floor Area Ratio** The project shall be limited to a maximum floor area ratio ("FAR") of 6:1, per Exhibit A.
10. **Community Plan Implementation Overlay.** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the South Los Angeles Community Plan Implementation Overlay ("CPIO") pursuant to Ordinance No. 185,927 and demonstrate that the project meets the definition of a Mixed-Income Project.
11. **(Incentive)** Project is exempt from the requirements of the Low Impact Development (LID) Ordinance (Ordinance 181899 and 183833).
12. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
13. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16 and Exhibit "A".
14. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
15. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
16. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to **10% more than otherwise required** by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
17. **Facade Design.** The project shall comply with the following:
 - a. The project shall include varied exterior materials and articulation as presented in Exhibit "A" (Elevations, Material Board, and Renderings), including flat seam metal panels, wood face siding, added metal railings on the south façade balconies, reduced roof overhang in the front façade, modified garage ventilation design into smaller components, and smooth finish stucco in white, light grey, and "concrete" finish. The building color and materials (design theme) shall be included on each elevation.
 - b. The facade shall include the articulation shown as presented in Exhibit "A" (Floor Plan, Elevations, and Renderings) which includes private open space distributed as balconies

among the units. The percentage and layout of façade square footage devoted to fenestration shall be built and detailed exactly as depicted in Exhibit “A”

18. **Open Space** . The project shall provide a minimum of 3,525 square feet of usable open space per LAMC 12.21.G.2, see Exhibit “A”. The project shall include 2,025 square feet of recreation rooms and 1,500 square feet of balconies.
19. **Rear Setback (Waiver)**. The rear setback shall be no less than five feet on the ground through second floors, and ten feet from the third to eighth floors, as shown in Exhibit A.

20. **Side Yard Setback (Waiver)**. The side yard setbacks shall be no less than five feet on the ground through second floors for the northern edge of the lot, and zero feet on the ground through second floors southern edge of the lot. The side yard setbacks shall be no less than five feet from the third through eighth floors.

21. **Soil Depths**. Shrubs, perennials, and groundcover shall require a minimum soil depth as follows:

- a. A minimum depth with a height ranging from 15 to 40 feet shall be 42 inches.
- b. A minimum depth with a height ranging from 1 to 15 feet shall be 24 to 36 inches.
- c. A minimum depth with a height of less than 1 foot shall be 18 inches.
- d. A minimum depth of an extensive green roof shall be 3 inches.

Trees shall require a 42-inch minimum soil depth.

Further, the minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

- e. 220 cubic feet for trees with a canopy diameter ranging from 15 to 19 feet.
- f. 400 cubic feet for trees with a canopy diameter ranging from 20 to 24 feet.
- g. 620 cubic feet for trees with a canopy diameter ranging from 25 to 29 feet.
- h. 900 cubic feet for trees with a canopy diameter ranging from 30 to 34 feet.

22. **Street Trees.**

- a. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division.
- b. New street trees shall be planted within the public right-of-way, where feasible, at a ratio of at least one (1) tree for every 25 feet of lot length, to the satisfaction of the Bureau of Street Services, Urban Forestry Division, Department of Public Works.
- c. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
- d. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree

plantings. The subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.

23. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

Or: Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction. (WL)

24. **Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

25. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

Administrative Conditions

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

27. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

28. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

29. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.

30. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any

permit in connection with those plans.

31. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

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

Applicant shall do all of the following:

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

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

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

right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES/Waivers FINDINGS

1. **Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested incentive(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 reduction 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.

FAR Increase:

The subject site is zoned C1.5-1VL-CPIO and has a gross lot area of approximately 8,931 square feet which, with required setbacks, results in a net lot area of 6,130 square feet. The LAMC limits the maximum FAR to 1.5:1 which would permit 9,195 square feet of floor area. The applicant has requested an On-Menu Incentive to allow a 6:1 FAR in lieu of the otherwise permitted 1.5:1 FAR, to permit 37,025 square feet of floor area, as set forth in the following table:

	<i>FAR</i>	<i>Net Lot Area (sf)</i>	<i>Total Floor Area (sf)</i>
<i>By-right</i>	<i>1.5:1</i>	<i>6,130</i>	<i>9,195</i>
<i>Requested</i>	<i>6.1:1</i>	<i>6,130</i>	<i>37,025</i>
		<u><i>Net Increase</i></u>	<i>30,895</i>

The project proposes to construct 33 units, with 3 units reserved for Very Low Income households.

The additional FAR allows a larger building envelope and provides an additional 30,895 square feet of income generating residential floor area than would otherwise be permitted. This additional floor area would enable the project to construct additional market-rate units, of a larger size, which would reduce the marginal cost of constructing the project's share of affordable units.

Of the 33 proposed units, there would be 20 one-bedroom units, and 12 two-bedroom units, and 1 three-bedroom units. As set forth on Sheet A0.1 of the project plans, the project's upper residential levels (levels 3 through 8) would each have a floor plate of approximately 5,913 square feet. These large floor plates would not be achievable under the 1.5:1 base FAR and enable the project to construct the unit mix specified above. Without the incentive to permit additional floor area, the average unit size and bedroom count would have to be significantly smaller to construct the number of units that the requested density bonus allows. The ability to develop more units will increase the revenues from the market-rate units, which will lower the marginal cost of developing the affordable units. Therefore, the FAR incentive would result in identifiable and actual cost reductions to provide for the project's affordable housing costs.

LID

The Applicant proposes an incentive to waive the requirements of the Low Impact Development (LID)(Ordinance 181899 and 183833). LID would be required under the City of LA Ordinance for LID under Large Scale Requirements. The LID requirement would be cost-prohibitive to implement given the already high housing construction costs. In fact, after the main structure, plumbing and electrical work, the low-impact development requirements would be the priciest item to implement. Also note that a low-impact development requires planter areas that are not possible to provide given the setbacks of the project. The factors such as (a) record drought of the state, (b) costly construction cost of making deep barrels into the ground and providing permeable barriers, and (c) the lack of space to provide the necessary planters are considered in this project to conclude that a low-impact development is a necessary incentive for this project's success as a mixed-income housing project. Per Govt Code Section 65915 (k), an incentive means (1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements, (2) approval of mixed-use zoning and (3) other regulatory incentives or concessions proposed by the developer. A low-impact development happens to be regulation and this incentive is proposed as a regulatory incentive to reduce the development cost of a low-income housing project. Los Angeles Sanitation confirmed that the project does not trigger the state NPDES water permit requirements because it does not meet the threshold of the NPDES permit. Therefore it is dismissed without prejudice as it is not needed.

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

There is no substantial evidence in the record that the proposed incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also 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. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 (Infill) of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentive.

c. *The incentive(s) are contrary to state or federal law.*

There is no evidence in the record that the proposed incentives are contrary to state or federal law. The NDPES Water permit incentive in this case is a part of state law, however the project does not meet the threshold to trigger its requirements and therefore the applicant request is dismissed without prejudice and the incentive is therefore not contrary to state or federal law.

Following is a delineation of the findings related to the request for eight (8) Waivers of Development Standards, pursuant to Government Code Section 65915.

2. Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:

a. *The waiver(s) or reduction(s) of development standard(s) are contrary to state or federal law.*

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

A project that provides 13 percent of base units for Very Low Income Households qualifies for two (2) Incentives, and 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 requests below are recommended as a Waivers of Development Standards. Without the below Waivers, the existing development standards would preclude development of the proposed density bonus units and project amenities:

Height Increase:

The subject site is zoned C1.5-1VL-CPIO. Height District No. 1VL restricts building height to a maximum of 45 feet. The applicant has requested a Waiver with respect to the CPIO building height limitation to permit a height of 89 feet from grade to the top of the parapet. The proposed building would be eight stories tall to accommodate the allowed density bonus and increased FAR. By contrast, if the base height limitation applied, it would only be possible to construct a four-story building (assuming a typical 12-foot ground level and three 10-foot residential levels). As noted above, each of the upper residential levels has an average floor plate of approximately 5,913 square feet. Therefore, the loss of five

residential levels would reduce the Project's floor area by approximately 29,565 square feet.

The loss of floor area would directly limit the project's ability to construct residential dwelling units (including affordable units) as the top five levels house 33 units. As proposed, the additional height will physically permit construction of the project at the permitted density and with the requested FAR incentive by expanding the allowable building envelope. The additional building envelope will allow for more market rate units that will subsidize the affordable units provided as part of the project, making the project financially feasible.

Transitional Height:

The South Los Angeles Implementation Overlay (CPIO) Section II-2.A.2 mandates that the project comply with transitional height requirements due to the site's adjacency to a residential lot located in the R2-1-CPIO zone. Specifically, the CPIO requires the project the entire building to be set back, or individual floors stepped back, one horizontal foot for every one vertical foot in building height as measured from 15 feet above grade at the residential property line. Because the proposal in question is for a Density Bonus Project, the transitional height is only in effect for the first 25 feet of depth from the residential property line abutting the site's northern edge.

The applicant has requested a Waiver of the transitional height requirements of the CPIO. Strict compliance with the CPIO transitional height requirements would physically preclude construction of the project at the permitted density bonus and with the permitted FAR and Height incentive. This is detailed on a Declaration Supporting Requested Incentives and Waivers submitted by the applicant as a supporting document (page 3, Exhibit H). In particular, denial of the requested waiver would require the removal of dwelling units on the upper floors in order to provide sufficient step backs from the abutting residential lot, thus physically impeding construction of the full requested 35 percent density bonus and additional 6:1 FAR increase from 1.5:1.

Side Yard Setbacks:

The project proposes a eight story building, which would require 10-foot side yard setbacks per LAMC 12.13.5B.2. The applicant has requested a Waiver of Development Standard to permit side yard setbacks of 0 feet for the first and second floors, and 5 feet for the third to seventh floors. The requested waiver would allow the project to provide the required residential and commercial parking within its building envelope. The project will provide 20 total parking spaces per AB 2345, government code 65915, at 0.5 spaces per bedroom. This parking is provided for in a building podium, with 10 spaces at grade and another 10 at the second story.

Without the requested incentive, some of the commercial parking and additional residential parking would have to be constructed underground; while the residential stories would likewise see a significant reduction in floor plate area. Therefore, the requested side yard setback waiver eliminates the need to construct additional underground parking, which physically impedes construction of the full requested 35 percent density bonus.

Rear Yard Setbacks:

The project proposes a eight -story building, which would require 20-foot rear yard setbacks per LAMC § 12.13 5B.2. The applicant has requested a Waiver of Development Standard to permit rear yard setbacks of 5 feet for the first and second floors, and 10 feet

for the third to seventh floors. The requested waiver would allow the project to provide the required residential and commercial parking within its building envelope. The project will provide 20 total parking spaces per AB 2345. This parking is provided for in a building podium, with 10 spaces at grade and another 10 at the second story.

Without the requested incentive, some of the commercial parking and additional residential parking would have to be constructed underground; while the residential stories would likewise see a significant reduction in floor plate area. Therefore, the requested side yard setback waiver, if denied, would physically impede construction of the full requested 35 percent density bonus.

Open Space:

The project proposes 33 total units, consisting of twenty (20) one-bedroom units, ten (12) two-bedroom units, and one (1) three-bedroom unit. Per LAMC § 12.21 G2, a project is required to provide 100 square feet for each unit having less than three habitable rooms; 125 square feet for each unit having three habitable rooms; and 175 square feet for each unit having more than three habitable rooms. In total, this requires the project to provide 3,675 square feet of open space. The applicant has requested a Waiver of Development Standard to permit 2,048 square feet of open space, in lieu of the required 3,675 square feet of open space.

Without the requested incentive, and per the applicant's Declaration Supporting Requested Incentives and Waivers, the project will not be able to provide its unit total as Type III construction is limited to five stories above a concrete podium. As proposed, the project already consists of six stories of Type III construction over a two-story concrete podium. Therefore, the requested open space reduction eliminates the need to construct additional levels of Type 1 construction, physically enabling construction of the full requested 35 percent density bonus.

Passageway Width:

Per LAMC § 12.21 C.2(b), "there shall be a passageway of at least 10 feet in width extending from a street to one entrance of each dwelling unit or guest room in every residential building... [and] The passageway shall be increased by two feet in width for each story over two contained in any building located between the public street and the building which the passageway serves." As the project proposes a eight-story building, the resultant passageway leading to the residential lobby would be 22 feet wide. The applicant has requested a Waiver of Development Standard to permit a 86% reduction, with the resultant passageway being 3 feet.

Without the requested Waiver and per the applicant's Declaration Supporting Requested Incentives and Waivers, the project will not be able to provide its commercial component and accommodate the necessary driveway width for vehicular access to its at-grade and second story parking. Further, the Bureau of Engineering requirement of a landing space of 20 feet by 20 feet in front of the driveway for the transformer would preclude a portion of the passageway (walking access on top on of the transformer is not allowed for safety reasons by the Department of Water and Power). Therefore, the requested passageway width waiver eliminates the need to construct additional underground parking, which would physically impede construction of the full requested 35 percent density bonus.

Commercial Frontage:

In order to qualify for an exemption from a conditional use approval under LAMC § 12.22 A.23(d), the subject proposal needs to meet the definition of a Mixed Use Project. Per LAMC § 13.09 B.3, this is defined as a project combining one or more Commercial Uses and multiple dwelling units in a single building or in a Unified Development and which provides the following:

- (1) separate, Ground Floor entrance to the residential component, or a lobby that serves both the residential and Commercial Uses components; and
- (2) A pedestrian entrance to the Commercial Uses component that is directly accessible from a public street, and that is open during the normal business hours posted by the business.

A minimum of 35 percent of the Ground Floor Building Frontage abutting a public commercially zoned street, excluding driveways or pedestrian entrances, must be designed to accommodate Commercial Uses to a minimum depth of 25 feet.

Per Exhibit A, the project will provide one commercial unit and multiple dwelling units in a single building. This includes a separate entrance for the residential (via a residential lobby) and commercial components. Both will be directly accessible from the project's only street frontage off of Gramercy Place. As the street frontage of the subject site is 50 feet, the required width of the commercial frontage would be 17.5 feet. The applicant has requested a Waiver of Development Standard to permit a 43% reduction, with the resultant commercial frontage being 10 feet.

Without the requested incentive, and per the applicant's Declaration Supporting Requested Incentives and Waivers (Exhibit H), the project will not be able to provide its commercial component and accommodate the necessary driveway width for vehicular access to its at-grade and second story parking. Therefore, the requested commercial frontage waiver eliminates the need to construct additional underground parking, which would physically impede construction of the full requested 35 percent density bonus.

Landscape Buffer:

The South Los Angeles CPIO Section II-2.C.4 mandates that the project include a 5 foot landscape buffer, to "be provided between the Project site and any abutting lot zoned RD1.5 or a more restrictive zone." This 5-foot landscape buffer is required along the northern edge of the site, which abuts the RD2-1-CPIO zone. The applicant has requested a Waiver of this landscape buffer in its entirety.

Without the requested incentive, and per the applicant's Declaration Supporting Requested Incentives and Waivers (Exhibit H), the project will not be able to provide a 3 foot 8 inch clear passageway, required for egress from the building's rear stairwell. Reserving an additional five feet of the site's width for this landscape buffer would also prevent the design from accommodating its commercial frontage and lobby passageway components, both of which have already been reduced (see waiver findings above). Alternately, the buffer would eat into the necessary driveway width for vehicular access to its at-grade and second story parking. Therefore, the requested Landscape buffer waiver eliminates the need to construct additional underground parking, which would physically impede construction of the full requested 35 percent density bonus.

Ground Floor Height:

The South Los Angeles CPIO Section II-2.A.1(b) mandates that "the Ground Floor shall have a minimum height of 14 feet, measured from the finished floor to the underside of the structural floor... above." It also stipulates that, "for Projects with Active Floor Area, the Ground Floor shall have a minimum height of 11 feet, measured from the finished floor to the finished ceiling." While the project provides Active Floor Area in the form of a commercial space, the 14 foot minimum height still prevails. The applicant has requested a Waiver to reduce the clearance height to 10 feet.

Without the requested incentive, and per the applicant's Declaration Supporting Requested Incentives and Waivers (Exhibit H), the project will not be able to provide sufficient clearance in plan for the access ramp leading to the second story parking level. Therefore, the requested Ground Floor height waiver would physically enable construction of the full requested 35 percent density bonus.

- b. The waiver will have specific adverse impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there 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.***

There is no substantial evidence in the record that the proposed waiver(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also 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 does not involve the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of the application. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

- c. The incentive(s) are contrary to state or federal law.***

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

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment