



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: **SEP 15 2020**

Case No. **CPC-2018-504-DB-DRB-SPP-CDP-MEL**

Council District: 11 – Bonin

CEQA: ENV-2018-505-MND

Plan Area: Brentwood – Pacific Palisades

Project Site: 17346 West Sunset Boulevard

Applicant: Michael Aminpour, California Food Managers, LLC and Heavenly Tiger, LLC
Representatives: Michael Gonzales, Gonzales Law Group, APC

At its meeting of **August 27, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing vacant commercial structure (fast food restaurant) and the construction of a five-story, 60-foot and nine-inch tall, 32,225 square foot, mixed-use building comprised of 39 dwelling units (four units restricted to Very Low Income Households) and 2,900 square feet of ground floor commercial uses. The Project will include 49 parking spaces located in one subterranean level, at grade, and in one above-grade parking level. The Project includes the construction of one new retaining wall, 11,500 cubic yards of grading, and a haul route for the export of 10,700 cubic yards of earth.

1. **Found** pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2018-505-MND ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **Found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the project; and **Adopt** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration.
2. **Approved**, pursuant to LAMC Section 12.22 A.25(g)(3), a Density Bonus/Affordable Housing Incentive Program Review for a housing development project comprised of 39 dwelling units, of which four units will be set aside for Very Low Income Households, requesting the following Incentives:
 - a. An Off-Menu Incentive to permit a building height of 60 feet 9 inches and five-stories in lieu of 30 feet and two stories as otherwise permitted in the Pacific Palisades Commercial Village and Neighborhoods Specific Plan; and
 - b. An Off-Menu Incentive to permit a floor area ratio (FAR) of 2.15:1 in lieu of an FAR of 1:1 as otherwise permitted in Pacific Palisades Commercial Village and Neighborhoods Specific Plan;
3. **Approved**, pursuant to LAMC Section 16.50 E, a Design Review Determination for a Project located within Neighborhood Area B the Pacific Palisades Commercial Village and Neighborhoods Specific Plan;
4. **Approved**, pursuant to LAMC Section 11.5.7, a Project Permit Compliance Review for a Project within Neighborhood Area B of the Pacific Palisades Commercial Village and Neighborhoods Specific Plan;

5. **Approved**, pursuant to the Section 12.20.2, a Coastal Development Permit for Development located within the Single Permit Jurisdiction area of the Coastal Zone;
6. **Approved**, pursuant to Sections 65590 and 65590.1 of the California Government Code and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, a Mello Act Compliance Review for the construction of 39 new Residential Units in the Coastal Zone;
7. **Adopted** the attached Conditions of Approval; and
8. **Adopted** the attached Findings.

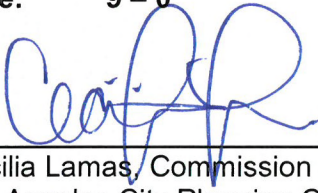
The vote proceeded as follows:

Moved: Perlman

Second: Choe

Ayes: Ambroz, Khorsand, Leung, Mack, Millman, Mitchell, Padilla-Campos, Perlman

Vote: 9 – 0



Cecilia Lamas, Commission Executive Assistant
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 Incentives is not appealable. All remaining actions are appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: SEP 30 2020

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

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

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

c: Faisal Roble, Principal Planner
Juliet Oh, Senior City Planner
Jordann Turner, City Planner
Nick Vasuthasawat, Planning Assistant

CONDITIONS OF APPROVAL

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A" dated August 13, 2020 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. **Single Permit Jurisdiction Area.** The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. The applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
3. **Residential Density.** The project shall be limited to a maximum density of 39 dwelling units.
4. **Affordable Units.** A minimum of four units, that is 10% of the total 39 dwelling units, shall be reserved for Very Low Income Households, as defined by Government Code Section 65915(c)(2).
5. **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 (9a-d).
6. **Housing Requirements.** Prior to issuance of a building permit, the applicant shall submit an Affordable Housing Provision Plan subject to the review and approval of HCIDLA. Additionally, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to ensure four units or 10% of the proposed units are available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.
7. **Height (Off-Menu Incentive).** The Project shall not exceed a maximum height of 60 feet 9 inches and five-stories, as measured from the lowest grade (varied grade) to highest wall of the rooftop deck.
8. **Floor Area Ratio (Off-Menu Incentive).** The Project shall not exceed a maximum Floor Area Ratio (FAR) of 2.15:1.

Automobile Parking.

- a. **Residential Parking.** Vehicle parking shall be provided consistent with LAMC Section 12.22-A.25, Parking Option 1. Reductions in the required automobile parking shall be consistent with the requirements of bicycle replacement pursuant to LAMC Section 12.21-A.4.

- b. *Commercial Parking.* Commercial parking shall be provided in conformance with the Pacific Palisades Commercial Village and Neighborhoods Specific Plan. One vehicular parking space shall be provide for each 300 square feet of floor area. Reductions in the required automobile parking shall be consistent with the requirements of bicycle replacement pursuant to LAMC Section 12.21-A,4.
9. **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 tenants), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) 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.
10. **Unbundled Parking.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.
11. **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.
12. **Bicycle Parking.** Bicycle parking shall be provided consistent with Section 10.D of the Pacific Palisades Commercial Village and Neighborhood Specific Plan.
13. **Commercial Floor Area.** The Project shall be limited to a maximum of 2,900 square feet of commercial floor area (retail use). As shown in Exhibit "A", the ground floor retail use shall occupy a minimum of 75 percent of the linear frontage of the building along Sunset Boulevard with a minimum depth of 30 feet.
14. **Façade Materials.** The materials and colors of the proposed project shall be consistent with those shown on Exhibit "A."
15. **Open Space.** The Project shall provide open space consistent with LAMC Section 12.21-G.
16. **Landscaping.** A final landscape plan shall be submitted that is in substantial conformance with the landscape plan in Exhibit "A". Open areas not used for buildings, driveways, parking areas, recreational facilities, pedestrian amenities, or walkways shall be landscaped. The landscape plan shall include an irrigation plan. Landscaping shall be maintained in good health for the life of the project.
 - a. Landscaping which includes grouping of plant materials, consisting of small trees, shrubs, planter boxes or tubs of flowers, shall be placed at entrances to courtyards and along walkways.
 - b. Side yard areas shall be landscaped using plant materials similar to those used in the front yard of the Project.
 - c. The rear yard shall be landscaped with plant materials reaching a height of a minimum of six feet to eight feet at maturity. If not feasible, a decorative block wall shall be utilized as determined by the Director of Planning or his/her designee.
17. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:

- a. Minimum depth for trees shall be 42 inches.
- b. Minimum depth for shrubs shall be 30 inches.
- c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches
- d. Minimum depth for an extensive green roof shall be 3 inches.

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:

- a. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 - b. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 - c. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity)
18. **Street Trees.** A minimum of 4 street trees shall be planted on Sunset Boulevard, adjacent to the Project. Street trees shall be planted at least 30 feet apart and no more than 10 feet from the curb. The minimum size of new street trees shall be 10 feet in height and 2 inches in caliper.
19. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power in consultation with the Department of City Planning.
20. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
21. **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.
22. **Solar Panels.** A minimum of 525 square feet of solar panels shall be installed on the building rooftop as shown on the roof plan provided as a part of an operational photovoltaic system to be maintained for the life of the project. 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.
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.
24. **Underground Utilities.** Utility connections shall be placed underground, where feasible.
25. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
26. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons

clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.

27. **Trash.** Separate trash collection areas for residential and commercial trash collection shall be maintained, and shall also accommodate the separate collection of recyclable trash. The separate trash collection areas shall be clearly identified on final plans submitted for review and sign-off.
28. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
29. **Mechanical Equipment & Screening:** All ventilations, heating, or air conditioning ducts, equipment for other related appurtenances shall be adequately screened from the public view.

Environmental Conditions

30. **Air Quality.** All off-road construction equipment greater than 50 hp shall meet USEPA Tier 4 emission standards to reduce NO_x, PM₁₀, and PM_{2.5} emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
31. **Hazards.** Either a soil vapor extraction (SVE) system or a vapor intrusion mitigation system (VIMS) shall be implemented in order to remediate or mitigate the PCE in soil gas at the Site in compliance with LARWQCB requirements. An SVE system, if implemented at the Site, shall remediate soil/soil gas contamination through physical removal methods (i.e., vapor extraction). Alternatively, a VIMS, if implemented at the Site, shall mitigate soil/soil gas contamination through the use of an impermeable liner (i.e., vapor barrier) combined with a passive or active sub-slab vapor depressurization system. It is anticipated that the Responsible Parties shall prepare a remedial action plan (RAP) for submission to the LARWQCB for review and approval prior to the implementation of any remediation or mitigation activities. The RAP shall provide both a description and a detailed scope of work for the proposed remediation or mitigation actions to be performed at the Site.
32. **Noise.**
 - a. All capable diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices.
 - b. Temporary sound barriers capable of achieving a sound attenuation of at least 5 dBA shall be erected along the Project's north, west, and south-facing boundaries.
33. **Transportation/Traffic**
 - a. A Construction Traffic Management Plan shall be submitted to LADOT for review and approval. The bulk of the work will be conducted on site. However, if temporary lane

closures were needed, it would require Street Services approval. Existing access for the site shall be maintained for construction access. Deliveries of construction material shall be coordinated to non-peak travel periods, to the extent possible.

- b. The Applicant shall install appropriate construction related traffic signs around the Project Site to ensure pedestrian and vehicle safety. The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the Applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding) from Temporary pedestrian facilities shall be adjacent to the Project Site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects. The Applicant shall keep sidewalks open during construction until only when it is absolutely required to close or block sidewalk for construction and/or construction staging. Sidewalks shall be reopened as soon as reasonably feasible taking construction and construction staging into account.
34. **Tribal.** Prior to commencing any ground disturbance activities at the Project site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleño Band of Mission Indians—Kizh Nation. Any qualified archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (“OHR”).

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- a. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and OHR.
- b. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.
- d. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
- e. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
- f. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
- g. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs b. through e. above.
- h. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial

actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

- i. Notwithstanding paragraph h. above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

Administrative Conditions

35. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
36. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
37. **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.
38. **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.
39. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
40. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

41. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
42. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
43. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

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

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

condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

1. Density Bonus/Affordable Housing Incentives Program Findings

The Applicant requests two (2) Off-Menu Incentives, as follows:

- a. A building height of 60 feet 9 inches and five-stories in lieu of 30 feet and two stories as otherwise permitted in the Pacific Palisades Commercial Village and Neighborhoods Specific Plan; and
- b. A floor area ratio (FAR) of 2.15:1 in lieu of an FAR of 1:1 as otherwise permitted in Pacific Palisades Commercial Village and Neighborhoods Specific Plan.

Pursuant to Section 12.22-A,25 of the LAMC and Government Code 65915, the Director shall approve a density bonus and requested incentive(s) unless the director 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 / waivers 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.

Increase in Building Height. Section 7 of the Specific Plan limits building height to two stories or 30 feet and 27 feet as measured from grade to the ceiling of the Project's upper story. The proposed Project has a height of 60-feet, 9-inches and five-stories. Compliance with the height limitations of the Specific Plan would reduce the number of levels and floor area, a reduction of three residential levels containing 34 dwelling units. With increased construction costs, maintenance costs and debt, combined with the severely reduced rents from the Very Low Income units, could preclude the Project from obtaining conventional financing. Without the height incentive, to allow a building height of 60-feet, 9-inches, the applicant would be physically precluded from constructing the third, fourth and five levels of the project. The requested height increase will result in a building design that provides cost reductions for affordable housing. The requested waiver will allow the developer to expand the building envelope so the additional and affordable units can be constructed and the overall space dedicated to residential uses is increased.

Floor Area Ratio (FAR). Section 8 of the Specific Plan allows a maximum FAR of 1:1 for projects within Neighborhood Area B. Compliance with the FAR limitation of the Specific Plan would restrict the Project to a maximum 14,962 square feet. The proposed Project is 32,225 square feet. The Off-Menu Incentive to increase the FAR to 2.15:1 would allow an increase of 11,737 square feet, which would accommodate approximately 22 dwelling units, as provided on the fourth and fifth levels. The additional market rate unit and commercial areas will help to offset the costs of providing four affordable units in the development.

The requested Off-Menu Incentives for increased building height and increased Floor Area Ratio will allow the developer to expand the building envelope to facilitate the construction of additional market rate and affordable residential units. These incentives will reduce housing costs and supports the applicant's decision to set aside four (4) dwelling units for Very Low Income Households or for Permanent Supportive Housing for 55 years.

- b. The incentives 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 and for which there are no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no substantial evidence in the record that the proposed incentives / waivers 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)/waiver(s) will have a specific adverse impact on public health and safety.

- c. The incentives/waivers are contrary to state or federal law.***

There is no substantial evidence in the record that the proposed Off-Menu Incentives are contrary to state or federal law.

2. Coastal Development Permit Findings

- a. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.***

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. The applicable provisions are as follows:

Article 2 Public Access

Section 30211 Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be

adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The subject property is not located between the nearest public road and the shoreline of any body of water located within the coastal zone. The site is located approximately 1,100 feet from the Pacific shoreline and 800 feet from the edge of the nearest beach. The proposed development is limited to the property, no work is proposed in the public right of way, and the Project will not interfere with public access to the coast. The Project has been conditioned to minimize impacts to the surrounding residential properties. There is no adjoining public access point or public recreation facility that will be affected by the Project. Therefore, the proposed mixed-use development will not interfere with or obstruct the public's right to access to coastal resources.

Article 5 Land Resources

Section 30240 (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30244 Archaeological and Paleontological Resources. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project site is located in an urbanized area of the City currently developed with a vacant fast food restaurant and surface parking lot that is surrounded by other commercial and residential developments. The site fronts Sunset Boulevard a 100-foot-wide dedicated right of way (Avenue I- Secondary Highway street classification) which fronts approximately 18 commercially zoned properties. The proposed development would occur within the boundaries of the private lot and would not impact any sensitive habitat.

The project site is currently improved with structures and is not located in an area identified to contain paleontological or archaeological resources. The proposed excavation and grading are subject to review by the Los Angeles Department of Building and Safety (LADBS) and compliance with the Los Angeles Building Code. If previously unknown archaeological resources are found during excavation and grading, the Project would be required to follow procedures detailed in California Public Resources Code Section 21083.2. The required compliance would ensure any found deposits are treated in accordance with federal, State, and local guidelines, including those set forth in PRC Section 21083.2. If archaeological or paleontological resources are discovered during excavation or grading activities, the project is subject to compliance with Federal, State and Local regulations already in place, Regulatory Compliance Measures CR-3 and CR-4. As such, the project conforms to the applicable Land Resources policies of Chapter 3.

Article 6 Development

Section 30250 Location; existing developed area. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located

within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The proposed project is located 1,100 feet from the Pacific Ocean shoreline and 800 feet from the edge of the nearest beach, in an urbanized area, in a commercial corridor, and adjacent to commercial and residential uses. The project fronts Sunset Boulevard, designated as an Avenue I - Secondary Highway with a right-of-way width of 100 feet and roadway width of 70 feet. The proposed project can be accommodated by the existing sewer, water, and electrical infrastructure and by the existing roads and public services. The project site is contiguous with and in close proximity to existing developed areas that are able to accommodate it.

The subject property is zoned for commercial uses on property that fronts on a public right-of-way (Sunset Boulevard). The project proposes 2,900 square feet of retail space and 39 dwelling units. This portion of Sunset Boulevard is developed with a mixture of neighborhood-serving commercial retail uses and residential uses. The property is not located in an area suitable for an agriculture use, nor adjacent to coastal recreational uses.

Section 30251 Scenic and Visual Qualities. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Project consists of the demolition of a one-story commercial structure and the construction of a five-story, 32,225 square-foot mixed-use development, providing 49 parking spaces within a basement level, on the ground floor, and the second floor. The project fronts Sunset Boulevard, a commercial corridor. The applicant requests two (2) density bonus affordable housing off-menu incentives to allow an increase in the permitted height and FAR, proposing a height of 60-feet 9-inches and FAR of 2.15:1.

The surrounding area and Sunset Boulevard corridor is developed with commercial and residential structures ranging from one to eight stories in height. The immediate commercial buildings fronting Sunset Boulevard range in height from one to three-stories at the bottom of steep slopes. Residential uses are located behind and uphill from the commercial activity and range from one-story structures to eight-story condominium developments. Buildings located within Pacific Palisades Commercial Village and Neighborhoods Specific Plan are limited to a height of 30-feet. Residential uses located outside of the Specific Plan are limited to a height of 45-feet.

The property west of the subject site maintains a six-story, multi-use development in the C2-1XL zone. The property to the northeast is a one-story, commercial shopping center zoned in the C2-1VL zone. The property immediately south of the project site

maintains a driveway to the adjacent multi-family development in the C2-1VL zone and a Von's supermarket in the C2-IXL zone. Immediately southeast of the subject site is an eight-story, multi-family housing development within the [Q]R3-1 zone.

The proposed five-story, 60-foot 9-inch mixed-use structure contains commercial uses on the ground level and multi-family residential uses above, consistent with the provisions of the Specific Plan. The project is designed to be visually compatible with the surrounding neighborhood as the ground floor will incorporate a two-foot building setback along Sunset Boulevard with recessed entries for each of the commercial tenants and main lobby which serves as the front entry to the upper floor residential units. Additional building step backs are incorporated on the 4th and 5th floor of the building facing Sunset Boulevard along with added balconies to four units on the second and third floor fronting Sunset Boulevard to break up the massing of the structure by adding more building modulation and projections. The project will also utilize large transparent windows and sliding doors to further soften the amount of hard/solid materials used. The pedestrian experience from the sidewalk will be enhanced with additional ground floor landscaping along the front entrance and side pedestrian walkway. The public right of way will be improved with additional landscaping and street trees. The project will reuse one of the two existing driveways (northerly driveway) while the other driveway (southerly) will be removed and improved with a sidewalk with curb and gutter.

The subject site does not contain natural landforms. The Project will be located at the bottom of a steep slope that is not located in a landslide area however is in a liquefaction zone. The Project's proposed grading will stabilize the slope and will comply with a comprehensive soils and geology report approved by the Department of Building and Safety. The Project will not affect any public views to and along the ocean and scenic highway measured from a public road as identified in the California Coastal Commission Regional Interpretive Guidelines as it is not located adjacent to the shoreline or across the road of a highly visible intersection. The proposed five-story project is compatible with the mass and scale of the surrounding community given the existing buildings adjacent to the project site consisting of a six and eight story building in addition as well as the general character of the area which includes multiple four-story condominium buildings across Sunset Boulevard on Tramonto Drive. The Project will improve a vacant lot and enhance the visual quality of the site.

Section 30252 Maintenance and Enhancement of Public Access. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed Project is not located between the first public road and the sea and is located more than 800 feet from the beach. A total of 49 vehicle parking spaces and 69 bicycle parking spaces are provided for the proposed Project. Adequate parking will be provided onsite, within at-grade and subterranean parking. The Project will maintain an existing driveway and close an existing driveway, creating additional on-

street parking. The proposed project will not interfere with or obstruct the public's right to access to coastal resources. The proposed development will not have any adverse impacts on public access to the coast. As such, the project will not have a significant adverse impact on coastal resources.

Section 30253 Minimization of Adverse Impacts. New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed development is located within a hillside area, special grading area, liquefaction area, very high fire severity zone, and within the Santa Monica Fault zone. As such, the project is subject to compliance with Zoning and Building Code requirements that will minimize risks to life and property in such hazard areas. The property is located within Zone D, areas where there are possible but undetermined flood hazards, outside the flood zone. The Coastal Storm Modeling System (CoSMoS) was utilized to analyze the project's vulnerability to flood hazards, considering a scenario of a minimum 6.6-foot sea level rise and a 100-year storm scenario. Based on this scenario, the proposed development is outside the potential sea level rise/flood area.

The proposed development will have no adverse impacts on public access, recreation, public views, or the marine environment. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, to a maximum height of 60 feet 9 inches, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

- b. The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.***

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act.

There is no adopted Local Coastal Program (LCP) for the Pacific Palisades. The Brentwood-Pacific Palisade Community Plan contains the applicable land use policies and goals for that portion of the Coastal Zone. The Brentwood-Pacific Palisades Community Plan designates the property for Neighborhood Office Commercial land use with a corresponding zone of C2-1VL. The Pacific Palisades Commercial Village and Neighborhoods Specific Plan further regulates permitted uses, height, FAR, setbacks, parking, alcohol service (Commercial Village Subarea A), landscaping, and signage. The proposed development is consistent with the underlying zone, applicable

provisions of LAMC Section 12.22 A.25, and provisions of the Specific Plan. Furthermore, as discussed in Finding No. 2.a, the Project is consistent with the Chapter 3 policies of the Coastal Act. As conditioned, the proposed development will not prejudice the ability of the City to prepare a Local Coastal Program.

- c. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.***

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources.”

The Regional Interpretive Guidelines – Pacific Palisades residential guidelines address parking, density, special provisions for development on bluffs and hillside areas, and coastal access. The applicable provisions of the California Coastal Commission’s Regional Interpretive Guidelines have been reviewed and considered in preparation of these findings in addition to the State Density Bonus Laws. The Project proposes to construct a new 32,225 square-foot, five-story mixed-use building with 39 dwelling units and 2,900 square feet of ground floor commercial area. The Project is not located on a bluff and would not significantly alter the existing natural landforms beyond the minimum required by the City to stabilize the slope, nor would it impact access to the coast. The Interpretive Guidelines have been reviewed, analyzed, and considered in light of the individual project in making this determination, and the project as conditioned is consistent with such Guidelines.

- d. The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.***

The Project consists of the demolition of an existing one-story commercial structure and the construction of a 5-story, 60-foot and 9-inch tall mixed-use building comprised of 39 dwelling units (including 4 units restricted to Very Low Income Household occupancy) and approximately 2,900 square feet of ground floor commercial uses. The project will include 49 parking spaces located in one subterranean level, at grade, and one above grade parking level. The Project is located within the Single Permit Jurisdiction area of the Coastal Zone, where the local jurisdiction (City of Los Angeles) issues Coastal Development Permits. As such, applicable decisions by the Coastal Commission are typically appeals of local coastal development permits or permits for development in the Dual Permit Jurisdiction area.

Application No. A-5-05-153 – On January 11, 2006, the Coastal Commission approved a Coastal Development permit for a 45 foot-high, three-story, 82,000 square-foot,

three-story residential building encompassing 29 condominium units above a three-level parking garage with pool and spa and the export of 60,000 cubic yards of soil located at 17325 Castellammare Drive.

Application No. 5-05-236 and A-5-PPL-05-063 – On February 8, 2006, the Coastal Commission approved a Coastal Development permit for a demolition of two apartment buildings and construction of 48-foot high, four-story, 61-unit condominium project with no changes to the height, bulk, or sitting of the 82 units previously approved by the City of LA, with 130,000 cubic yards of cut and 80,000 cubic yards of fill located at 17331-17333 Tramonto Drive.

The previous decisions made by the California Coastal Commission establishes similar large scale multi-story projects previously approved within the Pacific Palisades area which exceed the metrics of the proposed project with regards to total building square footage, number of residential units, and amount of grading performed on those upslope sites.

As such, this decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

- e. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.***

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The subject property is not located between the nearest public road and the shoreline of any body of water located within the coastal zone, the site is located approximately 1,100 feet from the Pacific shoreline. No work is proposed in the right of way, the project will not interfere with public access to the coast. The project has been conditioned to minimize impacts to the surrounding residential properties. There is no adjoining public access point or public recreation facility that will be affected by this request. Therefore, the proposed mixed-use will not interfere with or obstruct the public's right to access to coastal resources.

f. An appropriate environmental clearance under the California Environmental Quality Act has been granted.

On June 20, 2019, a Mitigated Negative Declaration (ENV-2018-505-MND) was prepared for the Proposed Project. On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the Proposed Project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The mitigation measures have been made enforceable by conditions on the project and a Mitigation Monitoring Program has been prepared. The records upon which this decision is based are with the Environmental Review Section of the Department of City Planning in Room 720, 200 North Spring Street. The public comment period for the MND ended July 10, 2019 with one letter received expressing inadequate review and appropriate mitigation measures, provided in Exhibit C.

3. Pacific Palisades Commercial Village and Neighborhoods Design Review and Project Permit Compliance Findings

a. A recommendation was made by the Pacific Palisades Commercial Village and Neighborhoods Design Review Board pursuant to LAMC Section 16.50:

The Pacific Palisades Commercial Village and Neighborhoods Design Review Board (Board) met on August 28, 2019 and convened a quorum. The project representative briefly described the proposed Project to the Board. After review and discussion, the Board recommended to disapprove the project on a vote of 5-0 with concerns related to incompatible height and scale with the adjacent properties, no setbacks on the upper levels, insufficient landscaping, and inadequate application of materials throughout the building.

b. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.

The proposed project involves the demolition of a vacant commercial structure and the construction of a 5-story, 60-foot and 9-inch tall, 32,225 square-foot, mixed-use building comprised of 39 dwelling units (4 units restricted to Very Low Income Households) and approximately 2,900 square feet of ground floor commercial (retail) uses. The Project is located in Neighborhood Area B (Sunset Boulevard at Pacific Coast Highway) of the Specific Plan. The Project proposes a new mixed-use development and is subject to Sections 6, 7, 8, 9, 10, and 12 of the Specific Plan. The Project complies with the applicable Specific Plan regulations and standards as listed below:

Section 6 – Land Use.

- A. *Uses.* Section 6.A of the Specific Plan describes the allowable use types for Neighborhood Area B to accommodate C4 uses in rather than the C1 underlying zoning designation. The project is proposing retail and residential uses which are permitted in the C4 zone. The Project complies with Section 6.A of the Specific Plan.
- B. *Ground Floor Retail.* Section 6.B of the Specific Plan requires that all structures have a Ground Floor with Ground Floor Retail uses occupying at least 75 percent of the linear frontage, along a public street. The Project requires 105 linear feet

of retail frontage (to a depth of 30 feet). The Project proposes four retail tenant spaces on the ground floor, extending 109 linear feet with a depth exceeding 30 feet. The Project complies with Section 6.B of the Specific Plan.

- C. *Mixed-Use Project.* Section 6.C of the of the Specific Plan allows residential uses to be located on the second floor of any building if the building complies with the floor area and parking requirements in Sections 8, 10.C.3, and 10.D of the Specific Plan. The Project requests an Off-Menu Incentive under the Density Bonus/Affordable Housing Incentives Program and complies with the parking requirements in Sections 10.C.3 and 10.D. The Project proposes residential uses on the second floor and complies with Section 6.C of the Specific Plan.

Section 7 – Height

- A. Section 7.A of the Specific Plan limits the height of Projects to two stories or 30 feet in height. The Project proposes a 5-story building with a maximum height of 60-feet and 9-inches as measured from the lowest sidewalk grade to the top of the buildings parapet or roof fascia at the building's perimeter. As discussed in Finding No. 1, the Project requests an Off-Menu Incentive for increased height, pursuant to LAMC Section 12.22 A.25 the Density Bonus Affordable Housing Incentives Program. The height increase is consistent with the mass and scale of existing buildings in the surrounding area where there are buildings that range from one to eight-stories in height. The requested height is not a basis for noncompliance with the Specific Plan because the project seeks a state law allowed Density Bonus incentive to deviate from the plan height and under state law density bonus no plan amendment is required for a Density Bonus deviation.
- B. Section 7.B of the Specific Plan limits the height measured from grade to the ceiling of the Project's upper story to 27 feet. As discussed in Finding No. 1 and Section 7.A above, the Project requests an Off-Menu Incentive for increased height, pursuant to LAMC Section 12.22 A.25 the Density Bonus Affordable Housing Incentives Program. . The height increase is consistent with the mass and scale of existing buildings in the surrounding area where there are buildings that range from one to eight-stories in height. The requested height measured from grade to the ceiling of the upper story is not a basis for noncompliance with the Specific Plan because the project seeks a state law allowed Density Bonus incentive to deviate from the plan height and under state law density bonus no plan amendment is required for a Density Bonus deviation.

Section 8 – Floor Area Ratio

- A. Section 8 of the Specific Plan limits the FAR of projects in Neighborhood Area B to 1:1. The Project proposes an FAR of 2.15:1. As discussed in Finding No. 1, the Project requests an Off-Menu Incentive for increased FAR, pursuant to LAMC Section 12.22 A.25 the Density Bonus Affordable Housing Incentives Program. Strict application of the Specific Plan's FR standards would physically preclude the Project's construction by effectively shrinking the Project's building envelope to such an extent that including the restricted Affordable Units and utilizing the density bonus would be impossible. In addition, a smaller Project, both with regard to unit count and potentially with regard to commercial floor area, would not likely produce the requisite rentable square footage necessary to qualify for conventional financing. Additionally, the requested floor area ratio is not a basis for noncompliance with the Specific Plan because the project seeks a state law allowed Density Bonus incentive to deviate from the

plan height and under state law density bonus no plan amendment is required for a Density Bonus deviation.

Section 9 – Setbacks

- A. *Setbacks.* Section 9 of the Specific Plan requires a minimum setback of two feet from the sidewalk. The Project provides a two-foot setback on Sunset Boulevard and complies with Section 9 of the Specific Plan.

Section 10 – Parking

- A. *PB Zone.* Section 10.A of the Specific Plan outlines requirements for projects on lots zoned PB. This provision does not apply to the Project.
- B. *Parking Space Requirements.* Section 10.B of the Specific Plan outlines parking requirements for dwelling units and commercial uses. As discussed in Finding No. 1, the project qualifies for a density bonus and reduced parking (Parking Option 1) pursuant to LAMC Section 12.22 A.25 the Density Bonus Affordable Housing Incentives Program. The Project proposes 2,900 square feet of retail floor area on the ground floor. Section 10.B.3 requires 1 parking space for each 300 square feet of floor area, 10 parking spaces are required for the proposed retail use. The project provides 10 parking spaces for the commercial use and will utilize the provisions of LAMC Section 12.21 A.4 to replace one required parking space with four bicycle parking spaces. As such, the Project complies with Section 10.B of the Specific Plan.
- C. *Offsite Parking.* Section 10.C of the Specific Plan outlines provisions for offsite parking. No offsite parking is proposed, as such this provision does not apply to the Project.
- D. *Provisions for Bicycle Parking.* Section 10.D.1 of the Specific Plan requires parking to be provided at 1% of the floor area of the Project or a ratio of 2 bicycle stalls per 1,000 square feet of building floor area whichever is less. The Project is 32,225 square feet and is required to provide 65 bicycle parking spaces, 2 spaces for each 1,000 square feet of floor area. The Project provides 67 bicycle parking spaces and complies with Section 10.D.1 of the Specific Plan.

Section 10.D.2 of the Specific Plan requires parking to be located in close proximity to the entrance of the building or structure as possible and not within the sidewalk right of way. The required bicycle parking is located in the basement level and ground floor. In the basement level, 16 bicycle parking spaces will be located adjacent to the entry/exit of the vestibule and 50 spaces will be provided along the southeast corner. Nine bicycle parking spaces are provided at the ground level, seven located along the westerly side yard of the building with direct access to Sunset Boulevard and two spaces located between the mechanical and trash room behind the ground. The bicycle spaces are located as close to the street as possible and not in the public right of way. The project complies with Section 10.D.2 of the Specific Plan.

- E. *On-site Parking and Driveway Access.* Section 10.E.1 of the Specific Plan seeks to minimize left turn movements from or into driveways providing access to Sunset Boulevard when possible and as determined by the Department of Transportation (LADOT). A Traffic Study prepared by Overland Traffic Consultants, dated December 2017 (updated April 16, 2018), was submitted for

review by LADOT. LADOT issued a Traffic Assessment Letter dated May 10, 2018, no changes were required of the proposed access to the site. As discussed in the Traffic Study, Sunset Boulevard maintains a two-way turning lane (center lane) in front of the Project site. As such, left turns can be made safely in and out of the Project site. The project complies with Section 10.E.1 of the Specific Plan.

Section 10.E.2 of the Specific Plan seeks to minimize driveway access from Sunset Boulevard when possible through other streets or alleys. The subject site fronts Sunset Boulevard and is an interior lot with no secondary public right of way along the rear or side of the parcel. The Project complies with Section 10.E.2 of the Specific Plan.

Section 12 – Landscaping Standards and Urban Design Features

- A. *Street Trees.* Section 12.A of the Specific Plan requires that street trees are provided in conformance with the Department of Public Works and the Department of City Planning, place at least 30 feet apart and no more than 10 feet from the curb, with a minimum size of ten feet in height and 2 inches in caliper. A condition of approval (COA) #18 is incorporated to ensure the Project will provide four (4) 24-inch trees in the right of way, subject to review by the Department of Public Works – Urban Forestry Division. As conditioned, the project will comply with Section 12.A of the Specific Plan.
- B. *Entrance to Courtyard and Walkways.* Section 12.B of the Specific Plan requires landscaping along the entrance, courtyard, and walkways for the Project. As shown in the Landscape Plan, the Project includes landscaping along these areas on the ground floor, second floor, fifth floor, and roof deck areas. Therefore, the project complies with Section 12.B of the Specific Plan.
- C. *Side Yard Areas to Courtyard and Walkways.* Section 12.C of the Specific Plan requires landscaping along the side yard areas. As shown in the Landscape Plan, the Project includes landscaping along the easterly side yard and the westerly side yard, therefore the project complies with Section 12.C of the Specific Plan. Additionally, COA #17 is included to ensure both the landscape plans and architectural plans are consistent.
- D. *Buffering.* Section 12.D of the Specific Plan requires a landscape buffer consisting plant species of a minimum of 6 feet and maximum of 8 feet in height at maturity or 6-foot decorative wall as determined by the Director of Planning for lots adjacent to residential areas. The Project is adjacent to a residential development with less than 2 feet in width between the rear retaining wall and rear property line with inadequate room to plant substantial plant species that will thrive. The adjacent residential lot maintains a steep slope, creating a natural buffer between the two lots. As shown in the proposed plans, the Project proposes a new retaining wall approximately 38feet high and the existing slope extending up to the adjacent property exceeds the retaining wall heights required by the Specific Plan. As conditioned, the Project will comply with Section 12.D of the Specific Plan.
- E. *Parking Lots.* Section 12.E of the Specific Plan outlines requirements for open parking lots. This provision does not apply to the Project.

- F. *Landscaping of Parking Buildings.* Section 12.F of the Specific Plan outlines requirements for Parking Buildings (PB). This provision does not apply to the Project.
 - G. *Landscape Maintenance.* Section 12.G of the Specific Plan requires that projects maintain landscaping and hardscape in good condition. As conditioned, the Project complies with Section 12.G of the Specific Plan.
 - H. *Metal Awnings and Bars on Windows.* Section 12.H of the Specific Plan prohibits metal awnings attached to the buildings and metal bars in front of any window. The Project does not include any of these features and complies with Section 12.E of the Specific Plan.
 - I. *Underground Utilities.* Section 12.I of the Specific Plan requires utility connections, for new buildings, to be placed underground. As conditioned, the project will comply with Section 12.F of the Specific Plan.
- c. *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.***

On June 20, 2019, a Mitigated Negative Declaration (ENV-2018-505-MND) was prepared for the Proposed Project. On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the Proposed Project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The mitigation measures have been made enforceable by conditions on the project and a Mitigation Monitoring Program has been prepared, provided in Exhibit C. The records upon which this decision is based are with the Environmental Review Section of the Department of City Planning in Room 720, 200 North Spring Street.

- 4. Mello Act Compliance Review Findings.** Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows

a. *Demolitions and Conversions (Part 4.0)*

The proposed Project will demolish a vacant commercial structure (fast food restaurant). No Affordable Existing Residential Units will be demolished or converted and the project is not required to provide Affordable Replacement Units.

b. *New Housing Developments (Part 5.0).*

Housing Development Projects consisting of 10 or more Residential Units are required to provide Inclusionary Residential Units affordable to Very Low, Low, or Moderate Income persons or families. The project shall: (Option 1) Reserve at least 20 percent

of all Residential Units for Inclusionary Residential Units for Very Low or Low Income Households or (Option 2) Reserve at least ten percent of all Residential Units for Inclusionary Residential Units for Very Low Income Households. The proposed project consists of the development of 39 Residential Units, of which four (4) units will be set aside for habitation by Very Low Income Households for a period of 55 years. By restricting four (4) units, or 10 percent, of the total Residential Units, the project complies with the LAMC Section 12.22 A.25 (Affordable Housing Incentives - Density Bonus) and Option 2 of the Inclusionary Residential Unit Requirement, set forth in Part 5.0 of the IAP.

Environmental Finding

5. On June 20, 2019, a Mitigated Negative Declaration (ENV-2018-505-MND) was prepared for the Proposed Project. On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the Proposed Project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The mitigation measures have been made enforceable by conditions on the project and a Mitigation Monitoring Program has been prepared, provided in Exhibit C. The records upon which this decision is based are with the Environmental Review Section of the Department of City Planning in Room 720, 200 North Spring Street.

Additional Mandatory Finding

6. **Flood Insurance.** 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 in Zone D, areas of undetermined, but possible, flood hazards.

COVID-19 UPDATE

Interim Appeal Filing Procedures

March 27, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email planning.figcounter@lacity.org with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)

Mail the appeal application to:

Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

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 off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

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