

## CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans 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 Municipal Code, the project conditions, or the project permit authorization.
2. **Residential Density.** The project shall be limited to a maximum density of 29 residential units per Exhibit "A."
3. **Affordable Units.** A minimum of three (3) units, that is ten (10) percent On-Site Restricted Affordable Units, shall be reserved for Extremely Low Income Households as defined in Section 50106 of the California Health and Safety Code, one (1) unit shall be reserved for Very Low Income Households as defined in Section 50105 of the California Health and Safety Code, and one (1) unit shall be reserved for Low Income Households as defined in Section 50079.5 of the California Health and Safety Code. The Transit Oriented Communities 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 Department of Housing and Community Investment (HCIDLA) 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. All of the new units may be subject to RSO requirements unless an RSO Exemption is filed and approved by the HCIDLA RSO Section. This determination is provisional and subject to verification by the HCIDLA RSO Section. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements, but in no case shall the project provide less than the required affordable units per the TOC Guidelines Section IV.5(c) for three Additional Incentives.
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.31 and comply with the Transit Oriented Communities Affordable Housing Incentive Program Guidelines adopted by the City Planning Commission.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make three (3) units for Extremely Low Income, one (1) unit for Very Low Income, and one (1) for Low Income for 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 any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.

6. **Floor Area Ratio (FAR).** The project shall be limited to a maximum floor area ratio of 3.98:1 per Exhibit "A."
7. **Height.** The project shall be limited to six (6) stories and a maximum 67 feet in height. Per Exhibit "A":
  - a. Any portion of the building along the Greenfield Avenue frontage above 56 feet in height shall be set back at least 15 feet from the exterior face of the Ground Floor of the building.
8. **Open Space.**
  - a. **Total Required Open Space.** The project shall provide a minimum of 4,350 square feet of open space per Exhibit "A."
  - b. **Ground Floor Open Space.** The project shall provide a minimum of 56.25%, at least 2,447 square feet, of open space on the ground floor, and the remaining 43.75%, at least 1,903 square feet, of open space may be located above the ground floor.
  - c. **Westwood Community Multi-Family Specific Plan.** The open space shall meet all other requirements of the Westwood Community Multi-Family Specific Plan per the satisfaction of the Department of City Planning, West/South/Coastal Project Planning Division.
    - i. A minimum of 50 percent of the total required open space, 2,175 square feet, shall be landscaped as depicted on Sheet A-1.1, L-1, L-2, and L-3 of Exhibit "A."
    - ii. No more than 50 percent of the required front or rear yards shall count toward the open space requirements as depicted on Sheet A-1.1 of Exhibit "A."
    - iii. A minimum of 50 percent of each of the required front, rear and side yards shall be landscaped as depicted on Sheet A-1.1, L-1, L-2, and L-3 of Exhibit "A."
    - iv. Hardscape shall not be considered landscaping.
    - v. Required side yards shall not be counted toward the open space requirements.
    - vi. Contributing open space areas above the ground floor shall be setback a minimum of 10 feet in depth from the level immediately below it. Forty (40) percent of these setback areas shall be landscaped.
    - vii. The project shall provide a minimum of 2,447 square feet of open space on the ground Floor.

- viii. The project shall provide a minimum of 1,903 square feet of open space located above the ground floor that shall contribute toward the 4,350 square feet of required open space.
- ix. The provided Open Space and Landscaping shall be consistent Sheet A-1.1, L-1, L-2, and L-3 of Exhibit "A".

9. **Automobile Parking.**

- a. **Residential Parking.** Based upon the number of dwelling units proposed, the project is required to provide a minimum of fifteen (15) residential automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines. Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half (.5) space per unit. However, the project is providing 47 automobile parking spaces.

10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

11. **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.

12. **Garage.** The project shall provide parking within two subterranean levels. The height of the garage shall not extend more seven feet above the existing natural grade, measured to the floor elevation of the level immediately above the parking garage. The project shall enclose and provide mechanical ventilation for all portions above grade, except the driveway. The project shall lower the sidewalls at the driveway, or make portions of the sidewalls transparent in order to improve visibility when exiting the garage.

13. **Street Trees.** The project shall include street trees at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project, as permitted by and in accordance with the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. The project shall provide 36" box street tree(s) of at least twelve feet in height and not less than three inches in caliper at the time of planting. Parkway tree removals shall be replanted at a 2:1 ratio. Deviation from this requirement shall only be to satisfy requirements set forth by the Bureau of Street Services to the contrary.

14. **Screening.** All structures on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any adjacent properties, as seen from the grade.

**Administrative Conditions**

15. **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.
16. **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.
17. **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.
18. **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.
19. **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.
20. **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

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

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

1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:
  - a. *The incentives are **not required** to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary 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 a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the TOC Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

#### ***Increased Height:***

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

#### **Base Height + Incentive**

The applicant has requested a Tier 3 Height Incentive, which allows for two additional stories up to 22 additional feet. The R3-1 zone allows for a maximum height of 45 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 67 feet. The project is within that envelope at 67' and is consistent with the TOC guidelines.

#### **TOC Height Exception**

The TOC Height Exception applies to projects located on lots with a height limit of 45 feet or less. The Exception requires any height increases in excess of the first 11 feet

above the base height to be stepped-back a minimum of 15 feet from the exterior face of the Ground Floor building along any street frontage.

The project site is in a [Q]R3-1-O Zone, with a height limit of 45 feet. Therefore, along Greenfield Avenue, the project must step back after the first 11 feet of height increase over the base height of 45 feet, beginning at 56 feet. The project is stepping back at 45'-6" for 10' and again at a height 56' for 10'. Therefore, along the street frontage, at a height of 56' the project is setback from the exterior face of the ground floor of the building 20'. The project complies with the required 15-foot setback from the exterior face of the building.

***Reduced Open Space:***

The applicant has requested a 25% reduction in the Westwood Community Multi-Family Specific Plan required open space of 5,800 sf, resulting in 4,350 sf of required open space. The project is providing 4,447 sf of open space, consistent with the TOC Incentives.

The Westwood Community Multi-Family Specific Plan has additional open space requirements of where the open space can be provided. The Westwood Community Multi-Family Specific Plan requires that a minimum of 75% of the required open space be provided on the ground floor and no more than 25% of the required open space to be provided above the ground floor. The project is utilizing a third incentive, an additional open space reduction in the percentage of open space required on the ground floor. A 25% reduction in 75% results in 56.25%, or 2,447 sf. The project is providing 2,541 sf of open space on the ground floor and 1,906 sf of open space above the ground floor, consistent with the TOC Guidelines.

Common open space is in the form of common area decks at the fifth and sixth floors and a courtyard area running down the middle of the building that is clear to the sky with seating, a lounge area, outdoor dining area, and landscaping per Exhibit "A." The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Extremely Low Income Households, Very Low Income Households, and Low Income Households can be constructed and the overall space dedicated to residential uses increased.

- b. The Incentive 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 evidence in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under

Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 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, the physical environment, 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 incentives.

### **DESIGN REVIEW FINDINGS**

**1. A recommendation was made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:**

The Project is within the Westwood Community Design Review Board and Westwood Community Multi-Family Specific Plans. The Project was presented to the Design Review Board (DRB) at Public Hearings on March 6, 2019, July 17, 2019, May 6, 2020, and July 15, 2020. At none of those meetings did the DRB successfully vote on a motion of recommendations on the project. At the most recent July 15, 2020 a quorum of six Board Members heard an applicant presentation, took public testimony, and provided input and asked the developer questions. A motion to approve the project with conditions was made with three aye votes and three nay votes, failing to pass as an action requires a majority of the members of the board (or 4 of the seven members). No other motions were made. Therefore, per LAMC Section 16.50 E.3 (c), in the event the DRB fails to act within the time limits the application is referred to the Director of Planning for determination without a recommendation. Herein is the review and the decision of the Director.

In recognition of input received at the multiple DRB meetings, and other community meetings, the project design has been revised and refined as reflected in the current Exhibit "A" and the Director of Planning has imposed conditions that address some of the issues raised by the DRB.

### **Project Permit Compliance Findings**

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

- a. Section 5.A. *Building Height*. This section of the Specific Plan, limits building height when a project immediately abuts an R1 or more restrictive zone, and is not applicable to the project. The project site does not abut an R1 or more restrictive zone; immediately adjacent properties are zoned [Q]R3-1-O. As such, the property will comply with the Height Incentive of the TOC Guidelines, which allow an additional 22 feet over the base height of 45 feet in the [Q]R3-1-O Zone. The TOC

Guidelines allow for a maximum height of 67 feet and the project is proposing 6 stories and a height of 67'. Furthermore, the project is conditioned to ensure that the proposed project will not exceed 67'.

- b. Section 5.B. *Parking Standards*. The Specific Plan requires projects with more than four habitable rooms or less per unit to provide 2.25 parking spaces per unit. Dwelling units containing five or more habitable rooms are required to provide 3.25 parking spaces. Of the parking spaces required, guest parking shall be provided at a ratio of 0.25 space for every dwelling unit. However, pursuant to Los Angeles Municipal Code Section 12.22 A.31, Automobile Parking is a Base Incentive in the TOC Guidelines and parking for a property in a Tier 3 area shall not be required to exceed .5 spaces per unit. The TOC Guidelines' parking incentive supersedes the Westwood Community Multi-Family Specific Plan Parking Standards. The TOC Guidelines require 15 parking spaces; however the project is providing 47 spaces.
- c. Section 6.A. *Open Space*, of the Specific Plan requires 200 square feet of open space per unit for R3 Zones, of which a minimum of fifty percent shall be landscaped and 75 percent shall be located on the ground floor. The Westwood Community Multi-Family Specific Plan would therefore require 5,800 sf of open space for a 29-unit apartment complex, 4,350 sf of which is required to be on the ground floor. However, the applicant has requested two Additional Incentives related to open space: a 25% reduction in the total required open space and a 25% reduction in the 75% of open space required to be on the ground floor. The project is compliant with the TOC Guidelines for the provision of open space as detailed in the Transit Oriented Communities Findings, and is providing 4,447 square feet of open space.

The Westwood Community Multi-Family Specific Plan requires 50 percent of open space to be landscaped. The project is providing 4,350 square feet of total open space, consistent with the TOC Guidelines requirements, 2,175 square feet of which is required to be landscaped. The project is providing 2,816 square feet of landscaping, consistent with the Specific Plan requirements.

Section 6.A.4. of the Specific Plan requires any open space above the ground floor that is counted toward the open space requirements to be setback a minimum of 10 feet in depth from the level immediately below it. Additionally, forty (40) percent of these setback areas are required to be landscaped. The fifth floor is providing a setback of 10' and 628 sf of open space, 286 sf of which are landscaped, or 45.5%, consistent with the Specific Plan requirements. The sixth floor is providing a setback of 10' in the front and rear and 1,278 sf of open space, 540 sf of which are landscaped, or 42%, consistent with the Specific Plan requirements. Further, the project is conditioned to ensure compliance with these requirements.

The Specific Plan states that no more than 50% of the required front or rear yards shall count toward open space requirements. The project site has a width of 100.04 feet and required front and rear yards of 15 feet. This results in 1,500 square feet of area in both the required front and rear yards. Therefore, a maximum of 750 square feet of area in both the required front and rear yards may be counted toward the required open space. The project is counting 750 square feet, 50 percent, of the area in both the required front and rear yards toward the required open space, consistent with the Specific Plan requirements. Further, the applicant is

landscaping 750 sf (100%) in the rear yard and 800 sf (106%) in the front yard, consistent with the requirements of Section 6.A.6 of the Specific Plan. Side yards are not counted toward the required open space, consistent with Section 6.A.6, but are 50% landscaped.

- d. Section 6.B., *Walkways*, is not applicable because the width of the lot width of the subject site is not 150-feet or more. As depicted in “Exhibit A”, the lot width of the site is approximately 100.04 feet.
- e. Section 6.C., *Building Setbacks*, is not applicable because the subject site is not directly across the street or within 200 feet of an R1 or more restrictive zone. Surrounding properties to the north, south, east, and west are zoned [Q]R3-1-O.
- f. Section 6.D., *Garage*. The proposed project substantially complies with Section 6.D, *Garage*, of the Specific Plan which allows only one level of a parking garage above the natural existing grade, up to a maximum of seven-feet in height, measured to the floor elevation of the level immediately above the parking garage. As depicted in “Exhibit A”, (Sheets A-2 and A-3) the proposed project has two levels of subterranean parking and no parking above natural grade. The Building Sections in “Exhibit A” depict the ceiling heights of the garage parking level a maximum of three (3) above the natural grade level, which is below the seven-foot maximum height permitted.
- g. Section 6.E, *Yard Requirements*. The proposed project substantially complies with Section 6.E, *Yard Requirements*, which requires that a minimum of fifty percent of the required front, rear, and side yards be landscaped. As depicted in “Exhibit A”, the project landscapes fifty percent of the front, rear, and side yards. Landscaped areas are comprised of 800 square feet in the front yard, 750 square feet in the rear yard, and 475 square feet in both side yards. As such, the proposed project complies with the landscaping requirements set forth in the Specific Plan.
- h. Section 6.F, *Buffer*, is not applicable because the subject site does not immediately abut an R1 or more restrictive zone. The subject site immediately abuts properties zoned [Q]R3-1-O.
- i. Section 6.G, *Screening*. The proposed project substantially complies with Section 6.G, *Screening*, of the Specific Plan which requires that structures on the roof be fully screened from view from adjacent properties, as seen from the grade. As depicted in “Exhibit A” Sheet A-8, mechanical equipment on the roof is setback from the edges of the property and screened from view.
- j. Section 7.A., *Landscape Standards*. The proposed project substantially complies with Section 7.A., *Landscape Standards*, General Requirements, which requires that a Landscape Plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review. In addition, the Landscape Plan is required to illustrate details of the plants and plant material (i.e., names, size at maturity, locations, planting schedule, irrigation plan) and must include a variety of plant materials. As depicted in Exhibit “A”, the Landscape Plan has been prepared by a landscape architect, and includes: an irrigation plan; a variety of plant material, including grass and other ground cover, shrubs, and trees; and, clear identification of plant material



locations, and size at maturity. As previously described, the DRB failed to act within the time limits and per LAMC Section 16.50 E.3 (c) the application was referred to the Director of Planning for determination without a recommendation from the DRB; herein is the review and the decision of the Director.

- k. Section 7.B., *Street Trees*, requires street trees to be approved by the Bureau of Street Maintenance and to be planted at a minimum ratio of one for every 30 lineal feet of street frontage abutting the project. The Specific Plan also requires Street Trees to be at least 12 feet in height and not less than three inches in caliper at the time of planting. One (1) existing tree in the public right-of-way will be impacted by the development and removed. The subject site has a 100.04-foot frontage along Greenfield Avenue, which requires a minimum of three street trees. The conditions require the street trees to be reviewed and approved by the Street Tree Division of the Bureau of Street Maintenance.
- l. Section 8, *Design Review Procedures*. The Project was presented to the Design Review Board (DRB) at Public Hearings on March 6, 2019, July 17, 2019, May 6, 2020, and July 15, 2020. At none of those meetings did the DRB successfully vote on a motion of recommendations on the project. At the most recent July 15, 2020 a quorum of six Board Members heard an applicant presentation, took public testimony, and provided input and asked the developer questions. A motion to approve the project with conditions was made with three aye votes and three nay votes, failing to pass as an action requires a majority of the members of the board (or 4 of the seven members). No other motions were made. Therefore, per LAMC Section 16.50 E.3 (c), in the event the DRB fails to act within the time limits the application is referred to the Director of Planning for determination without a recommendation. Herein is the review and the decision of the Director. The proposed project has been reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code.

## CEQA FINDINGS

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project, located at 1427-1433 Greenfield Avenue, is for the demolition of two apartment buildings and garages and the construction of a new 6-story, maximum 66.5-feet in height, twenty-nine (29) unit multi-family apartment building over two levels of subterranean parking containing 47 automobile stalls, in conjunction with the export of 14,000 cubic yards of dirt. The project is an in-fill development and qualifies for the Class 32 Categorical Exemption.

### CEQA Determination – Class 32 Categorical Exemption Applies

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

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

The site is zoned [Q]R3-1-O and has a General Plan Land Use Designation of Medium Residential. The Q condition on the project site was enacted through Ordinance 163,186 and requires that all projects with two or more units in Sub Area 1 (the subject property is located in Sub Area 1) shall be subject to review by the Westwood Community Design Review Board. The "O" suffix in the [Q]R3-1-O zone is a supplemental use district which indicates an Oil Drilling District where the drilling of oil wells or the production from the wells of oil, gases or other hydrocarbon substances is permitted. The project site is located in the Westwood Community Plan, the Westwood Community Multi-Family Specific Plan, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP). The Project is subject to the Department of Transportation clearance of WLA TIMP. The Westwood Community Design Review Board is required to review projects and make recommendations to the Director of Planning for projects within their jurisdiction. In addition, the site is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the Updated TOC Referral Form dated July 30, 2020. Pursuant to LAMC Section 12.22 A.31 and the TOC Guidelines, the applicant requests a Transit Oriented Community Compliance Review.

The project proposes the demolition of two apartment buildings and garages and the construction of a new 6-story, maximum 66.5-feet in height, twenty-nine (29) unit multi-family apartment building over two levels of subterranean parking containing 47 automobile stalls, in conjunction with the export of 14,000 cubic yards of dirt. The project site occupies two lots that are each 50 feet wide, consistent with the lot width requirements of the R3 Zone. The project site is located within a Liquefaction Zone, a Methane Zone, and a Special Grading Area (BOE Basic Grid Map A-13372). The project site is not located in a Very High Fire Severity Zone or Landslide Zone. The project site is located within a Fault Zone (Santa Monica Fault) but is not within an Alquist-Priolo Fault Zone.

The project is utilizing Base and Additional Incentives under the Transit Oriented Communities Ordinance. Under the TOC Guidelines, the applicant can utilize a Base Incentive for a maximum 70% density increase. The R3 Zone allows for a maximum density of one dwelling unit per 800 square feet of lot area. The project site consists of two (2) lots totaling approximately 13,500.2 square feet. The Los Angeles Municipal Code allows 16 units by-right, however, the TOC Guidelines round base density up to the next whole number, 17. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 29 units. The project is proposing 29 units, consistent with the TOC Guidelines and Zoning regulations.

Tier 3 also allows a base incentive for FAR and reduced parking. The FAR Incentive allows for a percentage increase in FAR up to 50 percent. Los Angeles Municipal Code provides for a maximum FAR of 3:1 in the R3-1 Zone. The applicant is utilizing the 50% TOC FAR increase to 4.5:1. The project has a by-right floor area of 28,368 sf. The TOC Guidelines allow a maximum floor area of 42,552 sf and the project is proposing 37,567 sf, which is consistent with the TOC Guidelines and Zoning regulations. The project is required to provide 15 spaces under the TOC and is providing 47 spaces (two levels of subterranean parking), consistent with the requirements of Los Angeles Municipal Code 12.22-A.31

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted three Tier 3 Additional Incentives. In Tier 3 areas, the TOC incentive for open space allows a 25% reduction in the LAMC Code required open space from 5,800 sf to 4,350 sf of required open space. The project is providing 4,447 sf of open space, consistent with the TOC Guidelines and Zoning regulations.

The TOC Guidelines allow for a maximum height of 67 feet and the project is 67' in height and 6-stories. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable Westwood Community Plan designation and policies and all applicable zoning designations and regulations.

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

The subject site is wholly within the City of Los Angeles, on a site that is approximately .31 acres (13,500.2 square feet) acres. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential consistent with the [Q]R3-1 zone and Medium Residential Land Use designation. Two properties to the southeast and immediately abutting the property are zone [Q]R3-1-O but developed with single-family residences.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. A Tree Report was prepared by *The Tree Resource*, dated January 14, 2019 and updated August 20, 2020. There are zero (0) protected trees on the site. One (1) City of Los Angeles Street Tree, located in the parkway perimeter of the site, will be impacted by construction and removed and replaced at a ratio of 2:1. There are thirteen (13) Non-Protected Significant Trees with a DBH (Diameter at Breast Height) of 8 inches or greater. These trees will be impacted by construction and are recommended for removal and replacement to the satisfaction of the City of Los Angeles Urban Forestry Division at a 1:1 ratio.

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

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

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-4 (Liquefaction Area):** The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
  - ground stabilization
  - selection of appropriate foundation type and depths
  - selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical

report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #106720) for the proposed project and as it may be subsequently amended or modified. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

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

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

**CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.**

There are five (5) Exceptions, which must be considered in order to find a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

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

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a 29-unit, maximum 67 feet-tall, six-story apartment building with 37,567 square feet of floor area and two levels of subterranean parking in an area zoned and designated for such development. Properties in the vicinity are developed with mostly multi-family residential buildings and the subject site is of a similar size and slope to nearby properties. According to Navigate LA, there are no other haul route approvals, and no other haul route applications being processed within 500 feet of the Subject Site. In addition, the haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. The proposed Haul Route will utilize 10 cubic yard haul trucks and haul for a total of 55 days, with 30 trips per day. This equates to a total of 300 cubic yards per day and a total maximum export amount of 14,000 cubic yards. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter (Log #106720) for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

The Project proposes to construct a 29-unit multi-family residential building in an area zoned and designated for such development. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, density, and height of the proposed project are consistent with the Zone and Transit Oriented Communities program.

Multi-family housing is not unusual for the vicinity of the Subject Site, and the proposed project is similar in scope to other existing residential uses in the area. The project site is approximately 253 linear from a property owned by the Department of Water and Power and zoned [Q]PF-1XL-O. Greenfield Avenue to the North, dead-ends into a parking lot serving the City of Los Angeles Westwood Park which is zoned OS-1XL and occupies over 17 acres with sports and recreation activities.

The project site is located within a Fault Zone (Santa Monica Fault), a Liquefaction Zone, and a Special Grading Area (BOE Basic Grid Map A-13372). However, Regulatory Compliance Measures include the submittal of a Geology and Soils Report (provided by Geotech Consultants, Inc. dated June 30, 2018) to the Los Angeles Department of



Building and Safety (LADBS), and a Geology and Soils Report Approval Letter. The approval letter was granted on January 25, 2019 (Log #106720) and the letter details conditions of approval which must be followed.

There are no known designated historic resources or cultural monuments on the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 11.7 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the Subject Site, nor any site in the vicinity, are identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

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

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.