

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2019-7742-TOC	ENV-2019-7743-CE-1A	1 - Cedillo
PROJECT ADDRESS:		
1517-1523 West 8 th Street		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Shahin Simon Neman, Apartments on 8 th I LLC <input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Gary Benjamin, Alchemy Planning + Land Use	(213) 479-7521	gary@alchemyplanning.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Margarita Lopez Coalition For An Equitable Westlake/MacArthur Park (213) 269-4001		
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Claudia Medina Law Office of Claudia Medina	(213) 269-4001	claudia@cmedinalawoffice.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Trevor Martin	(213) 978-1341	trevor.martin@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Categorical Exemption (CE)		

FINAL ENTITLEMENTS NOT ADVANCING:

Transit Oriented Communities (TOC)

ITEMS APPEALED:

CEQA appeal: Categorical Exemption (CE)

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination <input type="checkbox"/> Findings of Fact <input type="checkbox"/> Staff Recommendation Report <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Ordinance <input type="checkbox"/> Zone Change Map <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A - Site Plan <input checked="" type="checkbox"/> Mailing List <input type="checkbox"/> Land Use <input checked="" type="checkbox"/> Other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Mitigation Monitoring Program <input type="checkbox"/> Other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:☐ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
N/A	N/A
LAST DAY TO APPEAL:	APPEALED:
December 16, 2020	December 15, 2020
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez, Commission Office	January 8, 2021

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

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**CITY OF LOS ANGELES
CALIFORNIA**



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ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM**

November 16, 2020

Applicant/Owner

Shahin Simon Neman
Apartments on 8th I LLC
200 South San Pedro Street, #500
Los Angeles, CA 90012

Representative

Gary Benjamin
Alchemy Planning + Land Use
4470 West Sunset Boulevard, #547
Los Angeles, CA 90027

Case No. DIR-2019-7742-TOC

CEQA: ENV-2019-7743-CE

Location: 1517-1523 West 8th Street

Council District: 1 - Gilbert Cedillo

Neighborhood Council: Westlake South

Community Plan Area: Westlake

Land Use Designation: Highway Oriented Commercial

Zone: C2-2D

Legal Description: Lots FR 8 & FR 10; Block 11;
Part of the Fairmount Tract

Last Day to File an Appeal: December 1, 2020

DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22-A,31, I have reviewed the proposed project and as the designee of the Director of City Planning, I hereby:

1. **Determine** based on the whole of the administrative record, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Article 19 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approve with Conditions** a 70 percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following two (2) incentives for a Tier 3 project totaling 60 dwelling units, reserving six (6) units for Extremely Low Income (ELI) Household occupancy for a period of 55 years;
 - a. **Yard/Setback.** Utilization of side yard setback requirements of the RAS3 Zone for a project in the commercial zone; and

- b. **Open Space.** A maximum 25 percent reduction in required open space;
- 3. **Adopt** the attached Findings and Conditions of Approval.

CONDITIONS OF APPROVAL

Pursuant to LAMC Section 12.22-A,31, the following conditions are hereby imposed upon the use of the subject property:

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. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **On-site Restricted Affordable Units.** Six (6) units, or equal to 10 percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
3. **Changes in On-site 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.
4. **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 10 percent of the total number of dwelling units available to Extremely Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated September 17, 2020. 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. Refer to the Density Bonus Legislation Background section of this determination. Additionally, the project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated September 17, 2020, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.
5. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 60 residential dwelling units, (equal to a maximum density increase of 70 percent), including On-Site Restricted Affordable Units.

- b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 4.5 to 1 (equal to an increase of up to 50 percent) for a Tier 3 project in a commercial zone. The project is proposing an FAR of 3.76 to 1.
- c. **Parking.**
 - i. **Automotive Parking.** Automobile parking shall be provided consistent with the Transit Oriented Communities Guidelines under LAMC Section 12.22-A,31. The proposed development, a Tier 3 project, shall not be required to exceed 0.5 automobile parking spaces per dwelling unit. Up to a 30 percent reduction in nonresidential parking shall be permitted. A greater number of parking spaces may be provided at the applicant's discretion.
 - ii. **Bicycle parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A,16.
 - iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), 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 pursuant to LAMC Section 12.22-A,25.
 - iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

6. **Additional Incentives.**

- a. **Yard/Setback.** The project shall be permitted to utilize the side yard setback requirements of the RAS3 Zone for a project in a commercial zone.
- b. **Open Space.** The project shall be permitted up to a maximum 25 percent reduction in required open space.

Design Conformance Conditions

- 7. **Landscaping.** 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. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.

- a. **Landscape Plan.** Landscaping shall be provided in substantial conformance with the Landscape Plan stamped as "Exhibit A."
 - b. **Tree Requirement.** The project shall provide at least the minimum number of trees on-site to comply with the landscape requirement (LAMC Section 12.21 G(a)(3)). Pursuant to Ordinance No. 170,978, required trees shall not be palm trees.
8. **Entrance.** The pedestrian entrance to the main lobby shall be recessed as shown in "Exhibit A."
9. **Window Treatments.** Architectural window framing elements that project or recess shall be at a minimum of 3-inches from the exterior façade on 75 percent of the windows of each elevation of the structure. The architectural window framing element projection or recess may exceed the 3-inch minimum as permitted by the LAMC.
10. **Building Materials.** Each façade of the building shall incorporate a minimum of three (3) different building materials. Windows, doors, balcony/deck railings, and fixtures (such as lighting, signs, etc.) shall not count towards this requirement.
11. **Parking Screening.** The parking area and parking ramp shall be fully screened and shall not be visible from 8th Street and the alley to the rear.
12. **Parking Access.** All parking access shall be from the public alley along the rear property line.
13. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above skies.
14. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping on all exposed sides (those not adjacent to a building wall).
15. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
16. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.

Administrative Conditions

17. **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.

18. **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.
19. **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.
20. **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.
21. **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 LAMC, 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.
22. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
23. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
24. **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.
25. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
26. **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, in whole or in part, of 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.

PROJECT BACKGROUND

The project site is a relatively level, irregular-shaped parcel of land consisting of two legal contiguous lots encompassing a total lot area of approximately 12,889 square feet. The subject site has a street frontage of approximately 120 feet along the northern side of 8th Street and has 120 feet of frontage along the alley to the rear. The subject site is located within the Westlake Community Plan Area and is zoned C2-2D with a corresponding land use designation of Highway Oriented Commercial. The subject property has a Development “D” Limitation that restricts the project’s floor area ratio (FAR) to 3:1. The subject property is located within the Transit Priority Area in the City of Los Angeles (ZI-2452), a Los Angeles State Enterprise Zone (ZI-2374), and the Westlake Recovery Redevelopment Project Area (ZI-2488). The property is not within the boundaries of or subject to any Specific Plan, Community Design Overlay, or Interim Control Ordinance.

The project site is located within a Tier 3 Transit Oriented Communities Affordable Housing Incentive Area, qualified by its proximity to the intersection of a Major Transit Stop. The project site is located within one-half mile of the Westlake/ MacArthur Park Station. As such, the project meets the eligibility requirements for a TOC Housing Development to be located within one-half mile of a Major Transit Stop.

The subject property is currently developed with two residential structures: a two-story, 1,933 square-foot, single-family dwelling, and a two-story, 2,393 square-foot single-family dwelling. The Housing and Community Investment Department (HCID) SB 330 Determination Letter identified the residential structures as two (2) single-family dwellings with a total of six (6) guest rooms, all of which are subject to the Rent Stabilization Ordinance (RSO). The guest rooms however, are not considered Residential Dwelling Units, and thus, are not subject to SB 330 affordable replacement. The HCID SB 330 Determination Letter identified the two (2) single-family dwelling units on the subject property as “protected units” under AB 1482 and are subject to replacement. The lot making up the eastern half of the project site is developed with a surface parking lot containing two (2) billboard signs. Additionally, the project site contains a total of three (3) non-protected trees; one (1) tree on site, and two (2) trees located within the public right-of-way. The on-site tree will be removed as part of the project, while the other two (2) trees located within the public right-of-way will remain in place.

The project proposes the demolition of the two (2) existing residential structures, and the construction, use, and maintenance of a new seven-story, 82 feet in height, mixed-use building with 60 dwelling units over approximately 1,150 square feet of ground floor commercial space, with two (2) levels of parking containing 32 automobile parking stalls. The proposed building will encompass approximately 45,960 square feet in total building area, with an FAR of approximately 3.76:1. Of the 60 units proposed; 34 will be studio units, 22 will be one-bedroom units, and four (4) will be three-bedroom units. In addition to the 32 automobile parking spaces, the project will provide 50 long-term bicycle parking spaces and six (6) short-term bicycle parking spaces. The project will include approximately 5,077 square feet of open space, provided by a combination of balconies, a roof deck, a courtyard, and a recreation room/fitness center. The project will maintain a 6-inch front yard, and (5) five-foot rear yard as permitted by the underlying C2-2D Zone for Mixed Use Projects pursuant to LAMC Section 13.09-B.3 and LAMC Section 12.22-A.18(c). The project will maintain a (5) five-foot setback for the side yards, in accordance with the RAS3 Zone.

The project meets all eligibility requirements for the TOC Affordable Housing Incentive Program. As such, the project is eligible for Base Incentives and up to three (3) Additional Incentives. As base incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 70 percent, (2) increase the maximum allowable FAR by 50 percent or to 3.75:1 if the maximum percentage increase results in a FAR of less than 3.75:1 for a project in a commercial zone, and (3) provide automobile parking at a ratio of 0.5 spaces per unit. The project is seeking a 70 percent density increase from 35 units to 60 units and an increase in FAR to 3.76:1 and will provide at least the minimum number of parking spaces required. As Additional Incentives, the project is requesting (1) utilization of the side yard setback requirements of the RAS3 Zone for a project in a commercial zone, and (2) up to a maximum 25 percent reduction of the required amount of open space. The project meets the TOC Guideline requirements of providing at least 10 percent of the base units for Extremely Low Income Households in exchange for being granted the additional incentives. The project is setting aside six (6) units for Extremely Low Income Households, which equates to 17 percent of the 35 base units permitted through the underlying zoning of the site.

SURROUNDING PROPERTIES

Surrounding properties are zoned C2-2D, R3-1, R4-1, and PF-1XL and are generally developed with commercial, multi-family residential, and public facility uses. Properties abutting the subject site to the west are zoned C2-2D and improved with multi-family residential buildings, retail shops and a liquor store. West of the project site, at the corner of Union Avenue and 8th Street, is a four-story, law office building (Ron Olson Justice Center). Properties abutting the subject site to the north, separated by a public alleyway, are zoned PF-1XL and developed with a vocational school (Abraham Friedman Occupational Center). Just northwest of the project site across the alley, are two vacant lots to be developed with a five-story, 57-unit, 100 percent affordable housing project. Further northwest, located at the corner of Union Avenue and Cambria Street is a three-story apartment building. Abutting the project site to the east is another three-story apartment building. Further east are single-story commercial buildings that contain offices and retail shops. South of the project across 8th Street are C2-2D zoned properties improved with a school (Immaculate Conception Parish School), and multi-family residences. Southeast of the project site is “Valencia Triangle,” a small, lightly landscaped seating area for pedestrians.

STREETS

8th Street, adjoining the subject property to the south, is a designated Avenue II, dedicated to a roadway width of 55 feet and a varying right-of-way width of 80 to 85 feet and is improved with asphalt roadway and concrete curb, gutter, and sidewalk.

A public alley adjoins the subject property to the north and is dedicated to a width of approximately 16 feet and improved with paved asphalt.

HOUSING REPLACEMENT

Pursuant to LAMC Section 12.22-A,31(b)(1), a Housing Development located within a Transit Oriented Communities (TOC) Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets any applicable replacement requirements of California Government Code Section 65915(c)(3) (California State Density Bonus Law).

Assembly Bill 2222 (AB 2222) amended the State Density Bonus Law to require applicants of density bonus projects filed as of January 1, 2015 to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the

time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

On September 28, 2016, the Governor signed Assembly Bill 2556 (AB 2556) which further amended the State Density Bonus Law. The amendments took effect on January 1, 2017. AB 2556 clarifies the implementation of the required replacement of affordable units in Density Bonus projects, first introduced by AB 2222. AB 2556 further defines “equivalent size” to mean that as a whole, the new units must contain at least the same total number of bedrooms as the units being replaced.

In addition to the requirements of California State Density Bonus Law, on October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2025. During the duration of the statewide housing emergency, SB 330, among other things, creates new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant “Protected Units” unless the proposed housing development project replaces those units. The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement pursuant to the requirements of the Housing Crisis Act of 2019 (SB330).

The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated September 17, 2020 and attached to the subject case file, that the two (2) single-family residential units existed on the property within the last five (5) years. Pursuant to HCIDLA’s findings, **two (2) units need to be replaced with equivalent type, with one (1) unit restricted to Extremely Low Income Households and one (1) unit restrict to Very Low Income Households**. The unit bedroom types must be replaced like for like. Existing tenants shall be offered first right of return. The project includes six (6) units reserved for Extremely Low Income Households and also includes four (4) three-bedroom units. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which the request herein does:

1. ***On-Site Restricted Affordable Units.*** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*
 - a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, 11% of the total number of dwelling units*

shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.

b. Tier 2 - 9% ELI, 12% VL or 21% Lower.

c. Tier 3 - 10% ELI, 14% VL or 23% Lower.

d. Tier 4 - 11% ELI, 15% VL or 25% Lower.

The project site is located within a Tier 3 TOC Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve ten percent of the total number of on-site dwelling units for Extremely Low Income Households. The project will reserve a total of six (6) on-site dwelling units for Extremely Low Income Households, which complies with the required ten percent of the 60 total dwelling units proposed as part of the Housing Development. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

2. ***Major Transit Stop.*** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet (one-half mile) of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

As defined in the TOC Guidelines, a Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). The project site is located within one-half mile of the Westlake/ MacArthur Park Station, which qualifies as a Major Transit Stop. As such, the project meets the eligibility requirements for a TOC Housing Development to be located within one-half mile of a Major Transit Stop.

3. ***Housing Replacement.*** *A Housing Development must 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.*

The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) (TOC) Replacement Unit Determination, dated September 17, 2020 and attached to the subject case file, that the two single-family residential units existed on the property within the last five (5) years. Pursuant to HCIDLA's findings, **two (2) units need to be replaced with equivalent type, with one (1) unit restricted to Extremely Low Income Households and one (1) unit restrict to Very Low Income Households.** The unit bedroom types must be replaced like for like. Existing tenants shall be offered first right of return. The project includes six (6) units reserved for Extremely Low Income Households and also includes four (4) three-bedroom units. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

4. ***Other Density or Development Bonus Provisions.*** *A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or*

other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.

The project is not seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other State or local program that provides development bonuses, including, but not limited to, a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Implementation Overlay (CPIO), Specific Plan, or overlay district. Therefore, the project meets this eligibility requirement.

5. ***Base Incentives and Additional Incentives.*** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below “base units” refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Section IV.1 above (except Moderate Income units).*
- a. *One (1) Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
 - b. *Two (2) Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*
 - c. *Three (3) Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

As an Eligible Housing Development, the project is eligible to receive the Base Incentives listed in the TOC Guidelines. The project is seeking two (2) Additional Incentives: 1) the utilization of the side yard setback requirements of the RAS3 Zone for a project in a commercial zone; and 2) a maximum 25 percent reduction of required open space. The project may be granted two (2) Additional Incentives for reserving at least 11 percent of the base units for Extremely Low Income Households. The project is setting aside six (6) units for Extremely Low Income Households, which equates to approximately 17 percent of the 35 base units permitted through the underlying zoning of the site. As such, the project meets the eligibility requirements for both on-site restricted affordable units and Base and Additional Incentives.

6. ***Projects Adhering to Labor Standards.*** *Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).*

The project is not seeking additional incentives beyond the three (3) permitted in exchange for reserving at least of reserving at least 11 percent of the base units for Extremely Low Income Households. The project is setting aside six (6) units for Extremely Low Income Households, which equates to 17 percent of the 35 base units permitted through the underlying zoning of the site. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11, and this eligibility requirement does not apply.

7. ***Multiple Lots.*** *A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The subject property consists of two (2) contiguous lots, both of which are located within a Tier 3 TOC Affordable Housing Incentive Area. Therefore, this eligibility requirement does not apply.

8. ***Request for a Lower Tier.*** *Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.*

The applicant has not selected a Lower Tier and is not providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier. As such, this eligibility requirement does not apply.

9. ***100% Affordable Housing Projects.*** *Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.*

The project does not consist of 100 percent On-Site Restricted Affordable units. It is not eligible for or seeking an increase in Tier. As such, this eligibility requirement does not apply.

10. ***Design Conformance.*** *Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to construct the building with the residential density permitted by Section VI.*

The project seeks two (2) Additional Incentives and therefore has demonstrated conformance to the Citywide Design Guidelines. The proposed development has been conditioned to ensure a well-designed project and compliance with the Citywide Design Guidelines. The project has been conditioned to provide a pedestrian-friendly environment through the provision of landscaping, a prominent pedestrian entryway, and screening of any mechanical equipment from the public right-of-way. The project has also been conditioned to incorporate a variety of building materials and to either wrap or enclose all visible automobile parking in order to create visually interesting building façades and minimize impacts on surrounding properties.

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 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of Additional Incentives in the Transit Oriented Communities (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 Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Yard/Setback. The requested incentive to utilize the side yard setback requirements of the RAS3 Zone for a project in a commercial zone is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. In this case, the applicant has requested to utilize both the east and west side yards as permitted by the RAS3 Zone. The requested incentive will allow the project to have side yard setbacks on the residential levels of the building reduced from 10 feet (as required in underlying the C2 zone) to 5 feet. Additionally, the project does not have to set back the rear of the building one additional foot for each floor above the third floor, as would otherwise be required in the C2 zone. The RAS3 Zone also requires a ground floor five-foot rear yard. Utilization of the RAS3 side yard requirement increases the buildable area of the residential levels of the building so units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses can be increased. This incentive supports the applicant's decision to reserve six (6) units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Open Space. The requested open space incentive, allowing for a maximum 25 percent reduction of the open space requirement, are expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. Per LAMC, the proposed project is required a minimum of 6,300 square feet for open space, however,

the project will be utilizing the open space incentive to reduce the minimum open space requirement to 4,725 square feet. The project is providing 5,077 square feet of open space. The proposed reduction in open space by approximately 19 percent allows the inclusion of affordable housing while still providing usable open space as intended by the code. The requested incentive allows the developer to reduce open space requirements so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve six (6) units as affordable housing units reserved for Extremely Low Income Households.

- 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 methods 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 that the proposed incentive will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. According to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentive, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

ADDITIONAL MANDATORY FINDINGS

2. 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 C, areas of minimal flood hazard.

CLASS 32 CATEGORICAL EXEMPTION

3. The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects." A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five applicable conditions: (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; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

As previously stated, the project proposes the demolition of the two (2) existing residential structures and the construction, use, and maintenance of a new seven-story mixed-use building, 82 feet in height, consisting of 60 residential dwelling units. The project reserves six (6) dwelling units for Extremely Low Income Households. The subject property contains a total of three (3) non-protected trees; one (1) tree on site, and two (2) trees located within the public right-of-way. The on-site tree will be removed as part of the project, while the other two (2) trees located within in the public right-of-way will remain in place. The project involves minimal grading for site preparation, but does not involve the export of earth from the site. Roof and site drainage as well as sewer availability are required to comply with Bureau of Engineering and Bureau of Sanitation standards, Hydrants, Fire Department Access, and Fire Safety also require review and approval by the Los Angeles Fire Department before permits can be issued. Furthermore, the project must comply with all City Regulatory Compliance Measures (RCMs) that apply.

As a new 60-unit mixed-use building developed on an infill site, this project qualifies for the Categorical Exemption. The project can be characterized as infill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed below.

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

The proposed project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations. The subject property is located within the Westlake Community Plan Area which is one of the 35 Community Plans that make up the Land Use Element of the General Plan. The Westlake Community Plan Area Map designates the subject property with a land use designation of Highway Oriented Commercial, corresponding to the C2, C1, CR, RAS3, RAS4, and P Zones. The subject property is zoned C2-2D and is thus consistent with the General Plan's land use designation for the site. The subject property is also within a Transit Priority Area in the City of Los Angeles (ZI-2452), a Los Angeles State Enterprise Zone (ZI-2374), and the Westlake Recovery Redevelopment Project Area (ZI-2488). The property is not within the boundaries of or subject to any Specific Plan, Community Design Overlay, or Interim Control Ordinance. The subject property has a Development "D" Limitation that limits the project's floor area ratio (FAR) to 3:1.

The proposed project is consistent with, and meets the goals, objectives, and policies of the Westlake Community Plan. The proposed 60-unit mixed-use development will result in a net increase of 58 dwelling units on the subject property, adding new desirable multi-family housing to the region and contribute to the City's affordable housing stock. The project meets the intent of the following objectives and policies of the Westlake Community Plan:

RESIDENTIAL

Objective 1:

To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population.

- Objective 2:* To conserve and improve existing viable housing for persons desiring to live in Westlake, especially low and moderate income families.
- Objective 3:* To sequence housing development so as to provide a workable, efficient, and adequate balance between land use, circulation, and service system facilities at all times.
- Policy 2:* That medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from or a transition between low density housing can be achieved.
- Policy 4:* That the City shall support continued affordability of units subject to termination of Federal mortgage or rent subsidies and expiring bond projects.

COMMERCIAL

- Objective 1:* To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community.
- Objective 2:* To improve the compatibility between commercial and residential uses.
- Policy 1:* That commercial facilities be located on existing traffic arteries and commercial corridors.

The proposed 60-unit mixed-use residential development will result in a net increase of 58 dwelling units at the subject property. The project makes a both practical and efficient use of the subject property by locating new, higher density residential development near transit lines and neighborhood services. The resulting development will thus be located in a manner that has the potential to reduce vehicular trips. The project will also provide a mix of market rate and affordable units, thereby promoting the provision of adequate housing for all persons relative to income. The project meets all applicable design guidelines and standards, and is a mixed-use residential development with an appropriate, context-sensitive scale. The project has been conditioned and designed to contribute towards a pedestrian-friendly environment that is safe for all modes of transportation. Furthermore, the project features a neighborhood-serving commercial use on the ground floor and is located within close proximity to public transit stops, including Metro and DASH bus stops on 8th Street, and the Metro Rail Station with Metro Purple and Red Lines at the Westlake/MacArthur Park Station. The provision of well-designed multi-family housing, which includes restricted affordable units, ensures a project that will complement the existing neighborhood while also providing valuable housing stock to current and future residents. Therefore, the proposed project is consistent with the General Plan policies and zoning regulations within the City of Los Angeles.

- 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 property is located wholly within the Westlake Community Plan Area within the City of Los Angeles. The subject site consists of two contiguous lots that total approximately 12,889 square feet, or approximately 0.30 acres, in size. The project site is substantially surrounded by urban uses and is not located near any areas designated for farmland or agricultural uses. The neighborhood is fully built-out with a variety of multi-family and commercial uses that are consistent with their General Plan land use designations and zoning.

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

The project site consists of two (2) contiguous lots currently improved with two (2) residential structures, and a surface parking lot with two (2) on-site billboards, all of which will be demolished or removed as part of the project. A tree report, prepared by Harmony Gardens on October 13, 2019, states that there are a total of three (3) non-protected trees on the subject property; one (1) tree on site, and two (2) trees located within the public right-of-way. The on-site tree is to be removed as part of the project, while the other two (2) trees located in the public right-of-way are expected to remain in place. While the existing on-site tree is subject to removal and replacement per the Los Angeles Municipal Code, it is not a protected tree species as defined under LAMC Ordinance No. 177,404, nor is it a habitat for any endangered, rare, or threatened species. Furthermore, the project site is located in a well-established urban area which is fully developed with residential and commercial uses. The project site has no value as habitat for endangered species, rare, or threatened species.

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

Traffic. A significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The proposed project involves the construction, use, and maintenance of a new seven-story, 82 feet in height, mixed-use building with 60 dwelling units over approximately 1,150 square feet of ground floor commercial space, with two levels of parking containing 32 automobile parking stalls. Furthermore, based upon the existing mobility and circulation networks near the proposed project, it has been determined by LADOT that the creation of 58 net new dwelling units will not result in significant traffic impacts in the community. Per the LADOT determination dated October 29, 2019 and attached to the subject case file, the proposed project is not required to conduct a vehicle miles traveled (VMT) analysis as the project is beneath LADOT thresholds of significance. Therefore, the project is not expected to result in any significant impact relating to traffic.

Noise. The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e. post-construction), as well as any noise impact during construction. Section 41.40 of the LAMC regulates noise from demolition and construction activities and prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturdays and holidays; all such activities are also prohibited on Sundays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As the project is required to comply

with the above ordinances and regulations, it will not result in any significant noise impacts. All construction-related noise impacts would be less than significant and temporary in nature.

A Noise Technical Report prepared by DKA Planning, in December 2019 and attached to the subject environmental case file, concluded that no significant permanent operational or cumulative noise impacts are expected as a result of the development of the project. Given that the project would be required to comply with all existing and applicable noise regulations, the study concluded that the project would not result in any significant impacts and that no mitigation measures are necessary. Although noise arising from construction is unavoidable, the noise would be temporary and limited to the duration of the construction in any one location. The report states that standard, industry-wide best practices for construction in urban or otherwise noise-sensitive areas would ensure that construction noise does not exceed the noise limit imposed by LAMC Section 112.05. These could include erecting temporary noise barriers around the project's perimeter, using mufflers to dampen noise from internal combustion engines, and warming-up or staging equipment away from sensitive receptors. Complete elimination of construction activity noise is technically infeasible; however, incorporation of the best available noise reduction methods will minimize impacts on the residential uses bordering the project site. Compliance with the various local regulatory measure will further minimize any adverse construction noise impact potential.

As the project is primarily a residential development, the project is not expected to generate significant permanent operational noise impacts. Noise generated through human conversation and activities (particularly in outdoor recreational spaces, such as balconies and patios), landscape maintenance, or trash collection would not exceed the recommended noise compatibility guidelines. Any new stationary sources of noise, such mechanical HVAC equipment, installed on the proposed development will be required to comply with LAMC Sections 112.02 and 112.05 which prohibit noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level at neighboring occupied properties by more than five dBA. In addition, the project is not expected to generate a substantial number of vehicle trips which could in turn generate additional noise. The proposed project is expected to generate a negligible increase in ambient noise from operation.

Through compliance with all existing regulations governing both construction and operational noise, any noise impacts resulting from the project will be less than significant.

Air Quality. The South Coast Air Quality Management District (SCAQMD) is the agency primarily responsible for comprehensive air pollution control in the South Coast Air Basin and reducing emissions from area and point stationary, mobile, and indirect sources. SCAQMD prepared the 2012 Air Quality Management Plan (AQMP) to meet federal and state ambient air quality standards. A significant air quality impact may occur if a project is inconsistent with the AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. As the project will result in the net increase of 58 residential units, it is not expected to conflict with, or obstruct, the implementation of the AQMP and SCAQMD rules. The project is consistent with current zoning regulations and policies within the City of Los Angeles, allowing for the proposed development on the subject site. The project would also comply with the 2017 Los Angeles Green Building Code (LAGBC), which builds upon and sets higher standards than those in the 2016 California Green Building Standards Code. Additionally, the project's infill location would promote the concentration of development in an urban location with

extensive infrastructure and access to public transit facilities, thus reducing the vehicle miles traveled for employees, residents, and visitors. Therefore, project impacts related to air quality will be less than significant.

During construction, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

By implementing BMPs, all construction-related impacts will be less than significant and temporary in nature. No permanent significant impacts are anticipated to occur from construction.

Furthermore, an Air Quality Technical Report was prepared by DKA Planning on December of 2019, which is included in the subject case file. The study quantifies the estimated daily construction and operational emissions for various pollutants from the project site using CalEEMod simulations. Based on the simulation results, none of the construction and operational emissions are expected to exceed the South Coast Air Quality Management District (SCAQMD) air quality significance thresholds. Furthermore, the report finds that the project is consistent with all applicable aspects of the City's General Plan Air Quality Element. The study does not recommend any mitigation measures as all construction and operational emissions are expected to be far below the thresholds considered by SCAQMD to be significant under CEQA guidelines. Potential impacts related to air quality from the project will therefore be less than significant.

Water Quality. With regard to water quality, a significant impact would occur if the project would: 1) exceed wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board (LARWQCB); 2) increase water consumption or wastewater generation to such a degree that the capacity of facilities currently serving the project site would be exceeded; or 3) increase surface water runoff, resulting in the need for expanded off-site storm water drainage facilities. All wastewater from the project would be treated according to requirements of the National Pollutant Discharge Elimination System (NPDES) permit authorized by the LARWQCB. Therefore, the proposed project would result in a less than significant impact related to wastewater treatment requirements.

Additionally, prior to any construction activities, the project applicant would be required to coordinate with the City of Los Angeles Bureau of Sanitation (BOS) to determine the exact wastewater conveyance requirements of the proposed project, and any upgrades to the wastewater lines in the vicinity of the project site that are needed to adequately serve the proposed project would be undertaken as part of the project. Therefore, the proposed project would not result in a significant impact related to water or wastewater infrastructure.

Lastly, development of the proposed project would maintain existing drainage patterns; site generated surface water runoff would continue to flow to the City's storm drain system. The proposed project would not create or contribute runoff water that would exacerbate any existing deficiencies in the storm drain system or provide substantial additional sources of polluted runoff. Therefore, the proposed project would not result in a significant impact related to existing storm drain capacities.

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

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for the past several decades. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 58 new dwelling units.

In addition, roof and site drainage as well as sewer availability must comply with Bureau of Engineering and Bureau of Sanitation standards; and hydrants, Fire Department Access, and Fire Safety must be reviewed and approved by the Los Angeles Fire Department before permits can be issued. Furthermore, the project must comply with all City Regulatory Compliance Measures (RCMs) that apply. Therefore, the proposed project can be adequately served by all required utilities and public services.

EXCEPTIONS TO CATEGORICAL EXEMPTIONS

The City has further considered whether the proposed project is subject to any of the six exceptions set forth in State CEQA Guidelines Section 15300.2 that would prohibit the use of any categorical exemption. Planning staff has determined that none of the exceptions apply to the proposed project, as described below.

- a) **Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

As the proposed project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is

non-applicable. The project site is in an urbanized area in the City of Los Angeles. The project site is not located in a particularly sensitive environment and is not located on a site containing wetlands, endangered species, or wildlife habitats; therefore, this exception is not applicable.

b) Cumulative Impact. 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.

The proposed 60-unit mixed-use residential development on the project site is consistent with the zone and land use as designated by the Westlake Community Plan, and as permitted by the City's TOC Affordable Housing Incentive Program pursuant to LAMC 12.22-A.31. A successive project of the same type and nature would reflect a development that is consistent with the underlying land use designation and the Los Angeles Municipal Code, and thus would be subject to the same regulations and requirements, including development standards and environmental impacts. The impacts of each subsequent project will be mitigated if necessary, and thus will not result in a cumulative impact.

The project would not result in a cumulatively considerable contribution to any impact. The threshold of significance for a cumulatively considerable contribution to a traffic impact is the same as the threshold of significance for a project impact. Therefore, since the project would not exceed that threshold, it would have neither a project-specific significant impact, nor the potential to result in a cumulatively considerable contribution to a significant traffic impact. The same is true for air quality thresholds of significance; the project does not have the potential to result in a project-specific significant air quality impact, and therefore, does not have the potential to result in a cumulatively considerable contribution to a significant air quality impact.

Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate impacts related to Air Quality, Construction Noise/Vibrations, Operational Noise/Vibrations, and Transportation/traffic. Numerous Los Angeles Municipal Code Sections provide requirements for construction activities and ensure impacts from construction related noise, traffic, and parking are less than significant. The Noise Regulation Ordinance, No. 144,331, provides regulatory compliance measures related to construction noise and maximum noise levels for all activities. LAMC Section 62 provides specific regulatory compliance measures related to construction traffic and parking. LAMC Section 41 requires construction site postings listing representative contact information and permitted construction/demolition hours as established by the Department of Building and Safety. Additionally, there is insufficient evidence to conclude that significant impacts will occur based on past project approvals or in progress entitlement applications and that the proposed project will have adverse impacts on the cumulative impacts of construction noise and transportation/traffic in this area. Further, there is insufficient evidence to conclude that the proposed project will be under construction at the same time as projects within the vicinity. Thus, this exception does not apply.

c) 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 the construction, use, and maintenance of a new seven-story, mixed-use residential building with 60 dwelling units over approximately 1,150 square feet of ground floor commercial space. The project will have two (2) levels of parking containing

32 automobile parking stalls. The proposed building will have a total building area of approximately 45,960 square feet on a project site comprised of two (2) existing contiguous lots that make up a total of 12,889 square feet of lot area. The project is located in an urbanized area within the City of Los Angeles, and consists of residential and commercial uses and operations that are compatible with the surrounding urban development and consistent with the underlying zoning. The project site is a long-established neighborhood and is surrounded by various residential, commercial, and civic uses. The site does not demonstrate any unusual circumstances, and the project will not generate any significant impacts regarding traffic, noise, air quality, or water quality. There are no special districts or other known circumstances that indicate a sensitive surrounding environment. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- d) 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. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

Based on a review of the California Scenic Highway Mapping System, the subject site is not located along a California State Scenic Highway and will not impact any identified scenic resources, including trees, historic buildings, rock outcroppings, or other similar resources, within a highway officially designated as a State Scenic Highway. Therefore, this exception does not apply.

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

Based on a review of the California Department of Toxic Substances Control "Envirostor Database," no known hazardous waste sites are located on the project site. There are also no listed sites within the immediate vicinity of the project site. The subject property has been previously developed with residential uses which are not expected to utilize hazardous waste or materials that pose significant constraint on the site. Additionally, the project site is not located within a Methane Zone or Methane Buffer Zone, nor is it located in a Hazardous Waste / Border Zone Property area as designated by the City of Los Angeles. Therefore, this exception for a Class 32 Categorical Exemption does not apply.

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

The project site 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, or the Los Angeles Historic-Cultural Monuments Register. In addition, the project site is not located within a Historic Preservation Overlay Zone and thus not subject to historic preservation review. Furthermore, the project site has not been identified as having buildings of architectural or historical significance under the Westlake Recovery Redevelopment Project Area requirements and designations. For these reasons, construction of the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA, therefore, this exception does not apply.

CONCLUSION

The project proposes the construction of a new seven-story, 82 feet in height, mixed-use residential building containing 60 dwelling units over approximately 1,150 square feet of ground floor commercial space. The proposed development will include two (2) levels of parking containing 32 automobile parking stalls. The new building will encompass approximately 45,960 square feet in total building area. The project is consistent with the surrounding developments (which consists of established residential, commercial, and public uses), is permitted by the TOC Guidelines, and is entirely consistent with the existing General Plan designation, zoning, and requirements of the LAMC. The project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, environmental habitat, noise, air quality, or water quality. The project is located in an urbanized and long-developed area, and thus will be adequately served by all required public utilities and services.

In addition, as the project is in an urbanized area, it is not in a particularly sensitive environment, and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The project will not result in any significant impacts and, therefore, will not make a cumulatively considerable contribution to any significant impacts that are not already accounted for by the General Plan and future environmental clearances. The project is consistent with the surrounding developments, including established residential and commercial uses, does not present any unusual circumstances that would result in a significant impact on the environment, and would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible exceptions to Categorical Exemptions, found in Section 15300.2 Exceptions, apply to this project, and as such, the project qualifies for a Class 32 Categorical Exemption.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit; a project in closer proximity to significant rail stops or the intersection of major bus rapid transit lines is rated a higher tier. The largest bonuses are reserved for those projects in the highest tiers. Required percentages of affordable housing are also increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25-A,2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits

do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the LAMC, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles, the Marvin Braude Constituent Service Center in the Valley, or the West Los Angeles Development Services Center in West Los Angeles. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, (310) 231-2901, or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective after December 1, 2020 unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

Downtown
Figueroa Plaza

San Fernando Valley

West Los Angeles

201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Suite
251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2901

Pursuant to LAMC Section 12.22-A,25(f), only abutting property owners and residents can appeal this Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22-A,25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Note of Instruction Regarding the Notice of Exemption: Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the issuance of this letter. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, **and the possibility of a CEQA appeal**, being extended to 180 days.

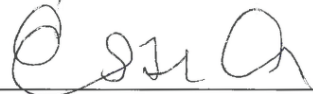
VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



Heather Bleemers
Senior City Planner

Reviewed by:



Esther Ahn
City Planner

Prepared by:



Trevor Martin
Planning Assistant

Attachments:
Exhibit A: Architectural Plans and Landscape Plans