

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2020-595-DB-CU-1A	ENV-2020-597-CE	5 – Koretz
PROJECT ADDRESS:		
1432 – 1434 South Beverly Drive		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Ben Kohanted, Ben & Lili Kohanted Trust 1432 South Beverly Drive Los Angeles, CA 90036 <input type="checkbox"/> New/Changed	(818) 266-5990	ben.kohanteb@yahoo.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Gary Benjamin, Alchemy Planning + Land Use 4470 West Sunset Boulevard Los Angeles, CA 90027	(213) 479-7521	gary@alchemyplanning.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Alison Block 1436 S. Beverly Drive Los Angeles, CA 90035	(310) 617-5700	ablock811@yahoo.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Alex Truong	(213) 978-3308	alexander.truong@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Density Bonus (DB)		

FINAL ENTITLEMENTS NOT ADVANCING:

Conditional Use (CU)

ITEMS APPEALED:

Density Bonus (DB) – Conditions of Approval A.3 and A.5 - A.7

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☐ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☒ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):

Owner and Occupant 500 Radius Mailing list included in transmittal

FISCAL IMPACT STATEMENT:☒ Yes☐ No

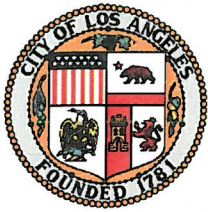
*If determination states administrative costs are recovered through fees, indicate "Yes".

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:
February 25, 2021	8 – 0
LAST DAY TO APPEAL:	APPEALED:
June 2, 2021	Yes, May 11, 2021
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	June 8, 2021



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

2nd CORRECTED LETTER OF DETERMINATION

MAILING DATE: MAY 18 2021

Case No. CPC-2020-0595-DB-CU
CEQA: ENV-2020-0597-CE
Plan Area: West Los Angeles

Council District: 5 – Koretz

Project Site: 1432 – 1434 South Beverly Drive

Applicant: Ben Kohanteb, Ben and Lili Kohanteb Trust
Representative: Gary Benjamin, Alchemy Planning + Land Use

At its meeting of **February 25, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of an existing duplex and the construction, use, and maintenance of a new 16,388 square-foot, six-story, 67-foot, 13-unit apartment building reserving two units for Very Low Income Households. The Project will include 22 parking spaces between an at-grade and subterranean level.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, 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;
2. **Disapproved and denied**, pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit to allow a Density Bonus for a Housing Development Project in which the density increase (57.5 percent) is greater than the maximum permitted by LAMC Section 12.22 A.25;
3. **Approved**, pursuant to LAMC Section 12.22 A.25, a Density Bonus for a Housing Development with a total of 13 units (with two units – 11 percent of the base density set aside for Very Low Income Households) in lieu of the base density of nine units, along with the following On- and Off-Menu Incentives and Waivers of Development Standards:
 - a. Pursuant to LAMC Section 12.22 A.25(g)(2), an On-Menu Incentive to permit a 22 percent increase in Floor Area Ratio (FAR) from 3:1 to 3.65:1;
 - b. Pursuant to LAMC Section 12.22 A.25(g)(3), the following Off-Menu Incentives:
 - i. to permit a 22-foot height increase from 45 feet to 67 feet; and
 - ii. to permit a 30 percent side yard reduction from nine feet to six feet, four inches;
 - c. Pursuant to LAMC Sections 12.22 A.25(g)(3), the following Off-Menu Waivers of Development Standards:
 - i. to permit a reduction in the number of parking spaces from 23 to 22 spaces;
 - ii. to permit a reduction in the number of guest parking spaces from four to zero spaces; and
 - iii. to permit open space provided above the first habitable room level;
4. **Adopted** the attached Modified Conditions of Approval; and
5. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Perlman
Second: Leung
Ayes: Ambroz, Choe, Hornstock, López-Ledesma, Mack, Relan
Absent: Millman

Vote: 8 – 0

Cecilia Lamas (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission related to the Off-Menu and Waiver of Development Incentives are not appealable. The decision of the Los Angeles City Planning Commission related to the Density Bonus On-Menu Incentives is appealable to City Council by the Applicant or abutting owner/occupants per LAMC Section 12.22 A.25(g)(2)(i)(f). The remaining action related to the Conditional Use is appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

***¹FINAL APPEAL DATE: JUN 02 2021**

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

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

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

c: Heather Bleemers, Senior City Planner
Oliver Netburn, City Planner
Alexander Truong, City Planning Associate

¹ Per Section 12.24 G of the Los Angeles Municipal Code (LAMC), abutting property owners must be notified. The abutting property owners were not notified; Therefore, the appeal period is re-opened for 15 days after the mailing date of this second corrected determination letter.

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on February 25, 2021)

Pursuant to Sections 12.22-A,25 and 12.24-U,26 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

Density Bonus

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans dated February 9, 2021, submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 13 dwelling units.
3. **Affordable Units.**
 - a. A minimum of two (2) dwelling units, that is 20 percent of the base dwelling units permitted in the [Q]R3-1VL-O Zone, shall be reserved as Very Low Income units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
 - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,25.
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 20 percent of the site's base density units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of HCIDLA, and in consideration of the project's SB 330 Determination, dated May 27, 2020. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall 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 for more information.

Housing replacement units required pursuant to SB 330 may be used to satisfy the On-site Restricted Affordable Units provided such units meet the income levels, to the satisfaction of HCIDLA.
5. **Housing Replacement.** 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), and in compliance with HCIDLA's May 27, 2020 SB330 Determination Letter, to make one (1) unit as affordable to Low Income Households, and one (1) unit as affordable to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. The owner shall provide notice to each of the existing tenants of the right of first refusal, to the satisfaction

of HCIDLA. 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 for more information.

On-site Restricted Affordable Units may be used to satisfy the Housing Replacement units required pursuant to SB 330 provided such units meet the income levels, to the satisfaction of HCIDLA.

6. Incentives.

- a. **Floor Area Ratio (FAR).** A maximum Floor Area Ratio (FAR) of 3.65 to 1 shall be permitted in lieu of the 3 to 1 otherwise permitted by the [Q]R3-1VL-O Zone.
- b. **Height.** The project shall be permitted a maximum height of 67 feet in lieu of the 45 feet otherwise permitted by the [Q]R3-1VL-O Zone. The measured height of the building may exclude roof structures and equipment, pursuant to LAMC Section 12.21.1, and to the satisfaction of the Los Angeles Department of Building and Safety.
- c. **Side Yards.** The project shall be permitted to observe six-foot and four-inch side yards in lieu of the nine (9) feet otherwise required by the R3 Zone.

7. Waivers of Development Standards.

a. Parking.

- i. The project shall be permitted to provide a total of 22 parking spaces in lieu of the otherwise required 23 parking spaces.
- ii. The project shall be permitted to provide zero (0) guest parking spaces in lieu of the otherwise required four (4) guest parking spaces.

b. Open Space.

- i. The project shall be permitted to count all open space with a minimum of 150 square feet that is above the ground level or above the first habitable room level as open space in lieu of the requirements set forth in Ordinance No. 166,676, provided that the landscaping shall be sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O".
- ii. The project shall provide private balconies for every unit. In addition, a minimum of half of the total number of units shall provide private open space in accordance with the following:
 - 1) contain a minimum of 50 square feet;
 - 2) have no horizontal dimension less than six (6) feet when measured perpendicular from any point on each of the boundaries of the open space area;

- 3) provide a minimum eight-foot vertical clearance under any projection, except as provided in Section 12.22-C,20(b); and
- 4) that portion of a balcony which extends or projects into a required front yard in compliance with Section 12.22 C.20.(d) may qualify as usable open space provided it meets each of the above specified requirements set forth in this subparagraph.

8. **Parking.**

- a. **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.
 - b. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16.
9. **Solar.** The project shall dedicate a minimum of 325 square feet of rooftop space for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A", and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
10. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
11. **Construction Generators.** The project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
12. **Materials.** A variety of high quality exterior building materials, consistent with Exhibit A, shall be used. The variety of materials used shall include at least the following: dark metal panel, fiber-reinforced cementitious panels, large format slim porcelain, aluminum sliding door, metal framed storefront, aluminum windows, glass glazing, smooth plaster, and perforated decorative metal panel. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
13. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
14. **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 night skies.
15. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
16. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.

B. **Administrative Conditions**

21. **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 "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
22. **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.
23. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
24. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
25. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
26. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
27. **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.
28. **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.

29. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
30. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
31. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
32. **Expedited Processing Section.** 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.
33. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. 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.
- b. 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.
- c. 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 (b).
- d. 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 (b).

- e. 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 include 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

(As amended by the City Planning Commission at its meeting on February 25, 2021)

Density Bonus/Affordable Housing Incentives Compliance Findings

1. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC, the decision-maker **shall approve** a density bonus and requested incentive(s) unless the decision-maker finds that:
 - a. ***The Incentive is 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 City Planning Commission to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health and 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 depending on affordability levels.

Based on the set-aside of 20 percent of the base density for Very Low Income Households, the applicant is entitled to three (3) incentives under both Government Code Section 65915 and the LAMC. The request for increased floor area ratio qualifies as an On-Menu Incentive. The remaining requests to allow for increased height and a reduction in the side yards are Off-Menu Incentives. Lastly, the requests for a reduction in parking requirements and to count open space above the first habitable room level must be processed as waivers of development standards.

Floor Area Ratio

The subject property is zoned [Q]R3-1VL-O. The property's residential zoning and designation of Height District No. 1VL permit a maximum FAR of 3 to 1, equal to a maximum of 13,500 square feet of total building area. The applicant is requesting an on-menu incentive for a 22 percent increase in FAR, up to 3.65 to 1 to allow for a total building area of 16,388 square feet.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentives supports the applicant's decision to set aside a minimum of two (2) dwelling units for Very Low Income Households for 55 years.

Height

The subject property's [Q]R3-1VL-O Zone permits a maximum height of 45 feet for a residential-only development. The project has requested an Off-Menu Incentive to allow

a maximum height of 67 feet in lieu of the otherwise permitted 45 feet in the [Q]R3-1VL-O Zone pursuant to LAMC Section 12.21.1-A.

As proposed, the height increase will allow an additional 22 feet in building height, and will accommodate the construction of affordable units in addition to larger-sized dwelling units. Granting of the Off-Menu Incentive would result in a building design and construction efficiencies that provide for affordable housing costs given the limited size of the lot; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This Incentives supports the applicant's decision to set aside a minimum of two (2) dwelling units for Very Low Income Households for 55 years.

Side Yards

The R3 Zone requires a minimum nine-foot side yards for the proposed development. The project has requested a 30 percent reduction through an Off-Menu Incentive to provide a six-foot and four-inch side yards in lieu of the otherwise required nine (9) feet.

As proposed, the reduced side yards will allow for the construction of the affordable residential units given the limited size of the lot. This Incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential units is increased.

- b. *The 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 and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income Households. Inconsistency with the zoning ordinance or 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 density bonus incentives 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. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- c. *The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the***

concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1))

A project that provides at least 5 percent of its base density for Very Low Income Households may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the requests for reductions in the number of parking spaces, the number of standard parking spaces, and the number of guest parking spaces, and the request to count all open space with a minimum of 150 square feet above the first habitable room level are requested as waivers of development standards. Without the requested waivers, the existing development standards would preclude the development of the proposed density bonus units and project amenities for the reasons stated below.

Parking

Pursuant to LAMC Section 12.22-A,25(d), Parking Option 1, the proposed project would be required 23 parking spaces; in addition, pursuant to Ordinance No. 166,676 the proposed project would be required four (4) guest parking spaces, all resulting in a total of 27 required parking spaces. Furthermore, pursuant to LAMC Section 12.21-A,5(c), one (1) standard parking space must be provided for every one (1) dwelling unit, or for the proposed project, 13 standard parking spaces for the 13 dwelling units. In lieu of these requirements, given the limited size of the property, the applicant has requested a total of 22 parking spaces with zero (0) parking spaces reserved for guest parking. In order to provide the minimum requirement of 30 parking spaces and to stay within the 67-foot height limit, as requested as an Incentive, the project would require a minimum of four (4) additional subterranean parking levels considering the disproportionate amount of space that would be required for internal circulation and ramping. With five (5) levels of subterranean parking, the project would reach a depth of 45 feet which would be five (5) feet below the historically highest groundwater level. These development standards would have the effect of physically precluding construction of a development providing 15 dwelling units, of which a minimum of two (2) units will be set aside for Very Low Income Households. The waiver for a reduction in parking spaces enable the project to increase the overall space dedicated to residential use, thereby allowing for the provision of affordable residential units. These waivers support the applicant’s decision to provide two (2) units as affordable housing units reserved for Very Low Income Households.

Open Space

Ordinance No, 166,676 requires that private patios or enclosed yards (located at the ground level or above the first habitable room level) which are part of the dwelling unit can be counted towards the usable open space if they are a minimum of 150 square feet. Without counting the additional the private open space which is in excess of 150 square feet and which is above the first habitable room level (level 2), the project would not meet its open space requirement. This development standard would have the effect of physically precluding construction of a development providing 13 dwelling units, of which a minimum of two (2) units will be set aside for Very Low Income Households. The waiver to count the additional open space above the first habitable room level enable the project to meet its open space requirement, thereby allowing for the provision

of affordable residential units. This waiver supports the applicant's decision to provide two (2) units as affordable housing units reserved for Very Low Income Households.

Conditional Use Findings

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

The project site is relatively flat and consists of one (1) corner lot at the southeast corner of Beverly Drive and Alcott Street. The subject property totals approximately 7,075 square feet of lot area, with a width of 55 feet and a depth of 130 feet. Currently, the site is developed with a two-story duplex which is proposed to be demolished as part of the project.

The proposed project involves the construction, use, and maintenance of a six-story, 67-foot tall, multi-family residential building consisting of 15 dwelling units in the West Los Angeles Community Plan. Of the proposed residential units, the project will set aside two (2) units for Very Low Income Households, while the remaining 13 units will be rented at market rate. The dwelling units will be comprised of a mix of one-, two- and three-bedroom units.

The requested Conditional Use Permit would permit two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25; however, the additional two (2) units do not result in provision of any additional affordable units.

Therefore, the development of the two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25 will not perform a function or service that is beneficial to the city and the region.

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

The proposed project consists of the construction of a new six-story multi-family building with 15 residential units. The project site is currently developed with a duplex which will be demolished as part of the proposed development.

The property is located within the West Los Angeles Community Plan, a densely populated portion of the City of Los Angeles. The project site is located in an urbanized area surrounded primarily by multi-family residential uses. The subject property is not adjacent to any single-family zoned properties. Rather, it is surrounded by properties zoned for multi-family development and designated for Medium Residential land uses. Although the multi-family housing project will serve to benefit the neighborhood, the height of the project and lack of the provision of guest parking are not compatible with the area and will adversely affect the area. Given the proposed project's location within the West Los Angeles Community Plan area, along with the existing development in the immediate vicinity of the subject property and its proximity to commercial thoroughfares, the project's location, size, height, operations, and other significant features will not be compatible with and will adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

The project site is located within the West Los Angeles Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Medium Residential land uses corresponding to the R3 Zone. The project site is zoned [Q]R3-1VL-O and is thus consistent with the existing land use designation. The subject property is not located within the boundaries of and is not subject to any specific plan or community design overlay.

The proposed project does not conform to the following goals, objectives and policies of the Community Plan:

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

Objective 1.4: To promote adequate and affordable housing and increase its accessibility to more segments of the population, especially students and senior citizens.

Policy 1.4.1: Promote greater individual choice in type, quality, price and location of housing.

The requested Conditional Use Permit would permit two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25; however, the additional two (2) units do not result in provision of any additional affordable units.

Therefore, the development of the two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25 will not yield housing that's more accessible to more segments of the population or promote greater individual choice in type, quality, price and location of housing.

The project is further inconsistent with other elements of the General Plan, including the Framework Element, the Housing Element, and the Mobility Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The project is in conflict with the following goal and objective of the Framework Element:

Goal 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

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

The property location does not qualify the project as a Transit Oriented Communities project because it is outside the TOC Affordable Housing Incentive Area; areas where growth can be primarily accommodated. The project requests are consistent with a Tier 3 Transit Oriented Communities project despite not qualifying for such a tier. In consideration of this, the project is outside such areas where public infrastructure is located and is in conflict with the

Framework Element objective of allowing for growth in areas where there is sufficient public infrastructure and services.

In addition to the above findings set forth in Section 12.24-E of the LAMC, the City Planning Commission shall find that:

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

The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City

The requested Conditional Use Permit would permit two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25; however, the additional two (2) units do not result in provision of any additional affordable units.

Therefore, the development of the two (2) additional units beyond the 13 units otherwise permitted pursuant to a 35% Density Bonus, pursuant to LAMC Section 12.22-A,25 will not yield any additional affordable housing.

6. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:

- a. 11% Very-Low Income Units for a 35% density increase; or
- b. 20% Low Income Units for a 35% density increase; or
- c. 40% Moderate Income Units for a 35% density increase in for-sale projects.

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

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

The subject property is zoned [Q]R3-1VL-O, which limits density to one (1) dwelling unit per 800 square feet of lot area. The subject property has a total lot area of 7,075 square feet, and

as such, the permitted base density on the subject property is nine (9) units.¹ In exchange for reserving a portion of the units for affordable housing, the applicant is entitled to a maximum 35 percent density bonus by-right. The applicant is seeking an additional 22.5 percent density bonus (or a total of a 57.5 percent density bonus) through a Conditional Use to allow for the proposed 15 dwelling units to be built on the site.

Pursuant to the LAMC and California Government Code Section 65915, a Housing Development Project that sets aside a certain percentage of units as affordable, either in rental or for-sale units, shall be granted a corresponding density bonus, up to a maximum of 35 percent. While these provisions are limited to 35 percent, Government Code Section 65915(f) states that “the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds percentage established.” As such, in instances where a project is seeking a density bonus increase that is more than 35 percent, the amount of required units that are set aside as affordable shall vary depending on the requested amount of density bonus. Therefore, it is appropriate that any project that requests a density bonus increase beyond 35 percent would extend the existing set-aside charts located in Section 12.22-A,25 of the LAMC. LAMC Section 12.24-U,26, which implements this provision of State law, states, as a Conditional Use, a project may be granted additional density increases beyond the 35 percent maximum by providing additional affordable housing units. Consistent with this Section, Table 2 below illustrates how the maximum allowable Density Bonus increases for every unit set aside for Very Low Income Households (2.5 percent density increase for every additional one (1) percent of Very Low Income units provided), based on the base density and the chart prescribed in Section 12.22-A,25 of the LAMC.

Density Bonus Percentages

Very Low Income Units (Percentage of Base Density)	Maximum Density Bonus Permitted (Based on Base Density)
5 %*	20 %*
6 %*	22.5 %*
7 %*	25 %*
8 %*	27.5 %*
9 %*	30 %*
10 %*	32.5 %*
11 %*	35 %*
12 %	37.5 %
13 %	40 %
14 %	42.5 %
15 %	45 %
16 %	47.5 %
17 %	50 %
18 %	52.5 %

¹ Assembly Bill 2501 clarifies that density calculations that result in a fractional number are to be rounded up to the next whole number. This applies to base density, number of bonus units, and number of affordable units required to be eligible for the density bonus.

19 %	55 %
20 %	57.5 %
<i>* Existing set-aside chart as listed in Section 12.22-A,25 of the LAMC</i>	

For the subject property, a 35 percent by-right density bonus would allow for 13 units (equal to an increase of four [4] units beyond the nine-unit base density) to be constructed on the project site. As illustrated in Table 2 above, in order to qualify for the 35 percent by-right density bonus, the project would be required to set aside 11 percent of the base density, or one (1) unit, for Very Low Income Households. The applicant is seeking an additional 22.5 percent density bonus through a Conditional Use to allow for a total of 15 dwelling units, representing an increase of two (2) units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the additional requested 22.5 percent density bonus, as shown in Table 2, the project must set aside at least 20 percent of the base density, equal to two (2) units, for Very Low Income Households. The project proposes to set aside two (2) units for Very Low Income Households in exchange for the requested Density Bonus.

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

The project proposes the demolition of an existing duplex. Per the SB 330 Determination Letter dated May 27, 2020, two (2) units need to be replaced with equivalent type, including, at minimum, one (1) unit restricted to Very Low Income Households and one (1) unit restricted to Low Income Households. The project's two (2) proposed Very Low Income units will fulfill the replacement housing requirements of this determination. Therefore, the project will meet the applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

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

The proposed project has been conditioned to record a covenant for affordability restriction of a period of 55 years from the issuance of the Certificate of Occupancy, to the satisfaction of the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.

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

The City Planning Commission approved the Affordable Housing Incentives Guidelines (under Case No. CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by the City Council on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. The Guidelines prescribe that the design and location of affordable units be comparable to the market rate units, the equal distribution of amenities, HCIDLA monitoring requirements, affordability levels, and procedures for obtaining HCIDLA sign-offs for building permits.

The project will result in 15 new dwelling units, of which two (2) will be reserved for Very Low Income Household occupancy and the remainder will be offered as market rate units. In order to ensure that there is equal distribution of amenities, the project has been conditioned to provide the private balconies in accordance with the requirements of the LAMC. All residents of the proposed project will have access to all common open space amenities within the building and each unit will have adequate private open space. The restricted units will comply with affordability requirements in the Guidelines set forth by HCIDLA in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of HCIDLA who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



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

OPTION 1: Online Appeal Portal

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

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

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

OPTION 2: Drop off at DSC

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

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

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

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