

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ
CAROLINE CHOE
HELEN LEUNG

KAREN MACK
DANA M. PERLMAN
YVETTE LOPEZ-LEDESMA
AJAY RELAN

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

**EXPOSITION UNIVERSITY PARK REDEVELOPMENT PLAN
PROJECT COMPLIANCE REVIEW**

January 28, 2021

Applicant/Owner

Robert Champion
806 West Adams Property, LLC
11620 Wilshire Boulevard,
Suite 1150
Los Angeles, CA 90025

Representative

Andrew Brady and Kyndra Casper
DLA Piper, LLP
550 South Hope Street
Los Angeles, CA 90071

Case No. DIR-2020-4338-RDP

CEQA: ENV-2020-2454-CE

Location: 806 West Adams Boulevard

Council District: 9 – Curren D. Price, Jr.

Neighborhood Council: Empowerment Congress North
Area

Community Plan Area: South Los Angeles

Land Use Designation: Low Medium II Residential

Zone: RD1.5-1-O

Legal Description: Lot FR 14, ARB 1, of the
Severance Tract

Last Day to File an February 12, 2020

Appeal:

DETERMINATION

Pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.14 D.5, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

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, Article 19, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines, Section 15300.2 applies.

Approve with Conditions a Redevelopment Plan Project Compliance Review to permit a 2.47% density increase to match the base density of the LAMC pursuant to the Exposition/University Park Redevelopment Plan, Sections 1304 and 1306, for the construction of a new four-story (45 feet high), approximately 185,985 square-foot residential complex with 102 residential units. This includes five (5) units set aside for Very Low Income Households and two (2) units set aside for Workforce Households, on a 124,257 net square foot lot in the Low Medium II District of the Hoover Redevelopment Project Area.

The project approval is subject to the attached Conditions of Approval, and is based upon the attached Findings:

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A", dated July 16, 2019, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, West/South Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Residential Density.** The project shall be limited to a maximum density of 102 residential units, including on-site Restricted Affordable Units.

Administrative Conditions

3. **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.
4. **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.
5. **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.
6. **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.
7. **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.

8. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning through the enforcement of the Department of Building and Safety.
9. **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.
10. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.
11. **Indemnification.** 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 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.

Background

The project is an urban infill residential development on a 2.8-acre site, located at the southeast corner of Severance Street and Adams Boulevard. The project proposes to construct 102 total residential units (five units set aside for Very Low Income Households and two for Workforce Housing) to be distributed among six three-story buildings. These six buildings, with the exception of an additional four-story clubhouse building, are set atop an at-grade parking garage that covers most of the site. The project also proposes a total of 255 parking spaces and 220 bike spaces (115 long-term and 105 short-term). Vehicle access will be provided via a pair of (2) two-way driveways off of Severance Street and Adams Boulevard. The project includes a network of central courtyard areas at the second level (open to the sky), with exterior skyways connecting circulation corridors that traverse the buildings at the third and fourth floors.

The site is level, orthogonal, approximately 124,257 net square foot lot (120,410 after dedications), and comprised of four parcels tied and held together as one lot. The four parcels are:

- Parcel 1: FR 2 Arb 40, Block 22 of Hancock's Survey Tract ("Parcel 1");
- Parcel 2: FR 2 Arb 39, Block 22 of Hancock's Survey Tract ("Parcel 2");
- Parcel 3: FR 14 Arb 2 of Severance Tract ("Parcel 3"); and
- Parcel 4: FR 14 Arb 1 of Severance Tract ("Parcel 4").

The site is presently developed with an existing two-story plaster office building currently used by the University of Southern California that will be demolished. The remainder of the site is devoted to a parking lot and landscaping on the corner of Severance Street and Adams Boulevard, with the interior-most portion left as exposed soil. All structures, fifteen on-site trees, and asphalt will be demolished and removed from the site. There are eight street trees abutting the site, two along Severance Street and six along Adams Boulevard.

The site is located within the South Los Angeles Community Plan Area, and has a land use designation of Low Medium II Residential with a corresponding zone of RD1.5-1-O. Properties to the west and south are also zoned RD1.5-1-O and are developed with two to four story residences and apartment blocks. Properties to the north are zoned RD1.5-1-O-HPOZ, consisting of two to four story apartments blocks and a surface parking lot associated with the Doheny Campus of Mount Saint Mary's University, Los Angeles. Properties to the east are zoned [Q]C2-1-O and C4 and developed mostly with two- to four-story structures. These consist of an office building, residence, apartment block owned by the University of Southern California. The site is located within a Transit Priority Area in the City of Los Angeles (ZI-2452), and a Tier 3 - Transit Oriented Community Area, and is within 2,000 feet of a major transit stop, the Metro E Line (Expo Line), LATTC/Ortho Institute Station.

The site is also located within the Exposition University Park Redevelopment Plan Area and is subject to the provisions of the University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay (NSO) District. As per the LAMC, the site has a residential density limit of one unit per 1,500 square feet. The site is 124,257 net square feet, which would permit 83 units. In this case, the project requested a 22.5 percent density bonus pursuant to LAMC Section 12.22 A. 25(c)(1). As such, the project includes a total of 102 units, in which five (5) units will be set aside for Very Low Income (or 6 percent of the total units). The Residential Density Increase under the Redevelopment Plan per Sec. 1306 requires a Plan Project Compliance Review to ensure the project meets the criteria of the Redevelopment Plan for the bonus units and that the project complies with all the requirements of the Low Medium II Residential area.

Prior Project Approvals

The Project application was filed on April 30, 2018, seeking Site Plan Review, Density Bonus review with one incentive under the City's Density Bonus ordinance, and a Conditional Use Permit under the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay ("NSO").

The Project was heard by the Zoning Administrator on December 19, 2018 and was subsequently issued a partial approval and denial of Case Number ZA-2018-2453-CU- DB-SPR in the Zoning Administrator's Letter of Determination on May 17, 2019 ("ZA LOD"). The Conditional Use Permit and Density Bonus review and incentive were approved, and the Site Plan Review was denied. Both 806 West Adams Property LLC (the "Applicant") and the North University Park Community Association ("NUPCA") appealed the Zoning Administrator's determination to the City Planning Commission ("CPC"). The CPC denied NUPCA's appeal, granted Applicant's appeal, and approved the Project on October 10, 2019 (Case No. ZA-2018-2453-CU-DB-SPR-1A), as indicated in both the Letter of Determination and Corrected Letter of Determination (collectively, "CPC LOD") issued on November 20 and December 11, 2019, respectively (the Project Approval).

Following the Project Approval, NUPCA and the Adams Severance Coalition ("ASC") filed an appeal to challenge the Project Approval on California Environmental Quality Act ("CEQA") grounds. On January 21, 2020, the Planning and Land Use Management Committee ("PLUM") denied the appeal challenging the City's adoption of a Categorical Exemption for the Project; this appeal was brought forth on the same grounds as NUPCA's initial appeal, which was denied by the City as part of the Project Approval, as stated above.

On February 6, 2020, the Los Angeles City Council adopted the PLUM findings to deny Appellant's appeal and sustain the CPC's findings with respect to the CEQA clearance for the Project.

REDEVELOPMENT PLAN COMPLIANCE FINDINGS

Pursuant to Section 11.5.14 D.5(d) of the LAMC, the Director shall grant a Project Compliance upon written findings that the project:

1. **Substantially complies with the relevant Redevelopment Regulations, findings, standards and provisions of the Redevelopment Plan.**

The project furthers the following goals of the Redevelopment Plan as follows:

Section 1300 – The Project Site's location at 806 W. Adams Boulevard falls within the Expanded Project Area boundary on page 34 of the Redevelopment Plan, within the "Low Medium II" designation area, one of three of the Redevelopment Plan's medium density multi-family residential zones, which in this case allows for a maximum of twenty-four dwelling units per gross acre. The Project, a medium density multi-family residential development, substantially complies with the Low Medium II designation under the Redevelopment Plan, as set forth below.

Section 1301 – As stated in Section 1301 of the Redevelopment Plan, designated land uses within the Expanded Project Area under the Redevelopment Plan are only permitted to the extent that they are consistent with the applicable Community Plan. The Project Site is located within the South Los Angeles Community Plan area with a Land Use Category of "Low Medium II Residential." The Low Medium II Residential category, as identified in the applicable South Los Angeles Community Plan General Plan Land Use Map, includes the corresponding zones of RD1.5, RD2, and RZ2.5. The Project Site is within the RD 1.5 zone. The Project substantially conforms with the purpose, intent and provisions of the Community Plan, and complies with the development standards applicable to the Low Medium II Residential designation and the RD1.5 zone. The base density is 1 unit per 1,500 square feet (83 units), and the maximum height is 45 feet. Yard requirements are 15 feet for the front and rear, and 7 feet for the sides (5 feet plus one foot per every additional story above the second). The maximum Floor Area Ratio is 3:1 which, starting with an area of 106,454 square feet (this is the total lot area minus the setbacks for a one story building), makes for a total of 319,362 square feet. Based on the foregoing, the Project substantially conforms with Section 1300 and 1301 of the Redevelopment Plan.

Section 1302 – The Project proposes the development of 102 residential dwelling units in conformity with the residential use requirement and medium density residential designations under the Redevelopment Plan. The Project only includes multiple family housing with ancillary amenity, parking and open space areas and includes no nonconforming uses.

As stated above, the Redevelopment Plan Map indicates that the Project Site falls within the Expanded Project Area and is designated as being in the Residential Low Medium II category. Section 1304 of the Redevelopment Plan indicates new housing in this area shall not exceed 24 units per acre. However, as set forth below, the City finds that the Project is permitted to exceed 24 units per acre pursuant to Redevelopment Plan Section 1306. The Project therefore substantially conforms with Section 1302 of the Redevelopment Plan.

Section 1304 – At a density of one unit per 1,500 square feet of lot area per the LAMC, the 124,757 square foot Project Site would support 83 dwelling units. The Project proposes to construct 102 units in compliance with the City's Density Bonus ordinance and the state Density Bonus statute, applicable to the Project due to providing six percent of its base number of units at the Very Low Income level. As a result of this provision of affordable

units, the Project qualifies for a 22.5 percent density bonus under the City's Density Bonus ordinance under Los Angeles Municipal Code Section 12.22.A.25 and the State Density Bonus law under Government Code Section 65915, subsection (f)(1), allowing the Project's proposed 102 unit density.

Government Code Section 65915, subsection (f) states that local agencies must utilize, as the base density for projects that qualify for density bonuses, the density limits provided in a general plan or zoning code as of the date of the application by the applicant to the City. The Project's zoning entitlement application, including the request for Density Bonus review and incentives, was filed on April 30, 2018. The applicable General Plan and zoning code provisions then in effect apply a base density of 1 unit per 1500 square feet of lot area for the RD 1.5 zone, which applies to the Project Site.

The base density for the 124,757 square foot Project Site under this applicable state law standard is thus 83 units. The applicable General Plan and zoning code provisions in effect at that time do not provide for any lower base density, including under Los Angeles Municipal Code Section 12.21.3, which allows the incorporation into the zoning code of height and Floor Area Ratio standards under a Redevelopment Plan, but not density. The Project is consistent with the height limit imposed by Redevelopment Plan Section 1325, which adopts by reference the applicable height limit under local ordinances, where the Project is consistent with the 45 foot height limit applicable to the RD1.5 zone, and the Redevelopment Plan does not impose an independent Floor Area Ratio limit on the Project.

Accordingly, any lower density limits under the Redevelopment Plan under the Low Medium II designation could not apply to the City's approval of the Project under the terms of the State Density Bonus law, because the base density for the determination of the base and total densities for the Project are based on the zoning code density at the time the Project was applied for in April 2018. In addition, Los Angeles Municipal Code Section 11.5.14, adopting Redevelopment Plan Procedures into the zoning code, did not become effective until November 11, 2019, well after the project's entitlement application was filed in April of 2018, so that provision as well does not affect the City's base density and Density Bonus determinations for the Project. Nevertheless, Section 1306 of the Redevelopment Plan permits higher densities than otherwise permitted by Sections 1303, 1304, and 1305, thereby allowing a greater "base density" so long as the project can show conformance to criteria 1 through 4. By providing an additional 3 workforce housing units, the project demonstrates further conformance to these four criteria.

Furthermore, under recent revisions to the State Housing Accountability Act under Senate Bill 330, the Housing Crisis Act of 2019, the City is prohibited from reducing the density of residential development projects including affordable housing units pending approval before the City such as the Project unless certain findings can be made under Government Code Section 65589.5, subsection (d). The City finds that it cannot make these findings for the Project for the following reasons: (1) as set forth in the General Plan Housing Element 2013-2021, the City's share of the regional housing need allocation pursuant to Section 65584 for the Very Low Income affordable housing category proposed for the housing development has not yet been met and, in any event, the City finds it has a critical need for additional multi-family housing units, which would be provided by the Project; (2) as a standard residential Project consistent with zoning.

2. Is subject to all conditions required by the relevant Redevelopment Regulations.

The approval herein includes Conditions to ensure compliance with the Redevelopment Regulations as discussed above in Finding No.1.

3. Complies with CEQA.

The City of Los Angeles has determined based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (Class 32/In Fill Development), and none of the exceptions to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The proposed project will not result in significant cumulative impacts from successive projects of the same type in the same place. The project does not involve unusual circumstances. The proposed project will not damage scenic resources in a state scenic highway. The project site is not on a list compiled pursuant to Government Code Section 65962.5 related to hazardous waste sites. The project will not cause a substantial adverse change in the significance of a historical resource.

4. Any other findings that are required in the relevant Redevelopment Plan.

Section 1306 – The Redevelopment Plan states that, “in order to promote revitalization and after the review and recommendation of the Project Area Committee, the Agency may, but is not required to, subject to a development or participation agreement, authorize new housing to be developed at higher densities than otherwise permitted by sections 1303, 1304, 1305. The purpose is to achieve flexibility in housing design, well-planned neighborhoods offering variety in housing and environment to all socioeconomic groups, and to provide appropriate land use through special methods of development.”

In this case, the project will be providing a new residential development in place of an under-utilized site on a prime residential corner within the Redevelopment Plan. As discussed herein, in exchange for greater density, “agency approval of the development shall:”

- *Contribute to the revitalization goals of the plan.*

The Project would be situated between a four-story residential building to the west across Severance Street, a three-story residential building to the north across Adams Boulevard, a two-story commercial building on the adjacent property to the east, and two and one-story residential and educational buildings to the south owned by the University of Southern California. The Project is more-broadly situated within a vibrant university community in close proximity to transit and a variety of cultural, dining, educational, and entertainment amenities. As such, the project meets the goals of Section 1200 to make provisions for housing as is required to satisfy the needs and desires of the various age, income and ethnic groups of the community, maximizing the opportunity for individual choice and alleviates overcrowded, substandard housing conditions to promote the development of sufficient number of housing units for low and moderate income households.

- *Contribute to a desirable residential environment, neighborhood stability, and not adversely impact the neighboring environment.*

The Project would include outdoor residential amenity spaces at the podium and building roof levels. The podium-level amenity space is proposed to include landscaping, gathering areas, paseos, outdoor cooking areas, and an outdoor swimming pool. The

pool area, which is located at a second level deck along the Severance Street frontage, is designed to include a steel-framed, five foot glass barrier to reduce potential noise impacts on neighboring uses. The Project building roofs would contain additional private amenity spaces that would include landscaping and outdoor lounge and cooking areas, which are all located to the center of the property away from neighboring uses.

- *Provide units with adequate living area and avoid excessively dense development.*

The Project's approved density per the state Density Bonus law puts the proposed project density at approximately 1,218 square feet of lot area per unit. By comparison, the three existing apartment blocks (Hillview Apartments, Regal Trojan, and USC Founders Apartments) along the south side of West Adams Boulevard between Severance and Portland Streets have densities of approximately 500-620 square feet of lot area per unit. While the Project consists mainly of unit layouts with 5-7 bedrooms per unit, all bedrooms are grouped around generous common room living/kitchen and dining areas. Many of the adjacent single-family homes have a similar range of 4-8 bedrooms per unit, with many of the apartment buildings westwards along Adams Boulevard and Severance Street are four stories and of a similar height to the proposed project.

The project also includes outdoor residential amenity spaces at the podium and building roof levels. The podium-level amenity spaces are apportioned into long courtyards that subdivide the site lengthwise, including landscaping, gathering areas, paseos, outdoor cooking areas, and an outdoor swimming pool. The pool area, which is located at a second level deck along the Severance Street frontage, is designed to include a steel-framed, five-foot glass barrier to reduce potential noise impacts on neighboring uses. The Project building roofs would contain additional private amenity spaces that would include landscaping and outdoor lounge and cooking areas, which are all located to the center of the property away from neighboring uses.

As a benefit to the community, the Project also provides two covenanted affordable 3-bedroom units created for families at the Workforce affordability level, along with the five 5 five-bedroom units to be covenanted for tenants qualifying at the Very Low Income level pursuant to the prior Density Bonus approval, thereby providing housing for various income levels in the community.

- *Provide adequate parking.*

The seven buildings would sit on a fully enclosed and fully screened single level ground floor parking structure providing a total of 255 vehicle parking spaces for off-street parking. California Government Code Section 65915, subsection (p)(1) provides that, where a project provides the required amount of affordable housing for the required term, a local land use permitting authority is prohibited from imposing parking ratios that exceed 2.5 spaces for dwelling units with four or more bedrooms. Accordingly, with 102 units constructed for the Project, the Project conforms to the requirement by providing 255 spaces. The parking garage screening has been designed to seamlessly integrate with the rest of the building, completely eliminating the visual appearance of a parking garage. Ingress and egress to the parking structure would occur through a primary driveway off of Adams Boulevard and a secondary driveway on University Avenue.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned 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.

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.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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."

APPEAL PERIOD - EFFECTIVE DATE

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 Municipal Code, or the approval may be revoked.

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination 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 <http://www.planning.lacity.org/forms.htm>.

Planning Department public offices are located at:

Figueroa Plaza
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

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 or the Marvin Braude Building in the Valley. 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 or (818) 374-5050 or (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.

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 effective date. 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:

 for
Faisal Roble, Principal City Planner

Reviewed by:


Michelle Singh, Senior City Planner


Sergio Ibarra, City Planner

Prepared by:


Rafael Fontes, Planning Assistant

cc: Council Office, District 9
Department of Building and Safety
Department of Transportation
Adjoining Property Owners
Empowerment Congress North Area Neighborhood Council