



APPLICATIONS:

APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist

Related Code Section: The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

Purpose: *The Appeal* - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

General Information

Appealable CEQA documents:

- | | |
|---|------------------------------|
| - Certified Environmental Impact Report (EIR) | - Negative Declaration (ND) |
| - Sustainable Communities Environmental Assessment (SCEA) | - Categorical Exemption (CE) |
| - Mitigated Negative Declaration (MND) | - Sustainable Exemption (SE) |

NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

1. Case Information

Environmental Case Number: ENV-2020-2165-CE

Related Entitlement Case Number(s): ZA-2020-2164-ELD-SPR-1A

Project Address: 825-837 Holt Avenue

Date of Final Entitlement Determination: 08/26/2021

The CEQA Clearance being appealed is a(n):

☐ EIR ☐ SCEA ☐ MND ☐ ND ☒ CE ☐ SE

2. Appellant Identity (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Representative | <input type="checkbox"/> Property Owner | <input checked="" type="checkbox"/> Other Person |
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Operator of the Use/Site | |

3. Appellant Information

Appellant Name: Daniel Sidis

Company/Organization: _____

Mailing Address: 446 S Wetherly Dr

City: Beverly Hills

State: CA

Zip: 90211

Telephone: (310) 877-5187

E-mail: danny@sidisinc.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self ☐ Other: _____

b. Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

4. Representative/Agent Information

Representative/Agent name (if applicable): Joshua C. Greer

Company: BERGER GREER, LLP

Mailing Address: 468 N. Camden Dr #278B

City: Beverly Hills State: CA Zip: 90210

Telephone: (516) 368-5283 E-mail: shuki@bergergreer.com

5. Appeal Justification

Attach a separate sheet providing your specific reasons for the appeal. Your reasons must state how you believe CEQA was incorrectly applied, providing a legal basis for the appeal.

6. Applicant's Affidavit

I certify that the statements contained in this application are complete and true:

Appellant Signature: Daniel Sidis Date: September 9, 2021

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

Note: City Clerk prepares mailing list for CEQA appeals per LAMC Section 11.5.13 E.

- 1. Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☒ Environmental Appeal Application (form CP-7840)
- ☒ Justification/Reason for Appeal
- ☒ Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

2. Electronic Copy

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

3. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee of the Environmental case; provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- ☐ Other Persons - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



BERGER GREER LLP

468 North Camden Drive Suite 278B
Beverly Hills, CA 90210

T (310) 285-5355
E shuki@bergergreer.com
W www.bergergreer.com

CEQA APPEAL PURSUANT TO ARTICLE 1.5 SECTION 11.5.13 OF THE LOS ANGELES MUNICIPAL CODE

STATEMENT OF APPEAL

RE: CASE NO. ZA-2020-2164-ELD-SPR-1A, 825-837 Holt Avenue ("Holt Project")

To whom it may concern,

I represent Mr. Danny Sidis, appellant in this matter. On his behalf, I submit the following statement in support of his CEQA Appeal:

I. DECISION BY THE AREA PLANNING COMMISSION

On August 26, 2021, the Central Los Angeles Area Planning Commission ("Commission") issued findings in the above mentioned matter ("Decision"), including findings related to CEQA. Specifically, the Commission found that:

1. The proposed project was categorically exempt from CEQA pursuant to Section 15332, Class 32, and
2. There is no exception to the exemption that applies under § 15300.2

The Decision was a violation of the law and an abuse of discretion.

II. THE RECORD DOES NOT SUPPORT THE COMMISSION'S FINDINGS THAT THE PROJECT IS CATEGORICALLY EXEMPT

In making decisions on contested matters such as this one, the commission acts in a quasi-judicial role and is thus duty bound to adhere to the law by basing their decisions on the record before them. In this matter, the City's decision is based on the City's Justification For Project Exemption ("Justification"). However, the Justification, and the decision based on it, fails to properly analyze the elements of a Class 32 exemption, and erroneously concludes that the project meets the requirements when it does not.

For a project to qualify as a Class 32 in-fill development, it must meet all the conditions described by that regulation, including:

- (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 developed 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 laid out below, the record contains substantial evidence that neither condition (a), nor condition (c) is applicable to the Holt Project.

Condition (a) – The first condition can be shortened, for purposes relevant here, to: “ The project is consistent with ... the applicable zoning ... regulations.” This project is decidedly not consistent with the applicable zoning regulations. As laid out in the Decision, the Commission approved no less than seven (7) deviations from the applicable zoning regulations.

The entire concept of an in-fill development being a class of projects that is categorically exempt from the provisions of CEQA relies on the determination that such projects do not have a significant environmental impact. 14 CCR § 15300. Condition (a) limits the exemption to developments that are within the zoning regulations, as the existing zoning rules provide an assurance that such developments are not going to significantly harm the environment. The Holt Project is far from consistent with the applicable zoning regulations, and thus the law is clear: the Holt Project cannot utilize Section 32 to avoid proper environmental review pursuant to CEQA.

Condition (c) – With regard to this condition, I am the Lorax, I speak for the trees. Three protected California Sycamores, to be specific. The Tree Report written by arborist Jeffrey Trojanowski (“Tree Report”), which was submitted by the applicant and referenced in the Justification, describes how the removal of the city’s sidewalk will cause damage to the root systems on all three trees. (Tree Report at 2-3). It is clear that the arborist was unaware of the extent of the Holt Project proposal, as his report describes the proposed development simply as “The proposed development will develop the existing properties into a one lot combined.”

If his statement that simply removing the sidewalks would damage the root system, what kind of statement would he make about excavating all three lots two entire stories below ground from property line to property line? Such an enormous change will have a much more devastating impact on all three of these trees.

The date of Mr. Trojanowski’s report also is important. His report is dated March 11, 2020. (Tree Report at 1). Further, his report explicitly states: *Trees are living organisms whose conditions and health can change rapidly. The limitation of this report is 6 months from the date of the survey, due to human/vehicle interaction and weather.* (Tree Report at 2). First, it is

an abuse of discretion for the Commission's decision to rely on this report at all, given that their decision was issued **more than 17 months** after the report was made. The Commission entirely failed to request an updated report, making it an abuse of discretion and a violation of the laws that govern their decision making.

The aforementioned statement, in which Mr. Trojanowski explains why his report has a 6-month limitation, is noteworthy for another reason. He explains that in a period of 6 months, things like weather can significantly affect the condition of trees. If something as mild as weather could drastically affect a tree in a mere 6-month period, what would be the effect of large excavators and significant construction? What would be the effect of removing 9,510 cubic yards of dirt and soil that the tree needs to survive? Obviously, the proposed development will have an enormous and detrimental impact on all three of these trees. This is something which is not discussed at all in the Tree Report, as the applicant conveniently neglected to let Mr. Trojanowski know the extent of their planned development.

Ordinance 177,404 ("Protected Tree Ordinance") explicitly prohibits the relocation or removal of any protected tree unless its requirements are met. The Protected Tree Ordinance further defines "relocation or removal" to include "acts that inflict damage upon the root system ... by... operation of equipment or machinery or by changing the natural grade of the land by excavation." LAMC § 17.05(R). Further, the Protected Tree Ordinance only allows for the removal of a protected tree after the "Advisory Agency, in consultation with the City's Chief Forester, determines the existence of" one of two scenarios. LAMC § 17.05(R)(1).

The City's Chief Forester was not consulted on this project. This is a clear violation of the city's code, and alone suffices as grounds to overturn the Decision. If he was consulted, he would have advised that the extent and nature of the Holt Project is certain to damage all three trees, and at the very least the development proposal must contemplate for the replacement of all three trees at the 2:1 ratio required by § 17.05(R)(4)(a).

The Holt Project contemplates a significant amount of operation of equipment and machinery, and further contemplates changing the natural grade by excavation. As such, the Holt Project is legally considered to be proposing the "removal" of all three trees as the word is defined by the code. As the Holt Project does not provide for the 2:1 replacement ratio as applied to all three protected trees, the Decision violates the Ordinance.

The record contains clear and unambiguous evidence that this project will cause damage to the root systems of all three trees. As such, condition (c) is not met. Thus, the Holt Project does not meet the requirements of a Section 32 in-fill development, and it cannot avoid proper environmental review pursuant to CEQA.

Because neither condition (a) nor condition (c) is met, it was an abuse of discretion for the Commission to find that the project is exempt from review pursuant to CEQA, and the Decision must be reversed.

III. THE RECORD DOES NOT SUPPORT THE COMMISSION'S FINDINGS THAT NO EXCEPTION APPLIES

14 CCR § 15300.2 lays out six (6) exceptions to the categorical exemption that must further be considered before a proposed development can be exempt from environmental review pursuant to CEQA. Specifically, as relevant here, a categorical exemption may not apply based on the proposed project's:

(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.

(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.

If any of the aforementioned exceptions applies, the proposed project does not qualify for the categorical exemption. The Class 32 categorical exemption may not be used here, because exceptions (b) and (c) apply to the Holt Project.

Exception (b) – Cumulative Impact – This exception asks whether there are any cumulative effects that apply which might make the project more harmful to the environment. Here, there is a recently approved eldercare facility that nearly abuts the subject property. The address of that proposed project (Case No: ZA-2019-7715-ELD and CEQA No: ENV-2019-7716-CE) is 843-847 S. Sherbourne Dr., which is located on the next street over from the Holt Project, almost directly behind it. The record contains no analysis as to whether that project's impact on the environment creates a cumulative impact with this one. Well, I'll tell you. That project does create a cumulative impact when combined with this one. That project contemplates the development of a similarly large multi-lot eldercare facility, and proposes similar deviations from five (5) of the applicable zoning limitations. The two combined will have a cumulative effect on the environment in and around the Holt Project.

Further, the Holt Project proposes developing three consecutive lots into one contiguous building. The environmental impact of a three-lot project is MORE than three times the impact of a one-lot development, because it includes the development of the entire areas that currently make up the property lines between lots 1-2 and 2-3. Whereas those areas are currently undeveloped as side-yard setbacks, the proposed project contemplates developing

those areas into concrete building in addition to developing the parts of the three lots that are already improved with duplexes.

Because of these cumulative impacts, the exception applies, and the project is not eligible for the Section 32 exemption.

Exception (c) – Unusual Circumstances – This exception applies if there is a reasonable possibility that the unusual circumstances will have a significant effect on the environment.

“[E]vidence that the project *will* have a significant effect *does* tend to prove that some circumstance of the project is unusual. An agency presented with such evidence must determine, based on the entire record before it—including contrary evidence regarding significant environmental effects—whether there is an unusual circumstance that justifies removing the project from the exempt class.” *Berkeley Hillside Preservation v. City of Berkeley*, 60 Cal.4th 1086, 1105 (2015). Further, “In a number of decisions, our appellate courts have looked to conditions in the immediate vicinity of a proposed project to determine whether the unusual circumstances exception applied. *Id.* at 1118–19.

In this case, the record contains evidence, including the aforementioned evidence regarding the trees, that shows that the project will have a significant effect. As the Lorax, I incorporate by reference all of the points relating to the protected trees into this paragraph by reference. Further, the Tree Report explicitly states that all three trees would be damaged by removal of the sidewalk, and it can be extrapolated that the removal of 9,510 cubic yards will have even more of an impact on these three protected trees. This evidence regarding damage to the protected trees proves that the project is unusual as provided by the *Berkeley Hillside* case, yet the agency did not make any determinations or analysis on whether an unusual circumstance is present.

Further, the sheer size of the project is another reason why it presents unusual circumstances. The Commission approved seven (7) deviations from the code, including an additional story of height, and decreased setbacks in nearly every direction. It also approved a full two-story excavation, without regard to the water located beneath the subject property. All of these details were approved over the entire span of three consecutive lots. When compared with the conditions in the immediate vicinity, as well as with the details of a typical in-fill development as contemplated by the code, the Holt Project presents *extremely unusual circumstances* that undoubtedly were not meant to be approved without proper environmental review pursuant to CEQA.

Because two of the § 15300.2 exceptions apply, the project is not eligible for the Section 32 exemption.

IV. THE RECORD CONTAINS SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE SIGNIFICANT DETRIMENTAL EFFECTS ON THE ENVIRONMENT

The Holt Project proposes a square footage north of *five (5) times* what the zoning regulations allow to be built per code. In order to attain such a large square footage, the Holt Project proposes two underground levels, an entire extra floor above the code's height limits, and a three-lot-wide building pushed beyond the limits of the code in every conceivable direction.

All of the aforementioned evidence demonstrates that the project will in fact have a significant effect on the environment. As such, the record contains substantial evidence demonstrating that the Commission's findings were in error.

V. CONCLUSION

Based on the foregoing, the record is clear. The Commission violated the laws which direct their quasi-judicial decision making. On behalf of my client, I request that the Council hold a hearing on this matter, and reverse the Commission's decision.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Joshua', is written over a horizontal line.

Joshua Shuki Greer, Esq.



CENTRAL LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **AUG 26 2021**

Case No. ZA-2020-2164-ELD-SPR-1A
CEQA: ENV-2020-2165-CE
Plan Area: Wilshire

Council District: 5 – Koretz

Project Site: 825-837 Holt Avenue

Applicant: Daniel Kianmahd, The Panorama Group, Inc.
Representative: Stephen Kia, Urban Concepts

Appellant No. 1: Nikki Vescovi (839 Holt Townhomes Association), Shelly Lavin, Kyle Miller, Jeremiah Loeb, Andrea Ward, Erica Goldberg, Angela Efros and P. Dumican

Appellant No. 2: Cheryl Holstrom

Appellant No. 3: Daniel Sidis
Representative: Joshua Greer, Berger Greer, LLP

At its meeting of **August 10, 2021**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition and removal of the three duplexes and the construction, use, and maintenance of an approximately 56,796 square foot Eldercare Facilities development consisting of both assisted living and Alzheimer's/Dementia uses. The proposed Eldercare Facility will contain 80 guest rooms, of which 62 guest rooms will be designated for Assisted Living Care and 18 guest rooms will be designated for Alzheimer's/Dementia Care. The proposed 5-story building will have a total FAR of 4.99:1 (basement parking through 5th floor) and have a maximum height of 58 feet with the following deviations:

- a. A maximum of 80 guest rooms in lieu of the otherwise permitted 36 guest rooms pursuant to the Los Angeles Municipal Code (LAMC) Section 12.10 C.4;
- b. A maximum Floor Area Ratio (FAR) of 4.99:1 (basement parking through 5th floor) in lieu of the otherwise permitted 3:1 FAR pursuant to LAMC Section 12.21.1;
- c. A maximum building height of 58 feet in lieu of the otherwise maximum 45 feet pursuant to LAMC Section 12.21.1;
- d. A continuous width of the exterior walls fronting Holt Avenue to exceed 40 feet without a change in plane as otherwise required pursuant to Ordinance No. 167,335;
- e. A 10-foot front yard in lieu of the otherwise required 20-foot front yard pursuant to Ordinance No. 167,335;
- f. Six-foot side yards in lieu of the otherwise required 8-foot side yards pursuant to Ordinance No. 167,335; and
- g. Waiver of the long-term bicycle parking requirements otherwise required pursuant to LAMC Section 12.21 A.16(a)(2).

1. **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 Projects) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's determination dated February 9, 2021;
3. **Approved**, pursuant to Section 14.3.1 of the Los Angeles Municipal Code (LAMC), an Eldercare Facility Unified Permit for the construction, use, and maintenance of an Eldercare Facility c's/Dementia Care Housing in the [Q]R3-1-O Zone;
4. **Approved**, pursuant to Section 16.05 of the LAMC, a Site Plan Review for a development which creates or results in an increase of 50 or more dwelling units or guest rooms or 50,000 gross square feet or more of non-residential floor area;
5. **Adopted** the attached modified Conditions of Approval; and
6. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Gold
Second: Chung-Kim
Ayes: Lawrence, Lindgren
Absent: DelGado

Vote: 4 - 0

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
Central Los Angeles Area 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 Central Los Angeles Area Planning Commission is not further appealable and shall become final upon the mailing of this determination letter.

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, Findings, Interim Appeal Procedures

c: Jonathan Hershey, Associate Zoning Administrator
Kevin Golden, City Planner
Alexander Truong, City Planning Associate

CONDITIONS OF APPROVAL

(As modified by the Central Area Planning Commission on August 10, 2021)

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
5. 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Within 30 days of the effective date of this grant, 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 for inclusion in the case file.
7. Approved herein is an Eldercare Facility subject to the following restrictions:
 - a. The facility shall be limited to a maximum of 62 Assisted Living guest rooms and 18 Alzheimer's/Dementia Care guest rooms;
 - b. At least seventy-five percent (75%) of the facility shall be devoted to Assisted Living Care Housing and not more than twenty-five percent (25%) of the facility shall be devoted to Alzheimer's/Dementia Care Housing.

- c. Plans submitted to the Department of Building and Safety for the purposes of obtaining a building permit shall indicate a minimum of 75% of the floor area, exclusive of common areas, consisting of Assisted Living Care Housing;
 - d. The license and subsequent renewals of the license from the California Department of Social Services, Community Care Licensing Division shall reflect a minimum of 75% of the floor area, exclusive of common areas, consisting of Senior Independent Housing and/or Assisted Living Care Housing.
 - e. The facility shall be licensed by the California Department of Social Services and comply with all assisted living and dementia care program regulations. A copy of the license shall be submitted to the Department of City Planning for verification and placed in the file.
 - f. Full-time medical services shall not be provided on-site.
8. The following deviations have been granted in conjunction with the Eldercare Facility, as shown on plans stamped Exhibit A:
- a. A maximum of 80 guest rooms in lieu of the otherwise permitted 36 guest rooms pursuant to LAMC Section 12.10-C,4;
 - b. A maximum Floor Area Ratio (FAR) of 4.99:1 (basement through 5th floor) in lieu of the otherwise permitted 3:1 FAR pursuant to LAMC Section 12.21.1;
 - c. A maximum building height of 58 feet in lieu of the otherwise maximum 45 feet pursuant to LAMC Section 12.21.1.
 - d. A continuous width of the exterior walls fronting Holt Avenue to exceed 40 feet without a change in plane as otherwise required pursuant to Ordinance No. 167,335.
 - e. A 10-foot front yard in lieu of the otherwise required 20-foot front yard pursuant to Ordinance No. 167,335.
 - f. 6-foot side yards in lieu of the otherwise required 8-foot side yards pursuant to Ordinance No. 167,335.
 - g. Waiver of the long-term bicycle parking requirements otherwise required pursuant to LAMC Section 12.21-A,16(a)(2).
9. Trees shall be planted on the property (including street trees) subject to the approval by the Street Tree Division, at a ratio of one tree for every 1,000 square feet of lot area. Trees may not be less than 24-inch box in size at the time of planting (Ordinance 167,335).

10. All employees who drive to work shall utilize the on-site parking garage.
11. Employee shifts shall be staggered to minimize on-site parking shortages.
12. Parking shall be provided in accordance with the Los Angeles Municipal Code.
13. The applicant shall develop and implement an incentive program to encourage employee use of alternative modes of transportation to arrive to and depart from work. A copy of the incentive programs shall be submitted to the Department of City Planning for inclusion in the case file.
14. A separate men's and women's shower facility shall be provided to incentivize employees biking to work.
15. All vendor deliveries shall be restricted to between the hours of 7 a.m. and 2 p.m. daily.
16. All loading activities shall be conducted on-site or within a designated loading zone.
17. The applicant/operator shall be responsible for ensuring vendor compliance with Condition Nos. 16 and 15.
18. Trash and recycling bins shall be fully enclosed.
19. The project shall be landscaped in substantial conformance with the landscape plans stamped Exhibit A (Sheets LP-1 through LP-5)
20. Outdoor lighting shall be designed to shine downward, installed with shielding, and directed onto the project site, so that the light source does not directly illuminate any adjacent properties, the public right-of-way, or the above night skies.
21. Prior to the issuance of a building permit, access and internal circulation shall be reviewed and approved by the Department of Transportation.
22. 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.
23. **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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions

includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

FINDINGS

ELDERCARE FACILITY UNIFIED PERMIT FINDINGS

1. **The strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The project site, consisting of three lots, is a level, rectangular-shaped, interior, approximately 18,018 square-foot (0.41 acre) parcel of land with an even width and depth of 150 feet and 120 feet, respectively, and an approximately 150-foot frontage on the west side of Holt Avenue, located between Gregory Way to the north and Chalmers Drive to the south.

The property is located within the Wilshire Community Plan area, which designates it for Medium Residential land uses, having a corresponding zone of R3; the property is zoned [Q]R3-1-O. The property is within an Oil Drilling District, but not within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance. The property is subject to "Q" Qualified Conditions pursuant to Ordinance 167,335 which regulates open space, parking, building articulation, setbacks and tree planting requirements.

According to the City of Los Angeles Housing Element's Housing Needs Assessment:

The City of Los Angeles is being affected by population and demographic trends that will have significant impacts on the housing needs of the future. Of most significance are the slowdown in population growth and changes in the age distribution of residents, including fewer children and dramatically higher numbers of seniors.

According to the 2010 Census, a little more than one-fourth (26%) of the City's population in 2010 was young, aged 0 to 19 years old. Young adults (aged 20 to 35), generally the age when people form independent households, made up another quarter of the population (25%). Thirty-eight percent of the City's population is aged 35 to 64 years old. This leaves about 10.5% of the population that is currently aged 65 years and older (396,696).

The fastest growing age group aligns broadly with the "baby boom" generation, which is currently between about 45 and 65 years old. There are about 190,000 more people in the City within this age group, compared to 10 years ago. In fact, the number of "new seniors" (from 2000 to 2010) increased faster in the Los Angeles region than New York or any other metropolitan area. The rapid growth of seniors is in stark contrast to the decline of children and younger adults.

According to demographers, the next decade will be marked by growth of households without children, primarily by those headed by householders aged 55 and older. While the City's overall population is projected to increase by about 4.5 percent between 2010 and 2020, its senior population (65 and older) is expected to grow by approximately 45 percent during this time period (to approximately 562,992)¹¹. By 2020, seniors are expected to account for more than 14% of the City's households, compared to 10.5% in 2010. This far exceeds the growth of any other age groups in the City. The increasing numbers of older Angelenos will have important effects on the demand for housing to come.

The housing needs of seniors are particularly challenging and require special attention because of the combination of fixed incomes, physical and sensory disabilities, and mobility/transportation limitations, all of which limit access to appropriate and affordable housing. Housing for seniors should provide or be located in proximity to information, transportation, social/health services, and opportunities for community involvement.

For the purposes of this Housing Element, seniors include those persons aged 65 years or older. According to the Census 2010, seniors comprised 10.5% of the City's population (396,696 persons). Almost one-fifth of all households citywide (239,654 of 1,318,168 households in 2010) are headed by seniors. Forty-two percent (102,330) of these households are seniors who live alone while the rest are households comprised of senior heads-of-households living with other person(s). Nearly 58% (138,657) of those over 65 years old lived in owner-occupied housing, while 42% (100,997) were renters.

Many seniors also live in institutionalized settings and other group quarters. Per the Census 2010, 13,853 seniors (about 3.5%) lived in group quarters, which include institutions, hospitals, hospices, nursing homes, correctional institutions, and non-institutional group quarters. This population represents a decrease of 4,156 persons (or 23%) living in group quarters since 2000, despite increases in the total elderly population.

Among persons 65 years or older, 153,379 (40.1%)⁵¹ are living with disabilities per the ACS 2010. While physical (ambulatory) disabilities are the most prevalent among this population at 28.3%, other disabilities also have a significant impact on limiting housing choices: 21.7% have a hearing/vision disability; 21.4% have an independent living disability, 13% have a self-care disability; and 11.7% have a cognitive disability.

Persons with self-care limitations also have unique housing needs because they need the assistance of a companion or family member in order to accomplish daily activities, such as dressing, bathing, or getting around

inside the home. Twenty-four percent of disabled adults aged 18-64, and almost one-third of adults over the age of 65, have some sort of self-care difficulty. Resources that could be devoted to housing often need to be diverted to cover personal care assistance.

People with disabilities should have options allowing them to live in the most integrated setting possible. To provide for this, a full spectrum of affordable housing is needed, from conventional residences to transitional and permanent supportive housing, including group, congregate and independent housing. Independent, supported living in the most integrated setting possible is preferable, either through individual or shared single-family homes or apartments, providing each individual with his/her own bedroom. Support services may be provided either on- or off-site. Appropriate housing for persons with mental or physical disabilities may include affordable small or large group homes (near retail services and public transit), apartment settings with support, outpatient/day treatment programs, and inpatient/day treatment programs or crisis shelters. Persons who use wheelchairs need affordable, conveniently-located housing which has been specially adapted for wheelchair accessibility, along with other physical needs.

The applicant is requesting an Eldercare Facility Unified Permit pursuant to Los Angeles Municipal Code (LAMC) Section 14.3.1 to allow the construction of a new five-story over two subterranean level Eldercare Facility over the entire site. An Eldercare Facility is defined by Section 12.03 of the L.A.M.C. as *"one functionally operated facility which provides residential housing for persons 62 years and older, and which combines in one facility, two or more of the following types of uses: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer's/Dementia Care Housing. A minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing"*.

Pursuant to Section 14.3.1 of the L.A.M.C., the Zoning Administrator is authorized to permit an Eldercare Facility to be located on a lot or lots in the A 1 through R3 Zones, or in the RAS3, R4, RAS4, R5, and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, or the requirements of any specific plan, supplemental use district, "T" classification, "Q" condition, "D" limitation, or Citywide regulation adopted or imposed by City action.

Eldercare Facilities are permitted by-right in the R3 Zone. In accordance with the provisions of the Eldercare Facility Unified Permit process per LAMC Section 14.3.1, the applicant is seeking an Eldercare Facility with Assisted Living Care and Alzheimer's/Dementia Care Housing within the [Q]R3-1-O Zone, with deviations to allow for:

- A maximum of 80 guest rooms in lieu of the otherwise permitted 36 guest rooms pursuant to LAMC Section 12.10-C,4;
- A maximum Floor Area Ratio (FAR) of 5.06:1 in lieu of the otherwise permitted 3:1 FAR pursuant to LAMC Section 12.21.1;
- A maximum building height of 58 feet in lieu of the otherwise maximum 45 feet pursuant to LAMC Section 12.21.1.
- A continuous width of the exterior walls fronting Holt Avenue to exceed 40 feet without a change in plane as otherwise required pursuant to Ordinance No. 167,335.
- A 10-foot front yard in lieu of the otherwise required 20-foot front yard pursuant to Ordinance No. 167,335.
- 6-foot side yards in lieu of the otherwise required 8-foot side yards pursuant to Ordinance No. 167,335.
- Waiver of the long-term bicycle parking requirements otherwise required pursuant to LAMC Section 12.21-A,16(a)(2).

The requested deviations from the LAMC are necessary for the proposed Eldercare Facility to enable a financially viable eldercare facility; without such deviations it is impractical and infeasible to build such a facility on the subject property.

The project proposes the demolition and removal of the three duplexes and the construction, use, and maintenance of an approximately 57,680 square-foot Eldercare Facilities development consisting of both assisted living and Alzheimer's/Dementia uses. The proposed Eldercare Facility will contain 80 guest rooms, of which 62 guest rooms will be designated for Assisted Living Care and 18 guest rooms will be designated for Alzheimer's/Dementia Care. The proposed 5-story building will have a total FAR of 5.06:1 and have a maximum height of 58 feet.

Pedestrian access to the project site would be provided from the existing sidewalk along Holt Avenue, which would provide direct access to the ground-floor lobby. The proposed project provides 6 bicycle short-term spaces as required; no long-term bicycle parking spaces will be provided.

The project will provide 36 parking spaces (31 spaces for the Assisted Living guest rooms at a ratio of 0.5 spaces per unit and five spaces for the Alzheimer's/Dementia Guest Rooms at a ratio of 0.2 spaces per bed), which complies with the parking required pursuant to LAMC Section 12.21-A,4(u). On-site parking is provided entirely within a second level subterranean level. No vehicular parking will be visible from the street. Vehicular access to the proposed

project will be directly from Holt Avenue via a single two-way driveway. Existing vehicular access to the three duplexes will be consolidated into the single driveway located on the northern end of the property.

The facility is planned to have two subterranean levels – the first level containing common area amenities, and the second level containing underground parking. The building design maximizes natural light and natural ventilation for the primary common areas below grade by means of two expansive courtyards that daylight out to the sky.

The Guest Room accommodations include small bar sinks and under counter refrigerators but do not include any cooking. The facility will maintain a central kitchen and common dining area. Over 29,600 square feet (51% of the project floor area) is dedicated to common area amenities and open space/recreational areas for the project. Amenities include dining (three meals a day), bistro for snacks and refreshments, theater, library, fitness center, multi-purpose activities rooms, lounges and living room areas, beauty salon, outdoor space, including a rooftop deck, and administrative offices.

The focus of the staff in the Assisted Living Care area would be balancing the residents' need for care with their desires to remain independent. The Alzheimer's/Dementia Care area of the facility is designed to answer the needs of residents with varying levels of dementia or other degenerative conditions. Caregiver oversight and supervision would be provided to prevent accidents that may occur otherwise. The Alzheimer's/Dementia Care floor would also include an increased staff-to-resident ratio. Additionally, this area of the project would be more confined and secured as per applicable standards and regulations. The project would also provide security features including, but not limited to, controlled access to on-site parking areas and building entries, particularly after regular business hours, video surveillance, and security lighting.

Floor Area Ratio (FAR) and Density

The subject 18,018 square-foot property is zoned [Q]R3-1-O, which permits a density of one guest room per 500 square feet of lot area, for a maximum of 36 guest rooms on the subject site. Height District No. 1 permits a maximum Floor Area Ratio (FAR) of 3.0:1, or approximately 34,170 square feet based on 11,390 square feet of buildable area. The project proposes a total of 80 guest rooms (62 Assisted Living guest rooms and 18 memory care guest rooms) and a total floor area of 57,680 square feet for an FAR of 5.06:1.

The density and FAR deviations are necessary to provide a financially feasible project. Without this many guest rooms and proposed common areas the facility cannot operate nor achieve the economies of scale with staff, medical care, equipment, food and the like. As a result, the project

requests to deviate from the underlying R3 zoning area regulations and Ordinance No. 167,335 by proposing an FAR of 5.06:1.

The additional FAR would allow for the construction of the proposed number of guest rooms which are sufficient in size throughout the entirety of the site. The total gross area of the proposed facility is approximately 57,680 square feet, split between approximately 29,610 square feet of common area and 28,070 square feet of Guest Room/livable area.

As proposed, all of the increased floor area is devoted to common areas to support the residents' needs. Senior Assisted Living and Memory Care projects require substantial support services and common areas to provide a healthy environment for a senior population to age in place. The proposed project seeks to provide significant "quality-of-life" amenities rather than minimally-equipped facilities. The proposed common areas include a dining area, bistro, large kitchen, a second common kitchen and dining area is provided on the second level to serve the Alzheimer's component. In addition, there are laundry facilities, common bathrooms and other on-site amenities such as libraries, fitness room, activities room, beauty salon and lounge areas on each level. All of the resident rooms are designed as Guest Rooms without a kitchen and will be smaller in size than a standard Dwelling Unit. Much of the increased floor area is devoted to common areas serving the needs of the residents, which are contained largely in the first subterranean level of the building. The building design maximizes natural light and natural ventilation for the primary common areas below grade by means of two extensive courtyards that daylight out to the sky.

Due to the special needs of the residents, Eldercare Facilities must maintain staff on-site to monitor and assist elderly residents with basic needs and also requires the provision of substantial common indoor and outdoor areas and on-site amenities to support the unique needs of elderly residents that are key to quality of care and quality of life for the residents. The provision of on-site staff and a substantial level of common areas and on-site amenities requires a minimum number of Guest Rooms and beds to achieve economies of scale necessary to maintain the viability of these facilities. From an operational standpoint, Eldercare Facilities require multiple salaried employees, such as executive director, marketing director, culinary director, activities director, resident services director, and memory care director. The salaries of these employees are mostly driven by market conditions, not size of facility. In addition, to make Eldercare Facilities financially feasible, certain costs such as land cost and architectural fees, need to be divided across a sufficient number of Guest Rooms and beds. As with salaried employees and other operational costs, land cost is market

driven and architectural fees are not proportional to Guest Room and bed count.

The applicant has submitted a financial feasibility analysis, conducted by The Concord Group (TCG), dated August 14, 2020, demonstrating that the project is not feasible unless constructed as proposed.

In order to assess the financial viability of each scenario, TCG completed the following work scope:

- Reviewed applicant's return-on-cost financial model using top-line-revenue input from a market study (also conducted by TCG), costs from general contractor bids and relevant site background materials including zoning and entitlement documents.
- Addressed the reasonableness of the financial model inputs through industry expertise and market research, with specific vetting of construction costs, rental revenue and operating expense assumptions.
- Provided conclusions with respect to the feasibility or infeasibility of the two development scenarios.

TCG examined the financial returns of two development scenarios:

- **Scenario A** features an eldercare development utilizing the current zoning (no variances). Utilizing the maximum floor area of 26,985 SF, this development would feature 36 Assisted Living guest rooms. This program requires 18 parking stalls.
- **Scenario B** features an Eldercare development utilizing proposed variances which result in an increase of total floor area. The proposed floor area of 57,680 SF increases the guest room count to 80. Of these 80 guest rooms, 62 would be Assisted Living and 18 would be Memory Care. This program requires 36 parking stalls.

To assess the financial feasibility of each scenario, TCG employed a commonly used senior living and multi-family industry metric - return on cost. Return on cost is calculated by dividing the stabilized NOI (gross income, less vacancy and operating expenses) by the total project cost (sum of land costs, hard costs and soft costs). Investors and construction lenders typically require a return on cost equal to the market cap rate plus a spread to reflect the developer's risk. The spread is typically 150 basis points for eldercare projects (the higher spread reflecting the increased risk associated with the operational intensity of eldercare). Based on recent transactions of comparable eldercare communities in similar California locations, the market cap rate is assumed to be 5.00%. The target cap rate

of 5.00%, plus 150 basis points, means the target minimum yield on cost for the project is 6.50%.

Development Standard	Scenario A (By-Right)	Scenario B (Proposed)
Site Size (SF)	18,003	18,003
Building Area (SF)	26,985	57,680
Height (ft)	45	58
Total Guest Rooms	36	80
-Assisted Living	36	62
-Alzheimer's/Dementia	0	18
Parking	18	36
NOI	\$1,100,000	\$3,500,000
Land / Construction Costs	\$35,100,000	\$53,300,000
Yield on Cost (YOC)	3.13%	6.57%

Based on the developer required yield on cost, the only development proposal that is financially feasible is Scenario B. Scenario A yields a return on cost of 3.13%, well under the 6.50% threshold, while Scenario B yields a 6.57%. The proposed eldercare project meets/exceeds the industry standard feasibility threshold, demonstrating that the variances requested through the eldercare permit are necessary to build a financially viable project. Without the requested floor area, height, and other deviations, the project could not be built.

The Zoning Administrator finds that the analysis of the alternative development scenario is reasonable and adequately demonstrates that the development alternatives for a by-right eldercare facility is not viable, and the strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations and inconsistent with the City's objective to promote and facilitate needed housing and services for the elderly.

Height, Articulation, and Setbacks

The subject property is zoned [Q]R3-1-O Zone, which permits a maximum height of 45 feet. Ordinance No. 167,335 (effective November 15, 1991) established permanent "Q" Qualified conditions that further regulate development on the property by requiring a minimum building articulation of 5 feet for a distance of 8 feet between any 40-foot continuous width of any exterior wall facing a public street, a minimum 20-foot front yard setback and minimum 8-foot side yard setbacks.

The project seeks to deviate from the maximum height limit by proposing a height of 58 feet, a minimum 10-foot front yard setback, minimum 6-foot side yard setbacks, and having a continuous width of the exterior walls fronting Holt Avenue exceeding 40 feet without the required change in plane.

These deviations are necessary to provide the floor area for both the number of proposed guest rooms and the variety of common area amenities that responds to the practical needs of the elderly residents. The floor plans are designed to allow wider interior hallways and corridors than typical apartments to allow for two-way traffic for those with disabilities or mobility aids. Unlike typical apartments, these hallways provide intermediary seating areas for residents as they move within the facility between the guest rooms and common areas. The distribution of common areas is designed in such a way that would make them widely available to residents, and to create opportunities for a variety of activities. Not granting these deviations would result in a building envelope that cannot accommodate the floor area necessary for a viable facility.

The project has been designed to minimize its height at the rear of the property, immediately adjacent to several two-story duplex residential buildings; changes of plane have been incorporated into the street-facing side of the building, resulting in changes of plane from 1 foot to 5 feet in depth, but there remains one ground-level portion of the façade which exceeds the 40-foot width minimum before a change in plane.

Therefore, inasmuch as the deviations are directly related to the previously discussed need for additional FAR and guest rooms, the project requests to deviate from the underlying R3 zoning regulations and the "Q" Conditions of Ordinance No. 167,335 are reasonable, and the strict application of these land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

Long-Term Bicycle Parking

The proposed use as an Eldercare Facility requires the provision of long-term bicycle parking at a ratio of 1 per 5,000 square-feet. Based on the

project's total floor area of 57,680 square feet, 12 long-term bicycle parking spaces are required. The project proposes to provide no long-term bicycle parking spaces; code-required short-term bicycle parking will be provided.

For the purpose of determining the number of long-term bicycle parking spaces required by a proposed project, the Municipal Code does not provide a specific ratio for Eldercare Facilities; rather, the use is considered as an "Institutional" use. The facility's residents are occupying assisted living or memory care guest rooms. It is reasonable to assume that these residents are not typically physically able to ride bicycles, and therefore do not require long-term bicycle parking spaces. Providing space to maintain long-term bicycle parking within the constraints of the proposed facility would necessitate sacrificing other, more relevant features of the facility, which contribute to the viability of the operation. Therefore, the strict application of these land use regulations on the subject property would result in unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

While the Zoning Administrator is authorized to grant relief from the zoning regulations, including the Specific Plan regulations, the Zoning Administrator's authority only applies to relief from the zoning regulations necessary to facilitate the construction of an Eldercare Facility. With respect to the requested deviations, a fully zoning compliant project would not produce a viable facility. Given the nature of the facility, which requires substantially more common areas and on-site amenities than a traditional multi-family residential building, the [Q]R3-1-O Zone contain distinct regulations that make it impractical to provide an efficient layout and functional design for the proposed facility.

In light of the foregoing, the Zoning Administrator concurs that the relief requested, including an increased floor area, guest room density, and height; reduced front and side yards; and waiver of the exterior wall plane articulation and long-term bicycle parking requirements, is necessary to achieve the density and floor area necessary to maintain the viability of the eldercare facility. In addition, the relief requested is necessary to serve a city- and area-wide demand for assisted living and memory care facilities for an aging population. Without such deviations, the zoning regulations restricting the building envelope would make the construction of the Eldercare Facility on the subject property impractical and infeasible. Thus, as discussed above, the strict application of the land use regulations on the subject property would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

2. **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 is a new five-story, 58-foot in height, 57,680 square-foot Eldercare Facility containing 62 Assisted Living guest rooms and 18 Alzheimer's/Dementia guest rooms, with two subterranean levels, in the [Q]R3-1-O Zone. In addition, the project will provide a reduced front yard setback of 10 feet, reduced side yard setbacks of 6 feet, a deviation from the maximum 40-foot width articulation requirement, and no long-term bicycle parking.

The project will provide Code-required 36 parking spaces entirely within the second subterranean level. No vehicular parking will be visible from the street. Vehicular access to the project will be directly from Holt Avenue via a single two-way, 24-foot-wide driveway. Existing vehicular access will be consolidated from three existing driveways into a single driveway located on the northern end of the property.

Pedestrian access to the project site would be provided from the existing sidewalk along Holt Avenue, which would provide direct access to the ground-floor lobby. The proposed project provides 6 short-term bicycle spaces as required; no long-term bicycle parking spaces will be provided.

The facility is planned to have two subterranean levels – the first level containing common area amenities, and the second level containing underground parking. The building design maximizes natural light and natural ventilation for the primary common areas below grade by means of two expansive courtyards that daylight out to the sky.

The ground level is proposed to contain a lobby, mail room, bistro, kitchen main dining area, a dining courtyard, restrooms, 10 Assisting Living guest rooms, and offices for the administrative staff. The second level would be reserved for Alzheimer's/Memory Care residents, and contain a small elevator lobby, dining room, living room, a wellness office, restroom, activity area, and 18 guest rooms. The third and fourth levels are proposed identically, featuring a small elevator lobby, restroom, wellness office, and 19 Assisted Living guest rooms. The fifth level is proposed to contain a small elevator lobby, a dining room, restroom, 14 Assisted Living guest rooms, and three separate outdoor patio areas facing the interior and rear of the building.

The Guest Room accommodations include small bar sinks and under counter refrigerators but do not include any cooking. The facility will maintain a central kitchen and common dining areas. Over 29,600 square feet (51% of the project floor area) is dedicated to common area amenities and open space/recreational areas for the project. Amenities include dining (three meals a day), bistro for snacks and refreshments, theater, library, fitness center, multi-purpose activities rooms, lounges and living room areas, beauty salon, outdoor space, including a rooftop deck, and administrative offices.

The focus of the staff in the Assisted Living Care area would be balancing the residents' need for care with their desires to remain independent. The Alzheimer's/Dementia Care area of the facility is designed to answer the needs of residents with varying levels of dementia or other degenerative conditions. Caregiver oversight and supervision would be provided to prevent accidents that may occur otherwise. The Alzheimer's/Dementia Care floor would also include an increased staff-to-resident ratio. Additionally, this area of the project would be more confined and secured as per applicable standards and regulations. The project would provide security features including, but not limited to, controlled access to on-site parking areas and building entries, particularly after regular business hours, video surveillance, and security lighting.

The project site, consisting of three lots, is a level, rectangular-shaped, interior, approximately 18,018 square-foot (0.41 acre) parcel of land with an even width and depth of 150 feet and 120 feet, respectively, and an approximately 150-foot frontage on the west side of Holt Avenue, located between Gregory Way to the north and Chalmers Drive to the south.

Surrounding properties are similarly zoned [Q]R3-1-O and improved with multi-level, multi-family apartment buildings. The north adjoining property is developed with a four-story over one subterranean parking level apartment building containing six dwelling units. The five east adjoining properties, across Holt Avenue, are developed with two-story multi-family buildings containing between two to six units. The south adjoining property is developed with a three-story residential condominium building containing seven dwelling units. The four west and southwest adjoining properties, fronting on Sherbourne Drive, are developed with two-story multi-family buildings containing two and three dwelling units. The northwest adjoining property, fronting on Sherbourne Drive, is developed with a four-story over one subterranean parking level apartment building containing six dwelling units.

Of the 12 properties fronting on the western side of Holt Avenue, seven properties (exclusive of the three subject properties) are developed with two-story residential buildings, one property is developed with a two-story over parking garage residential building (three-story in appearance), and one is developed with a four-story over subterranean parking level residential building. Of the eleven properties fronting on the eastern side of Holt Avenue, eight properties are developed with two-story residential buildings and three properties (developed with a single building) has a three-story residential building.

Holt Avenue, abutting the subject property to the east, is a standard Local Street dedicated a right-of-way width of 60 feet and improved with asphalt roadway, concrete curb and gutter, 4-foot wide concrete sidewalks, and approximately 6-foot wide parkways.

The proposed five-story, 58-foot in height, 57,680 square-foot building will provide a reduced front yard setback of 10 feet, reduced side yard setbacks of 6 feet, a deviation from the maximum 40-foot width articulation requirement, and no long-term bicycle parking.

Eldercare Facilities are a permitted residential use within the R3 Zone. The proposed Eldercare Facility will provide Assisted Living Care and Alzheimer's/Dementia Care services. Pursuant to the State of California's licensing requirement, and as defined by LAMC Section 12.03, Assisted Living Care would provide assistance with two or more non-medical activities of daily living, and full-time medical services are not permitted on-site. Residents of the Alzheimer's/Dementia Care housing may require 24-hour care, which is permitted as defined by LAMC Section 12.03.

The project will contain 80 guest rooms consisting of 62 Assisted Living guest rooms and 18 Alzheimer's/Dementia guest rooms, in lieu of the 36 guest rooms otherwise permitted by the R3 Zone. Given the limited mobility of the residents, the applicant's stated economies of scale necessary to care for these residents, and the citywide need for eldercare facilities, the guest room density is reasonable. Along with the proposed guest room density, a host of secondary issues arise: visitor, staff, and vendor parking and increased traffic; and sirens associated with emergency service calls. The project does not request any deviation from the parking requirement of the Zoning Code. According to the staff report proposing the Eldercare Facility Unified Permit process, prepared by the Department of City Planning and dated May 8, 2003, staff and visitor parking needs are reflected in the parking requirements. Further, "[r]esident vehicles do not contribute measurably to traffic volumes generated by Eldercare Facilities, because most residents, as a result of their age and physical limitations, do not drive. A study by the American Seniors Housing Association concluded that the average number of resident vehicles at an Independent Senior Housing Facility or an Assisted Living Care Facility is 0.05 vehicles per unit. This is extremely low compared to other housing types."

Nevertheless, conditions have been incorporated into this approval which require the applicant to develop an incentive program to encourage staff to utilize public or alternative transportation or to only utilize the available on-site parking; that staffing be staggered to minimize the number of staff on-site at any one time; and that vendor deliveries times be restricted and limited to only occurring within a designated loading zone or within the parking garage. The Department of Transportation has analyzed the parameters of the project and determined that the project results in a less-than-significant impact on vehicles miles traveled. Testimony received indicated that that calls for emergency services at these facilities are much lower than perceived.

The proposed building envelope is larger than most other structures in the immediate area, but it is compatible with development in the immediate neighborhood.

The properties located immediately to the north and northwest of the property are developed with four-story residential buildings, having heights of approximately 45 feet (not including rooftop access structures), and the south adjoining property is developed with a two-story over parking garage residential building, appearing as a three-story building. As proposed, the five-story building would be one story taller than those to the north and northwest, and two stories taller than the southern property. The adjoining properties to the east, across Holt Avenue, and the west, fronting on Bedford Street, are developed with two story buildings.

The project has incorporated a number of features in an effort to minimize the project's height and massing within the surrounding community: it proposes two below-ground levels – one to accommodate required parking, and another to accommodate many of the common areas and services provided by the facility; the rear of the building is broken into two masses, separated by an uncovered 1,400 square-foot outdoor patio located on the ground level; and the fifth floor expands on this separation by the development of uncovered outdoor patio areas, further minimizing the bulk of the height of the building, as it appears from the west. The applicant has submitted a shade/shadow analysis of the project which shows that the proposed building would not have an impact on the eastern and western adjoining buildings.

Along the east-facing frontage of the building, the massing is broken up through the use of changes in plane, with a change in design and material between the ground-level and the upper four levels. Though these changes in plane do not meet the 5-foot depth change for a minimum span of 8 feet standard set by the existing [Q] condition of the zone, but they do offer aesthetic relief in contrast to a single-plane monolithic building façade.

As proposed, the project would observe a reduced front yard setback of 10 feet; the applicant has clarified, with updated plans verifying, that most of the building would observe front yard setbacks of 11 feet to 16 feet, with the 10-foot setback being located around the building entryway, though still less than the 20 feet otherwise required by the [Q] condition of the zone. While most of the development along either side of Holt Avenue appears to observe a uniform front yard setback, most of the properties also appear to have been developed with less than the 20 feet otherwise required; this is observed using the City Planning Department's Zoning Information and Map Access System, and measuring the distance between the buildings as they appear in the 2017 Digital Color Ortho photo and their relationship to the property boundary in that geographic information system. Many properties along the west side of Holt Avenue appear to observe approximately 13-foot front yard setbacks. With this consideration, the requested front yard

setback is a reasonable deviation in consideration of the benefit the eldercare facility represents.

The northern adjoining property owner has expressed concern that the 10-foot front yard setback will decrease the safety of vehicles existing his property; the northern adjoining property is developed with a subterranean parking garage, with their descending parking ramp alongside the shared side property line. On closer examination, the project will not result in significantly less safety for the northern property owner. At present, the northern property and the immediately southern adjoining property (representing the northern portion of the project site), share a driveway apron. The project property is presently improved with a one-lane driveway at this location. The proposed project would expand upon this driveway width to create a 24-1/2-foot wide driveway, with accompanying increase in driveway apron width. This, combined with the depth of the existing sidewalk, should provide an increased field of view of on-coming north-bound traffic. Nevertheless, the proposed driveway plan will be reviewed by the Departments of Building and Safety and Transportation to ensure that the proposed development does not conflict with safety regulations for vehicle ingress and egress.

Concerns have been raised about the proposed 6-foot side yards, in lieu of the required 8-foot side yards, and how they are necessary to facilitate emergency personnel access to the sides and rear of the building in case of emergency. While the side yard setbacks are utilized for access to the sides and rear yard areas of a property, the purpose of the setbacks are not for emergency access – they are there to convey a sense of developmental density through the physical separation of buildings on adjoining properties. Though the proposed building will observe reduced side yard setbacks, the building will be constructed to the latest fire and seismic standards, and should pose a lesser threat to failure under such stress than other older buildings in the area. In response to community concern regarding the originally proposed 5-foot side yard setbacks, the applicant has revised their plans to reflect the now considered 6-foot setbacks. With this consideration, the requested side yard setback is a reasonable deviation on balance with the benefit the eldercare facility represents.

The combination of Assisted Living and Alzheimer's/Dementia Care housing and the operation of the facility is generally considered a passive use. Although the project proposes a substantial amount of outdoor open space, it is not anticipated that the facility would result in noises that would be considered a nuisance or inconsistent to the surrounding residential uses. The applicant has submitted a noise analysis for construction-related noise impacts which found no significant adverse impacts.

The project, though exceeding some developmental regulations, is compatible with the surrounding area and reflects the gradual developmental trends occurring within the broader neighborhood, as evidenced by an applicant-submitted survey

of building types within several blocks of the project site. As a part of this approval, the Zoning Administrator has imposed conditions on the development and operation of the use to ensure that it remains compatible with its surroundings. As conditioned, it is found 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.

3. **The project shall provide services to the elderly such as housing, medical services, social services, or long-term care to meet citywide demand.**

The proposed facility consists of 80 guest rooms: 62 guest rooms for Assisted Living Care and 18 guest rooms for Alzheimer's/Dementia Care Housing. As designed, the project meets the definition of an "Eldercare Facility," which requires that it is "one functionally operated facility which provides residential housing for persons 62 years and older, and which combines in one facility, two or more of the following types of uses: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer's/Dementia Care Housing. A minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing" (LAMC Section 12.03).

The US Census estimates that since 2011, the population of people aged 65 and over in California has grown at a faster rate than the total population of the state. As noted by the City's Housing Element, the senior population in the City of Los Angeles is projected to grow by roughly 45 percent between 2000 and 2020, with seniors expected to account for more than 14 percent of the City's households by 2020. The senior age group is the fastest growing group in the City. The City has established objectives and programs to help provide eldercare facilities for the City's growing senior population. The Eldercare entitlement process embodied within Section 14.3.1 of the LAMC is a process adopted by the City in attempts to streamline the entitlement process for these developments.

Further, one of the Housing Element objectives is to assist in the development of 250 senior units each year; Construct 1,750 Eldercare units; and explore the creation of an affordability component to Eldercare Ordinance.

As the City of Los Angeles responds to market demands for increased senior housing models, the proposed Project seeks to address the growing need for eldercare housing by providing Assisted Living and Alzheimer's/Dementia care options on a site that has historically been used for multifamily residential purposes. On a site originally developed and proposed for apartment units, the project intends to continue the use of the property for residential purposes, now targeted toward an elderly population which will increase in coming years.

The proposed facility is designed to provide housing and services to meet the special needs of elderly residents. Approximately 51% of the project's floor area is devoted to common areas and on-site support services for the residents. The residential common areas would be located within the first subterranean level through the fifth floor, and include wellness rooms, an open lounge, a fitness room, common dining rooms, activity rooms, family/living rooms, and building lobby bistro for snacks and drinks, a salon and theatre room. According to the applicant, the distribution of open space and amenities throughout the project is intended to make the facilities widely available to residents, as well as create opportunities for a wider variety of activities and allow each space to be shared both collectively and by groups of residents for community engagement and interaction. The building would also include a central kitchen. These on-site uses are intended to provide quality care and amenities and enhance the quality of life of the eldercare facility residents and surrounding community.

The focus of the staff in the Assisted Living Care area would be balancing the residents' need for care with their desires to remain independent. The Alzheimer's/Dementia Care area of the facility is designed to answer the needs of residents with varying levels of dementia or other degenerative conditions. Caregiver oversight and supervision would be provided to prevent accidents that may occur otherwise. The Alzheimer's/Dementia Care second floor would also include an increased staff ratio. Additionally, this area of the project site would be more secured as per applicable standards and regulations. Overall, the project would provide security features including, but not limited to, controlled access to on-site parking areas and building entries, particularly after regular business hours, video surveillance, and security lighting.

The facility will provide varying levels of senior care and housing to ensure a continuum of care and allow residents to age in place, have access to assisted care, which would help alleviate the increasing demand placed on the housing market by seniors. As such, the project provides services to the elderly, including housing, medical services, social services, and long-term care to meet citywide demand.

4. The project shall not create an adverse impact on street access or circulation in the surrounding neighborhood.

Pedestrian access to the project site would be provided from existing sidewalks along Holt Avenue, which would provide direct access to the ground-floor lobby. Six short-term bicycle parking stalls will be provided on-site. Due to the compromised physical and mental state of its residents, residents are unlikely to ride a bicycle and, therefore, the project will not provide long-term bicycle parking.

Vehicle access to the project site would be provided along Holt Avenue at the northeast corner of the project site with one 24-foot-wide driveway for both ingress

and egress, consolidating three existing driveways. 36 on-site parking spaces for project will be provided in conformance to the code within a subterranean parking structure.

The elderly population residing on the site either require assistance with at least two activities of daily living or are afflicted with Alzheimer's or dementia; as such, most residents are not able to drive vehicles. The project's internal circulation and parking plan is designed with a driveway for ingress and egress to minimize congestion and back-up onto the street. All circulation would be contained on site with access to the subterranean parking garage. Moreover, the driveway access and circulation would be subject to review and approval by the Department of Transportation at the time of permitting.

A Transportation Study Assessment, conducted by the Department of Transportation, dated August 5, 2020, determined that the project would result in a net increase of 87 daily trips; therefore, the project would not result in a significant transportation impact on Vehicle Miles Traveled (VMT). Based on the VMT thresholds established in LADOT's Transportation Assessment Guidelines, this project does not exceed the 250 daily trip threshold for a significant impact.

Conditions have been made a part of this approval to ensure that operation of the facility will not conflict with the community; as such, the project shall not create an adverse impact on street access or circulation in the surrounding neighborhood.

5. **The project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.**

The proposed project is a new five-story, 58-foot in height, 57,680 square-foot Eldercare Facility containing 80 guest room consisting of 62 Assisted Living guest rooms and 18 Alzheimer's/Dementia guest rooms, with two subterranean levels, in the [Q]R3-1-O Zone. The project will provide a 10-foot minimum front yard setback, 6-foot side yard setbacks, a 15-foot rear yard setback, a deviation from the maximum 40-foot width frontage façade articulation requirement, and no long-term bicycle parking.

Eldercare Facilities are a permitted residential use within the R3 Zone. The proposed Eldercare Facility will provide Assisted Living Care and Alzheimer's/Dementia Care services. Pursuant to the State of California's licensing requirement, and as defined by LAMC Section 12.03, Assisted Living Care would provide assistance with two or more non-medical activities of daily living, and full-time medical services are not permitted on-site. Residents of the Alzheimer's/Dementia Care housing may require 24-hour care, which is permitted as defined by LAMC Section 12.03.

Surrounding properties are similarly zoned [Q]R3-1-O and improved with multi-level, multi-family apartment buildings. The north adjoining property is developed with a four-story over one subterranean parking level apartment building containing six dwelling units. The five east adjoining properties, across Holt Avenue, are developed with two-story multi-family buildings containing between two to six units. The south adjoining property is developed with a three-story residential condominium building containing seven dwelling units. The four west and southwest adjoining properties, fronting on Sherbourne Drive, are developed with two-story multi-family buildings containing two and three dwelling units. The northwest adjoining property, fronting on Sherbourne Drive, is developed with a four-story over one subterranean parking level apartment building containing six dwelling units.

Of the 12 properties fronting on the western side of Holt Avenue, seven properties (exclusive of the three subject properties) are developed with two-story residential buildings, one property is developed with a two-story over parking garage residential building (three-story in appearance), and one is developed with a four-story over subterranean parking level residential building. Of the eleven properties fronting on the eastern side of Holt Avenue, eight properties are developed with two-story residential buildings and three properties (developed with a single building) has a three-story residential building.

The proposed building envelope is larger than most other structures in the immediate area, but it is compatible with development in the immediate neighborhood.

The properties located immediately to the north and northwest of the property are developed with four-story residential buildings, having heights of approximately 45 feet (not including rooftop access structures), and the south adjoining property is developed with a two-story over parking garage residential building, appearing as a three-story building. As proposed, the five-story building would be one story taller than those to the north and northwest, and two stories taller than the southern property. The adjoining properties to the east, across Holt Avenue, and the west, fronting on Bedford Street, are developed with two story buildings, and the proposed eldercare facility would observe the code-required 15-foot rear yard setback.

The project has incorporated a number of features in an effort to minimize the project's height and massing within the surrounding community: it proposes two below-ground levels – one to accommodate required parking, and another to accommodate many of the common areas and services provided by the facility; the rear of the building is broken into two masses, separated by an uncovered 1,400 square-foot outdoor patio located on the ground level; and the fifth floor expands on this separation by the development of uncovered outdoor patio areas, further minimizing the bulk of the height of the building, as it appears from the west.

The applicant has submitted a shade/shadow analysis of the project which shows that the proposed building would not have a significant effect on the eastern and western adjoining buildings.

Along the east-facing frontage of the building, the massing is broken up through the use of changes in plane, including a change in design and material between the ground-level and the upper four levels. Though these changes in plane, which vary between 1 foot and 5 feet, do not meet the 5-foot depth change for a minimum span of 8 feet standard set by the existing [Q] condition of the zone, they do offer aesthetic relief in contrast to a single-plane monolithic building façade.

As proposed, the project would observe a front yard setback of 10 feet. The applicant has clarified, with updated plans verifying, that most of the building would observe front yard setbacks of 11 feet to 16 feet, with the 10-foot setback being located around the building entryway. While much of the development along either side of Holt Avenue appears to observe a uniform front yard setback, most of the properties also appear to have been developed with less than the 20 feet otherwise required; this is observed using the City Planning Department's Zoning Information and Map Access System, and measuring the distance between the buildings as they appear in the 2017 Digital Color Ortho photo and their relationship to the property boundary in that geographic information system. Many properties along the west side of Holt Avenue appear to observe approximately 13-foot front yard setbacks. With this consideration, the requested front yard setback is a reasonable deviation in light of the benefit the eldercare facility represents.

The project proposes 6-foot side yard setbacks, in lieu of the 8 feet required by regulations contained within the [Q] Qualified conditions attached to the zone of the property. This is required because the development exceeds 99 feet of frontage along Holt Avenue. Observation of the development in the immediate neighborhood did not reveal any newer buildings that have been constructed since the application of this setback requirement which has a street frontage exceeding 99 feet. Closer observation of the pattern of development along Holt Avenue reveals variations between 5 feet and 3 feet, among buildings constructed on one or two 50-foot wide lots. As such, the proposed side yard setback is consistent with the existing pattern of development within the neighborhood.

An Eldercare Facility use is a generally passive, non-impactful, residential use and any operations associated with the facility including maintenance activity or noise emitted from the site is not expected to expose surrounding residential uses to severe, on-going noise or nuisances.

Although the proposed building requires additional density, floor area, height, and setbacks, among other deviations, the expanded building envelope would accommodate space that will be utilized to provide for on-site services and amenities for residents who are unable to travel to nearby facilities which provide

senior services. As such, the project has been designed to the extent feasible to maintain compatibility with the surrounding uses and also to enhance the aesthetics of the surrounding neighborhood, and represents an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

6. **The project is in substantial conformance with the purpose, intent and provisions of the General Plan, applicable community plan, and with any applicable specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Housing Element of the General Plan contains Housing Goals, Policies, Objectives, and Programs, which state the following:

Goal 1.1 Produce an adequate supply of rental and ownership housing to meet current and projected needs.

Policy 9 Facilitate Housing for Senior and Disabled Persons. ... Explore options to introduce greater accessibility and affordability into the Eldercare process, given the significant zoning benefits provided ...

Objective: Construct 1750 Eldercare units.

The Land Use Element of the General Plan is comprised of 35 Community Plans spanning the City of Los Angeles. The project site is located within the boundaries of the Wilshire Community Plan, which designates the subject property for Medium Residential land uses corresponding to the R3 Zone. The subject property is zoned [Q]R3-1-O and is thus consistent with the existing land use designation. The Community Plan states the following:

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

Objective 1-2 Reduce vehicular trips and congestion by developing new housing in close proximity to

regional and community commercial centers, subway stations and existing bus route stops.

Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.

Objective 1-4 Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.

Policy 1-4.1 Promote greater individual choice in type, quality, price and location of housing.

The proposed new Eldercare Facility, located within Tier 3 of a Transit-Oriented Community-eligible transit stop, will provide 80 guest rooms for seniors who either need assisted living services or are suffering from Alzheimer's/Dementia. The project would promote greater choice in the type of housing for that vulnerable and fast-growing group, and would provide varying levels of care to satisfy a range of needs.

The project is in close proximity to the following bus stops which are located near the project site along Wilshire Boulevard to the north, La Cienega Boulevard to the east and Olympic Boulevard to the south:

- Metro Local Lines – 105 (0.1 miles); 20 (0.25 miles); and 28 (0.21 miles)
- Metro Rapid Line – 720 (0.25 miles)

La Cienega Community Center (City of Beverly Hills) is located at the southeastern corner of La Cienega Boulevard and Gregory Way (0.15 miles).

As described above, the proposed project is in substantial conformance with the purpose, intent and provisions General Plan and applicable Community Plan. The project is not located within any specific plan area and not subject to any specific plan.

SITE PLAN REVIEW FINDINGS

7. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The

General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Housing Element of the General Plan contains Housing Goals, Policies, Objectives, and Programs, which state the following:

Goal 1.1 Produce an adequate supply of rental and ownership housing to meet current and projected needs.

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La Cienega Community Center (City of Beverly Hills) is located at the southeastern corner of La Cienega Boulevard and Gregory Way (0.15 miles).

As described above, the proposed project is in substantial conformance with the purpose, intent and provisions General Plan and applicable Community Plan. The project is not located within any specific plan area and not subject to any specific plan.

8. **That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on neighboring properties.**

The proposed project is a new five-story, 58-foot in height, 57,680 square-foot Eldercare Facility containing 80 guest room consisting of 62 Assisted Living guest rooms and 18 Alzheimer's/Dementia guest rooms, with two subterranean levels, in the [Q]R3-1-O Zone. The project will provide a 10-foot minimum front yard setback, 6-foot side yard setbacks, a 15-foot rear yard setback, a deviation from the maximum 40-foot width frontage façade articulation requirement, and no long-term bicycle parking.

Eldercare Facilities are a permitted residential use within the R3 Zone. The proposed Eldercare Facility will provide Assisted Living Care and Alzheimer's/Dementia Care services. Pursuant to the State of California's licensing requirement, and as defined by LAMC Section 12.03, Assisted Living Care would provide assistance with two or more non-medical activities of daily living, and full-time medical services are not permitted on-site. Residents of the Alzheimer's/Dementia Care housing may require 24-hour care, which is permitted as defined by LAMC Section 12.03.

Height, Bulk and Setbacks

The proposed building reaches a height of 58 feet with five stories, with an exterior wall width fronting Holt Avenue to exceed 40 feet without a change in plane, 10-foot front yard setback and 6-foot side yard setbacks.

Surrounding properties are similarly zoned [Q]R3-1-O and improved with multi-level, multi-family apartment buildings. The north adjoining property is developed with a four-story over one subterranean parking level apartment building containing six dwelling units. The five east adjoining properties, across Holt Avenue, are developed with two-story multi-family buildings containing between two to six units. The south adjoining property is developed with a three-story residential condominium building containing seven dwelling units. The four west and southwest adjoining properties, fronting on Sherbourne Drive, are developed with two-story multi-family buildings containing two and three dwelling units. The northwest adjoining property, fronting on Sherbourne Drive, is developed with a four-story over one subterranean parking level apartment building containing six dwelling units.

Of the 12 properties fronting on the western side of Holt Avenue, seven properties (exclusive of the three subject properties) are developed with two-story residential buildings, one property is developed with a two-story over parking garage residential building (three-story in appearance), and one is developed with a four-story over subterranean parking level residential building. Of the eleven properties fronting on the eastern side of Holt Avenue, eight properties are developed with two-story residential buildings and three properties (developed with a single building) has a three-story residential building.

The proposed building envelope is larger than most other structures in the immediate area, but it is compatible with existing and future development in the immediate neighborhood.

The properties located immediately to the north and northwest of the property are developed with four-story residential buildings, having heights of approximately 45 feet (not including rooftop access structures), and the south adjoining property is developed with a two-story over parking garage residential building, appearing as a three-story building. As proposed, the five-story building would be one story taller than those to the north and northwest, and two stories taller than the southern property. The adjoining properties to the east, across Holt Avenue, and the west, fronting on Bedford Street, are developed with two story buildings.

The project has incorporated a number of features in an effort to minimize the project's height and massing within the surrounding community: it proposes two below-ground levels – one to accommodate required parking, and another to accommodate many of the common areas and services provided by the facility; the rear of the building is broken into two masses, separated by an uncovered 1,400 square-foot outdoor patio located on the ground level; and the fifth floor expands on this separation by the

Alzheimer's/Dementia Guest Rooms at a ratio of 0.2 spaces per bed), which complies with the parking required pursuant to LAMC Section 12.21-A,4(u). On-site parking is provided entirely within a second level subterranean level. No vehicular parking will be visible from the street. Vehicular access to the proposed project will be directly from Holt Avenue via a single two-way, 24-foot-wide driveway. Vehicular access to the three existing duplexes will be consolidated into the single driveway located on the northern end of the property.

The number/types of guest rooms (and number of guest beds) and the respective requirement for parking as described above follows:

Unit Type	Number of Guest Room/Bed	Ratio	Total Spaces Required	Total Spaces Provided
Assisted Living	62	0.5	31	
Memory Care	22	0.2	5	
Total Spaces Required			36	36

An Eldercare Facility Unified Development is required to provide long-term bicycle parking at a ratio of 1 space per 5,000 square feet and required to provide short-term bicycle parking at a ratio of 1 space per 10,000 square feet, pursuant to LAMC Section 12.21-A,16(a)(2). This would require 12 long-term spaces ($57,680 \text{ SF} / 5,000 = 23$) and 6 short-term spaces ($57,680 \text{ square feet} / 10,000 = 6$) for a total of 18 bicycle parking spaces. Due to the compromised physical state of the facility's residents, the project will not be providing long-term bicycle parking. All required short-term bicycle parking spaces are located in a bicycle storage room on level B1 as illustrated in the project plans.

Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

On-Site Landscaping

Various types of vegetation and trees are integrated into the design of the building facades to minimize the visual impact of the maximum 58-foot tall

building and buffering from neighboring properties. The proposed project's landscaping creates a pedestrian-friendly ground floor that helps unify and bolster continuity between the neighborhood and the project site as a whole along Holt Avenue. Additionally, perimeter landscaping will provide a privacy buffer and screening between the subject development and the adjoining properties.

Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. All trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within one trash room located on the second and lowest subterranean level. The trash room is not visible from the public right-of-way. Compliance with these regulations will allow the project to be compatible with existing and future development.

As described above, the project consists, of an arrangement of buildings and structures, off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighboring properties.

9. **That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

The proposed project will include 80 guest rooms; 62 for Assisted Living Care and 18 for Alzheimer's/Dementia Care. The project provides a number of indoor and outdoor common area amenities throughout the facility summarized by level below:

Level	Amenities
B1	Theater, Library, Wine Cellar, Salon, Residential Laundry, Restrooms, Fitness Room, Open Lounge, 1,200 square-foot Outdoor Courtyard
1	Bistro, Main Dining Room, 1,400 square-foot Dining Courtyard, Kitchen, Mail Room, two Outdoor Rear Yards totaling 1,400 square feet
2	Restroom, Wellness Office, Kitchen, Dining Room, Living Room, Activity Room, Quiet Room, 300 square-foot Outdoor Patio
3	Restroom, Wellness Room
4	Restroom, Wellness Room

5	Restroom, Kitchen, Dining Room, Living room, Activity Room, three Outdoor Patios totaling 2,400 square feet
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The common open space areas of the proposed project account for 26,684 square feet of the project floor area. Included in this is space for staff offices, a staff lounge, and maintenance laundry. Essentially, many services that the facility's residents require are provided on-site, thus minimizing impacts on neighboring properties.

The combination of these various recreational features and design features would provide adequate amenities for the building residents, minimizing impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

10. 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 X, outside the flood zone.

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

Applicant Copy
Office: Downtown
Application Invoice No: 72715

City of Los Angeles
Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



6800172715



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number:020621E3D-DFCCF9D5-11F7-46DE-B3D1-EA849E90158C, Amount:\$109.47, Paid Date:06/02/2021

Applicant: SIDIS, DANIEL (310-8775187)
Representative:
Project Address: 827 S HOLT AVE, 90035

NOTES: ACTUAL CASE NO. OF CASE THAT IS APPEALED IS ENV-2020-2165-CE-1A

ENV-2020-2165-EAF-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 5
Plan Area: Wilshire
Processed by CHAN, JASON on 06/02/2021

Signature: _____



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City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number:020621E3D-DFCCF9D5-11F7-46DE-B3D1-EA849E90158C, Amount:\$109.47, Paid Date:06/02/2021

Applicant: SIDIS, DANIEL (310-8775187)
Representative:
Project Address: 827 S HOLT AVE, 90035

NOTES: ACTUAL CASE NO. OF CASE THAT IS APPEALED IS ENV-2020-2165-CE-1A

ENV-2020-2165-EAF-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 5
Plan Area: Wilshire
Processed by CHAN, JASON on 06/02/2021

Signature: _____