

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2020-5510-TOC-SPR-HCA-1A	ENV-2020-5511-CE-1A	1 - Cedillo
PROJECT ADDRESS:		
2401-2417 West 8th Street and 729-751 South Park View Street		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
John Safi, Pacific Parkview LP		
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Daniel Ahadian , nur – Development Consulting	(310) 339-7344	daniel@nurdevelopment.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Enrique Velasquez Coalition For An Equitable Westlake/MacArthur Park	(323) 605-8393	kikevelasquez@gmail.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Trevor Martin	(213) 978-1341	trevor.martin@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Categorical Exemption (CE)		

FINAL ENTITLEMENTS NOT ADVANCING:

Transit Oriented Communities (TOC); Site Plan Review (SPR)

ITEMS APPEALED:

CEQA appeal: Categorical Exemption (CE)

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

NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:** Yes No

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

PLANNING COMMISSION: City Planning Commission (CPC) Cultural Heritage Commission (CHC) Central Area Planning Commission East LA Area Planning Commission Harbor Area Planning Commission North Valley Area Planning Commission South LA Area Planning Commission South Valley Area Planning Commission West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
September 14, 2021	4-0
LAST DAY TO APPEAL:	APPEALED:
October 15, 2021	October 12, 2021
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez	October 29, 2021



CENTRAL 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: **SEP 30 2021**

Case No. DIR-2020-5510-TOC-SPR-HCA-1A
CEQA: ENV-2020-5511-CE
Plan Area: Westlake

Council District: 1 – Cedillo

Project Site: 2401-2417 West 8th Street and 729-751 South Park View Street

Applicant: John Safi, Pacific Parkview, LP
Representative: Daniel Ahadian, nur-Development Consulting

Appellant: Enrique Velasquez, Coalition for An Equitable Westlake Macarthur Park

At its meeting of **September 14, 2021**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction, use, and maintenance of a new seven-story mixed-use development, 92 feet 6 inches feet in height, containing a total of 264 dwelling units, with 27 proposed dwelling units reserved for Extremely Low Income Households. The proposed development will contain 266,438 square feet of floor area, including 9,724 square feet of ground floor commercial space. The Project provides a total of 22,137 square feet of open space that will comprise of public courtyards, a fitness center/sport lounge, patios, terraces, and private balconies. The Project contains one subterranean parking level, and ground level parking providing a total of 230 vehicular parking spaces.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and that there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Planning Director's determination dated June 10, 2021;
3. **Approved with conditions**, pursuant to Sections 12.22 A 31 and 16.05 of the Los Angeles Municipal Code (LAMC), a 70 percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following three incentives for a Tier 3 project totaling 264 dwelling units, reserving 27 units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:
 - a. Yard/Setback – Utilization of rear yard setback requirements of the RAS3 Zone for a project in a commercial zone;
 - b. Open Space – A maximum 25 percent reduction in required open space; and
 - c. Averaging of Floor Area Ratio (FAR) – The averaging of FAR across the entire project site;
4. **Approved with conditions**, pursuant to Sections 12.22 A.31 and 16.05 of the LAMC, a Site Plan Review for the construction, use and maintenance of a new seven-story mixed-use development that will include a total of 264 dwelling units (including 27 affordable units) and 9,724 square feet of commercial space in the C2-1 and C2-2 zones;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

This vote proceeded as follows:

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

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 final upon the mailing date of this letter, and it is not further appealable.

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 to a City appellate body** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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: Conditions of Approval, Findings, Interim Appeal Filing Procedures

c: Heather Bleemers, Senior City Planner
Esther Ahn, City Planner
Trevor Martin, Planning Assistant

CONDITIONS OF APPROVAL

Pursuant to LAMC Sections 12.22-A,31, and 16.05, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **On-site Restricted Affordable Units.** 27 units, or equal to 10 percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
3. **Changes in On-site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 10 percent of the total number of dwelling units available to Extremely Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination. Additionally, the project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination Letter, dated April 1, 2020, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.
5. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 264 residential dwelling units, (equal to a maximum density increase of 70 percent), including On-Site Restricted Affordable Units.
 - b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 4.56:1 (utilizing FAR averaging) for a Tier 3 project in the C2-1 and C2-2 zones.
 - c. **Parking.**

- i. **Automotive Parking.** Automobile parking shall be provided consistent with the Transit Oriented Communities Guidelines under LAMC Section 12.22-A,31. The proposed development, a Tier 3 project, shall not be required to exceed 0.5 automobile parking spaces per dwelling unit. Up to a 30 percent reduction in nonresidential parking shall be permitted. A greater number of parking spaces may be provided at the applicant's discretion.
- ii. **Bicycle parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A,16.
- iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
- iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

6. **Additional Incentives.**

- a. **Yard/Setback.** The project shall be permitted to utilize the rear yard setback requirements of the RAS3 Zone for a project in a commercial zone.
- b. **Open Space.** The project shall be permitted up to a maximum 25 percent reduction in required open space.
- c. **Averaging of Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 4.56:1 (utilizing FAR averaging) for a Tier 3 project in the C2-1 and C2-2 zones.

Design Conformance Conditions

7. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
8. **Entrances.** The pedestrian entrances to the residential lobbies on 8th Street and Park View Street shall be recessed as shown in "Exhibit A."
9. **Window Treatments.** Architectural window framing elements that project or recess shall be at a minimum of 3-inches from the exterior façade on 75 percent of the windows of each

elevation of the structure. The architectural window framing element projection or recess may exceed the 3-inch minimum as permitted by the LAMC.

10. **Building Materials.** Each façade of the building shall incorporate a minimum of three (3) different building materials. Windows, doors, balcony/deck railings, and fixtures (such as lighting, signs, etc.) shall not count towards this requirement.
11. **Signage.** The project shall comply with all signage requirements of the LAMC as well as the Design Guidelines of the Westlake Redevelopment Project Area. No signage approvals have been granted herein.

Site Plan Review Conditions

12. **Parking.** With the exception of vehicle and pedestrian entrances and/or fresh air intake grilles, all vehicle parking shall be completely enclosed along all sides of the building.
13. **Parking / Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Department of Transportation for approval.
14. **Loading Area.** The project's loading area may be accessed from 8th Street in lieu of the adjacent alley otherwise required pursuant to LAMC Section 12.21 C.6.
15. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above skies.
16. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping consistent with LADWP access requirements.
17. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
18. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
19. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Administrative Conditions

20. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
21. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of

Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

22. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
23. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
24. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the LAMC, Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
25. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
26. **Department of Transportation and LAUSD's Transportation Branch.** A construction work site traffic control plan shall be submitted to the Department of Transportation's Citywide Temporary Traffic Control Office and LAUSD's Transportation Branch for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties.
27. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
28. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
29. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
30. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant

shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

31. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

FINDINGS

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

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

1. **Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the Director finds that:**

- a. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of Additional Incentives in the Transit Oriented Communities (TOC) Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Yard/Setback. The requested incentive to utilize setback requirements of the RAS3 Zone for a project in a commercial zone is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. In this case, the applicant has requested to utilize the northerly rear yard as permitted by the RAS3 Zone. The requested incentive will allow the project to have a rear yard setback on the commercial and residential levels of the building reduced from 20 feet (as required in underlying the C2 zone) to five (5) feet. Additionally, the project does not have to set back the rear of the building one additional foot for each floor above the third floor, as would otherwise be required in the C2 zone. The RAS3 Zone also requires a ground floor (5) five-foot rear yard. Utilization of the RAS3 rear yard requirement increases the buildable area of the residential levels of the building so units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses can be increased. This incentive supports the applicant's decision to reserve 27 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Open Space. The requested open space incentive, allowing for a maximum 25 percent reduction of the open space requirement, is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building

design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the developer to reduce open space requirements so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve 27 units as affordable housing units reserved for Extremely Low Income Households.

Floor Area. The requested averaging of Floor Area Ratio (FAR) incentive, allowing for the averaging of FAR across an entire project site, is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the developer to utilize the averaging of the FARs of the project site's underlying C2-1 and C2-2 zoning, allowing for more buildable area to accommodate affordable housing units while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 27 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Therefore, the three Additional Incentives are necessary to provide for affordable housing costs.

- b. *The Incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible methods to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(B) and 65589.5(d)).*

There is no evidence that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. According to ZIMAS, the project is not located in a Hillside area or a Very High Fire Hazard Severity Zone. While the project site does have street frontage on two substandard streets, the project will provide the necessary dedication and street improvements along both 8th Street and Park View Street per Bureau of Engineering's recommendations. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

- c. *The incentives are contrary to state or federal law.*

There is no substantial evidence in the record indicating that the requested incentives are contrary to any state or federal law.

SITE PLAN REVIEW FINDINGS

- 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 elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are twelve elements of the General Plan. The majority of the policies derived from these elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the General Plan is divided into 35 Community Plans. The subject property is located within the Westlake Community Plan, which designates the site for Community Commercial land uses corresponding to the C4, C2, C1, CR, RAS3, RAS4, P, and PB zones, and Highway Oriented Commercial land uses corresponding to the C2, C1, CR, RAS3, RAS4, and P zones. The subject property's zoning is thus consistent with the General Plan's land use designations for the site. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The proposed project is consistent with the following goals, objectives, and policies of the Westlake Community Plan:

RESIDENTIAL

- Objective 1:** To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population.
- Objective 2:** To conserve and improve existing viable housing for persons desiring to live in Westlake, especially low and moderate income families.
- Objective 3:** To sequence housing development so as to provide a workable, efficient, and adequate balance between land use, circulation, and service system facilities at all times.
- Policy 2:** That medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from or a transition between low density housing can be achieved.
- Policy 4:** That the City shall support continued affordability of units subject to termination of Federal mortgage or rent subsidies and expiring bond projects.

COMMERCIAL

- Objective 1:** To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community.
- Objective 2:** To improve the compatibility between commercial and residential uses.

Policy 1: That commercial facilities be located on existing traffic arteries and commercial corridors.

In addition, the project meets the following objectives and policies of the City's Housing Element:

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1-1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services, and transit.

Policy 2-2.2: Provide incentives and flexibility to generate new multi-family housing near transit and centers, in accordance with the General Plan Framework element, as reflected in Map ES.1.

Policy 2-2.3: Promote and facilitate a jobs/housing balance at a citywide level.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

The proposed project is a seven-story, mixed-use development, which includes a total of 264 residential units, (including 27 units reserved for Extremely Low Income Households), and 9,724 square feet of ground floor commercial space. The project includes a variety of unit types, including studio, one-bedroom, and two-bedroom units. By providing a range of housing opportunities, the project accommodates an adequate supply of housing units by type and cost. The new, in-fill development has been well-conditioned to ensure high quality design and architecture which will enhance the existing neighborhood, consisting of a wide variety of residential, commercial, and public facility uses. The project features attractive and quality landscaping in addition to a variety of amenities available for all tenants and residents of the project.

The project site is zoned for commercial uses as intended by the Community Plan, and has street frontage along Park View Street, and 8th Street, a busy commercial thoroughfare. The project's proposed ground floor commercial uses located at the southeast corner of the site, will strengthen and provide new viable commercial development in a long-established commercial corridor. The project's neighborhood-serving commercial uses will benefit the community by contributing towards a pedestrian-friendly environment that is safe for all modes of transportation. The project is within close proximity to public transit stops, including Metro and DASH bus stops on 8th Street, and the Metro Rail Station with Metro Purple and Red Lines at the Westlake/MacArthur Park Station. The resulting development will thus be located in a manner that has the potential to reduce vehicular trips. Furthermore, the subject property had been previously developed with non-residential uses, and is now currently, a vacant site. Thus, the project will improve an underutilized site, and will not cause displacement of housing or loss of any existing residential units.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the Westlake Community Plan and does not conflict with any applicable regulations or standards.

- 3. 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 arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Westlake Community Plan at the intersection of 8th Street and Park View Street. The project site is bound by 8th Street to the southwest; Park View Street to the southeast; and a public alley to the northwest. Adjoining the project site to the north is a C2-2 zoned lot improved with a single-story multi-tenant commercial building with adjoining surface parking lots to the west, and to the east. Abutting the project site to the east, across Park View Street, is a public elementary school (MacArthur Park Visual and Performing Arts Elementary). Abutting the project site to the south, at the southeast corner of the intersection of 8th Street and Park View Street, is a C2-1 and R4-1 zoned parcel of land developed with a two-story nursing home. Abutting the project site to the southwest, across 8th Street, is a two-story mini-shopping center with a surface parking lot. Abutting the project site to the west, are properties zoned C2-1, R4-1, and R4-2, improved with apartment buildings ranging from one to five stories as well as a surface parking lot.

The proposed project involves the construction of a seven-story mixed-use building, 92 feet 6 inches in height with 264 residential units, inclusive of 27 units set aside for Extremely Low Income Households, and approximately 9,724 square feet of ground floor commercial space. The project will provide a total of 230 vehicular parking stalls, and 172 bicycle parking stalls. The project site is a sloping, rectangular-shaped parcel of land comprised of eight (8) contiguous lots, totaling approximately 58,535 square feet (approximately 1.34 acres) in size.

Height, Bulk and Setbacks

The proposed building reaches a maximum height of 92 feet, 6 inches with seven stories above a subterranean parking level, as permitted by the underlying Height District Nos. 1 and 2 of the site which each allow for unlimited height and stories for developments within commercially-zoned properties. The subject property is zoned C2-1 and C2-2. The C2-1 zoning of the site normally allows for a maximum Floor Area Ratio (FAR) of 1.5:1; however, as permitted through the TOC Incentive Program and LAMC Section 12.22-A,31, Housing Developments in Tier 3-designated commercial zones may qualify for a FAR increase of up to 3.75:1 in exchange for setting aside a portion of the proposed residential units toward affordable housing. Likewise, the C2-2 zoning of the site normally allows for a maximum FAR of 6:1; however, as permitted through the TOC Incentive Program and LAMC Section 12.22-A,31, the development may qualify for an FAR increase of up to 9:1. The project is requesting the Averaging of Floor Area Ratio (FAR) incentive, allowing for the averaging of FAR across the entire project site. As such, the project is proposing a total floor area ratio of 4.56:1, equating to approximately, 266,438 square feet of floor area.

The proposed building provides the minimum required front and side yard setbacks of the C2 zone for mixed-use developments. The project qualifies for an Additional Incentive through the TOC Incentive Program to allow for a reduced northerly rear yard of (5) five feet in lieu of the 20 feet, otherwise required by the LAMC.

To minimize the bulk and massing of the proposed building, the project includes variations in building materials and the exterior walls of the building are also articulated, incorporating street-facing balconies and windows. The ground floor consists of a variation in wall treatments, including glass, metal, cement plaster, and green screens integrated into the overall architectural style of the building. In addition, landscaping is utilized to create an attractive buffer between the exterior wall and the public right-of-way. The project design employs various architecture methods to establish a distinguishable and attractive building design. A variety of building materials and finishes, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood.

Off-Street Parking Facilities

The project includes a total of 230 vehicular parking spaces and 172 bicycle parking stalls for residential and commercial uses, consistent with the requirements of the LAMC and TOC Guidelines. The project includes one ingress and egress driveway for commercial uses along 8th Street and provides two ingress and egress driveways for residential uses along Park view Street. This southerly driveway along Park View Street provides access to the building's subterranean parking level, and the northerly driveway provides access to the ground floor parking level. The residential driveways placements along Park View Street, the secondary right-of-way, allows for the maximization of commercial space along 8th Street while minimizing disruptions to traffic flow. All parking will be screened and not be visible from the public right-of-way. Therefore, for the reasons stated above, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Loading Areas

The proposed project is situated in a commercial zoned property that adjoins a public alley and contains commercial uses. The project's proposed commercial loading zone is approximately 1,000 square feet in size, having a 14-foot height clearance, and is located within the commercial parking area at the southwest corner of the ground level of the development. The applicant is requesting a modification to LAMC 12.21 C.6, requiring that every required loading space be located and arranged so that delivery vehicles may be driven upon or into said space from the alley. The requested modification would allow for delivery vehicles to be driven into the loading zone from 8th Street in lieu of the northwesterly-adjointing alley. There are several factors that create a hardship in utilizing the alley for delivery vehicles: (1) there are gates positioned in two locations of the alley prohibiting through traffic; (2) the alley T's off into two substandard alleyways to the north posing a potential hazard for delivery vehicles and the general public; (3) given the close proximity of several high-density residential buildings and commercial buildings, utilization of the alley for loading activity could exacerbate vehicular and pedestrian access; and (4) the natural grade of the property slopes to a upward from 8th Street, therefore, locating the driveway for commercial parking would contribute to an inefficient parking design and higher building costs. Furthermore, an LADOT determination dated May 21, 2021, states that the modified loading zone on the site plan as shown in Exhibit "A", satisfies LADOT requirements. For these reasons, the requested modification to allow delivery vehicles for the project's commercial tenants to access the loading area from 8th Street in lieu of the adjacent alley is justified, as it will improve public safety and maximize efficiency.

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. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide a total of approximately 3,565 square feet of landscaped area. Various types of vegetation and trees are integrated into the design of the building facades to minimize the visual impact of the maximum 92.5-foot tall building and provide buffering for 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 8th Street and Park View Street. Furthermore, the project has been conditioned to require that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks be attractively landscaped. Therefore, as designed and conditioned, the on-site landscaping of the proposed project will be compatible with the existing and future developments in the neighborhood.

Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within two separate trash/recycle rooms. The residential trash/recycle room is located at the northeasterly ground floor portion of the building. The project includes trash and recycling chutes throughout the building to encourage recycling and keep trash and recycling hidden from the view of residents and neighbors. The trash and recycling area for the commercial portion of the building is completely enclosed within the commercial parking garage. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above, 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 will be compatible with existing and future development on adjacent and neighboring properties.

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

The project provides several recreational amenities for the residents of the project. Pursuant to Section 12.21-G,2 of the LAMC, there shall be 100 square feet of open space provided for each residential unit having less than three habitable rooms; 125 square feet of open space provided for each residential unit consisting of three habitable rooms; and 175 square feet of open space provided for each residential unit containing more than three habitable rooms. The project is for a mixed-use development consisting of 264 apartments units, and 9,724 square feet of commercial space. Whereas approximately 27,375 square feet of open space is required by the LAMC, the project will provide approximately 22,137 square feet of open space that is inclusive of common open areas as well as private (balcony) open space areas by utilizing a TOC Additional Incentive. For transit-dependent residents, the subject property is located approximately 1,584 feet from a Major Transit Stop. Therefore, the project contains adequate recreational amenities and is within close proximity to transit services which will contribute to the habitability of the residents of the 264 dwelling units and minimize the impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
6. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated March 30, 2021 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.

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