

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2019-4884-CU-DB-SPR-1A	ENV-2019-4885-CE	15 – Buscaino
PROJECT ADDRESS:		
2111 – 2139 South Pacific Avenue		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
RKD 2111 PACIFIC, LLC 1601 North Sepulveda Boulevard, Unit 798 Manhattan Beach, CA 90266	N/A	N/A
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jonathan Lonner, Kristen Lonner, Josh Guyer, Dave Zohn, Burns & Bouchard, Inc. 9619 National Boulevard Los Angeles, CA 90034	(310) 802-4261	jlonner@burnsbouchard.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Citizens Protecting San Pedro 728 Paseo Del Mar San Pedro, CA 90731	(310) 625-1157	aquarianstudios@hotmail.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Connie Chauv, City Planner	(213) 978-0016	connie.chauv@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Conditional Use (CU); Density Bonus (DB); Site Plan Review (SPR)		

FINAL ENTITLEMENTS NOT ADVANCING:

Density Bonus (DB) Off-Menu Incentives

ITEMS APPEALED:

Conditional Use (CU); Site Plan Review (SPR)

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

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

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

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- ☐
- ☐

NOTES / INSTRUCTION(S):

Joint appeal filed by Citizens Protecting San Pedro (Noel Gould), Anthony Lopez, Anthony Marsh, Danial Nord, Doug Pearsall, Fran Siegel, Kathryn Rinde, Lorena Luzuriaga, Luis Escobar, Myung Jin Kim, Rock Bilodeau, Sebastian Rinde

Transmittal Includes:

- BTC Invoice
- 500' Mailing List for Owner
- 500' Mailing List for Occupants
- Appellant Mailing List

FISCAL IMPACT STATEMENT:☒ Yes☐ No

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

PLANNING COMMISSION:	
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	
PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
September 9, 2021	8 – 1
LAST DAY TO APPEAL:	APPEALED:
October 20, 2021	Yes, October 19, 2021
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	October 28, 2021



LOS ANGELES CITY 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: OCT 05 2021

Case No. **CPC-2019-4884-CU-DB-SPR**
CEQA: ENV-2019-4885-CE
Plan Area: San Pedro

Council District: 15 – Buscaino

Project Site: 2111 – 2139 South Pacific Avenue

Applicant: RKD 2111 Pacific, LLC
Representative: Jonathan Lonner, Kristen Lonner, Josh Guyer
Dave Zohn, Burns & Bouchard, Inc.

At its meeting of **September 9, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Development of a new four-story, 45-foot and five-inch-tall mixed-use residential building comprised of 100 dwelling units (including 11 units restricted to Very Low-Income Households) with 1,800 square feet of ground floor retail space. The Project will provide 84 vehicular parking spaces in two subterranean parking levels, and 75 long-term and eight short-term bicycle parking spaces. The Project will be 77,945 square feet in floor area and have a Floor Area Ratio (FAR) of 3.26:1. The site is currently improved with a 1,490 square foot single-tenant bar, surface parking lot, and vacant lot, with 12 non-protected palm trees on the subject site and ten non-protected palm trees along the public right-of-way, all of which will be removed to clear the lot. The Project proposes grading and export of 20,000 cubic yards of soil.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Found**, based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, that the Project is within the scope of the San Pedro New Community Plan ENV-2009-1558-EIR (Program EIR), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; and the City has incorporated all feasible mitigation measures from the Program EIR on the Project;
3. **Approved**, pursuant to Section 12.22 A.25(g) of the Los Angeles Municipal Code (LAMC), a Density Bonus/Affordable Housing Incentive Program Compliance Review to permit the construction of a Housing Development Project totaling 100 units, reserving 11 units for Very Low Income Household occupancy for a period of 55 years, with the following requested Off-Menu Incentives:
 - a. A Floor Area Ratio (FAR) of 3.26:1 in lieu of 1.5:1 as otherwise permitted in the C2-1XL-CPIO Zone and San Pedro Community Plan Implementation Overlay (CPIO) Section IV-2.B;
 - b. A reduction in parking to allow 80 residential parking spaces in lieu of the 121 spaces required by Density Bonus Parking Option 1 and LAMC Section 12.22 A.25(d)(1); and
 - c. An elimination of loading space requirements of LAMC Section 12.21 C.6;

4. **Approved**, pursuant to LAMC Section 12.22 A.25(g)(3) the following one Waiver of Development Standard:
 - a. A 15.5-foot and two-story increase in the maximum building height to allow 45 feet five inches and four stories in lieu of 30 feet and two stories as otherwise permitted in the C2-1XL-CPIO zone and CPIO Section IV-2.A.2;
5. **Approved**, pursuant to LAMC 12.24 U.26, a Conditional Use Permit for a 46 percent increase in density over the Project site, in lieu of the otherwise permitted 35 percent increase in density allowable under LAMC Section 12.22 A.25;
6. **Approved**, pursuant LAMC 16.05, a Site Plan Review for a development project resulting in an increase in 50 or more dwelling units;
7. **Adopted** the attached Modified Conditions of Approval; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman
Second: Choe
Ayes: Leung, López-Ledesma, Millman, Dake Wilson
Nay: Mack
Absent: Hornstock

Vote: 6 – 1



Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus and Waiver of Development Incentives are not appealable. All remaining actions are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: OCT 20 2021

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

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

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

c: Michelle Singh, Senior City Planner
Connie Chauv, City Planner

CONDITIONS OF APPROVAL

(As modified by City Planning Commission at its meeting on September 9, 2021)

Density Bonus Conditions

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" (date-stamped August 2, 2021) and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 100 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 11 units, that is 16 percent of the base 68 dwelling units, shall be reserved as affordable units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2).
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 11 units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. 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 any monitoring requirements established by the HCIDLA.
5. **Floor Area Ratio (FAR) (Incentive).** The project shall be limited to a maximum floor area ratio of 3.26:1 per Exhibit "A".
6. **Height (Waiver).** The project shall be limited to four (4) stories and 45 feet and 5 inches in building height per Exhibit "A".
7. **Automobile Parking for Residential Uses (Incentive).** The project shall provide a minimum of 80 residential parking spaces, as shown in Exhibit "A".
8. **Automobile Parking for Commercial Uses.** As required by LAMC Section 12.21 A.4(c), the project shall provide a minimum of four (4) parking spaces for the 1,800 square feet of commercial uses, at a ratio of one space for every 500 square feet of commercial square footage.
9. **Loading Space (Incentive).** The loading space requirements of LAMC Section 12.21 C.6 shall not apply. The project shall provide a loading space in the subterranean parking garage that is accessed from 21st Street, as shown in Exhibit "A".
10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. The project shall provide a minimum of 127 bicycle parking spaces total, as shown in Exhibit "A".

Site Plan Review Conditions

11. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the San Pedro Community Plan Implementation Overlay ("CPIO") pursuant to Ordinance No. 185,539, except as modified herein.
12. **Mural.** The project shall provide an art mural as provided in Exhibit "A". The art mural shall not be used for advertising or signage. The art mural shall be submitted to the Department of City Planning for approval and registered with the Department of Cultural Affairs
13. **Street Improvements.** The project shall provide street and alley improvements to the satisfaction of the Bureau of Engineering.
14. **Active Transportation.** The project shall provide the following, as provided in Exhibit "A":
 - a. Reserved parking spaces for car sharing program.
 - b. Reserved area for e-scooter corral.
 - c. Reserved area for bicycles for use by residents.Alternative compliance or modifications to the above active transportation items due to changes in technology shall be submitted to the West/South/Coastal Project Planning Division for approval.
15. **Construction.** A construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Office 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. DOT also recommends that construction related traffic be restricted to off-peak hours.
16. **Mechanical Equipment.** All exterior mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, satellite dishes, and cellular antennas, shall be screened from public view through the use of architectural elements such as parapets.
17. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
18. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
19. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
20. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

21. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
22. **Parking Structure Design.** Parking structures or that portion of a building or structure that is used for parking at grade or above grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts ("spillover") on adjacent streets and properties.
23. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project as required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit "A," and shall incorporate any modifications required as a result of this grant.
24. **Soil Depths.** Shrubs, perennials, and groundcover shall require a minimum soil depth as follows:
 - a. A minimum depth with a height ranging from 15 to 40 feet shall be 42 inches.
 - b. A minimum depth with a height ranging from 1 to 15 feet shall be 24 to 36 inches.
 - c. A minimum depth with a height of less than 1 foot shall be 18 inches.
 - d. A minimum depth of an extensive green roof shall be 3 inches.Trees shall require a 42 inch minimum soil depth.

Further, the minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

 - e. 220 cubic feet for trees with a canopy diameter ranging from 15 to 19 feet.
 - f. 400 cubic feet for trees with a canopy diameter ranging from 20 to 24 feet.
 - g. 620 cubic feet for trees with a canopy diameter ranging from 25 to 29 feet.
 - a. 900 cubic feet for trees with a canopy diameter ranging from 30 to 34 feet.
25. **Street Trees.** New trees planted within the public right-of-way shall be planted at a ratio of at least one tree for every 25 feet of lot length, to the satisfaction of the Bureau of Street Services, in accordance with CPIO Section IV-2.I.1. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A".
26. **Greywater.** The project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power in consultation with the Department of City Planning.
27. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
28. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
29. **Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

30. **Solar Panels.** A minimum 3,104 square feet (15 percent) of solar panels shall be installed on the building rooftop as shown on the roof plan provided as a part of an operational photovoltaic system to be maintained for the life of the project. The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
31. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

Administrative Conditions

32. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
33. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
34. **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.
35. **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.
36. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
37. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
38. **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.
39. **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, 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

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. **Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission 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 City Planning Commission to make a finding that the requested off-menu incentives do not result in actual and identifiable cost reductions 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.

Based on the set-aside of 16 percent of base units for Very Low Income households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the three (3) Off-Menu requests qualify as the proposed development's Incentives. The remaining request must be processed as a Waiver of Development Standard.

FAR: The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an FAR of 3.26:1 in lieu of the maximum 1.5:1 through an Off-Menu Density Bonus Incentive, for a maximum floor area of 77,945 square feet. The additional floor area is requested in order to accommodate larger sized units, including two-bedroom units. The project includes 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The requested increase in FAR will allow approximately 41,440 square feet of additional floor area and will enable the construction of affordable units. As set forth on Sheet A0.0a of the project plans, the project's upper residential levels (Levels 2 through 4) would each have a floor plate of approximately 16,045 square feet. These larger floor plates would not be achievable under the 1.5:1 base FAR and enable the project to construct the unit mix above. Without the incentive to permit additional floor area, the average unit size and bedroom count would have to be significantly smaller to construct the number of units that the requested density bonus allows. The ability to develop larger units will increase the revenues from the market-rate units, which will lower the marginal cost of developing the affordable units. The requested incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased.

FAR by-right	Buildable Lot Area (sf)	Total Floor Area (sf)
1.5:1	24,337	24,337 x 1.5 = 36,505

FAR Requested	Buildable Lot Area (sf)	Total Floor Area (sf)	Additional Floor Area (sf)
3.26:1	24,337	77,945	77,945 - 36,505= 41,440

Parking Reduction: The applicant requested an Off-Menu Incentive to allow 80 residential parking spaces in lieu of the 121 spaces required by Parking Option 1 and LAMC Sec. 12.22 A.25(d)(1). Density Bonus Parking Option 1 requires parking spaces at the following ratios: 1 space per unit containing 0 to 1 bedrooms, 2 spaces per unit containing 2 to 3 bedrooms, and 2.5 space per unit containing 4 or more bedrooms. The project provides 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units, and is therefore required to provide a total of 121 residential parking spaces. The Applicant has requested a parking reduction to allow 80 residential parking spaces in lieu of the 121 residential parking spaces otherwise required by Density Bonus Parking Option 1. The project will provide 80 residential parking spaces and four (4) parking spaces for the retail uses. The Off-Menu Incentive will allow the developer to expand the Project's building envelope so that the residential units being constructed are of sufficient size, configuration, and quality. Compliance with the requirements of Parking Option 1 would require the removal of a significant amount of floor area that could otherwise be dedicated to the number, configuration, and livability of affordable housing units. If the project were to expand its parking area by building an additional parking level below grade, the resulting grading and engineering would trigger a cost-prohibitive construction type. At an average cost of approximately \$50,000 per parking space, the 41-space reduction would result in cost savings of approximately \$2,100,000. As a result, the provision of affordable units that the project currently proposes would no longer be financially feasible. Similarly, if the project was to construct parking above grade to accommodate the required parking pursuant to Parking Option 1, it would increase the height of the building and also result in financial infeasibility.

Loading Space: LAMC Section 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project would be required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC Section 12.21 C.6, and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant proposes a loading space in the subterranean parking garage that meets all dimensional requirements of the code. Strict compliance with the alley access requirement for the loading space will require the reconfiguration of residential units at the ground floor, and may result in a loss of up to 2 dwelling units. The elimination of the alley access requirement for the loading space will allow the developer to dedicate more area towards residential units at the ground floor, so that the additional units can be constructed and the overall space dedicated to residential uses is increased. This allows construction of floor area whose rental incomes will provide for the operational costs of the affordable units, and assist with service debt associated with construction financing.

- b. The Incentive will have 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- c. The incentive(s) are contrary to state or federal laws.**

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

Following is a delineation of the findings related to the request for one (1) Waiver of Development Standard, pursuant to Government Code Section 65915.

- 2. Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:**

- a. *The waiver(s) or reduction(s) are contrary to state or federal laws.***

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

A project that provides 16 percent of total units for Very Low Income Households qualifies for three (3) Incentives, and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as a Waiver of Development Standards. Without the below Waiver, the existing development standards would preclude development of the proposed density bonus units and project amenities:

Height: The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permit a maximum height of 30 feet and two stories for projects containing residential and commercial uses. The applicant has requested an increase in height of 15 feet and 5 inches and two stories to allow for 45 feet and 5 inches and four stories through a Waiver of Development Standards per LAMC Section 12.22 A.25. The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. The limitation on the height and the number of stories would remove two (2) stories from the proposed building, resulting in a loss of 54 dwelling units from the upper floors. This height and story limitation would have the effect of physically precluding construction of a development providing 100 dwelling units, of which 11 units will be set aside for Very Low Income households. As proposed, the additional height will allow for the construction of the affordable residential units, while satisfying the CPIO requirement for a Ground Floor with a minimum height of 14 feet. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. The requested incentive will allow the developer to expand the building envelope so that additional units can be constructed and the overall space dedicated to residential uses is increased.

- b. The Incentive will have 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

CONDITIONAL USE FINDINGS

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

The project site is zoned C2-1XL-CPIO, which allows a base density of 68 units on the subject property. The Density Bonus Ordinance allows a density bonus of up to 35 percent in exchange for setting aside 11 percent of the 68 base density units for Very Low Income

Households. With the Density Bonus Ordinance, the project would be permitted a density bonus of 92 units on site in exchange for setting aside eight (8) units for Very Low Income Households.

The State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by a local ordinance. The City adopted the Value Capture Ordinance (Ordinance No. 185,373), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent with the approval of a Conditional Use. In exchange for the increased density, the Value Capture Ordinance requires projects to set aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 46 percent increase in density for a total of 100 dwelling units in lieu of 68 base density dwelling units as otherwise permitted by-right in the C2-1XL-CPIO Zone. In accordance with LAMC Section 12.22 A.25(c)(7), in calculating Density Bonus and Restricted Affordable units any number resulting in a fraction shall be rounded up to the next whole number. As provided in the table above, the applicant is required to set aside 16 percent, or 11 units, of the 68 base density units for Very Low Income Households in order to be granted a 47.5 percent density bonus. The applicant proposes to set aside 11 units for Very Low Income Households for a period of 55 years, which is 16 percent of the 68 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 47.5 percent density increase.

According to the 2013 Housing Element of the City of Los Angeles General Plan, pages 1-14, 29 percent of total households in the City are in the Very Low Income Category and 16.1 percent are in the Low Income Category; therefore, almost half of the City's residents are in the Very Low or Low Income Categories. The City has determined that the shortage of affordable housing is an ongoing crisis in Los Angeles. The increased intensity and density of the proposed development will be offset by the project's ability to provide the number of affordable units required by the City's Density Bonus policy. Therefore, the proposed project would provide a service that is essential and beneficial to the community, city and region.

- 4. 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 the construction of a 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 Very Low Income units) with two retail spaces totaling 1,800 square feet of ground floor retail space. The project will be approximately 77,945 square feet in floor area with a Floor Area Ratio ("FAR") of 3.26:1. The project will provide 84 parking spaces in two subterranean parking levels, in addition to 75 long-term and 8 short-term bicycle parking spaces. The residential units are located on all floors, and will comprise of 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The primary building entrances are located along Pacific Avenue, and ground-floor units will have individual entrances from the sidewalk on Pacific Avenue, 21st Street, and 22nd Street. Residential amenities are provided in the form of open-air landscaped courtyards at the second level and rooftop decks. Vehicular access is proposed from one driveway along 21st Street. Two retail spaces of 900 square feet each are located on the ground floor along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The subject site is currently improved with an existing single-tenant bar, surface parking lot, and vacant lot, which will be demolished as part of the project.

The subject site is located in an urbanized area surrounded by a combination of multi-family residential and commercial uses, and some single-family residential uses. Properties along Pacific Avenue are zoned C2-1XL-CPIO and serve as a commercial corridor. Uses across 21st Street to the north of the site include one- to three-story multi-family residential buildings in the C2-1XL-CPIO and RD1.5-1XL zone; across 22nd Street to the south is a liquor store, restaurant, smoke shop, single-family dwelling and multi-family dwellings in the C2-1XL-CPIO zone; and across Pacific Avenue to the east is a two-story apartment, auto-repair shop, offices, restaurant, and dry cleaner in the C2-1XL-CPIO Zone. The properties across the alley to the west of the site are zoned RD1.5-1XL and improved with multi-family residential buildings ranging from one to two stories in height. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1XL-CPIO zone. As provided under Finding No. 1, the project's density, height, FAR, and parking are allowed by the underlying zone in combination with Density Bonus law.

The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will enhance the pedestrian experience and streetscape by providing removing the existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Street.

Given the project's location in the San Pedro CPIO, proximity to public transit, and the surrounding uses, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an FAR of 3.26:1 in lieu of the maximum 1.5:1 otherwise permitted in the C2-1XL-CPIO zone through an Off-Menu Density Bonus Incentive, for a maximum floor area of 77,945 square feet. While the size of the project is larger than the existing commercial and multi-family buildings on Pacific Avenue, the increase in FAR granted through the Density Bonus Ordinance will be compatible with and will not degrade the surrounding built environment.

The C2-1XL-CPIO zone, Height District No. 1XL and CPIO designation also limit height to 30 feet and two stories for projects containing residential and commercial uses. The applicant has requested an increase in height of 15 feet and 5 inches and two stories to allow for 45 feet and 5 inches and four stories through a Waiver of Development Standards per LAMC Section 12.22 A.25. The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed project will provide a transition to be compatible with existing neighboring buildings. Therefore, the size and height of the proposed project will not adversely affect or degrade other properties, or the public health, welfare, and safety in the neighborhood.

The project will provide a total of 84 parking spaces, including 80 parking spaces for residential uses and 4 parking spaces for commercial uses, in the form of two subterranean parking levels. No parking spaces are proposed at or above grade level in accordance with CPIO Section IV-2.E.2. The project will reduce the number of curb cuts and driveways currently on-site from two (2) existing curb cuts to one (1) proposed curb cut. The two (2) existing curb cuts along Pacific Avenue will be closed and a new curb cut is proposed along 21st Street that will provide access to one driveway serving the subterranean parking. Therefore, the project will improve walkability of the site by removing existing curb cuts and existing surface parking lot. Furthermore, according to the traffic assessment prepared by Linscott Law & Greenspan, dated September 26, 2019 and the Department of Transportation (LADOT) memo dated October 21, 2019, the project will not have any significant impacts relating to traffic. The project is conditioned to provide electric vehicle charging spaces. As conditioned, a minimum of five percent of spaces will be configured for electric vehicle chargers. Five (5) percent of the 84 provided parking spaces, that is four (4) parking spaces, will be equipped with electric vehicle charging stations. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A".

A total of 10,944 square feet of usable open space will be provided, including 1,398 square feet of open-air courtyards, 5,400 square feet of rooftop deck, and 1,346 square feet of rooftop landscaping. The project provides 56 balconies to serve as private open space for individual units, totaling 2,800 square feet of private open space. There will be 3,104 square feet of solar space on the rooftop. The project incorporates landscaping within the setbacks along Pacific Avenue and 22nd Street, as well as within the courtyard on the second floor and the rooftop deck. The project will remove 10 non-protected palm trees along the public right-of-way and twelve (12) non-protected palm trees on the property, and will plant 27 36-inch box trees throughout the project site and public right-of-way to the satisfaction of the Urban Forestry Division of the Department of Public Works, as provided in Exhibit "A".

Therefore, as described above, the project will provide amenities and features that will enhance the surrounding neighborhood rather than further degrade or adversely affect other properties.

5. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and

Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. The project substantially conforms with the following purposes and objectives of the General Plan Elements: Framework Element, Land Use Element (San Pedro Community Plan), Housing Element, and Mobility Element.

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is therefore consistent with the land use designation. The site is also located within the San Pedro Community Plan Implementation Overlay ("CPIO") District Coastal Commercial A Subarea. The CPIO contains regulations for ground floor and building height, density, floor area, building design, building disposition, parking, landscaping, signage, appurtenances, and public improvements. The project is also located within the Pacific Corridor Redevelopment Plan.

Consistent with the Community Plan, the proposed 100-unit mixed-use development, which includes 11 Very Low Income units, adds new multi-family housing and much needed affordable housing to Los Angeles's housing supply, in a neighborhood that is conveniently located to a variety of regional destinations, community services and amenities, and multi-modal transportation options. It also adds approximately 1,800 square feet of ground floor retail space to serve the community.

Framework Element

The General Plan designates the subject site with Neighborhood Commercial land use designation with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The Framework Element describes Neighborhood Commercial areas as pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods. The property is zoned C2-1XL-CPIO, which is consistent with the Neighborhood Commercial land use. The C2-1XL-CPIO zone allows for R4 (High Medium Residential) land uses and estimates 56 to 109 dwelling units per acre.

Per the Framework Element's Long Range Land Use Diagram for the West/Coastal Los Angeles area, the site is also along a Mixed Use Boulevard. A Mixed Use Boulevard is described as "connect[ing] the city's neighborhood districts and community, regional and Downtown centers. Mixed Use development is encouraged along these boulevards, with the scale, density and height of development compatible with the surrounding areas. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4.0:1 and be generally characterized by one to two-story commercial structures, up to 3- to 6-story mixed-use buildings between centers and higher buildings within centers. Mixed Use Boulevards are served by a variety of transportation facilities."

Therefore, as a 4-story mixed-use development with a maximum 3.26:1 FAR as allowed by Density Bonus, the proposed project is consistent with the General Plan Framework.

Land Use Element – San Pedro Community Plan

The proposed project aligns with the intent of the 2017 San Pedro Community Plan including the following:

Goal LU3: Multi-family residential neighborhoods with a mix of ownership and rental units that are well-designed, safe, provide amenities for residents, and exhibit the architectural characteristics and qualities that distinguish San Pedro

Policy LU3.1: Neighborhood stability. Stabilize and improve existing multi-family residential neighborhoods, allowing for growth in areas where there are sufficient public infrastructure and services and where quality of life can be maintained or improved

Policy LU3.2: Key locations. Incorporate multi-family housing in areas targeted for mixed use and in the Regional Center

Policy LU3.3: Equitable housing distribution. Provide an equitable distribution of housing types for all income groups throughout San Pedro's multi-family neighborhoods and promote mixed-income developments rather than creating concentrations of below-market-rate housing

Policy LU3.4: Affordable housing and displacement. Encourage the replacement of demolished quality affordable housing stock with new affordable housing opportunities while minimizing the displacement of residents, through programs that support development while meeting the relocation needs of existing residents

Policy LU3.6: Amenities. Include amenities for residents such as on site recreational facilities, community meeting spaces, and useable private and/or public open space in new multi-family development

Goal LU5: Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community.

Policy LU5.1: Investment. Conserve, strengthen and encourage investment in San Pedro's existing commercial districts

Policy LU5.7: Strategically locate new large projects. Allow large projects in appropriate locations, and provided that projects do not interrupt community fabric, the street grid, designated public views, or the viability of commercial areas, and that those facilities are designed to be compatible in scale and character with surrounding uses

Policy LU5.11: Buildings that engage the street. Require buildings to be oriented to and actively engage the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground-floor transparency, and location of parking

Policy LU5.13: Improve design. Promote quality site, architectural and landscape design that incorporates walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles.

Policy LU5.14: Safety. Create and promote environments that enhance safety and are more conducive to walking through the use of design guidelines and standards. Encourage outdoor areas to be lighted for night use, safety and comfort

Policy LU5.15: Well-designed parking. Provide adequate employee and public parking for all commercial facilities that is complementary to adjacent uses, separating it from residential uses. Where possible, replace surface parking with structured parking, replace parking area drive aisles with pedestrian-friendly walkways, and infill parking areas with multi-story mixed-use buildings

Policy LU5.16: Minimize parking impacts. Reduce the visual prominence of parking within the public realm by requiring off-street parking to be located behind or within structures or otherwise fully or partially screened from public view

Goal LU6: Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and businesses as local gathering places where people shop and socialize.

Policy LU6.2: Mix of uses. Encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non-residential uses that address the needs of households living in urban neighborhoods. Such uses may include retail and services, entertainment, childcare facilities, daycare and school facilities, public meeting rooms, recreation, cultural facilities, and public open spaces, which enhance neighborhood activity.

The project is for the construction of a new mixed-use, mixed-income residential development on an underutilized site that includes a single-tenant bar, surface parking, and a vacant lot. The project will result in the net increase of 100 dwelling units, which will include 11 Very Low Income units. It will also provide approximately 1,800 square feet of retail uses in two tenant spaces that will enhance the commercial and pedestrian experience on Pacific Avenue. The site is located within walking distance of public transit and local and regional amenities. As shown in Exhibit "A" and Finding Nos. 4 and 12, the Project will provide design features and landscaping improvements to enhance the visual quality of the area.

Housing Element 2013-2021

The proposed project also conforms with the applicable policies of the Housing Element, including:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

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 Mixed-Use Boulevards.

Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units within the City to meet the projections of housing needs.

Goal 2: A City in which housing helps to create safe, livable and sustainable neighborhoods.

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.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Program 98: In accordance with State law, provide a density bonus up to 35% over the otherwise allowable density as well as reduced parking requirements for all residential developments that include units affordable to very low-, low- and/or moderate-income households. Provide additional incentives and concessions to required development standards in order to provide the buildable area needed for the affordable units and increased density.

The proposed project will result in a net increase of 100 new residential units to the City's housing stock and conforms with the applicable provisions of the Housing Element. The applicant has requested deviations from code requirements under the Density Bonus program for increased FAR, reduced parking, elimination of loading requirements, and increased height, thereby allowing the creation of affordable units. Pursuant to Density Bonus requirements, 16 percent (11 units) of the base units, will be set aside for Very Low Income units. Additionally, this mixed-use mixed-income development is in close proximity to public transit options, and a variety of retail, commercial, entertainment, recreational, and employment opportunities. Locating new housing and retail space in this portion of Pacific Avenue will allow residents to have better access to employment centers and places of interest in area.

Mobility Plan 2035

The proposed project also conforms with the following additional policies of the Mobility Plan, including:

Policy 3.1: Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City's transportation system.

Policy 3.3: Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The project utilizes Density Bonus incentives for the construction of a mixed-use mixed-income development that provides housing opportunities in close proximity to public transit along the Pacific Avenue corridor, and to permit reduced parking through an Off-Menu Density Bonus Incentive, encouraging multi-modal transportation and decreasing vehicle miles traveled in the neighborhood. The site is located along a portion of Pacific Avenue that is designated by the Mobility Plan as a Tier 2 Bicycle Lane in the Bicycle Lane Network, and is also within the designated Pedestrian Enhanced District. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage.

San Pedro CPIO

The San Pedro Community Plan Implementation Overlay (“CPIO”) District was adopted by the Los Angeles City Council and became effective on June 26, 2018 under Ordinance No. 185,539. The subject site is located within the Coastal Commercial A Subarea of the San Pedro CPIO, which contains additional regulations for height, density, floor area, building disposition, building design, and parking. The project is subject to administrative review for compliance with the San Pedro Community Plan Implementation Overlay (“CPIO”). Therefore, as conditioned herein and required by LAMC Section 13.14 G.2 and CPIO, the project will be subject to an administrative review and clearance process for CPIO compliance prior to the issuance of building permits.

Pacific Corridor Redevelopment Plan

The project site is located within the Pacific Corridor Redevelopment Project Area; accordingly, the project has been reviewed for consistency and compliance with the Pacific Corridor Redevelopment Plan. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

Therefore, the proposed project is consistent with the purposes, intent and provisions of the General Plan, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan by meeting several of its goals, objectives, and policies. Specifically, the project would provide housing and retail uses on underutilized land to 1) accommodate necessary residential growth and provide a mix of apartment sizes and affordability levels, including rent restricted units for Very Low Income households; and (3) reinforce an existing mixed-use corridor by providing an array of housing options, new retail, improved streetscape, and landscaping, that would be inviting to nearby residents and pedestrians along Pacific Avenue.

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

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

As provided under Finding No. 5, the proposed Project would be in conformance with the following goals of the Housing Element as described below:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

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

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.1.3 Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households

In granting a Conditional Use for a 46 percent density increase, affordable housing is required beyond the minimum percentage required per the State Density Bonus Law and the City's Density Bonus Ordinance. This ensures that the project provides a proportional amount of affordable housing units compared to the density increase it is seeking. In this case, the project is required to set aside 16 percent, that is 11 units, of the 68 base density units for Very Low Income Households in exchange for the 46 percent density increase requested. The project proposes to set aside 11 units for Very Low Income Households, thereby complying with the requisite percentage of affordable housing units for the 47.5 percent density increase.

The project does not include the demolition or loss of any residential units because there are no residential uses on the subject property. The project involves the demolition of a single-tenant bar, surface parking lot, and vacant lot. By redeveloping the subject site for the proposed mixed-use project, 100 new dwelling units will be made available in the community. The project will set aside 11 units for Very Low Income Households. The project will offer a range of apartment types and sizes as it provides 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. Additionally, the project proposes a total of 10,944 square feet of usable open space within a courtyard, roof deck, and balconies. The project will provide affordable housing in close proximity to transit. Several bus stops served by the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus line, as well as the Los Angeles Department of Transportation ("LADOT") DASH San Pedro line are within one-half mile of the project site. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk. Therefore, the project is in conformance with the affordable housing provisions of the Housing Element.

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

- A. 11% Very Low Income Units for a 35% density increase; or**
- B. 20% Low Income Units for a 35% density increase; or**
- C. 40% Moderate Income Units for a 35% density increase in for-sale projects.**

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

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

The project site is zoned C2-1XL-CPIO, which allows a base density of 68 dwelling units. Per the Density Bonus Ordinance, the project is permitted a 35 percent density increase in exchange for setting aside 11 percent, or eight (8), of the 68 base density units for Very Low

Income Households. The project is permitted additional density increase beyond 35 percent by setting aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 46 percent increase in density for a total of 100 dwelling units in lieu of 68 base density dwelling units as otherwise permitted by-right in the C2-1XL-CPIO Zone. In accordance with LAMC Section 12.22 A.25(c)(7), in calculating Density Bonus and Restricted Affordable units any number resulting in a fraction shall be rounded up to the next whole number. As provided in the table above, the applicant is required to set aside 16 percent, or 11 units, of the 68 base density units for Very Low Income Households in order to be granted a 47.5 percent density bonus. The applicant proposes to set aside 11 units for Very Low Income Households for a period of 55 years, which is 16 percent of the 68 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 47.5 percent density increase.

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

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222 as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). Major changes to the law are applicable to new density bonus developments resulting in a loss in existing affordable units or rent-stabilized units. The law aims to replace units and ensure rental affordability periods for 55 years. Pursuant to the Determination Letter dated March 5, 2020, HCIDLA has determined that there were no residential units built and demolished on the property, therefore, no AB 2556 replacement affordable units are required (Exhibit C). As such, the dwelling unit replacement requirements of Government Code Section 65915(c)(3) do not apply.

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

The applicant proposes to set aside a total of 11 units for Restricted Affordable Units. Per the Conditions of Approval, the applicant is required to execute a covenant to the satisfaction of HCIDLA to make 11 Restricted Affordable Units available to Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. The applicant is required to present a copy of the recorded covenant to the Department of

City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA, and is subject to fees as set forth in Section 19.14 of the LAMC.

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

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 46 percent density increase above the 68 base density units to permit a total of 100 dwelling units. The project will set aside 11 units for Very Low Income Households. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

SITE PLAN REVIEW FINDINGS

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

As provided under Finding No. 5, the proposed project is in substantial conformance with the purpose, intent, and provisions of the General Plan's Framework Element, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan.

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is consistent with the land use designation. Height District No. 1XL limits Floor Area Ratio ("FAR") to 1.5:1 and building height to 30 feet and two (2) stories. The CPIO designation also limits the site to 30 feet and 1.5:1 FAR.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1XL-CPIO zone. As provided under Finding No. 1 and 4, the project's increased FAR, reduced parking, elimination of loading requirements, and increased height are allowed by the underlying zone in combination with Density Bonus law. The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will

enhance the pedestrian experience and streetscape by providing removing the existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Street.

As provided under Finding No. 5, the project would meet the goals, objectives, and policies of the General Plan, San Pedro Community Plan, Housing Element, and Mobility Plan, particularly those concerning adding housing and affordable housing near transit, neighborhood-serving uses, and jobs. The project would provide additional housing within proximity to neighborhood-serving uses and directly adjacent to public transit. The project is subject to administrative review for compliance with the San Pedro CPIO. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

12. 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 adjacent properties and neighboring properties.

As provided under Finding No. 4, the Project has been designed to be compatible with adjacent properties and surrounding neighborhood. The subject site is located in the San Pedro Community Plan along the Pacific Avenue commercial corridor, at the western side of Pacific Avenue between 21st Street and 22nd Street. The surrounding area is developed with a combination of single-story commercial uses and multi-family residential uses up to three stories in height, with some one-and two-story single-family residential uses in the surrounding area.

The proposed project is the construction of a 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 Very Low Income units) with two retail spaces totaling 1,800 square feet of ground floor retail space. The project will be approximately 77,945 square feet in floor area with a Floor Area Ratio ("FAR") of 3.26:1. The project will provide 84 parking spaces in two subterranean parking levels, in addition to 75 long-term and 8 short-term bicycle parking spaces. The residential units are located on all floors, and will comprise of 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The primary building entrances are located along Pacific Avenue, and ground-floor units will have individual entrances from the sidewalk on Pacific Avenue, 21st Street, and 22nd Street. Residential amenities are provided in the form of open-air landscaped courtyards at the second level and rooftop decks. Vehicular access is proposed from one driveway along 21st Street. Two retail spaces of 900 square feet each are located on the ground floor along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The subject site is currently improved with an existing single-tenant bar, surface parking lot, and vacant lot, which will be demolished as part of the project.

Height

The proposed project will be four (4) stories and approximately 45 feet and 5 inches in building height, which will be comparable to the existing three-story apartment buildings directly across the street and corner from the subject site on 21st Street. The subject property is zoned C2-1XL-CPIO and is located within Height District No. 1XL, which restricts mixed-use projects to two (2) in height. Both Height District No. 1XL and San Pedro CPIO Section IV-2.A.2(a) and IV-2.B.1 restrict the site to a maximum building height of 30 feet and Floor Area Ratio ("FAR") of 1.5:1. The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program. The proposed 45-foot and 5-inch building height is requested through a Waiver of Development Standard, and is only a 4 foot 5 inch increase from the maximum height allowed through an

On-Menu Incentive. The proposed height will be compatible with the adjacent three-story apartment buildings on 21st Street and Pacific Avenue. By granting the additional height, the project will be able to provide additional housing units. The height increase also allows the project to meet the 14-foot Ground Floor height requirements of the San Pedro CPIO Section IV-2.A.1. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed height is comparable with the maximum building height allowable under the On-Menu Density Bonus program, and will provide a transition to be compatible with existing neighboring buildings.

Bulk/Massing

The proposed mixed-use development abuts three streets, with the street-fronting facades measuring approximately 260 feet along the west side of Pacific Avenue, 95 feet along the south side of 21st Street, and 95 feet along the north side of 22nd Street. While the proposed project massing exceeds the existing prevailing development pattern, the overall height of 45 feet 5 inches is comparable to the maximum building height of 41 feet allowable under the On-Menu Density Bonus program. In addition, the project is compliant with San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the project massing will be appropriately set back from the neighboring residential uses. Additionally, the project provides architectural detailing that enhances the street-facing facades by applying recesses, balconies, and varied rooflines along the building facade, along with varying building materials and colors to incorporate variation in design.

Building Materials

The building design incorporates a variety of recesses, balconies, and different materials to add architectural interest to the building and creates distinct breaks in the building plane. These breaks are further differentiated through the use of a variety of building materials that include painted stucco, cherry melamine slatwall panels, aluminum woven wire mesh, timbertech decking, and glass. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with CPIO Section IV-2.C.2 and IV-2.C.4, respectively, at least 60 percent of the Primary Frontage of the Ground Floor shall consist of doors and windows, and heavily textured stucco is prohibited.

Entrances

There are two (2) primary residential building entrances proposed along Pacific Avenue, and are differentiated from the remainder of the street frontage through a recess that is enhanced with Pedestrian Amenities along the sidewalk. In addition, all ground-floor units along Pacific Avenue, 21st Street, and 22nd Street will have individual unit entrances that will be directly accessible from the street and set back a minimum of 3 feet from the sidewalk in accordance with CPIO Section IV-2.D.3 and IV-2.D.4. Two retail spaces are proposed on the corners of the building and will have commercial entrances directly from the sidewalk.

Setbacks

The project has been designed to create a strong street wall along Pacific Avenue, 21st Street, and 22nd Street. CPIO Section IV-2.C.1 requires that the exterior wall of any building shall be located not more than 5 feet from the Primary Lot Line, except that exterior walls may be more than 5 feet from the Primary Lot Line when the setback is improved with Pedestrian Amenities and/or landscaping. The project is compliant with this CPIO requirement and provides minimal setbacks along the street frontages and provides landscaping in areas where there are setbacks, as provided in Exhibit "A".

Parking/Loading

The project will provide a total of 84 parking spaces, including 80 parking spaces for residential uses and 4 parking spaces for commercial uses, in the form of two subterranean parking levels. The applicant seeks an Off-Menu Density Bonus Incentive reduce the number of required residential parking spaces from 121 parking spaces to 80 parking spaces. No parking spaces are proposed at or above grade level in accordance with CPIO Section IV-2.E.2. The project will reduce the number of curb cuts and driveways currently on-site from two (2) existing curb cuts to one (1) proposed curb cut. The two (2) existing curb cuts along Pacific Avenue will be closed and a new curb cut is proposed along 21st Street that will provide access to one driveway serving the subterranean parking. Therefore, the project will improve walkability of the site by removing existing curb cuts and existing surface parking lot. As conditioned, a minimum of five percent of spaces will be configured for electric vehicle chargers. Five (5) percent of the 84 provided parking spaces, that is four (4) parking spaces, will be equipped with electric vehicle charging stations. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage.

Loading

The project proposes a loading space in the subterranean parking garage that is accessed from the driveway from 21st Street. Although the applicant has requested an Off-Menu Density Bonus Incentive to eliminate the loading space requirements of LAMC Section 12.21 C.6, the project will provide a loading space in the subterranean parking garage that meets all dimensional requirements of the code. Therefore, the loading space will be functional and usable for residents and deliveries. The subterranean loading space will be located in the subterranean parking garage, rather than along the alley at grade level, and therefore will not affect street circulation.

Lighting

The proposed project will reduce the amount of lighting that currently exists on-site by removing the surface parking lot and screening all parking from public view. In addition, the project will comply with CPIO Section IV-2.H.1 to provide ancillary lighting along pedestrian and vehicular access ways, and is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping/Open Space

On-site landscaping and open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping, and 2,800 square feet of balconies. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. The common open space areas required by code shall meet the minimum dimension, landscaping, and amenity requirements per LAMC Section 12.21 G.2(a). Additional landscaping is provided along the perimeter of the building, including an over-dedicated area along 22nd Street. The project is conditioned to submit landscape plans

prepared by a licensed landscape architect or licensed architect to show the size and location of all plants, and ensure sufficient depth and soil volume for trees and green roofs.

Trash Collection

Trash and recycling areas are conditioned to be located within the subterranean parking level to ensure that they are not visible from public view from the street per CPIO Section IV-2.H.3. Service providers will access the trash area from the driveway along 21st Street and enter the parking garage for trash collection. Therefore, trash collection will not affect circulation for surrounding properties.

13. The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The proposed project provides recreational and service amenities that will improve habitability for the residents and minimize any impacts on neighboring properties. Common open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, and 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping. The project also provides 2,800 square feet of private balconies for use as private open space for individual units. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. Therefore, the proposed project provides sufficient recreational and service amenities for its residents, minimizing any impacts on neighboring properties.

CEQA FINDINGS

The Department of City Planning determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Article 19, 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 Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2019-4885-CE is provided in the case file and attached as Exhibit D.

The Department of City Planning found, based on their independent judgment, and after consideration of the whole of the administrative record, that the project is within the scope of the San Pedro New Community Plan ENV-2009-1558-EIR ("Program EIR"), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; there has been no changes in circumstances, and the City has incorporated all feasible mitigation measures from the Program EIR on the Project.

The project is the development of a new 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 units restricted to Very Low Income Households) with 1,800 square feet of ground floor retail space. The project will provide 84 vehicular parking spaces in 2 subterranean parking levels, and 75 long-term and 8 short-term bicycle parking spaces. The project will be 77,945 square feet in floor area and have a Floor Area Ratio ("FAR") of 3.26:1. The site is currently improved with a 1,490 square foot single-tenant bar, surface parking lot, and vacant lot, with 12 non-protected palm trees on the subject site and ten (10) non-protected palm trees along the public right-of-way, all of which will be removed to clear the lot. Tree removal may be required in order to allow construction and perform required street improvements. Street trees in the public right of way are regulated under Los Angeles Municipal Code, Chapter VI, Section 62.161 through 62.176. All tree removal permits are issued by the Bureau of Street Services, Urban Forestry Division, and may require approval by the Board of

Public Works. All permitted tree removals shall be replaced with a minimum of two, 24-inch box size trees for each tree removed or as conditioned by the Board of Public Works. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A". The project proposes grading and export of 20,000 cubic yards of soil.

As a mixed-use residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (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.**

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is consistent with the land use designation. Height District No. 1XL limits Floor Area Ratio ("FAR") to 1.5:1 and building height to 30 feet and two (2) stories. However, the proposed project will have a FAR of 3.26:1 and a height of 45 feet and 5 inches as permitted by State Density Bonus Law in exchange for providing 11 units of rent restricted units for Very Low Income Households for 55 years. As demonstrated in the case file and under Finding No. 5 above, the project is consistent with the General Plan, the applicable San Pedro Community Plan designation and policies, and all applicable zoning designations and regulations as permitted by Density Bonus law.

- (b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.56 acres (24,336 square feet) and is surrounded by urban uses. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential buildings, commercial structures, and single family dwellings. The subject site is within one-half mile of several bus stops served by the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus line, as well as the Los Angeles Department of Transportation ("LADOT") DASH San Pedro line. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk.

- (c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The site is currently developed with a 1,490 square foot single-tenant bar, surface parking, and vacant lot. There are approximately 12 non-protected palm trees on the subject site and ten (10) non-protected palm trees along the public right-of-way that will be removed as part of the project. There are no Protected Trees on the site per the Tree Letter prepared by Courtland Studio, LLC dated May 19, 2020. Tree removal may be required in order to allow construction and perform required street improvements. Street trees in the public right of way are regulated under Los Angeles Municipal Code, Chapter VI, Section

62.161 through 62.176. All tree removal permits are issued by the Bureau of Street Services, Urban Forestry Division, and may require approval by the Board of Public Works. All permitted tree removals shall be replaced with a minimum of two, 24-inch box size trees for each tree removed or as conditioned by the Board of Public Works. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A".

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

Regulatory Compliance Measures – The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to the following, to ensure the project will not have significant impacts:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-AQ-2:** In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Regulatory Compliance Measure RC-AQ-3:** In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
- **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.
- **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
- **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers

and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CPIO Environmental Standards – The San Pedro CPIO contains Environmental Standards to implement the Mitigation and Monitoring Program as part of the San Pedro Community Plan Update that were reviewed in the Program EIR. All projects in CPIO Subareas are required to comply with any applicable Environmental Standards. The proposed project is required to comply with the following:

- **Environmental Standard AE1:** Projects shall be designed to ensure the following:
 - a. All lighting be directed and/or shielded to minimize lighting spillover effects onto adjacent and nearby properties.
- **Environmental Standard AQ1:** Projects shall require the following or comparable best management practices be included in contract specifications and/or printed on plans:
 - a. Use properly tuned and maintained equipment.
 - b. Construction contractors shall enforce the idling limit of five minutes as set forth in the California Code of Regulations.
 - c. Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible.
 - d. Use heavy duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is readily available and feasible.
 - e. Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible.
 - f. Maintain construction equipment in good operating condition to minimize air pollutants.
 - g. Construction contractors shall utilize materials that do not require painting, as feasible.
 - h. Construction contractors shall use pre-painted construction materials, as feasible.
 - i. Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
 - j. Construction contractors shall provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site, as feasible.
 - k. Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible.
 - l. Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- **Environmental Standard AQ3/GHG1:** Projects shall incorporate the following greenhouse gas reduction measures into the project design:
 - a. For Multi-Family and Commercial Projects: parking facilities shall have five percent of the total parking spaces, but not less than one space, capable of

supporting future Electric Vehicle Supply Equipment (EVSE) charging locations.

- **Environmental Standard N1:** Projects shall include the following or comparable construction best management practices in contract specifications and/or printed on plans:
 - a. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
 - b. The construction contractor shall locate construction staging areas away from sensitive uses.
 - c. When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (such as, temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
 - d. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.
 - e. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
 - f. The construction contractor shall consider potential vibration impacts to older (historic) buildings.
- **Environmental Standard US1:** Projects shall incorporate water conservation measures into the project design, which may include but are not limited to measures identified in the City's Water Conservation Ordinance.
- **Environmental Standard US2:** Projects shall incorporate the Solid Waste Integrated Resources Plan measures to maximize source reduction and materials recovery and minimize the amount of solid waste requiring disposal with the goal of leading the City to achieve zero waste by 2025.
- **Environmental Standard US3:** Projects shall incorporate energy conservation and efficiency measures into the design of new development, including but not limited to:
 - a. Energy saving windows, doors, insulation and passive solar design.
 - b. Energy efficient fixtures and appliances.
 - c. Efficient lighting, heating, air and ventilation systems.
 - d. Reused or recycled building materials.

Traffic - A traffic study was prepared by Linscott Law & Greenspan, dated September 26, 2019 to analyze the proposed project and determined that the project is forecast to generate a net increase of 432 daily trip ends during a typical weekday, 40 vehicle trips during the weekday a.m. peak hour, and 33 vehicle trips during the weekday p.m. peak hour. The traffic analysis accounts for ambient growth factors based on a 1.0 percent annual growth and in addition to trips resulting from other development projects that are located within the study area. The Department of Transportation (LADOT) reviewed the traffic study and confirmed its findings in a memo dated October 21, 2019, confirming that none of the study intersections would be significantly impacted by project-related traffic. Therefore, the project will not have any significant impacts relating to traffic.

Noise – The Project must comply with the adopted City of Los Angeles Noise Ordinances No. 144,331 and 161,574 and LAMC Section 41.40 as indicated above in RC-NO-1, LAMC Section 112.05, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed Project will not result in any significant noise impacts. Furthermore, the Noise Impact Analysis prepared by DKA

Planning dated November 2019 confirmed that the Project would not result in construction-related or operational noise impacts on the environment. The analysis took into account noise from construction activities, operational noise sources from mechanical equipment, parking and auto-related activities, human conservation and activities, recreation facilities, landscape maintenance, trash collection, commercial loading, vibration, impacts to sensitive receptors. The analysis concluded that the project would not result in any significant effects relating to noise.

Air Quality – The Project's potential air quality effects were evaluated by estimating the potential construction and operations emissions of criteria pollutants, and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The Project's emissions were estimated using the CalEEMod 2016.3.2 model (output October 29, 2019) for the purposes of evaluating air quality impacts of proposed projects and summarized in the Air Quality Technical Report prepared by DKA Planning dated November 2019. The analysis took into account construction activity emissions during demolition, grading building construction, and architectural coating, as well as effects to sensitive receptors. The analysis confirms that the Project would not exceed SCAQMD significance thresholds for air quality impacts. In addition, there are several Regulatory Compliance Measures which regulate air quality-related impacts for projects citywide as noted above.

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

The project site will be adequately served by all public utilities and services given that the construction of a mixed-use building will be on a site which has been previously developed and is consistent with the General Plan.

Therefore, the project meets all of the Criteria for the Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

(a) Cumulative Impacts. *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.*

There is not a succession of known projects of the same type and in the same place as the subject project.

There is a proposed project approximately one-half mile from the subject site, located at 1309-1311 South Pacific Avenue (Case No. CPC-2019-4908-DB-SPR), which is proposed for the construction of a 4-story, mixed-use building containing 102 dwelling units. However, the project at 1309-1311 South Pacific Avenue is not adjacent to nor within 500 feet of the subject site, and does not constitute a project in the same type and same place as the subject project.

Both projects would be subject to the citywide Regulatory Compliance Measures as noted above, which regulate impacts related to air quality, noise, and geology to a less than significant level. The traffic study prepared by Linscott Law & Greenspan, dated September 26, 2019, accounts for ambient growth factors based on a 1.0 percent annual growth and in addition to trips resulting from other development projects that are located within the study area (including the project located at 1309-1311 South Pacific Avenue

and seven (7) other projects either proposed or under construction), and concluded no traffic impacts. The Department of Transportation (LADOT) reviewed the traffic study and confirmed its findings in a memo dated October 21, 2019, which included standard conditions for a construction work site traffic control plan and limiting construction-related traffic to off-peak hours. There is no evidence to conclude that significant impacts will occur based on past project approvals or that the proposed Project's impacts are cumulatively considerable when evaluating any cumulative impacts associated with construction noise and transportation/traffic in the surrounding area.

Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected, and this exception does not apply.

- (b) **Significant Effect Due to Unusual Circumstances.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project proposes a mixed-use residential building in an area zoned and designated for such development. All adjacent lots are developed with multi-family and single-family residential and commercial uses, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 3.26:1 on a site that is permitted to have an FAR of 1.5:1 by the site's zoning. The project is eligible for the FAR 3.26:1 through an Off-Menu Density Bonus Incentive. The project size and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family dwellings and proposed future projects in the area. Furthermore, there is no substantial evidence in the administrative record that this project will cause a significant impact. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately 27 miles northwest of the subject site. Therefore, the subject site will not create any impacts within a designated state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.

A Phase I Environmental Site Assessment ("ESA") Report prepared by Priority 1 Environmental dated June 22, 2018 for 2111-2121 South Pacific Avenue included reviewing available environmental related information concerning the property and other data; conducting a site visit to observe current site uses, observing adjacent land uses, and gathering data on possible spills or misuse of chemicals that could be considered a

Recognized Environmental Concern (“REC”); and reviewing regulatory files regarding the property. The ESA revealed no evidence of RECs in connection with the property.

A Phase I ESA prepared by Priority 1 Environmental dated February 15, 2019 for 2139 South Pacific Avenue included reviewing available environmental related information concerning the property and other data; conducting a site visit to observe current site uses, observing adjacent land uses, and gathering data on possible spills or misuse of chemicals that could be considered an REC; and reviewing regulatory files regarding the property. The ESA revealed no evidence of RECs in connection with the property.

Therefore, the project is not identified as a hazardous waste site, or in the vicinity of a hazardous waste site, and this exception does not apply.

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

The project site is not listed in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, and was not found to be a potential historic resource based on the City’s HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. As such, the Project would have no impact on historical resources. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

FINDINGS

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. **Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission 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 City Planning Commission to make a finding that the requested off-menu incentives do not result in actual and identifiable cost reductions 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.

Based on the set-aside of 16 percent of base units for Very Low Income households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the three (3) Off-Menu requests qualify as the proposed development's Incentives. The remaining request must be processed as a Waiver of Development Standard.

FAR: The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an FAR of 3.26:1 in lieu of the maximum 1.5:1 through an Off-Menu Density Bonus Incentive, for a maximum floor area of 77,945 square feet. The additional floor area is requested in order to accommodate larger sized units, including two-bedroom units. The project includes 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The requested increase in FAR will allow approximately 41,440 square feet of additional floor area and will enable the construction of affordable units. As set forth on Sheet A0.0a of the project plans, the project's upper residential levels (Levels 2 through 4) would each have a floor plate of approximately 16,045 square feet. These larger floor plates would not be achievable under the 1.5:1 base FAR and enable the project to construct the unit mix above. Without the incentive to permit additional floor area, the average unit size and bedroom count would have to be significantly smaller to construct the number of units that the requested density bonus allows. The ability to develop larger units will increase the revenues from the market-rate units, which will lower the marginal cost of developing the affordable units. The requested incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased.

FAR by-right	Buildable Lot Area (sf)	Total Floor Area (sf)
1.5:1	24,337	24,337 x 1.5 = 36,505

FAR Requested	Buildable Lot Area (sf)	Total Floor Area (sf)	Additional Floor Area (sf)
3.26:1	24,337	77,945	77,945 - 36,505= 41,440

Parking Reduction: The applicant requested an Off-Menu Incentive to allow 80 residential parking spaces in lieu of the 121 spaces required by Parking Option 1 and LAMC Sec. 12.22 A.25(d)(1). Density Bonus Parking Option 1 requires parking spaces at the following ratios: 1 space per unit containing 0 to 1 bedrooms, 2 spaces per unit containing 2 to 3 bedrooms, and 2.5 space per unit containing 4 or more bedrooms. The project provides 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units, and is therefore required to provide a total of 121 residential parking spaces. The Applicant has requested a parking reduction to allow 80 residential parking spaces in lieu of the 121 residential parking spaces otherwise required by Density Bonus Parking Option 1. The project will provide 80 residential parking spaces and four (4) parking spaces for the retail uses. The Off-Menu Incentive will allow the developer to expand the Project's building envelope so that the residential units being constructed are of sufficient size, configuration, and quality. Compliance with the requirements of Parking Option 1 would require the removal of a significant amount of floor area that could otherwise be dedicated to the number, configuration, and livability of affordable housing units. If the project were to expand its parking area by building an additional parking level below grade, the resulting grading and engineering would trigger a cost-prohibitive construction type. At an average cost of approximately \$50,000 per parking space, the 41-space reduction would result in cost savings of approximately \$2,100,000. As a result, the provision of affordable units that the project currently proposes would no longer be financially feasible. Similarly, if the project was to construct parking above grade to accommodate the required parking pursuant to Parking Option 1, it would increase the height of the building and also result in financial infeasibility.

Loading Space: LAMC Section 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project would be required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC Section 12.21 C.6, and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant proposes a loading space in the subterranean parking garage that meets all dimensional requirements of the code. Strict compliance with the alley access requirement for the loading space will require the reconfiguration of residential units at the ground floor, and may result in a loss of up to 2 dwelling units. The elimination of the alley access requirement for the loading space will allow the developer to dedicate more area towards residential units at the ground floor, so that the additional units can be constructed and the overall space dedicated to residential uses is increased. This allows construction of floor area whose rental incomes will provide for the operational costs of the affordable units, and assist with service debt associated with construction financing.

- b. The Incentive will have 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- c. The incentive(s) are contrary to state or federal laws.**

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

Following is a delineation of the findings related to the request for one (1) Waiver of Development Standard, pursuant to Government Code Section 65915.

- 2. Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:**

- a. *The waiver(s) or reduction(s) are contrary to state or federal laws.***

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

A project that provides 16 percent of total units for Very Low Income Households qualifies for three (3) Incentives, and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

Therefore, the request for the following is recommended as a Waiver of Development Standards. Without the below Waiver, the existing development standards would preclude development of the proposed density bonus units and project amenities:

Height: The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permit a maximum height of 30 feet and two stories for projects containing residential and commercial uses. The applicant has requested an increase in height of 15 feet and 5 inches and two stories to allow for 45 feet and 5 inches and four stories through a Waiver of Development Standards per LAMC Section 12.22 A.25. The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. The limitation on the height and the number of stories would remove two (2) stories from the proposed building, resulting in a loss of 54 dwelling units from the upper floors. This height and story limitation would have the effect of physically precluding construction of a development providing 100 dwelling units, of which 11 units will be set aside for Very Low Income households. As proposed, the additional height will allow for the construction of the affordable residential units, while satisfying the CPIO requirement for a Ground Floor with a minimum height of 14 feet. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. The requested incentive will allow the developer to expand the building envelope so that additional units can be constructed and the overall space dedicated to residential uses is increased.

- b. The Incentive will have 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project’s proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

CONDITIONAL USE FINDINGS

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

The project site is zoned C2-1XL-CPIO, which allows a base density of 68 units on the subject property. The Density Bonus Ordinance allows a density bonus of up to 35 percent in exchange for setting aside 11 percent of the 68 base density units for Very Low Income

Households. With the Density Bonus Ordinance, the project would be permitted a density bonus of 92 units on site in exchange for setting aside eight (8) units for Very Low Income Households.

The State Density Bonus Law (Government Code Section 65915(n)) also allows a city to grant a density bonus greater than 35 percent for a development, if permitted by a local ordinance. The City adopted the Value Capture Ordinance (Ordinance No. 185,373), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent with the approval of a Conditional Use. In exchange for the increased density, the Value Capture Ordinance requires projects to set aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 46 percent increase in density for a total of 100 dwelling units in lieu of 68 base density dwelling units as otherwise permitted by-right in the C2-1XL-CPIO Zone. In accordance with LAMC Section 12.22 A.25(c)(7), in calculating Density Bonus and Restricted Affordable units any number resulting in a fraction shall be rounded up to the next whole number. As provided in the table above, the applicant is required to set aside 16 percent, or 11 units, of the 68 base density units for Very Low Income Households in order to be granted a 47.5 percent density bonus. The applicant proposes to set aside 11 units for Very Low Income Households for a period of 55 years, which is 16 percent of the 68 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 47.5 percent density increase.

According to the 2013 Housing Element of the City of Los Angeles General Plan, pages 1-14, 29 percent of total households in the City are in the Very Low Income Category and 16.1 percent are in the Low Income Category; therefore, almost half of the City's residents are in the Very Low or Low Income Categories. The City has determined that the shortage of affordable housing is an ongoing crisis in Los Angeles. The increased intensity and density of the proposed development will be offset by the project's ability to provide the number of affordable units required by the City's Density Bonus policy. Therefore, the proposed project would provide a service that is essential and beneficial to the community, city and region.

4. **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 the construction of a 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 Very Low Income units) with two retail spaces totaling 1,800 square feet of ground floor retail space. The project will be approximately 77,945 square feet in floor area with a Floor Area Ratio ("FAR") of 3.26:1. The project will provide 84 parking spaces in two subterranean parking levels, in addition to 75 long-term and 8 short-term bicycle parking spaces. The residential units are located on all floors, and will comprise of 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The primary building entrances are located along Pacific Avenue, and ground-floor units will have individual entrances from the sidewalk on Pacific Avenue, 21st Street, and 22nd Street. Residential amenities are provided in the form of open-air landscaped courtyards at the second level and rooftop decks. Vehicular access is proposed from one driveway along 21st Street. Two retail spaces of 900 square feet each are located on the ground floor along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The subject site is currently improved with an existing single-tenant bar, surface parking lot, and vacant lot, which will be demolished as part of the project.

The subject site is located in an urbanized area surrounded by a combination of multi-family residential and commercial uses, and some single-family residential uses. Properties along Pacific Avenue are zoned C2-1XL-CPIO and serve as a commercial corridor. Uses across 21st Street to the north of the site include one- to three-story multi-family residential buildings in the C2-1XL-CPIO and RD1.5-1XL zone; across 22nd Street to the south is a liquor store, restaurant, smoke shop, single-family dwelling and multi-family dwellings in the C2-1XL-CPIO zone; and across Pacific Avenue to the east is a two-story apartment, auto-repair shop, offices, restaurant, and dry cleaner in the C2-1XL-CPIO Zone. The properties across the alley to the west of the site are zoned RD1.5-1XL and improved with multi-family residential buildings ranging from one to two stories in height. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1XL-CPIO zone. As provided under Finding No. 1, the project's density, height, FAR, and parking are allowed by the underlying zone in combination with Density Bonus law.

The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will enhance the pedestrian experience and streetscape by providing removing the existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Street.

Given the project's location in the San Pedro CPIO, proximity to public transit, and the surrounding uses, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The subject site is zoned C2-1XL-CPIO, with a Height District No. 1XL and CPIO designation that permits a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an FAR of 3.26:1 in lieu of the maximum 1.5:1 otherwise permitted in the C2-1XL-CPIO zone through an Off-Menu Density Bonus Incentive, for a maximum floor area of 77,945 square feet. While the size of the project is larger than the existing commercial and multi-family buildings on Pacific Avenue, the increase in FAR granted through the Density Bonus Ordinance will be compatible with and will not degrade the surrounding built environment.

The C2-1XL-CPIO zone, Height District No. 1XL and CPIO designation also limit height to 30 feet and two stories for projects containing residential and commercial uses. The applicant has requested an increase in height of 15 feet and 5 inches and two stories to allow for 45 feet and 5 inches and four stories through a Waiver of Development Standards per LAMC Section 12.22 A.25. The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed project will provide a transition to be compatible with existing neighboring buildings. Therefore, the size and height of the proposed project will not adversely affect or degrade other properties, or the public health, welfare, and safety in the neighborhood.

The project will provide a total of 84 parking spaces, including 80 parking spaces for residential uses and 4 parking spaces for commercial uses, in the form of two subterranean parking levels. No parking spaces are proposed at or above grade level in accordance with CPIO Section IV-2.E.2. The project will reduce the number of curb cuts and driveways currently on-site from two (2) existing curb cuts to one (1) proposed curb cut. The two (2) existing curb cuts along Pacific Avenue will be closed and a new curb cut is proposed along 21st Street that will provide access to one driveway serving the subterranean parking. Therefore, the project will improve walkability of the site by removing existing curb cuts and existing surface parking lot. Furthermore, according to the traffic assessment prepared by Linscott Law & Greenspan, dated September 26, 2019 and the Department of Transportation (LADOT) memo dated October 21, 2019, the project will not have any significant impacts relating to traffic. The project is conditioned to provide electric vehicle charging spaces. As conditioned, a minimum of five percent of spaces will be configured for electric vehicle chargers. Five (5) percent of the 84 provided parking spaces, that is four (4) parking spaces, will be equipped with electric vehicle charging stations. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A".

A total of 10,944 square feet of usable open space will be provided, including 1,398 square feet of open-air courtyards, 5,400 square feet of rooftop deck, and 1,346 square feet of rooftop landscaping. The project provides 56 balconies to serve as private open space for individual units, totaling 2,800 square feet of private open space. There will be 3,104 square feet of solar space on the rooftop. The project incorporates landscaping within the setbacks along Pacific Avenue and 22nd Street, as well as within the courtyard on the second floor and the rooftop deck. The project will remove 10 non-protected palm trees along the public right-of-way and twelve (12) non-protected palm trees on the property, and will plant 27 36-inch box trees throughout the project site and public right-of-way to the satisfaction of the Urban Forestry Division of the Department of Public Works, as provided in Exhibit "A".

Therefore, as described above, the project will provide amenities and features that will enhance the surrounding neighborhood rather than further degrade or adversely affect other properties.

5. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and

Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. The project substantially conforms with the following purposes and objectives of the General Plan Elements: Framework Element, Land Use Element (San Pedro Community Plan), Housing Element, and Mobility Element.

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is therefore consistent with the land use designation. The site is also located within the San Pedro Community Plan Implementation Overlay ("CPIO") District Coastal Commercial A Subarea. The CPIO contains regulations for ground floor and building height, density, floor area, building design, building disposition, parking, landscaping, signage, appurtenances, and public improvements. The project is also located within the Pacific Corridor Redevelopment Plan.

Consistent with the Community Plan, the proposed 100-unit mixed-use development, which includes 11 Very Low Income units, adds new multi-family housing and much needed affordable housing to Los Angeles's housing supply, in a neighborhood that is conveniently located to a variety of regional destinations, community services and amenities, and multi-modal transportation options. It also adds approximately 1,800 square feet of ground floor retail space to serve the community.

Framework Element

The General Plan designates the subject site with Neighborhood Commercial land use designation with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The Framework Element describes Neighborhood Commercial areas as pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods. The property is zoned C2-1XL-CPIO, which is consistent with the Neighborhood Commercial land use. The C2-1XL-CPIO zone allows for R4 (High Medium Residential) land uses and estimates 56 to 109 dwelling units per acre.

Per the Framework Element's Long Range Land Use Diagram for the West/Coastal Los Angeles area, the site is also along a Mixed Use Boulevard. A Mixed Use Boulevard is described as "connect[ing] the city's neighborhood districts and community, regional and Downtown centers. Mixed Use development is encouraged along these boulevards, with the scale, density and height of development compatible with the surrounding areas. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4.0:1 and be generally characterized by one to two-story commercial structures, up to 3- to 6-story mixed-use buildings between centers and higher buildings within centers. Mixed Use Boulevards are served by a variety of transportation facilities."

Therefore, as a 4-story mixed-use development with a maximum 3.26:1 FAR as allowed by Density Bonus, the proposed project is consistent with the General Plan Framework.

Land Use Element – San Pedro Community Plan

The proposed project aligns with the intent of the 2017 San Pedro Community Plan including the following:

Goal LU3: Multi-family residential neighborhoods with a mix of ownership and rental units that are well-designed, safe, provide amenities for residents, and exhibit the architectural characteristics and qualities that distinguish San Pedro

Policy LU3.1: Neighborhood stability. Stabilize and improve existing multi-family residential neighborhoods, allowing for growth in areas where there are sufficient public infrastructure and services and where quality of life can be maintained or improved

Policy LU3.2: Key locations. Incorporate multi-family housing in areas targeted for mixed use and in the Regional Center

Policy LU3.3: Equitable housing distribution. Provide an equitable distribution of housing types for all income groups throughout San Pedro's multi-family neighborhoods and promote mixed-income developments rather than creating concentrations of below-market-rate housing

Policy LU3.4: Affordable housing and displacement. Encourage the replacement of demolished quality affordable housing stock with new affordable housing opportunities while minimizing the displacement of residents, through programs that support development while meeting the relocation needs of existing residents

Policy LU3.6: Amenities. Include amenities for residents such as on site recreational facilities, community meeting spaces, and useable private and/or public open space in new multi-family development

Goal LU5: Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community.

Policy LU5.1: Investment. Conserve, strengthen and encourage investment in San Pedro's existing commercial districts

Policy LU5.7: Strategically locate new large projects. Allow large projects in appropriate locations, and provided that projects do not interrupt community fabric, the street grid, designated public views, or the viability of commercial areas, and that those facilities are designed to be compatible in scale and character with surrounding uses

Policy LU5.11: Buildings that engage the street. Require buildings to be oriented to and actively engage the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground-floor transparency, and location of parking

Policy LU5.13: Improve design. Promote quality site, architectural and landscape design that incorporates walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles.

Policy LU5.14: Safety. Create and promote environments that enhance safety and are more conducive to walking through the use of design guidelines and standards. Encourage outdoor areas to be lighted for night use, safety and comfort

Policy LU5.15: Well-designed parking. Provide adequate employee and public parking for all commercial facilities that is complementary to adjacent uses, separating it from residential uses. Where possible, replace surface parking with structured parking, replace parking area drive aisles with pedestrian-friendly walkways, and infill parking areas with multi-story mixed-use buildings

Policy LU5.16: Minimize parking impacts. Reduce the visual prominence of parking within the public realm by requiring off-street parking to be located behind or within structures or otherwise fully or partially screened from public view

Goal LU6: Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and businesses as local gathering places where people shop and socialize.

Policy LU6.2: Mix of uses. Encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non-residential uses that address the needs of households living in urban neighborhoods. Such uses may include retail and services, entertainment, childcare facilities, daycare and school facilities, public meeting rooms, recreation, cultural facilities, and public open spaces, which enhance neighborhood activity.

The project is for the construction of a new mixed-use, mixed-income residential development on an underutilized site that includes a single-tenant bar, surface parking, and a vacant lot. The project will result in the net increase of 100 dwelling units, which will include 11 Very Low Income units. It will also provide approximately 1,800 square feet of retail uses in two tenant spaces that will enhance the commercial and pedestrian experience on Pacific Avenue. The site is located within walking distance of public transit and local and regional amenities. As shown in Exhibit "A" and Finding Nos. 4 and 12, the Project will provide design features and landscaping improvements to enhance the visual quality of the area.

Housing Element 2013-2021

The proposed project also conforms with the applicable policies of the Housing Element, including:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

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 Mixed-Use Boulevards.

Policy 1.3.5: Provide sufficient land use and density to accommodate an adequate supply of housing units within the City to meet the projections of housing needs.

Goal 2: A City in which housing helps to create safe, livable and sustainable neighborhoods.

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.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Program 98: In accordance with State law, provide a density bonus up to 35% over the otherwise allowable density as well as reduced parking requirements for all residential developments that include units affordable to very low-, low- and/or moderate-income households. Provide additional incentives and concessions to required development standards in order to provide the buildable area needed for the affordable units and increased density.

The proposed project will result in a net increase of 100 new residential units to the City's housing stock and conforms with the applicable provisions of the Housing Element. The applicant has requested deviations from code requirements under the Density Bonus program for increased FAR, reduced parking, elimination of loading requirements, and increased height, thereby allowing the creation of affordable units. Pursuant to Density Bonus requirements, 16 percent (11 units) of the base units, will be set aside for Very Low Income units. Additionally, this mixed-use mixed-income development is in close proximity to public transit options, and a variety of retail, commercial, entertainment, recreational, and employment opportunities. Locating new housing and retail space in this portion of Pacific Avenue will allow residents to have better access to employment centers and places of interest in area.

Mobility Plan 2035

The proposed project also conforms with the following additional policies of the Mobility Plan, including:

Policy 3.1: Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City's transportation system.

Policy 3.3: Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

The project utilizes Density Bonus incentives for the construction of a mixed-use mixed-income development that provides housing opportunities in close proximity to public transit along the Pacific Avenue corridor, and to permit reduced parking through an Off-Menu Density Bonus Incentive, encouraging multi-modal transportation and decreasing vehicle miles traveled in the neighborhood. The site is located along a portion of Pacific Avenue that is designated by the Mobility Plan as a Tier 2 Bicycle Lane in the Bicycle Lane Network, and is also within the designated Pedestrian Enhanced District. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage.

San Pedro CPIO

The San Pedro Community Plan Implementation Overlay (“CPIO”) District was adopted by the Los Angeles City Council and became effective on June 26, 2018 under Ordinance No. 185,539. The subject site is located within the Coastal Commercial A Subarea of the San Pedro CPIO, which contains additional regulations for height, density, floor area, building disposition, building design, and parking. The project is subject to administrative review for compliance with the San Pedro Community Plan Implementation Overlay (“CPIO”). Therefore, as conditioned herein and required by LAMC Section 13.14 G.2 and CPIO, the project will be subject to an administrative review and clearance process for CPIO compliance prior to the issuance of building permits.

Pacific Corridor Redevelopment Plan

The project site is located within the Pacific Corridor Redevelopment Project Area; accordingly, the project has been reviewed for consistency and compliance with the Pacific Corridor Redevelopment Plan. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

Therefore, the proposed project is consistent with the purposes, intent and provisions of the General Plan, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan by meeting several of its goals, objectives, and policies. Specifically, the project would provide housing and retail uses on underutilized land to 1) accommodate necessary residential growth and provide a mix of apartment sizes and affordability levels, including rent restricted units for Very Low Income households; and (3) reinforce an existing mixed-use corridor by providing an array of housing options, new retail, improved streetscape, and landscaping, that would be inviting to nearby residents and pedestrians along Pacific Avenue.

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

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

As provided under Finding No. 5, the proposed Project would be in conformance with the following goals of the Housing Element as described below:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

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

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.1.3 Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households

In granting a Conditional Use for a 46 percent density increase, affordable housing is required beyond the minimum percentage required per the State Density Bonus Law and the City's Density Bonus Ordinance. This ensures that the project provides a proportional amount of affordable housing units compared to the density increase it is seeking. In this case, the project is required to set aside 16 percent, that is 11 units, of the 68 base density units for Very Low Income Households in exchange for the 46 percent density increase requested. The project proposes to set aside 11 units for Very Low Income Households, thereby complying with the requisite percentage of affordable housing units for the 47.5 percent density increase.

The project does not include the demolition or loss of any residential units because there are no residential uses on the subject property. The project involves the demolition of a single-tenant bar, surface parking lot, and vacant lot. By redeveloping the subject site for the proposed mixed-use project, 100 new dwelling units will be made available in the community. The project will set aside 11 units for Very Low Income Households. The project will offer a range of apartment types and sizes as it provides 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. Additionally, the project proposes a total of 10,944 square feet of usable open space within a courtyard, roof deck, and balconies. The project will provide affordable housing in close proximity to transit. Several bus stops served by the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus line, as well as the Los Angeles Department of Transportation ("LADOT") DASH San Pedro line are within one-half mile of the project site. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk. Therefore, the project is in conformance with the affordable housing provisions of the Housing Element.

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

- A. 11% Very Low Income Units for a 35% density increase; or**
- B. 20% Low Income Units for a 35% density increase; or**
- C. 40% Moderate Income Units for a 35% density increase in for-sale projects.**

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

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

The project site is zoned C2-1XL-CPIO, which allows a base density of 68 dwelling units. Per the Density Bonus Ordinance, the project is permitted a 35 percent density increase in exchange for setting aside 11 percent, or eight (8), of the 68 base density units for Very Low

Income Households. The project is permitted additional density increase beyond 35 percent by setting aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 46 percent increase in density for a total of 100 dwelling units in lieu of 68 base density dwelling units as otherwise permitted by-right in the C2-1XL-CPIO Zone. In accordance with LAMC Section 12.22 A.25(c)(7), in calculating Density Bonus and Restricted Affordable units any number resulting in a fraction shall be rounded up to the next whole number. As provided in the table above, the applicant is required to set aside 16 percent, or 11 units, of the 68 base density units for Very Low Income Households in order to be granted a 47.5 percent density bonus. The applicant proposes to set aside 11 units for Very Low Income Households for a period of 55 years, which is 16 percent of the 68 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 47.5 percent density increase.

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

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222 as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). Major changes to the law are applicable to new density bonus developments resulting in a loss in existing affordable units or rent-stabilized units. The law aims to replace units and ensure rental affordability periods for 55 years. Pursuant to the Determination Letter dated March 5, 2020, HCIDLA has determined that there were no residential units built and demolished on the property, therefore, no AB 2556 replacement affordable units are required (Exhibit C). As such, the dwelling unit replacement requirements of Government Code Section 65915(c)(3) do not apply.

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

The applicant proposes to set aside a total of 11 units for Restricted Affordable Units. Per the Conditions of Approval, the applicant is required to execute a covenant to the satisfaction of HCIDLA to make 11 Restricted Affordable Units available to Very Low Income Households for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. The applicant is required to present a copy of the recorded covenant to the Department of

City Planning and the proposed project shall comply with any monitoring requirements established by HCIDLA. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per HCIDLA, and is subject to fees as set forth in Section 19.14 of the LAMC.

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

The City Planning Commission approved the Affordable Housing Incentives Guidelines (CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by City Council (CF 05-1345) on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. On April 9, 2010, the City Council adopted updates to the City's Density Bonus Ordinance (CF 05-1345-S1, Ordinance No. 181,142). However, at that time, the Affordable Housing Incentives Guidelines were not updated to reflect changes to the City's Density Bonus Ordinance or more recent changes in State Density Bonus Law located in the Government Code. Therefore, where there is a conflict between the Guidelines and current laws, the current law prevails. Additionally, many of the policies and standards contained in the Guidelines, including design and location of affordable units to be comparable to the market-rate units, equal distribution of amenities, monitoring requirements, and affordability levels, are covered by the State Density Bonus Laws.

The project requests a 46 percent density increase above the 68 base density units to permit a total of 100 dwelling units. The project will set aside 11 units for Very Low Income Households. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

SITE PLAN REVIEW FINDINGS

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

As provided under Finding No. 5, the proposed project is in substantial conformance with the purpose, intent, and provisions of the General Plan's Framework Element, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan.

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is consistent with the land use designation. Height District No. 1XL limits Floor Area Ratio ("FAR") to 1.5:1 and building height to 30 feet and two (2) stories. The CPIO designation also limits the site to 30 feet and 1.5:1 FAR.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1XL-CPIO zone. As provided under Finding No. 1 and 4, the project's increased FAR, reduced parking, elimination of loading requirements, and increased height are allowed by the underlying zone in combination with Density Bonus law. The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will

enhance the pedestrian experience and streetscape by providing removing the existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Street.

As provided under Finding No. 5, the project would meet the goals, objectives, and policies of the General Plan, San Pedro Community Plan, Housing Element, and Mobility Plan, particularly those concerning adding housing and affordable housing near transit, neighborhood-serving uses, and jobs. The project would provide additional housing within proximity to neighborhood-serving uses and directly adjacent to public transit. The project is subject to administrative review for compliance with the San Pedro CPIO. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

12. 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 adjacent properties and neighboring properties.

As provided under Finding No. 4, the Project has been designed to be compatible with adjacent properties and surrounding neighborhood. The subject site is located in the San Pedro Community Plan along the Pacific Avenue commercial corridor, at the western side of Pacific Avenue between 21st Street and 22nd Street. The surrounding area is developed with a combination of single-story commercial uses and multi-family residential uses up to three stories in height, with some one-and two-story single-family residential uses in the surrounding area.

The proposed project is the construction of a 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 Very Low Income units) with two retail spaces totaling 1,800 square feet of ground floor retail space. The project will be approximately 77,945 square feet in floor area with a Floor Area Ratio ("FAR") of 3.26:1. The project will provide 84 parking spaces in two subterranean parking levels, in addition to 75 long-term and 8 short-term bicycle parking spaces. The residential units are located on all floors, and will comprise of 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. The primary building entrances are located along Pacific Avenue, and ground-floor units will have individual entrances from the sidewalk on Pacific Avenue, 21st Street, and 22nd Street. Residential amenities are provided in the form of open-air landscaped courtyards at the second level and rooftop decks. Vehicular access is proposed from one driveway along 21st Street. Two retail spaces of 900 square feet each are located on the ground floor along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The subject site is currently improved with an existing single-tenant bar, surface parking lot, and vacant lot, which will be demolished as part of the project.

Height

The proposed project will be four (4) stories and approximately 45 feet and 5 inches in building height, which will be comparable to the existing three-story apartment buildings directly across the street and corner from the subject site on 21st Street. The subject property is zoned C2-1XL-CPIO and is located within Height District No. 1XL, which restricts mixed-use projects to two (2) in height. Both Height District No. 1XL and San Pedro CPIO Section IV-2.A.2(a) and IV-2.B.1 restrict the site to a maximum building height of 30 feet and Floor Area Ratio ("FAR") of 1.5:1. The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program. The proposed 45-foot and 5-inch building height is requested through a Waiver of Development Standard, and is only a 4 foot 5 inch increase from the maximum height allowed through an

On-Menu Incentive. The proposed height will be compatible with the adjacent three-story apartment buildings on 21st Street and Pacific Avenue. By granting the additional height, the project will be able to provide additional housing units. The height increase also allows the project to meet the 14-foot Ground Floor height requirements of the San Pedro CPIO Section IV-2.A.1. Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed height is comparable with the maximum building height allowable under the On-Menu Density Bonus program, and will provide a transition to be compatible with existing neighboring buildings.

Bulk/Massing

The proposed mixed-use development abuts three streets, with the street-fronting facades measuring approximately 260 feet along the west side of Pacific Avenue, 95 feet along the south side of 21st Street, and 95 feet along the north side of 22nd Street. While the proposed project massing exceeds the existing prevailing development pattern, the overall height of 45 feet 5 inches is comparable to the maximum building height of 41 feet allowable under the On-Menu Density Bonus program. In addition, the project is compliant with San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the project massing will be appropriately set back from the neighboring residential uses. Additionally, the project provides architectural detailing that enhances the street-facing facades by applying recesses, balconies, and varied rooflines along the building facade, along with varying building materials and colors to incorporate variation in design.

Building Materials

The building design incorporates a variety of recesses, balconies, and different materials to add architectural interest to the building and creates distinct breaks in the building plane. These breaks are further differentiated through the use of a variety of building materials that include painted stucco, cherry melamine slatwall panels, aluminum woven wire mesh, timbertech decking, and glass. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with CPIO Section IV-2.C.2 and IV-2.C.4, respectively, at least 60 percent of the Primary Frontage of the Ground Floor shall consist of doors and windows, and heavily textured stucco is prohibited.

Entrances

There are two (2) primary residential building entrances proposed along Pacific Avenue, and are differentiated from the remainder of the street frontage through a recess that is enhanced with Pedestrian Amenities along the sidewalk. In addition, all ground-floor units along Pacific Avenue, 21st Street, and 22nd Street will have individual unit entrances that will be directly accessible from the street and set back a minimum of 3 feet from the sidewalk in accordance with CPIO Section IV-2.D.3 and IV-2.D.4. Two retail spaces are proposed on the corners of the building and will have commercial entrances directly from the sidewalk.

Setbacks

The project has been designed to create a strong street wall along Pacific Avenue, 21st Street, and 22nd Street. CPIO Section IV-2.C.1 requires that the exterior wall of any building shall be located not more than 5 feet from the Primary Lot Line, except that exterior walls may be more than 5 feet from the Primary Lot Line when the setback is improved with Pedestrian Amenities and/or landscaping. The project is compliant with this CPIO requirement and provides minimal setbacks along the street frontages and provides landscaping in areas where there are setbacks, as provided in Exhibit "A".

Parking/Loading

The project will provide a total of 84 parking spaces, including 80 parking spaces for residential uses and 4 parking spaces for commercial uses, in the form of two subterranean parking levels. The applicant seeks an Off-Menu Density Bonus Incentive reduce the number of required residential parking spaces from 121 parking spaces to 80 parking spaces. No parking spaces are proposed at or above grade level in accordance with CPIO Section IV-2.E.2. The project will reduce the number of curb cuts and driveways currently on-site from two (2) existing curb cuts to one (1) proposed curb cut. The two (2) existing curb cuts along Pacific Avenue will be closed and a new curb cut is proposed along 21st Street that will provide access to one driveway serving the subterranean parking. Therefore, the project will improve walkability of the site by removing existing curb cuts and existing surface parking lot. As conditioned, a minimum of five percent of spaces will be configured for electric vehicle chargers. Five (5) percent of the 84 provided parking spaces, that is four (4) parking spaces, will be equipped with electric vehicle charging stations. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage.

Loading

The project proposes a loading space in the subterranean parking garage that is accessed from the driveway from 21st Street. Although the applicant has requested an Off-Menu Density Bonus Incentive to eliminate the loading space requirements of LAMC Section 12.21 C.6, the project will provide a loading space in the subterranean parking garage that meets all dimensional requirements of the code. Therefore, the loading space will be functional and usable for residents and deliveries. The subterranean loading space will be located in the subterranean parking garage, rather than along the alley at grade level, and therefore will not affect street circulation.

Lighting

The proposed project will reduce the amount of lighting that currently exists on-site by removing the surface parking lot and screening all parking from public view. In addition, the project will comply with CPIO Section IV-2.H.1 to provide ancillary lighting along pedestrian and vehicular access ways, and is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky.

Landscaping/Open Space

On-site landscaping and open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping, and 2,800 square feet of balconies. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. The common open space areas required by code shall meet the minimum dimension, landscaping, and amenity requirements per LAMC Section 12.21 G.2(a). Additional landscaping is provided along the perimeter of the building, including an over-dedicated area along 22nd Street. The project is conditioned to submit landscape plans

prepared by a licensed landscape architect or licensed architect to show the size and location of all plants, and ensure sufficient depth and soil volume for trees and green roofs.

Trash Collection

Trash and recycling areas are conditioned to be located within the subterranean parking level to ensure that they are not visible from public view from the street per CPIO Section IV-2.H.3. Service providers will access the trash area from the driveway along 21st Street and enter the parking garage for trash collection. Therefore, trash collection will not affect circulation for surrounding properties.

13. The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The proposed project provides recreational and service amenities that will improve habitability for the residents and minimize any impacts on neighboring properties. Common open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, and 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping. The project also provides 2,800 square feet of private balconies for use as private open space for individual units. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. Therefore, the proposed project provides sufficient recreational and service amenities for its residents, minimizing any impacts on neighboring properties.

CEQA FINDINGS

The Department of City Planning determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Article 19, 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 Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2019-4885-CE is provided in the case file and attached as Exhibit D.

The Department of City Planning found, based on their independent judgment, and after consideration of the whole of the administrative record, that the project is within the scope of the San Pedro New Community Plan ENV-2009-1558-EIR ("Program EIR"), pursuant to CEQA Guidelines Sections 15168 and 15162; the environmental effects of the Project were covered in the Program EIR and no new environmental effects not identified in the Program EIR will occur and no new mitigation is required; there has been no changes in circumstances, and the City has incorporated all feasible mitigation measures from the Program EIR on the Project.

The project is the development of a new 4-story, 45-foot and 5-inch tall mixed-use residential building comprised of 100 dwelling units (including 11 units restricted to Very Low Income Households) with 1,800 square feet of ground floor retail space. The project will provide 84 vehicular parking spaces in 2 subterranean parking levels, and 75 long-term and 8 short-term bicycle parking spaces. The project will be 77,945 square feet in floor area and have a Floor Area Ratio ("FAR") of 3.26:1. The site is currently improved with a 1,490 square foot single-tenant bar, surface parking lot, and vacant lot, with 12 non-protected palm trees on the subject site and ten (10) non-protected palm trees along the public right-of-way, all of which will be removed to clear the lot. Tree removal may be required in order to allow construction and perform required street improvements. Street trees in the public right of way are regulated under Los Angeles Municipal Code, Chapter VI, Section 62.161 through 62.176. All tree removal permits are issued by the Bureau of Street Services, Urban Forestry Division, and may require approval by the Board of

Public Works. All permitted tree removals shall be replaced with a minimum of two, 24-inch box size trees for each tree removed or as conditioned by the Board of Public Works. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A". The project proposes grading and export of 20,000 cubic yards of soil.

As a mixed-use residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (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.**

The project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses, with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The site is zoned C2-1XL-CPIO, and is consistent with the land use designation. Height District No. 1XL limits Floor Area Ratio ("FAR") to 1.5:1 and building height to 30 feet and two (2) stories. However, the proposed project will have a FAR of 3.26:1 and a height of 45 feet and 5 inches as permitted by State Density Bonus Law in exchange for providing 11 units of rent restricted units for Very Low Income Households for 55 years. As demonstrated in the case file and under Finding No. 5 above, the project is consistent with the General Plan, the applicable San Pedro Community Plan designation and policies, and all applicable zoning designations and regulations as permitted by Density Bonus law.

- (b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.56 acres (24,336 square feet) and is surrounded by urban uses. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential buildings, commercial structures, and single family dwellings. The subject site is within one-half mile of several bus stops served by the Los Angeles County Metropolitan Transit Authority ("Metro") Silver Line and 246 bus line, as well as the Los Angeles Department of Transportation ("LADOT") DASH San Pedro line. There are two (2) bus stops serving the Metro Silver Line and 246 bus lines directly in front of the subject site along Pacific Avenue, with three (3) bus benches along the sidewalk.

- (c) **The project site has no value as habitat for endangered, rare or threatened species.**

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The site is currently developed with a 1,490 square foot single-tenant bar, surface parking, and vacant lot. There are approximately 12 non-protected palm trees on the subject site and ten (10) non-protected palm trees along the public right-of-way that will be removed as part of the project. There are no Protected Trees on the site per the Tree Letter prepared by Courtland Studio, LLC dated May 19, 2020. Tree removal may be required in order to allow construction and perform required street improvements. Street trees in the public right of way are regulated under Los Angeles Municipal Code, Chapter VI, Section

62.161 through 62.176. All tree removal permits are issued by the Bureau of Street Services, Urban Forestry Division, and may require approval by the Board of Public Works. All permitted tree removals shall be replaced with a minimum of two, 24-inch box size trees for each tree removed or as conditioned by the Board of Public Works. The project proposes to plant 36-inch box street trees, as provided in Exhibit "A".

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

Regulatory Compliance Measures – The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to the following, to ensure the project will not have significant impacts:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-AQ-2:** In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Regulatory Compliance Measure RC-AQ-3:** In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.
- **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.
- **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
- **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers

and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CPIO Environmental Standards – The San Pedro CPIO contains Environmental Standards to implement the Mitigation and Monitoring Program as part of the San Pedro Community Plan Update that were reviewed in the Program EIR. All projects in CPIO Subareas are required to comply with any applicable Environmental Standards. The proposed project is required to comply with the following:

- **Environmental Standard AE1:** Projects shall be designed to ensure the following:
 - a. All lighting be directed and/or shielded to minimize lighting spillover effects onto adjacent and nearby properties.
- **Environmental Standard AQ1:** Projects shall require the following or comparable best management practices be included in contract specifications and/or printed on plans:
 - a. Use properly tuned and maintained equipment.
 - b. Construction contractors shall enforce the idling limit of five minutes as set forth in the California Code of Regulations.
 - c. Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible.
 - d. Use heavy duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is readily available and feasible.
 - e. Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible.
 - f. Maintain construction equipment in good operating condition to minimize air pollutants.
 - g. Construction contractors shall utilize materials that do not require painting, as feasible.
 - h. Construction contractors shall use pre-painted construction materials, as feasible.
 - i. Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
 - j. Construction contractors shall provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site, as feasible.
 - k. Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible.
 - l. Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- **Environmental Standard AQ3/GHG1:** Projects shall incorporate the following greenhouse gas reduction measures into the project design:
 - a. For Multi-Family and Commercial Projects: parking facilities shall have five percent of the total parking spaces, but not less than one space, capable of

supporting future Electric Vehicle Supply Equipment (EVSE) charging locations.

- **Environmental Standard N1:** Projects shall include the following or comparable construction best management practices in contract specifications and/or printed on plans:
 - a. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
 - b. The construction contractor shall locate construction staging areas away from sensitive uses.
 - c. When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (such as, temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
 - d. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.
 - e. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
 - f. The construction contractor shall consider potential vibration impacts to older (historic) buildings.
- **Environmental Standard US1:** Projects shall incorporate water conservation measures into the project design, which may include but are not limited to measures identified in the City's Water Conservation Ordinance.
- **Environmental Standard US2:** Projects shall incorporate the Solid Waste Integrated Resources Plan measures to maximize source reduction and materials recovery and minimize the amount of solid waste requiring disposal with the goal of leading the City to achieve zero waste by 2025.
- **Environmental Standard US3:** Projects shall incorporate energy conservation and efficiency measures into the design of new development, including but not limited to:
 - a. Energy saving windows, doors, insulation and passive solar design.
 - b. Energy efficient fixtures and appliances.
 - c. Efficient lighting, heating, air and ventilation systems.
 - d. Reused or recycled building materials.

Traffic - A traffic study was prepared by Linscott Law & Greenspan, dated September 26, 2019 to analyze the proposed project and determined that the project is forecast to generate a net increase of 432 daily trip ends during a typical weekday, 40 vehicle trips during the weekday a.m. peak hour, and 33 vehicle trips during the weekday p.m. peak hour. The traffic analysis accounts for ambient growth factors based on a 1.0 percent annual growth and in addition to trips resulting from other development projects that are located within the study area. The Department of Transportation (LADOT) reviewed the traffic study and confirmed its findings in a memo dated October 21, 2019, confirming that none of the study intersections would be significantly impacted by project-related traffic. Therefore, the project will not have any significant impacts relating to traffic.

Noise – The Project must comply with the adopted City of Los Angeles Noise Ordinances No. 144,331 and 161,574 and LAMC Section 41.40 as indicated above in RC-NO-1, LAMC Section 112.05, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed Project will not result in any significant noise impacts. Furthermore, the Noise Impact Analysis prepared by DKA

Planning dated November 2019 confirmed that the Project would not result in construction-related or operational noise impacts on the environment. The analysis took into account noise from construction activities, operational noise sources from mechanical equipment, parking and auto-related activities, human conservation and activities, recreation facilities, landscape maintenance, trash collection, commercial loading, vibration, impacts to sensitive receptors. The analysis concluded that the project would not result in any significant effects relating to noise.

Air Quality – The Project's potential air quality effects were evaluated by estimating the potential construction and operations emissions of criteria pollutants, and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The Project's emissions were estimated using the CalEEMod 2016.3.2 model (output October 29, 2019) for the purposes of evaluating air quality impacts of proposed projects and summarized in the Air Quality Technical Report prepared by DKA Planning dated November 2019. The analysis took into account construction activity emissions during demolition, grading building construction, and architectural coating, as well as effects to sensitive receptors. The analysis confirms that the Project would not exceed SCAQMD significance thresholds for air quality impacts. In addition, there are several Regulatory Compliance Measures which regulate air quality-related impacts for projects citywide as noted above.

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

The project site will be adequately served by all public utilities and services given that the construction of a mixed-use building will be on a site which has been previously developed and is consistent with the General Plan.

Therefore, the project meets all of the Criteria for the Class 32 Categorical Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

(a) Cumulative Impacts. *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.*

There is not a succession of known projects of the same type and in the same place as the subject project.

There is a proposed project approximately one-half mile from the subject site, located at 1309-1311 South Pacific Avenue (Case No. CPC-2019-4908-DB-SPR), which is proposed for the construction of a 4-story, mixed-use building containing 102 dwelling units. However, the project at 1309-1311 South Pacific Avenue is not adjacent to nor within 500 feet of the subject site, and does not constitute a project in the same type and same place as the subject project.

Both projects would be subject to the citywide Regulatory Compliance Measures as noted above, which regulate impacts related to air quality, noise, and geology to a less than significant level. The traffic study prepared by Linscott Law & Greenspan, dated September 26, 2019, accounts for ambient growth factors based on a 1.0 percent annual growth and in addition to trips resulting from other development projects that are located within the study area (including the project located at 1309-1311 South Pacific Avenue

and seven (7) other projects either proposed or under construction), and concluded no traffic impacts. The Department of Transportation (LADOT) reviewed the traffic study and confirmed its findings in a memo dated October 21, 2019, which included standard conditions for a construction work site traffic control plan and limiting construction-related traffic to off-peak hours. There is no evidence to conclude that significant impacts will occur based on past project approvals or that the proposed Project's impacts are cumulatively considerable when evaluating any cumulative impacts associated with construction noise and transportation/traffic in the surrounding area.

Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected, and this exception does not apply.

- (b) **Significant Effect Due to Unusual Circumstances.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project proposes a mixed-use residential building in an area zoned and designated for such development. All adjacent lots are developed with multi-family and single-family residential and commercial uses, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 3.26:1 on a site that is permitted to have an FAR of 1.5:1 by the site's zoning. The project is eligible for the FAR 3.26:1 through an Off-Menu Density Bonus Incentive. The project size and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family dwellings and proposed future projects in the area. Furthermore, there is no substantial evidence in the administrative record that this project will cause a significant impact. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately 27 miles northwest of the subject site. Therefore, the subject site will not create any impacts within a designated state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.

A Phase I Environmental Site Assessment ("ESA") Report prepared by Priority 1 Environmental dated June 22, 2018 for 2111-2121 South Pacific Avenue included reviewing available environmental related information concerning the property and other data; conducting a site visit to observe current site uses, observing adjacent land uses, and gathering data on possible spills or misuse of chemicals that could be considered a

Recognized Environmental Concern (“REC”); and reviewing regulatory files regarding the property. The ESA revealed no evidence of RECs in connection with the property.

A Phase I ESA prepared by Priority 1 Environmental dated February 15, 2019 for 2139 South Pacific Avenue included reviewing available environmental related information concerning the property and other data; conducting a site visit to observe current site uses, observing adjacent land uses, and gathering data on possible spills or misuse of chemicals that could be considered an REC; and reviewing regulatory files regarding the property. The ESA revealed no evidence of RECs in connection with the property.

Therefore, the project is not identified as a hazardous waste site, or in the vicinity of a hazardous waste site, and this exception does not apply.

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

The project site is not listed in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register, and was not found to be a potential historic resource based on the City’s HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. As such, the Project would have no impact on historical resources. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

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