

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2021-3038-DB-SPR-HCA-1A	ENV-2021-3039-CE	14 – de León
PROJECT ADDRESS:		
121 West 3rd Street; 252 South Spring Street; 244 – 246 South Spring Street		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Grant King, Relevant Living, LLC 1605 North Cahuenga Boulevard Los Angeles, CA 90012 <input type="checkbox"/> New/Changed	323-466-1400	amarben@relevantgroup.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Dana Sayles/Sara Houghton, ThreeSixty 11287 Washington Blvd #A Culver City, CA 90230	310-204-3500	dana@three6ixty.net sara@three6ixty.net
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
SOUTHWEST REGIONAL COUNCIL OF CARPENTERS 139 South Hudson Avenue, Suite 200 Pasadena, CA 91101	626-314-3821	info@mitchtsailaw.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Mitchaell M. Tsai/Mary Linares, Mitchell M. Tsai, Attorney at Law 139 South Hudson Avenue, Suite 200 Pasadena, CA 91101	626-314-3821	info@mitchtsailaw.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Alex Truong	213-978-3308	alexander.truong@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
ENV-2021-3039-CE (CEQA)		

FINAL ENTITLEMENTS NOT ADVANCING:

Density Bonus (DB)

ITEMS APPEALED:

ENV-2021-3039-CE (CEQA)

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

NOTES / INSTRUCTION(S):

N/A

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:
January 13, 2022	7 – 0
LAST DAY TO APPEAL:	APPEALED:
February 9, 2022	Yes, February 9, 2022
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	February 15, 2022



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: **JAN 25 2022**

Case No. CPC-2021-3038-DB-SPR-HCA
CEQA: ENV-2021-3039-CE
Plan Area: Central City Community Plan

Council District: 14 – de León

Project Site: 121 West 3rd Street; 252 South Spring Street;
244 – 246 South Spring Street

Applicant: Grant King, Relevant Living, LLC
Representative: Dana Sayles, Sara Houghton, three6ixty

At its meeting of **January 13, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of existing site improvements and the construction, use, and maintenance of a new, 15-story, 195-foot high and 243,973 square-foot mixed-use building with 331 dwelling units, including 37 dwelling units set aside for Very Low-Income Households (or 11 percent of the total units). The building will be constructed with one level of subterranean parking with 31 commercial parking spaces, one at-grade level with the residential lobby and three commercial tenant spaces totaling approximately 6,350 square feet, 13 residential levels above, and a rooftop level with the resident pool fitness center and lounge. The Project includes 60 studio units, 216 one-bedroom units, 55 two-bedroom units and 34,475 square feet of open space for residents.

1. **Determined**, that based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus for a Housing Development with a total of 331 units (with 37 – 11 percent of the base density set aside for Very Low-Income Households), along with the following Off-Menu Incentives and Waiver of Development Standards:
 - a. An Off-Menu Incentive to permit a Floor Area Ratio of 8.87:1;
 - b. An Off-Menu Incentive to permit a height of 195 feet; and
 - c. A Waiver of Development Standards to eliminate the automobile parking requirement for residential uses;
3. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates, or results in an increase of 50 or more dwelling units;
4. **Adopted** the attached Modified Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 7 – 0

Cecilia Lamas (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant
 Los Angeles City Planning Commission

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus Incentives and Waiver of Development Standards 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: FEB 09 2022

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

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on January 13, 2022)

The following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

Density Bonus

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans dated October 29, 2021, submitted by the applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 331 dwelling units, including the restricted affordable units.
3. **On-Site Restricted Affordable Units.**
 - a. A minimum of 37 dwelling units, that is 11 percent of the total dwelling units (331), shall be reserved as Very Low Income units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
 - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 11 percent of the total density (37 units) available to Very Low Income Households, for sale or rental as determined to be affordable to such Households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of LAHD. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination for more information.
5. **Incentives.**
 - a. **Floor Area Ratio (FAR).** A maximum Floor Area Ratio (FAR) of 8.87 to 1 shall be permitted in lieu of the 6:1 otherwise permitted.
 - b. **Height.** A maximum height of 195 feet shall be permitted in lieu of 150 feet.
6. **Waiver of Development Standards.**
 - a. **Parking.** The project shall be permitted to provide no residential parking spaces.
7. **Parking.**

- a. **Commercial Parking.** Commercial parking shall be provided consistent with LAMC Section 12.21-A,4.
- b. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16.

Site Plan Review

8. **Landscaping.**
 - a. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
 - b. All planters containing trees shall have a minimum depth of 48 inches (48”).
9. **Driveway.** All vehicular access shall be via the alley (Harlem Place).
10. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view.
11. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
12. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.
13. **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.
14. **Solar Panels.** The project shall comply with Section 99.05.211.1 of the LAMC.
15. **Sidewalk Access**
 - a. Applicant will maintain pedestrian access if the sidewalk is temporarily closed during construction;
 - b. Scaffolding Lighting. Applicant will ensure any temporary walkways covered due to construction (e.g., scaffolding) are well-lit at all hours.
16. **Storefronts.** Storefronts of ground floor retail retain transparency at all times to allow for eyes on the street and pedestrian safety.
17. **Pet Waste.** Applicant includes a designated space for accommodating pet waste within the project to mitigate pet waste polluting public right of ways. If this is not feasible, a designated area should be provided in the public right away along with a specific plan for cleaning and maintenance.
18. **Resident Elevators.** Applicant shall study the use of double loaded elevators for easy resident loading.

19. **Security.** Applicant shall secure the empty area at the North property line between the neighboring structure and street.

B. Administrative Conditions

15. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
16. **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.
17. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
18. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
19. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
20. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
21. **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.
22. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect

any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

23. **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.
24. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
25. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
26. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
27. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

Density Bonus/Affordable Housing Incentives Compliance Findings

1. Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC, the decision-maker shall approve a density bonus and requested incentive(s) unless the decision-maker finds that:
 - a. ***The Incentive does 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 incentives does not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health and Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental Households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds depending on affordability levels.

Based on the set-aside of 11 percent of the base density for Very Low Income Households, the applicant is entitled to two (2) Incentives under both Government Code Section 65915 and the LAMC. The request for an increase in height and the request for increase in floor area ratio are Off-Menu Incentives.

Floor Area Ratio

The property's "D" Development Limitation permit a maximum FAR of 6 to 1. Furthermore, the City Center Redevelopment Plan also limits FAR to 6 to 1. Thus, the applicant is requesting an off-menu incentive for an increase in FAR from 6 to 1 to 8.87 to 1.

The requested increase in FAR will allow for the construction of affordable units in addition to larger-sized dwelling units. Granting of the incentive would result in a building design and construction efficiencies that provide for affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of affordable studios, one- and two-bedroom units. This Incentive supports the applicant's decision to set aside a minimum of 37 dwelling units for Very Low Income Households for 55 years.

Height

The property's zoning and designation of Height District 4 permits unlimited height; however, the Q condition per Ordinance No. 164,307-SA555 limits height to 150 feet.

Granting the subject request for the increase in height by 45 feet will allow for an expanded building envelope, and the provision of additional market-rate units, which will offset the cost of the inclusion of restricted affordable units. Additionally, the increase in height would allow for design efficiencies in the placement of corridors, vertical

circulation elements and amenities, which would be a shared cost for the development of the project. Without the increase, the project would be reduced by four (4) full stories and would severely limit the number of restricted affordable units that could be provided.

- b. *The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income Households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.***

There is no evidence that the proposed density bonus incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)).

The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

- c. *The waiver[s] or reduction[s] of development standards will not have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1))***

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

Therefore, the request for elimination of the automobile parking requirement for residential uses is requested as a waiver of development standards. Without the requested waivers, the existing development standards would preclude the development of the proposed density bonus units and project amenities for the reasons stated below.

Parking

Pursuant to California Government Code Section 65915, the project is required to provide .5 automobile parking spaces per unit; this would require a total of 166 automobile parking spaces. In lieu of these requirements, the project is requesting elimination of the residential automobile parking requirement because it would

necessitate five (5) additional levels solely for parking. These development standards would have the effect of physically precluding the construction of 331 dwelling units within a 195-foot height limit. This waiver support the applicant's decision to provide 37 units as affordable housing units reserved for Very Low Income Households.

d. *The Incentives are contrary to State/federal law.*

There is no substantial evidence in the record indicating that the requested Incentives are contrary to any State or federal laws.

Site Plan Review Findings

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

The project site is located within the Central City Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Regional Center Commercial land uses corresponding to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3 and RAS4 Zones. The site is zoned [Q]C4-4D. The site is located within the State Enterprise Zone, Transit Priority Area, Greater Downtown Housing Incentive Area, and City Center Redevelopment project area. The site is not located within any specific plan, community design overlay, or interim control ordinance. The subject property is not located within the boundaries of and is not subject to any other specific plan or community design overlay.

With the exception of the requests herein, which allow for the creation of affordable housing units, the proposed project is otherwise consistent with the requirements of the underlying zone. The project proposes a mixed-use residential and commercial development on a site designated for such uses. The requested Incentives are permissible by the provisions of Density Bonus law, and the project will comply with all other applicable provisions of the zoning code.

The project is also consistent with the following objectives of the Community Plan:

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

Objective 1-3: To foster residential development which can accommodate a full range of incomes.

Objective 2-1: To improve Central City's competitiveness as a location for offices, business, retail, and industry.

Policy 2-1.2: To maintain a safe, clean, attractive, and lively environment.

Consistent with these objectives, the project would further the development of Central City as a major center of population and retail services by replacing and activating the older commercial use of a parking lot with a high-quality mixed-use and attractive development that includes 331 residential units and approximately 6,350 feet of neighborhood-serving commercial spaces. The provision of 331 new residential units of varying sizes and types, including 37 units affordable to Very Low Income households, would provide for the housing required to satisfy the needs of various economic segments of the community.

By providing a range of housing opportunities, the project accommodates an adequate supply of housing units by type and cost.

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

GOAL 4A: “AN EQUITABLE DISTRIBUTION OF HOUSING OPPORTUNITIES BY TYPE AND COST ACCESSIBLE TO ALL RESIDENTS OF THE CITY.”

Objective 4.1: “Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City sub-region to meet the projected housing needs by income level of the future population...”

The project proposes a new mixed-use multi-family and commercial development that will provide much-needed housing, including affordable housing, and neighborhood-serving commercial uses. Accordingly, the project fulfills the Community Plan, Framework Element, and Housing Element goals and objectives of providing quality housing for all persons in the community, including those at all income levels.

The Housing Element of the General Plan provides land use policies and programs that encourage development of affordable housing across the City. The project also supports the following goals and objectives of the Housing Element:

GOAL 1: “HOUSING PRODUCTION AND PRESERVATION.”

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

GOAL 2: “SAFE, LIVEABLE, AND SUSTAINABLE NEIGHBORHOODS.”

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

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

The project utilizes development incentives to provide a higher number of residential units than would otherwise be permitted, thereby facilitating the creation of a higher number of affordable units and addressing the need for affordable housing in the City.

The Mobility Element of the General Plan, also known as Mobility Plan 2035, provides policies with the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

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

Policy 5.2: “Support ways to reduce vehicle miles traveled (VMT) per capita.”

Policy 5.4: “Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.”

Additionally, the project is a Density Bonus development located along Spring Street in close proximity to the Pershing Square Metro Station and is well-served by public transportation. Thus, by locating higher-density development along major transit corridors and by providing commercial services and jobs in close proximity to residences, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT (vehicle miles traveled). The project will further promote mobility and sustainable environments by providing active and transparent building facades, and incorporating landscaping, all of which will significantly improve pedestrian movement and the quality of the streetscape in the area. The proposed improvements represent a significant improvement over the existing site conditions and help realize the City’s goals.

In addition, the project has been conditioned to include automobile parking spaces both ready for immediate use by electric vehicles (e.g. with electric vehicle chargers installed) and capable of supporting electric vehicles in the future. The project has also been conditioned to provide solar infrastructure. Together, these conditions further support applicable policies in the Health and Wellness Element, Air Quality Element, and Mobility Element of the General Plan by reducing the level of pollution/greenhouse gas emissions, ensuring new development is compatible with alternative fuel vehicles, and encouraging the adoption of low emission fuel sources and supporting infrastructure. These conditions also support good planning practice by promoting overall sustainability and providing additional benefits and conveniences for residents, workers, and visitors.

Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable Community Plan, and the applicable specific plan.

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

The project site consists of two (2) existing contiguous lots encompassing a total of approximately 27,578 square feet of lot area. The project is located at a corner site bound by 3rd Street to the south and Spring Street to the west.

The subject property is currently developed with a surface parking lot. The project proposes to demolish all existing improvements for the development of a new 15-story 331-unit mixed-use building with commercial tenant spaces on the ground floor. The project also proposes one (1) subterranean level of vehicular parking.

The project and all of its pertinent improvements will be compatible with neighboring properties. The project is a desirable mixed-use residential and commercial development in a location and neighborhood zoned and designated for such uses. The project site is located in a heavily urbanized and centrally located area developed with a variety of other similar/compatible uses, including high-rise government buildings as well as a variety of multi-family residences. The project will not preclude any future development on the subject property or on any adjacent property. The project has been conditioned to maintain pedestrian access during construction, pet waste stations, security, and to maintain transparency for the retail storefronts. Accordingly, the project has been designed and

conditioned such that its significant features and improvements will be compatible with the surrounding area, as follows:

Height, Bulk, Setbacks

As depicted in Exhibit "A", the building will encompass a total of 243,973 square feet of total floor area and will rise to a maximum height of 195 feet (with limited exceptions for roof structures, per the LAMC).

The City's zoning regulations, specifically those that govern building height, mass, and location on a property, are intended to ensure that a development is compatible with its surroundings and is appropriate for its location. Surrounding properties range from 5 to 16 stories in height. The project's proposed height is compatible with the government building to the south which is 16 stories in height and the mixed-use building to the west which is 13 stories in height. The project's ground level consists of the proposed commercial tenant spaces and ancillary residential uses. This will facilitate a pedestrian-oriented streetscape and activate the public realm. No setbacks are required within the Greater Downtown Housing Incentive Area (GDHIA) and the building will be consistent with surrounding development which also observe zero setbacks and a continuous street frontage.

The proposed building height, mass, and setbacks are all consistent/permissible with all applicable zoning regulations and State and City Density Bonus law, and as a result will be compatible with adjacent properties. Therefore, the project's height, mass, and setbacks will be compatible with adjacent properties.

Site Layout – Parking, Trash Collection, Landscaping, and Lighting

At the ground floor, the project proposes approximately 6,350 square feet of commercial space fronting Spring Street, with commercial parking located in the subterranean level which is accessed from the alley (Harlem Place) where commercial loading is also proposed. At the corner of this level is the residential lobby with entrances from both Spring and 3rd Streets.

The proposed site layout will minimize any potential impacts to the project's surroundings. Commercial uses are concentrated along Spring Street. The project has been designed and conditioned to provide extensive transparency and glazing along the primary street frontages, which will enhance the project's surroundings and encourage pedestrian activity along the streetscapes.

Long-term bicycle parking is stored in within the subterranean parking levels and short-term bicycle parking located in the right-of-way along 3rd Street. The proposed trash collection location at the ground level is also easily accessible yet fully enclosed within the building footprint, thereby shielding the trash enclosures from view by adjacent properties.

The project includes several distinct outdoor open space areas at the second and rooftop levels and along the streetscape. New on- and off-site trees will be provided in compliance with the LAMC and Urban Forestry's policies. All of the proposed recreation spaces and landscaping will enhance both the project and the greater neighborhood as a whole, and as a result the project will be cohesive and integrate well with the surrounding community. Accordingly, all of the proposed open spaces and landscaping will enhance the property and will be compatible with other improvements on the subject property and abutting properties.

Furthermore, appropriate lighting and additional landscaping will be provided in accordance with the requirements of the LAMC and the conditions herein. The project has been designed to provide adequate lighting for operation and safety and to meet all regulations while limiting potential impacts. Additional landscaping such as street trees will be provided throughout the property per the requirements of the applicable City agencies. Therefore, for all of these reasons, the project will significantly improve the physical appearance of the property and will be compatible with existing and future development on the subject property and on surrounding properties.

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

The project proposes a total of 34,475 square feet of open space which consists of 8,618 square feet of common indoor open space, 14,107 square feet of common outdoor space and 11,750 square feet of private open space in the form of residential balconies. Proposed recreation and amenity spaces are proposed on levels two and the rooftop. This includes an outdoor interior courtyard, common area, a rooftop level pool and fitness area, and private balconies for certain residential units throughout.

The project will provide a wide array of high-quality recreational and service amenities for residents. In addition, all of the outdoor spaces will be landscaped and planted with a variety of trees and other plants, which will provide shade and greenery for residents and patrons of the project, enhance the physical environment, and reduce potential impacts on adjacent properties. The site orientation of the outdoor amenity spaces are either interior to the development or away from neighboring properties. Therefore, the project provides many different recreational and service amenities which will improve habitability for residents and the community alike, and will minimize impacts on neighboring properties.

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