



## APPLICATIONS:

# APPEAL APPLICATION

## Instructions and Checklist

**Related Code Section:** Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

**Purpose:** This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

### A. APPELLATE BODY/CASE INFORMATION

#### 1. APPELLATE BODY

- ☐ Area Planning Commission    ☐ City Planning Commission    ☐ City Council    ☐ Director of Planning  
☐ Zoning Administrator

Regarding Case Number: \_\_\_\_\_

Project Address: \_\_\_\_\_

Final Date to Appeal: \_\_\_\_\_

#### 2. APPELLANT

**Appellant Identity:**  
(check all that apply)

- ☐ Representative    ☐ Property Owner  
☐ Applicant    ☐ Operator of the Use/Site

- ☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

- ☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative    ☐ Owner    ☐ Aggrieved Party  
☐ Applicant    ☐ Operator

#### 3. APPELLANT INFORMATION

Appellant's Name: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

- ☐ Self    ☐ Other: \_\_\_\_\_

b. Is the appeal being filed to support the original applicant's position?    ☐ Yes    ☐ No

#### 4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### 5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☐ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state: \_\_\_\_\_ and Waiver of Development Standards

- ☐ The reason for the appeal ☐ How you are aggrieved by the decision  
☐ Specifically the points at issue ☐ Why you believe the decision-maker erred or abused their discretion

#### 6. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 06/29/2023

#### GENERAL APPEAL FILING REQUIREMENTS

#### B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

##### 1. Appeal Documents

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

- ☐ Appeal Application (form CP-7769)  
☐ Justification/Reason for Appeal  
☐ Copies of Original Determination Letter

##### b. Electronic Copy

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

##### c. Appeal Fee

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

##### d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC  
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING**

**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- ☐ **1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

**a. Appeal Fee**

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

**a. Appeal Fee**

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

## G. NUISANCE ABATEMENT

### 1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

#### a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

### 2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

#### a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

## NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

**Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

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

## **Justification/Reason for Appeal**

Mission and Lincoln Apartments Project

CPC-2022-6189-CU-DB-ZAA-SPR-HCA; ENV-2022-6190-CE

### **I. REASON FOR THE APPEAL**

Supporters Alliance for Environmental Responsibility (“SAFER”) appeals the approval by the City Planning Commission of the Site Plan Review entitlements for the Mission and Lincoln Apartments Project (CPC-2022-6189-CU-DB-ZAA-SPR-HCA; ENV-2022-6190-CE). The Site Plan Review approvals are invalid because they are based on incorrect findings. Specifically, the Los Angeles City Planning Commission’s finding that the project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 of the CEQA Guidelines (“Infill Exemption”) is incorrect.

### **II. SPECIFICALLY THE POINTS AT ISSUE**

Specifically, the City Planning Commission’s finding that the Project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines is in error because the terms of the Exemption do not apply to this Project.

Because the Infill Exemption prepared for the Project fails to comply with CEQA, the City Planning Commission’s approval of the Project’s Site Plan Review entitlements is invalid. Proper CEQA review must be complete *before* the City approves the Project’s entitlements (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved”]). Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

Because the Project does not qualify for an infill exemption, the City Planning Commission’s Project approvals are based upon incorrect findings. The City must fully comply with CEQA prior to any approvals in furtherance of the Project. Since the Project is not exempt from CEQA, the City must prepare an initial study and determine the appropriate level of review required under CEQA prior to *any approvals* in furtherance of the Project.

### **III. HOW YOU ARE AGGRIEVED BY THE DECISION**

Members of appellant, SAFER, live and/or work in the vicinity of the proposed Project. They breathe the air, suffer noise impacts, and will suffer other environmental impacts of the Project unless those impacts are properly mitigated.

### **IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION**

The City Planning Commission approved the Site Plan Review (CPC-2022-6189-CU-DB-ZAA-SPR-HCA) and approved an Infill Exemption for the Project, despite a lack of substantial evidence that the Project meets the terms of the Exemption. Rather than exempt the Project from CEQA, the City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project’s entitlements until proper CEQA review has been completed.



# LOS ANGELES CITY PLANNING COMMISSION

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

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: **JUN 20 2023**

Case No. **CPC-2022-6189-CU-DB-ZAA-SPR-HCA**

Council District: 14 – de León

CEQA: ENV-2022-6190-CE

Plan Area: Northeast

**Project Site:** 3601 – 3615 Mission Road; 2010 – 2036 Lincoln Park Avenue

**Applicant:** Shay Yadin, Lincoln Park Holdings, LLC  
Representative: Brian Silveira, Brian Silveira & Associates

At its meeting of **May 25, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction, use and maintenance of a new seven-story residential development with 184 residential units, including 47 Very Low Income units, above two levels of automobile parking under the Density Bonus program.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit to allow a Density Bonus for housing development project in which the density increase is greater than the 35 percent permitted in LAMC Section 12.22 A.25;
3. **Approved**, pursuant to LAMC Section 12.22 A.25, a Density Bonus Compliance Review to permit a housing development project consisting of 184 dwelling units in lieu of the 64 dwelling units otherwise permitted with 47 dwelling units reserved for Very Low Income Households, with the following On-Off Menu Incentives and Waiver of Development Standards:
  - a. An On-Menu Incentive to permit a 22 percent increase in the allowable Floor Area Ratio (FAR) to allow a FAR of 3.67:1 in lieu of the 3.0:1 FAR permitted in the R3-1 Zone pursuant to LAMC Section 12.21.1 A.1;
  - b. An On-Menu Incentive to permit the area of land required to be dedicated for street or alley purposes to be included as lot area for the purposes of calculating the maximum density permitted by the R3 Zone;
  - c. An Off-Menu Incentive to permit decrease in residential automobile parking to allow the provision of 103 parking spaces, with 18 in tandem, in lieu of the 216 parking spaces required pursuant to LAMC Section 12.21 A.4;
  - d. A Waiver of Development Standard to permit a 50 percent decrease in required east side yard setbacks to allow a five-foot side yard setback in lieu of the 10 feet required by the R3-1 Zone pursuant to LAMC Section 12.10 C.2;
  - e. A Waiver of Development Standard to permit a 50 percent decrease in required west side yard setbacks to allow a five-foot side yard setback in lieu of the 10 feet required by the R3-1 Zone pursuant to LAMC Section 12.10 C.2;

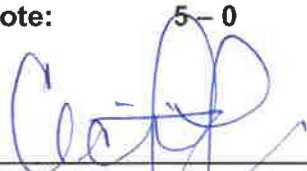


- f. A Waiver of Development Standard to permit a 41-foot increase in building height to allow up to 86 feet in lieu of the maximum 45 feet allowed in the R3-1 Zone pursuant to LAMC Section 12.21.1;
  - g. A Waiver of Development Standard to permit a 20 percent reduction in required open space to allow the provision of 15,480 square feet in lieu of the 19,350 square feet required pursuant to LAMC 12.21 G.2; and
  - h. A Waiver of Development Standard to permit 10 compact parking stalls and 93 standard stalls in lieu of the one standard parking stall per dwelling unit minimum required pursuant to LAMC Section 12.21 A.5(c);
4. **Approved**, pursuant to LAMC Section 12.28, a Zoning Administrator's Adjustment to allow a fence of up to 12 feet in height, in lieu of 3.5 feet in height, and raised grade to encroach into the front yard setback for the R3-1 Zone; and
  5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates, or results in an increase of more than 50 dwelling units;
  6. **Adopted** the attached Conditions of Approval; and
  7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Mack  
Second: Noonan  
Ayes: Lawshe, Choe, Zamora  
Absent: Cabildo, Leung, Millman

**Vote:** 5 - 0

  
\_\_\_\_\_  
Cecilia Lamas, Commission Executive Assistant II  
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. The On-Menu Density Bonus Incentive and the Conditional Use is 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:** JUL 05 2023

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: Conditions of Approval, Findings, Interim Appeal Filing Procedure

c: Heather Bleemers, Senior City Planner  
Kevin Golden, City Planner



## CONDITIONS OF APPROVAL

Pursuant to Sections 12.24-U,26 ,12.22-A,25, 12.28, and 16.05 of the Los Angeles Municipal Code, 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, submitted by the applicant, stamped "Exhibit A," dated June 11, 2023 and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 184 dwelling units, including the on-site restricted affordable units.
3. **On-Site Restricted Affordable Units.**
  - a. A minimum of 73 percent (or 47 units) of the base dwelling units permitted in the R3 Zone, shall be reserved as affordable units, as defined by the State Density Bonus Law per Government Code Section 65915©(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 and Community Investment Department (HCIDLA) to make 73 percent (47 units) of the site's base density 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. 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 HCIDLA. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. 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 HCIDLA. Refer to the Density Bonus Legislation Background section of this determination for more information.
5. **Incentives.**
  - a. **Increased Floor Area Ratio (FAR) (On-Menu)** – to allow a 22 percent increase in the allowable Floor Area Ratio to allow a Floor Area Ratio of 3.67:1 in lieu of the 3.0:1 FAR permitted in the R3-1 zone; and
  - b. **Lot Area Calculation (On-Menu)** - The proposed project is required to dedicate land for street purposes. The applicant is requesting an on-menu incentive to permit the area of land required to be dedicated for street or alley purposes to be included as lot area for the purposes of calculating the maximum density permitted by the R3 zone pursuant to LAMC Section 12.22.A.25; and

- c. **Reduced and Tandem Automobile Parking (Off-Menu)** – Pursuant to LAMC Section 12.21.A.4 the proposed project is required to provide 215 automobile parking spaces. The applicant is requesting an off-menu incentive to permit 103 automobile parking spaces, including 18 tandems, pursuant to LAMC Section 12.22-A.25. Forty-two (42) of the existing parking spaces on the site, currently servicing the adjacent facility on the site, will be removed and replaced as part of the project.

## 6. **Waivers of Development Standards.**

- a. **Reduced East Side Yard** – to allow a 50 percent decrease in required east side yard setback to allow a 5-foot side yard setback in lieu of the 10 feet required by the R3-1 zone pursuant to LAMC 12.10.C.2;
- b. **Reduced West Side Yard** - to allow a 50 percent decrease in required west side yard setback to allow a 5-foot side yard setback in lieu of the 10 feet required by the R3-1 zone pursuant to LAMC 12.10.C.2;
- c. **Increased Height** - to allow a 41-foot increase in building height to allow up to 86 feet in lieu of the maximum 45 feet allowed in the R3-1 zone;
- d. **Reduction in Open Space** – Pursuant to LAMC Section 12.21.G.2 the proposed project is required to provide 18,525 square feet of open space. The applicant is requesting an on-menu incentive to permit 15,480 square feet of open space pursuant to LAMC Section 12.22.A.25;
- e. **Compact Automobile Parking Stalls** – to allow 10 compact parking stalls and 93 standard stalls in lieu of the 1 standard parking stall per dwelling unit minimum required pursuant to LAMC 12.21.A.

## 7. **Parking.**

- a. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.
  - b. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16. The project provides 129 bicycle spaces (117 long term and 12 short term).
  - c. **Replacement Parking.** The applicant shall sign a Covenant and Agreement agreeing to replace all required parking for the facility sharing the site.
8. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
9. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.
10. **Solar.** 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.

11. **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.
12. **Construction Generators.** The project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
13. **Materials.** A variety of high quality exterior building materials, consistent with Exhibit A, shall be used. The variety of materials used shall include at least the following: cement plaster finish, aluminum store front system, exterior cladding. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
14. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
15. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
16. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
17. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
18. **Soil Contamination.** The affected soil, as identified in the environmental site assessment for the project, shall be removed by a waste management licensed contractor and disposed of offsite at an approved disposal facility, employing a Soils Management Plan (SMP) by a licensed environmental profession under the direction of a California Professional Geologist. Prior to the issuance of any clearances by the Department of City Planning (DCP), property owners shall provide to DCP a letter from the State Department of Toxic Substances Control (DTSC) that establishes DTSC's satisfaction that the subject site currently meets DTSC requirements for the proposed use or, alternatively, that establishes DTSC's satisfaction with the property owner's contamination testing plan for the proposed use.

#### **B. Administrative Conditions**

18. **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.
19. **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.

20. **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.
21. **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.
22. **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.
23. **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.
24. **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.
25. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
26. **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.
27. **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.

28. **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.
29. **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.
30. **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

### Conditional Use Findings

- 1. That 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 requested entitlement is for the construction, use and maintenance of a new 7-story density bonus apartment building with 184 residential units above 2 levels of automobile parking under the Density Bonus program. The proposed project provides 103 automobile parking spaces and 127 bicycle parking spaces (115 long term and 12 short term).

The proposed building totals 154,000 square feet of floor area, for a maximum floor area ratio (FAR) of 3.67:1. The ground floor includes a lobby, an electric room, six conference rooms, an equipment room, leasing office, bicycle parking and the first floor of three residential dwelling units. The ground floor also serves as part of the parking garage.

The applicant is requesting a conditional use permit pursuant to LAMC 12.24. U 26 to permit a Density Bonus for a project for which the density increase is greater than the maximum 35% permitted in LAMC Section 12.22 A 25; in conjunction with the construction, use, and maintenance of 184 for-rent dwelling units in lieu of the 64 dwelling units otherwise permitted by LAMC 12.22 A 25; with 47 dwelling units reserved for Very Low Income Households; and pursuant to LAMC Section 12.24 F.

The applicant is requesting on-menu of incentives (12.22 A 25) to permit a 22 percent increase in the allowable Floor Area Ratio to allow a Floor Area Ratio of 3.67:1 in lieu of the 3.0:1 FAR permitted in the R3-1 Zone pursuant to LAMC 12.21.1 A 1, and to permit the area of land required to be dedicated for street or alley purposes to be included as lot area for the purposes of calculating the maximum density permitted by the R3 Zone; an off-menu incentive to permit decrease in residential automobile parking to allow the provision of 103 parking spaces, with 18 in tandem, in lieu of the 216 parking spaces required pursuant to LAMC 12.21 A. 4; waivers of development standards to permit a 50% decrease in required east side yard setbacks to allow a 5-foot side yard setback in lieu of the 10 feet required by the R3-1 zone pursuant to LAMC 12.10 C 2, to permit a 50% decrease in required west side yard setbacks to allow a 5-foot side yard setback in lieu of the 10 feet required by the R3-1 zone pursuant to LAMC 12.10 C 2, to permit a 41-foot increase in building height to allow up to 86 feet in lieu of the maximum 45 feet allowed in the R3-1 Zone pursuant to LAMC 12.21.1, to permit a 20 percent reduction in required open space to allow the provision of 15,480 square feet in lieu of the 19,350 square feet required pursuant to LAMC 12.21 G. 2, and to permit 10 compact parking stalls and 93 standard stalls in lieu of the 1 standard parking stall per dwelling unit minimum required pursuant to LAMC 12.21 A 5 c.

The applicant is requesting an adjustment, pursuant to LAMC 12.28, to allow an up to 12-foot high fence and raised grade to encroach in the required 15-foot front yard setback for the R3-1 Zone. And a Site Plan Review pursuant to LAMC 16.05 for a development that results in an increase of 50 or more dwelling units and/or guest rooms.

The City faces a well-documented housing shortage. As proposed, the granting of the project with these incentives and waivers will allow for the construction of the affordable residential units given the quantity of units allowed under the density bonus and within the 3.67:1 floor area ratio granted under the Incentives. Therefore the project will perform a function that is essential and beneficial to the city and the region.



**2. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.**

The subject property consists of an irregular parcel containing 8 lots totaling 50,656.5 square feet of lot area. The parcel is currently developed with a 42-stall automobile parking lot which serves the adjacent parcel, currently developed with a residential care facility. Project plans include replacing the surface parking lot on the subject site with a seven-story, 184-unit apartment building and two levels of at- and above-grade parking facilities containing a total of 145 parking spaces, 103 of which are devoted to the on-site residential uses and 42 of which are dedicated to the adjacent medical facility use. The project site does not include the parcel to the east currently developed with a residential care facility.

The project site is bounded by Mission Road on the south, Lincoln Park Avenue on the west, Barbee Street on the north and a medical facility on the east. The street frontage along Mission Road (the designated front) is 129.5 feet, while the street frontage along Lincoln Park Avenue (the designated side) is roughly 347.5 feet. The project site is surrounded by urban development, consisting of multi-family residential and open space land uses.

The subject property contains 33 trees, 5 of which, are protected tree species per Los Angeles City ordinance, including five listed species and all species of oak trees. All of the 5 protected trees on the site are Western Oak. The removal, replacement, or addition of any tree is subject to the Bureau of Street Services, Urban Forestry Division.

The subject property is located in a highly urbanized area, approximately 2.5 miles northeast of downtown Los Angeles. The land use and zoning surrounding the subject site reflects a mix of multi-family uses and park space (zoned R3-1, RD1.5-1, [Q]PF-1D, and OS-1XL). There are multiple major bus routes running along Mission Road. Several local buses serve the area.

Properties to the north are zoned RD1.5-1 and are developed with one-story multi-family residential buildings. Properties to the east are zoned R3-1 and are developed with a one-story residential care facility and two-story multi-family residential building. The property to the south is zoned OS-1XL and is developed as a park (Lincoln Park). Properties to the west are zoned [Q]PF-1D and R3-1 and are developed with a one-story Department of Motor Vehicles facility and two-story and three-story multi-family residential buildings. The subject property is not adjacent to any single-family zoned properties. Rather, it is surrounded by properties zoned for open space, public facility, and medium residential uses. Therefore, the construction of the housing development will serve to benefit the neighborhood rather than degrade it.

Given the proposed project's location within the Northeast Los Angeles Community Plan area, along with the existing development in the immediate vicinity of the subject property and its proximity to a major thoroughfare, 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.

**3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The project site is located within the Northeast Los Angeles Community Plan Area, 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 Multiple Family Residential land uses corresponding to the R2, RD, RMP, RW2, R3, RAS3, R4, RAS4, and R5 Zones. The project

site is zoned R3-1 and is thus consistent with the existing land use designation. The subject property is not located within the boundaries of and is not subject to any specific plan or community design overlay.

The Northeast Los Angeles Community Plan encourages a variety of housing options in order to meet the housing demands of the area. The Project proposes up to 184 for-rent residential units that provide housing opportunities for a diverse sector of the community. Furthermore, the Site is designated with a Medium Residential land use, which allows the proposed multi-family use in conformity with the Northeast Los Angeles Community Plan. The proposed multi-family Project advances a number of specific goals and objectives of the Northeast Los Angeles Community Plan as follows:

Goal 1: A safe, secure, and attractive residential environment for all economic, age and ethnic segments of the community.

Objective 1-2: To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live and work in the community based on adequate infrastructure and government services, especially schools.

Policy 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, providing that infrastructure, public service facilities, utilities, and topography will fully accommodate this development.

Objective 1-3: To preserve and enhance the residential character and scale of existing single-and multi-family neighborhoods.

Policy 1-3.1: Protect the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design.

Policy 1-3.2: Consider factors, such as neighborhood character and aesthetics, identity; compatibility of land uses; impacts on livability, services, public facilities, and traffic levels, when changes in residential densities are proposed.

The project is a residential development with 47 units restricted for families or persons of Very Low Income and maximizes the property's development potential. The project's Very Low Income and market rate units satisfy both the needs of affordable housing as well as the City's need for more housing overall. The project will result in the net addition of 47 covenanted affordable dwelling units in a community in-need of more affordable housing.

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 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The project enhances the quality of life for the City's existing residents by providing a modern and upgraded residential structure in an area that would benefit from new housing supply. The increased density is compatible with the nearby surrounding area. The project is located along East Mission Road, a major boulevard with multiple transit options.

The Housing Element of the General Plan will be implemented by the recommended action herein. 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. The Housing Element includes the following objectives and policies relevant to the instant request:

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.

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

Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City stock of decent, safe, healthy or affordable housing.

Goal 2: Safe, Livable, 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.

Policy 2.5.2: Foster the development of new affordable housing units citywide and within each community plan area.

The project promotes the objectives of the Housing Element by adding to the City's housing stock and contributing to the need for mixed-income housing. The parcel is currently developed with a 42-stall automobile parking lot which serves the adjacent parcel, currently developed with a residential care facility. Project plans include replacing the surface parking lot on the subject site with a seven-story, 184-unit apartment building and two levels of at- and above-grade parking facilities containing a total of 145 parking spaces, 103 of which are devoted to the on-site residential uses and 42 of which are dedicated to the adjacent medical facility use. The project site does not include the parcel to the east currently developed with a

residential care facility. The project will expand affordable rental housing while utilizing the property to its full potential, resulting in a net gain of 184 units to the City's housing stock. It is within close proximity to various major employment, along with several major transportation lines, thereby connecting residents to jobs, amenities, services, and transit.

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.

The project proposes a residential development that will provide 184 market-rate units and 47 units reserved for Very Low Income Households. 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 who otherwise might not be housed. 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. Additionally, the project is a Density Bonus development located along East Mission Road a commercial boulevard well-served by transit. Thus, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT.

In addition, the project has been conditioned to comply with the electric vehicle requires of state law. 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.

The project contributes to and furthers several applicable goals, objectives, and policies of the plans that govern land use and development in the City. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Northeast Community Plan.

**In addition to the above findings set forth in Section 12.24 E of the LAMC, the City Planning Commission shall find that:**

**4. 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 City Council on December 3, 2013. The Housing Element of the General Plan will be implemented by the recommended action herein. 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 discussed, the project, including 137 market-rate units and 47 units reserved for Very Low Income Households, for a total of 184 dwelling units is consistent with many of the goals and objectives of the Housing Element of the General Plan.

**5. 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:**

- a. For every additional 1% set aside of Very-Low Income Units, the project is granted an additional 2.5% density increase; or**
- b. For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or**
- c. For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or**
- d. 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 subject property is zoned R3-1, which limits density to one (1) dwelling unit per 800 square feet of lot area. The subject property has a total lot area of 50,656.5 square feet, and as such, the permitted base density on the subject property is 64 units.<sup>1</sup> In exchange for reserving a portion of the units for affordable housing, the applicant is entitled to a maximum 35 percent density bonus by-right. The applicant is seeking an additional 38 percent density bonus (or a total of a 73 percent density bonus) through a Conditional Use to allow for the proposed 184 dwelling units to be built on the site.

Pursuant to the LAMC and California Government Code Section 65915, a Housing Development Project that sets aside a certain percentage of units as affordable, either in rental or for-sale units, shall be granted a corresponding density bonus, up to a maximum of 35 percent. While these provisions are limited to 35 percent, Government Code Section 65915(f) states that "the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds percentage established." As such, in instances where a project is seeking a density bonus increase that

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<sup>1</sup> Assembly Bill 2501 clarifies that density calculations that result in a fractional number are to be rounded up to the next whole number. This applies to base density, number of bonus units, and number of affordable units required to be eligible for the density bonus.

is more than 35 percent, the number of required units that are set aside as affordable shall vary depending on the requested amount of density bonus. Therefore, it is appropriate that any project that requests a density bonus increase beyond 35 percent would extend the existing set-aside charts located in Section 12.22-A,25 of the LAMC. LAMC Section 12.24-U.26, which implements this provision of State law, states, as a Conditional Use, a project may be granted additional density increases beyond the 35 percent maximum by providing additional affordable housing units. Consistent with this Section, the table below illustrates how the maximum allowable Density Bonus increases for every unit set aside for Very Low Income Households (2.5 percent density increase for every additional one (1) percent of Very Low Income units provided), based on the base density and the chart prescribed in Section 12.22-A,25 of the LAMC.

***Density Bonus Percentages (Table 1)***

<b><i>Very Low Income Units (Percentage of Base Density)</i></b>	<b><i>Maximum Density Bonus Permitted (Based on Base Density)</i></b>
5 %*	20 %*
6 %*	22.5 %*
7 %*	25 %*
8 %*	27.5 %*
9 %*	30 %*
10 %*	32.5 %*
11 %*	35 %*
12%*	37.5%*
13%*	40%*
14%*	42.5%*
15%*	45%*
<i>[carried forward]</i>	
73%*	190%*

***\*Existing set-aside chart as listed in Section 12.22-A,25 of the LAMC***

For the subject property, a 35 percent by-right density bonus would allow for 85 units (equal to an increase of 19.95 rounded up to 20 units beyond the 64-unit base density) to be constructed on the project site. As illustrated in Table 1 above, in order to qualify for the 35 percent by-right density bonus, the project would be required to set aside 11 percent of the base density, or seven (7) units, for Very Low Income Households. The applicant is seeking an additional 155 percent density bonus (for a total of a 190% density bonus from the base density) through a Conditional Use to allow for a total of 184 dwelling units, representing an increase of one hundred and thirteen (113) units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the additional requested 155 percent density bonus, as shown in Table 1, the project must set aside at least 73 percent of the base density, equal to 47 units, for Very Low Income households in exchange for the requested Density Bonus.

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

The project is proposed to be located on an existing surface level parking lot. Per the SB 8 Determination Letter dated May 25, 2022, there are no replacement units on the project site. Therefore, the project will meet the applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

**7. 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 LAMC.**

The proposed project has been conditioned to record a covenant for affordability restriction of a period of 55 years from the issuance of the Certificate of Occupancy, to the satisfaction of the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.

**8. 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 (under Case No. CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by the City Council 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. The Guidelines prescribe that the design and location of affordable units be comparable to the market rate units, the equal distribution of amenities, HCIDLA monitoring requirements, affordability levels, and procedures for obtaining HCIDLA sign-offs for building permits.

The project will result in 184 new dwelling units, of which 47 will be reserved for Very Low Income Household occupancy and the remainder will be offered as market rate units. In order to ensure that there is equal distribution of amenities, the project has been conditioned to provide the private balconies in accordance with the requirements of the LAMC. All residents of the proposed project will have access to all common open space amenities within the building and each unit will have adequate private open space. The restricted units will comply with affordability requirements in the Guidelines set forth by HCIDLA in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of HCIDLA who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

**Density Bonus/Affordable Housing Incentives Compliance Findings**

**9. Pursuant to Section 12.22 A.25 of the LAMC and Section 65915(e) of the California Government Code, the decision-maker shall approve a density bonus and requested incentive(s)/waiver(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 incentives do 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 73% percent of the base density for Very Low Income Households, the applicant is entitled to three (3) incentives under both Government Code Section 65915 and the LAMC. The request for an increase in the allowable floor area ratio (FAR), change in lot area calculation, and reduction in automobile parking, qualify as requested Incentives. The remaining requests to allow for reduced east side yard, reduced west side yard, increased height, reduction in open space, and allowance for more compact automobile parking stalls, are waivers of development.

*Increased Floor Area Ratio (FAR) (On-Menu)*

The subject property is zoned R3-1 which allows an FAR of 3:1. The project requests a 22 percent increase in the allowable FAR to allow an FAR of 3.67:1.

Since the project is providing 120 additional units beyond the base density of 64 and 121 units beyond the by-right density of 63---including 47 units reserved for Very Low Income households---the building requires additional space to accommodate these units. The increase in FAR will allow for the construction of additional units that will result in a reduction in the cost of constructing affordable housing. This incentive supports the applicant's decision to set aside a minimum of forty-seven (47) dwelling units for Very Low Income Households for 55 years.

*Lot Area Calculation (On-Menu)*

The proposed project is required to dedicate land for street purposes. The applicant is requesting an on-menu incentive to permit the area of land required to be dedicated for street or alley purposes to be included as lot area for the purposes of calculating the maximum density permitted by the R3 zone pursuant to LAMC Section 12.22.A.25.

By including dedicated area in the calculation of base density, the project gets the benefit of a greater number of base density units. Then a larger base density is used to calculate the number of market rate bonus units, the calculation results in a larger number of market rate bonus units whose rents will subsidize the building and operational costs of the affordable units. This Incentives supports the applicant's decision to set aside a minimum of forty-seven (47) dwelling units for Very Low Income Households for 55 years.

*Reduced and Tandem Automobile Parking*

Pursuant to LAMC Section 12.21.A.4 the proposed project is required to provide 216 automobile parking spaces. The applicant is requesting an off-menu incentive to permit 103 automobile parking spaces, with 18 tandems, pursuant to LAMC Section 12.22-A.25.

The reduction of parking and use of tandem parking reduces the per unit cost of parking construction at over \$30,000 per unit. Another option would be to build an additional level of parking below the first floor, which would increase overall project costs. Constructing parking level within a subterranean level would be an additional cost which would be a significant burden. If the project were to adhere strictly to the automobile parking spaces required, the reduced size and/or number of units would undermine the project's financial feasibility. This Incentive eliminates the need to construct additional parking, which results in cost reductions to provide for the project's affordable housing costs.

- b. *The waiver[s] or reduction[s] of development standards relate to development standards that 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 meets the requirements of Government Code 65915 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)).

*50 percent decrease in east side yard setback*

The subject property is zoned R3 with Height District 1 which, pursuant to LAMC 12.10.C.2, requires five feet except for a building more than 2 stories in height where one foot shall be added to the width of such side yard for each additional story above the second story, but in no event shall side yard of more than 16 feet in width be required. The project is a 7-story building and therefore, a 10-foot east side yard would be required. The request is for a 5-foot east side yard.

Without the requested yard waivers, proposed floor area located within those yards would be physically precluded from the Project build-out.

*50 percent decrease in west side yard setback*

The subject property is zoned R3 with Height District 1 which, pursuant to LAMC 12.10.C.2, requires five feet except for a building more than 2 stories in height where one foot shall be added to the width of such side yard for each additional story above the second story, but in no event shall side yard of more than 16 feet in width be required. The project is a 7-story building and therefore, a 10-foot west side yard would be required. The request is for a 5-foot west side yard.

Without the requested yard waivers, proposed floor area located within those yards would be physically precluded from the Project build-out.

*Increased Height*

The subject property is zoned R3 with Height District 1 which allows for a maximum height of 45 feet. The project is requesting a waiver of development standards to allow for an increase in height for a maximum 86 feet in lieu of the otherwise permitted 45 feet in height.

Without the waiver for height, the units constructed on those floors located in the area of additional height would be physically precluded from the Project build-out.

Reduction in Open Space

Pursuant to LAMC Section 12.21.G.2 the proposed project is required to provide 18,525 square feet of open space. The applicant is requesting a waiver of development standard to permit 15,480 square feet of open space pursuant to LAMC Section 12.22.A.25.

Without the waiver of development standard, the existing open space requirement would physically preclude the project from providing the habitable space necessary for project residents without reducing the number of dwelling units. This waiver of development standard supports the applicant's decision to set aside a minimum of forty-seven (47) dwelling units for Very Low Income Households for 55 years.

Compact Automobile Parking Stalls

Pursuant to LAMC Section 12.21 A, the standard parking stall per dwelling unit minimum would be 1 stall per dwelling unit. The project requests to allow 10 compact parking stalls and 93 standard stalls.

Without the waiver for compact automobile parking stalls, the existing limitation would physically preclude space for structural elements and required project amenities, including the stairwells, elevator shaft, recycling room, trash area and long-term bicycle parking spaces.

- c. *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 or waivers 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 located in a Hillside area and 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 substantial evidence in the record that the project's proposed incentives or waivers 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.

**d. The incentives or waivers are contrary to state or federal law.**

None of the incentives or waivers are contrary to state or federal law.

**Zoning Administrator's Adjustment Findings**

In order for an adjustment from the zoning regulations to be granted, all three of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application on the relevant facts of the case to same:

**10. The site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible the project nonetheless conforms with the intent of those regulations.**

The requested entitlement is for the construction, use and maintenance of a new 7-story density bonus apartment building with 184 residential units above 2 levels of automobile parking under the Density Bonus program. The proposed project provides 103 automobile parking spaces and 127 bicycle parking spaces (115 long term and 12 short term). The project proposes a fence of up to 12 feet in height and a raised grade to encroach into the 15-foot front setback along Mission Road in lieu of the 3.5-foot fence height otherwise allowed in a required front yard.

The project site is located on the northeastern corner of two heavily trafficked streets – Mission Road and Lincoln Heights Avenue. The project has dual frontages with approximately 150 feet of building frontage along Mission Road and 130 feet of building frontage along Barbee Street. The portion of building frontage along Mission Road is directly across the street from Lincoln Park, a large busy urban recreation area of 41.7 acres that includes two playgrounds, a skate park, picnic and barbeque areas, a lake, tennis courts, a swimming pool, a visitors' center, art exhibits, and several public restrooms. The project proposes a fence up to 12' in height to encroach into the 15-foot front setback along Mission Road to reduce the likelihood of graffiti or other damage to the building's entrance and essential elements.

The proposed fence slants upward from west to east and from north to south. Along the property line abutting Mission Road's pedestrian right-of-way, the fence begins at the sidewalk abutting the pathway to the building's main entrance and extends to a height of 5'4" at the corner. It then extends from the public right-of-way to the eastern building wall, reaching a height of 12 feet before terminating where the structural wall of the building begins.

By incorporating a fence and a raised grade in the front yard that varies in height and includes generous landscaping, the project enhances its engagement with the pedestrian right-of-way while protecting building elements from damage and creating a physical separation between the building's main entrance and a heavily trafficked street. The landscaped fence builds on the intent of the regulations by activating the public realm and creating a visually stimulating relationship with the park across the street. Therefore, the proposed project will enhance the built environment in the surrounding neighborhood as well as perform a function that is beneficial to the community.

**11. 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 existing zoning regulations limit fence, wall, and similar structures height on residentially zoned properties to provide visual consistency in neighborhoods and to limit bulk and mass in the front of properties. Such regulations, however, are written on a citywide basis and cannot take into account the unique characteristics that a specific use and surrounding area may have. In this instance, the front yard fence does not extend across the entire frontage; it would be located only on the eastern half of the front yard, and the fence would slope reaching 12 feet tall at it's highest point at the southeast corner of the site.

The surrounding neighborhood is developed with a mix of uses that include older single family dwellings, multi-family residential buildings, governmental use, and hospital/institutional use, all located in the Northeast Los Angeles Community Plan Area on properties zoned either R3-1, RD1.5-1, or [Q] PF-1D. Properties located to the west across the street have frontage along Lincoln Park Ave and include multi-family residential buildings with garage parking and a governmental use with surface parking. Properties located to the north across the street have frontage along Barbee Street and include single family and multi-family residential buildings. The adjoining property to the east, along the side yard, is currently a medical institutional use. Land to the south across the street along Mission Road is Lincoln Park.

The proposed project's size and height, though larger than the other developments in the immediate vicinity, will enhance public health, welfare, and safety by providing 184 units of much-needed for-rent housing including 47 units reserved for Very Low Income households. Furthermore, the project, including its fence that encroaches into the required front setback, provides ample open space and landscaping which will help activate the public right-of-way, adjacent properties, and the public across Mission Road.

The request to allow the 12-foot high fence and a raised grade to encroach into the required 15-foot front yard setback is a permissible request, and the project has been designed and conditioned to minimize any potential impacts associated with this feature. Therefore, 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.

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

The project site is located within the Northeast Los Angeles Community Plan Area, 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 Multiple Family Residential land uses corresponding to the R2, RD, RMP, RW2, R3, RAS3, R4, RAS4, and R5 Zones. The project site is zoned R3-1 and is thus consistent with the existing land use designation. The subject property is not located within the boundaries of and is not subject to any specific plan or community design overlay.

The Northeast Los Angeles Community Plan encourages a variety of housing options in order to meet the housing demands of the area. The Project proposes up to 184 for-rent residential units that provide housing opportunities for a diverse sector of the community. Furthermore, the Site is designated with a Medium Residential land use, which allows the proposed multi-family use in conformity with the Northeast Los Angeles Community Plan. The proposed multi-family Project advances a number of specific goals and objectives of the Northeast Los Angeles Community Plan as follows:

Goal 1: A safe, secure, and attractive residential environment for all economic, age and ethnic segments of the community.

Objective 1-2: To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live and work in the community based on adequate infrastructure and government services, especially schools.

Policy 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, providing that infrastructure, public service facilities, utilities, and topography will fully accommodate this development.

Objective 1-3: To preserve and enhance the residential character and scale of existing single-and multi-family neighborhoods.

Policy 1-3.1: Protect the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design.

Policy 1-3.2: Consider factors, such as neighborhood character and aesthetics, identity; compatibility of land uses; impacts on livability, services, public facilities, and traffic levels, when changes in residential densities are proposed.

The project is a residential development with 47 units restricted for families or persons of Very Low Income and maximizes the property's development potential. The project's Very Low Income and market rate units satisfy both the needs of affordable housing as well as the City's need for more housing overall. The project will result in the net addition of 47 covenanted affordable dwelling units in a community in-need of more affordable housing.

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 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The project enhances the quality of life for the City's existing residents by providing a modern and upgraded residential structure in an area that would benefit from new housing supply.

The increased density is compatible with the nearby surrounding area. The project is located along East Mission Road, a major boulevard with multiple transit options.

The Housing Element of the General Plan will be implemented by the recommended action herein. 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. The Housing Element includes the following objectives and policies relevant to the instant request:

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.

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

Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City stock of decent, safe, healthy or affordable housing.

Goal 2: Safe, Livable, 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.

Policy 2.5.2: Foster the development of new affordable housing units citywide and within each community plan area.

The project promotes the objectives of the Housing Element by adding to the City's housing stock and contributing to the need for mixed-income housing. The parcel is currently developed with a 42-stall automobile parking lot which serves the adjacent parcel, currently developed with a residential care facility. Project plans include replacing the surface parking lot on the subject site with a seven-story, 184-unit apartment building and two levels of at- and above-grade parking facilities containing a total of 145 parking spaces, 103 of which are devoted to the on-site residential uses and 42 of which are dedicated to the adjacent medical facility use. The project site does not include the parcel to the east currently developed with a residential care facility. The project will expand affordable rental housing while utilizing the property to its full potential, resulting in a net gain of 184 units to the City's housing stock. It is within close proximity to various major employment, along with several major transportation lines, thereby connecting residents to jobs, amenities, services, and transit.

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.

The project proposes a residential development that will provide 184 market-rate units and 47 units reserved for Very Low Income Households. 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 who otherwise might not be housed. 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. Additionally, the project is a Density Bonus development located along East Mission Road a commercial boulevard well-served by transit. Thus, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT.

In addition, the project has been conditioned to comply with the electric vehicle requires of state law. 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.

The project contributes to and furthers several applicable goals, objectives, and policies of the plans that govern land use and development in the City. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Northeast Community Plan.

### **SITE PLAN REVIEW FINDINGS**

#### **13. 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 Northeast Los Angeles Community Plan Area, 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 Multiple Family Residential land uses corresponding to the R2, RD, RMP, RW2, R3, RAS3, R4, RAS4, and R5 Zones. The project site is zoned R3-1 and is thus consistent with the existing land use designation. The subject property is not located within the boundaries of and is not subject to any specific plan or community design overlay.

The Northeast Los Angeles Community Plan encourages a variety of housing options in order to meet the housing demands of the area. The Project proposes up to 184 for-rent residential units that provide housing opportunities for a diverse sector of the community. Furthermore, the Site is designated with a Medium Residential land use, which allows the proposed multi-family use in conformity with the Northeast Los Angeles Community Plan. The proposed multi-

family Project advances a number of specific goals and objectives of the Northeast Los Angeles Community Plan as follows:

Goal 1: A safe, secure, and attractive residential environment for all economic, age and ethnic segments of the community.

Objective 1-2: To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live and work in the community based on adequate infrastructure and government services, especially schools.

Policy 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, providing that infrastructure, public service facilities, utilities, and topography will fully accommodate this development.

Objective 1-3: To preserve and enhance the residential character and scale of existing single-and multi-family neighborhoods.

Policy 1-3.1: Protect the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design.

Policy 1-3.2: Consider factors, such as neighborhood character and aesthetics, identity; compatibility of land uses; impacts on livability, services, public facilities, and traffic levels, when changes in residential densities are proposed.

The project is a residential development with 47 units restricted for families or persons of Very Low Income and maximizes the property's development potential. The project's Very Low Income and market rate units satisfy both the needs of affordable housing as well as the City's need for more housing overall. The project will result in the net addition of 47 covenanted affordable dwelling units in a community in-need of more affordable housing.

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 3C: Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The project enhances the quality of life for the City's existing residents by providing a modern and upgraded residential structure in an area that would benefit from new housing supply. The increased density is compatible with the nearby surrounding area. The project is located along East Mission Road, a major boulevard with multiple transit options.

The Housing Element of the General Plan will be implemented by the recommended action herein. 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. The Housing Element includes the following objectives and policies relevant to the instant request:

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.

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

Policy 1.2.2: Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City stock of decent, safe, healthy or affordable housing.

Goal 2: Safe, Livable, 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.

Policy 2.5.2: Foster the development of new affordable housing units citywide and within each community plan area.

The project promotes the objectives of the Housing Element by adding to the City's housing stock and contributing to the need for mixed-income housing. The parcel is currently developed with a 42-stall automobile parking lot which serves the adjacent parcel, currently developed with a residential care facility. Project plans include replacing the surface parking lot on the subject site with a seven-story, 184-unit apartment building and two levels of at- and above-grade parking facilities containing a total of 145 parking spaces, 103 of which are devoted to the on-site residential uses and 42 of which are dedicated to the adjacent medical facility use. The project site does not include the parcel to the east currently developed with a residential care facility. The project will expand affordable rental housing while utilizing the property to its full potential, resulting in a net gain of 184 units to the City's housing stock. It is within close proximity to various major employment, along with several major transportation lines, thereby connecting residents to jobs, amenities, services, and transit.

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.

The project proposes a residential development that will provide 184 market-rate units and 47 units reserved for Very Low Income Households. 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 who otherwise might not be housed. 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. Additionally, the project is a Density Bonus development located along East Mission Road a commercial boulevard well-served by transit. Thus, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT.

In addition, the project has been conditioned to comply with the electric vehicle requires of state law. 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.

The project contributes to and furthers several applicable goals, objectives, and policies of the plans that govern land use and development in the City. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Northeast Community Plan.

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

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Northeast Community Plan along Mission Road. The project site is bounded by Mission Road on the south, Lincoln Park Avenue on the west, Barbee Street on the north and a medical facility on the east. The street frontage along Mission Road (the designated front) is 129.5 feet, while the street frontage along Lincoln Park Avenue (the designated side) is roughly 347.5 feet. The project site is surrounded by urban development, consisting of multi-family residential and open space land uses.

The proposed project will include 184 residential units of which 47 will be set aside for Very Low Income Households. The project includes two (2) parking levels with a total of 145 automobile parking spaces, 103 of which are devoted to the on-site residential uses and 42 of which are dedicated to the adjacent medical facility use. The subject property is one parcel of land totaling 50,656.5 square feet.

### Height, Bulk and Setbacks

The proposed building reaches a maximum height of 86 feet with seven (7)-stories as permitted by a request for an increase in height to deviate from the underlying zoning regulations as further described in the Density Bonus findings above. The site setbacks are regulated by the R3 zone. The required front yard along Mission Road is 15 feet, the required side yard setbacks is 5 feet plus one foot for every story above the second, which for this project equals 10, feet and since the project is on a through lot having two fronts the opposite front yard setback is also 15 feet. The project will provide a 15-foot front yard setback along Mission Road, a 5-foot side yard setback on each side yard, and a 15-foot front yard setback along Barbee Street.

As such the proposed project will be compatible with surrounding uses by developing an existing parking lot use with much needed housing in the City of Los Angeles, in a design and configuration compatible with the adjacent variety of uses including single-story residential buildings to the north, multi-story residential uses and a Department of Motor Vehicles office to the west, open space (Lincoln Park) to the south and a medical facility to the east.

### Off-Street Parking Facilities/Loading Areas

A total of 145 automobile parking spaces and 129 bicycle spaces (117 long term and 12 short term) will be provided as part of the proposed development per LAMC Section 12.21-A,4(d).

Pursuant to LAMC Section 12.21.A.4 the proposed project is required to provide 216 automobile parking spaces for 87 studios, 67 one (1)-bedroom units, and 26 two (2)-bedroom units. The applicant is requesting an off-menu incentive to permit 103 automobile parking spaces with 18 tandem spaces pursuant to LAMC Section 12.21.A.4.

All vehicular access to the project site will be from Lincoln Park Avenue. The driveway will provide access to the entrance of the at-grade two-level parking garage. The driveway access consistent with all applicable code requirements. None of the proposed parking will be visible from the street. This on-site amenity allows the project to be self-contained and compatible with existing and future development.

### Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

### On-Site Landscaping

Various types of vegetation and trees are integrated into the landscape design of the development to enhance common space areas such as the roof terraces and to buffer from neighboring properties. The proposed project's landscaping creates a pedestrian-friendly ground floor that helps unify and bolster continuity between the neighborhood and the project site as a whole along Mission Road, Lincoln Park Avenue, and Barbee Street. Additionally, there are 2 courtyards, 2 roof decks, and a pool deck, all of which will offer landscaping that will provide privacy buffers and screening from the adjoining properties. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

### Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within a loading zone. The trash room is not visible from the public right-of-way. Therefore, as proposed, and conditioned, the project is compatible with existing and future development on neighboring properties.

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

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

The proposed project will include 87 studios, 67 one-bedroom units, and 26 two-bedroom units. The project provides a number of indoor and outdoor common area amenities throughout the facility. The project will provide a leasing office, 4 recreation rooms including a fitness center, 2 courtyards, 2 roof decks and a pool deck. Additionally, many of the perimeter units on floors 3 through 7 will have balconies.

As described above, many services that the facility's residents require are provided on-site; thus, minimizing impacts on neighboring properties.

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

### **ADDITIONAL MANDATORY FINDINGS**

**16.** The National Flood Insurance Program rate maps, which are part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is not located in a Flood Zone.

**17.** The proposed project qualifies for a CEQA Guidelines Section 15332 (Class 32 Categorical Exemption) because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exemption document dated January 20, 2023 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

# 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](https://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