

EXHIBIT B

Director's Determination

**DEPARTMENT OF
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**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM
AND SITE PLAN REVIEW**

January 17, 2019

Applicant

Elliot Nayssan
Robhana, Inc./NHD Terrace, LLC
10350 West Santa Monica
Boulevard
Los Angeles, CA 90025

Case No. DIR-2017-81-TOC-SPR

CEQA: ENV-2017-82-CE

Location: 10400-10422 West Santa
Monica Boulevard and 1800
South Pandora Avenue

Council District: 5 - Koretz

Neighborhood Council: Westside

Community Plan Area: West Los Angeles

Land Use Designation: General Commercial

Zone: C2-1VL

Legal Description: Lots 1-5, Block 139, Tract 5609

Representative

Matthew Hayden
Hayden Planning
10008 National Boulevard, #229
Los Angeles, CA 90034

Last Day to File an Appeal: February 1, 2019

**DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program
and Site Plan Review**

Pursuant to the Los Angeles Municipal Code (LAMC) Sections 12.22-A,31 and 16.05, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

1. **Determine** based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Article 19 (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. **Approve with Conditions** a seventy (70) percent increase in density and a Floor Area Ratio (FAR) increase resulting in a percentage increase of up to 50% or at least a 3.75:1 FAR in commercial zones, whichever is greater, consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program along with the following three (3) incentives for a qualifying Tier 3 project totaling 120 dwelling units, reserving twelve (12) units as affordable housing units for Extremely Low Income Household occupancy;

- a. **Setbacks (Sides).** A reduction in required side yards to correspond to those of the RAS3 Zone, allowing the provision of 5-foot side yard setbacks in lieu of the side yard setbacks allowed in the C2 Zone;
 - b. **Open Space.** A maximum 25 percent reduction in required open space, allowing the provision of 9,948 square feet of open space in lieu of the 12,725 square feet required;
 - c. **Height.** A maximum height of 79 feet in lieu of the maximum permitted 57 feet for a sloping lot in the C2-1VL Zone;
3. **Approve with Conditions** a Site Plan Review for the construction, use and maintenance of a new, seven-story, residential development that will include a total of 120 dwelling units (12 affordable units) in the C2-1VL Zone; and
4. **Adopt** the attached Findings.

The approval is subject to the following terms and conditions:

CONDITIONS OF APPROVAL

Pursuant to the Los Angeles Municipal Code (LAMC) Sections 12.22-A.31 and 16.05 the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing.
2. **Base Incentives.**
 - a. **Residential Density.** The project shall be limited to a maximum density of 120 units, including on-site Restricted Affordable Units, equal to a maximum density increase of 70%.
 - b. **Floor Area Ratio (FAR).** The project is permitted to have an FAR of 3.75:1 in the C2-1 Zone, consistent with the Transit Oriented Communities Guidelines.
 - c. **Parking.**
 - i. **Automotive Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22-A.31 of the TOC Guidelines, which permits 0.5 parking spaces per unit for a Tier 3 Project.
 - ii. **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.

2. Additional Incentives.

- a. **Setbacks (Sides).** Five (5)-foot side yards shall be permitted in lieu of the minimum 10 feet otherwise required in the C2 Zone.
 - b. **Open Space.** The project may provide a minimum of 9,948 square-feet of open space in lieu of the 12,725 square feet required.
 - c. **Height.** The project may have a maximum height of 79 feet in the C2-1VL Zone, inclusive of a 22-foot height increase incentive per the Transit Oriented Communities Guidelines and an additional 12 feet allowed for a sloping lot per LAMC Section 12.21.1-B, 2.
 - i. **Transitional Height.** The project shall require any height increase over 11 feet to be stepped-back at least 15 feet from the exterior face of the ground floor of the building located along any street frontage.
3. **Affordable Units.** Pursuant to Section IV.1.d of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the applicant shall provide a minimum of 10% of the total number of units to be reserved for Extremely Low Income households (ELI) as defined by Section 50106 of the California Health and Safety Code.
 4. **Changes in On-site Restricted Units.** Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A.31 and the project's AB 2222/2556 Determination, dated March 9, 2017.
 5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the HCIDLA to make 10% of the project's total proposed residential density available to Extremely Low Income Households for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A.31, to the satisfaction of HCIDLA, and in consideration of the project's AB 2222/2556 Determination, dated March 9, 2017. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.

Site Plan Review Conditions

6. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
7. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape

architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 25% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.

- a. Landscaping shall be installed with drought tolerant, native landscaping. Mediterranean and other local climate-friendly plants may be used alongside native species.
 - b. A green wall (vertical garden with an automatic irrigation system that is attached to the exterior of a wall) shall be provided along the walls facing Santa Monica Boulevard and the alley, respectively. Vines grown on the wall surface of the buildings shall be of a non-deciduous species.
8. **Building Orientation.** The project's street frontage entrances shall be constructed with a porch, stoop, and/or canopy so as to orient housing towards the street and promote active and interesting neighborhood streetscapes.
 9. **Building Materials.** The proposed structure's building façades shall include at least three (3) different materials such as but not limited to decorative metal panels, glass, stucco tile, hydraulic tiles, 3D-shaped Fibre Cement, perforated façade panels, or terracotta sunscreen.
 10. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping or a green wall.
 11. **Utilities.** The project shall place utilities such as gas, electric, and water meters in side yard setbacks or in landscaped areas and out of the line of sight from sidewalks or crosswalks.
 12. **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.

Administrative Conditions

13. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
14. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
15. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

16. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
17. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the 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 & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
18. **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.
19. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
20. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
21. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
22. **Indemnification and Reimbursement of Litigation Costs.**
- Applicant shall do all of the following:
- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

PROJECT BACKGROUND

The subject property is comprised of five rectangular-shaped, sloping contiguous lots measuring approximately 25,868 square-feet (0.59 acre) with a 235-foot frontage along south side of Santa Monica Boulevard, approximately 110-foot frontage along the westerly side of Beverly Glen Boulevard, approximately 110-foot frontage along the easterly side of Pandora Avenue, and approximately 235-foot frontage along the alley at the rear of the property. The subject property

is located on the south side of Santa Monica Boulevard. The site is mostly vacant as it only includes a pole sign that will be removed for the construction of the proposed project.

The project involves the construction, use, and maintenance of residential buildings with a total of 120 units (including 12 affordable units) and a total floor area of approximately 97,011 square feet for a Floor Area Ratio (FAR) of 3.75:1. The building will be approximately 79 feet high and be constructed over three levels of subterranean parking. The project will include a total of 169 vehicular parking spaces and 66 bicycle parking spaces.

Zoning:

The site is zoned C2-1VL and is located within the West Los Angeles Community Plan Area with a General Plan Land Use Designation of General Commercial and limited to Height District No. 1VL. The site is within 0.054 kilometers of the nearest known fault (Santa Monica Fault).

Surrounding Properties:

The project site is surrounded by urban infill uses in the [Q]C2-1VL-O, [Q]PF-1XL, [Q]R3-1-O, C2-1VL-O, C2-1, and R3-1-O Zones. Surrounding uses are generally improved with a mix of commercial, multi-family residential, and single-family uses. Adjoining the project site to the south, there are multi-family apartment buildings. Adjoining the project site to the east and west, across Pandora Avenue and South Beverly Glen Boulevard, respectively, there are office buildings. Adjoining to the north, across Santa Monica Boulevard, there are commercial uses.

Streets:

Santa Monica Boulevard, abutting the subject property to the north, is a Boulevard II, dedicated to a right-of-way width of 196 feet along the project's street frontage, and improved with asphalt roadway and concrete curb, gutter, and sidewalk.

Beverly Glen Boulevard, abutting the subject property to the east, is an Avenue I, dedicated to a right-of-way width of 100 feet along the project's street frontage, and improved with asphalt roadway and concrete curb, gutter, and sidewalk.

Pandora Avenue, abutting the subject property to the west, is a Local Street – Standard, dedicated to a right-of-way width of 40 feet along the project's street frontage, and improved with asphalt roadway and concrete curb, gutter, and sidewalk.

Alley, abutting the subject property to the south, is dedicated to a right-of-way width of 20 feet and improved with asphalt roadway.

Improvements and/or Dedication:

Public improvements and/or dedication requirements are determined by the Bureau of Engineering, Department of Public Works. Per Los Angeles Municipal Code Section 91.109.3, a Certificate of Occupancy will not be cleared by the City Engineer until the public improvements and/or dedications are completed, and all the required fees are paid.

Transit Oriented Communities (TOC) Guidelines, Tier 3 Eligibility:

On September 22, 2017, the Transit Oriented Communities (TOC) Guidelines became effective. On February 26, 2018 the TOC guidelines were amended with Technical Clarifications. The TOC

Guidelines establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The subject property is located within 2,640 feet of a Major Transit Stop. The intersection of Santa Monica Boulevard and Beverly Glen Boulevard (433 feet north across the street of the project site and 374 feet east across the street of the Project Site) is served by Metro Bus Line 4 east-west on Santa Monica Boulevard, Metro Rapid Bus Line 704 east-west on Santa Monica Boulevard, and Commuter Express Bus 431 north-south on Beverly Glen Boulevard, which have headways of 15 minutes or less. Additionally, the Metro Purple Line Century City and Constellation stop is within 2,650 feet easterly.

The subject property is therefore located in Tier 3 of the Transit Oriented Communities Affordable Housing Incentive Program and is eligible for Tier 3 incentives. Per Section IV of the Transit Oriented Communities Guidelines, Tier 3 projects are eligible for the base incentives as well as up to three additional incentives as the project reserves at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development. The request herein is for three additional incentives, which requires the project to set aside 11% of the base units for Extremely Low Income Households.

The project proposes the construction, use, and maintenance of a residential building with a total of 120 units (including 12 affordable units) and a total floor area of approximately 97,011 square feet for a Floor Area Ratio (FAR) of 3.75:1. The proposed building will range from six to seven stories with a maximum height of 79 feet. The apartment building will be constructed over three levels of subterranean parking. The project will include a total of 169 vehicular parking spaces and 66 bicycle parking spaces. The subject property is zoned C2-1VL which allows for the following base density of 71 units:

Zone	Lot Size (Plus Half of Alley)	Minimum Area per Dwelling Unit	Base Density Allowed (Lot Size/Minimum Area per Dwelling Unit)
C2-1VL	28,224 square feet	400 square feet	70.56 units (71 units)
Total Base Density:			71 units (rounded up)

Table 1 The base density allowed for the proposed project is 71 units.

Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the project is eligible for Base Incentives and up to three (3) additional incentives. As base incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 70%, (2) percentage increase of up to 50% or an FAR increase resulting in at least 3.75:1 FAR in commercial zones, whichever is greater, and (3) provide a maximum of 0.5 parking spaces per unit. The project is requesting three additional incentives as follows: (1) side yard requirements for the RAS3 Zone per LAMC 12.10.5; (2) up to a 25% decrease in required open space; and (3) an increase in allowable height of 22 additional feet.

Tier 3 Base Incentives:

As base incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 70%, (2) percentage increase of up to 50% or an FAR increase resulting in at least 3.75:1 FAR in commercial zones and (3) provide a maximum of 0.5 parking spaces per unit.

By setting aside 10% of the project's total density allowed for Extremely Low Income Households, the project is eligible for a 70% density increase for a maximum density of 121 units. The following table shows the computation:

Zone	Total Base Density	Density Increase	Total Density Allowed (Total Base Density x Density Increase)
C2-1VL	71 units	70% (1.7)	120.7 units = 121 units (rounded up)
Maximum Density Allowed:			121 units

Table 2 - The total (maximum) density allowed for the proposed project is 121 units.

In this case, the applicant is proposing a density of 120 units, which is within the maximum allowable density permitted through the TOC Guidelines in exchange for providing on-site restricted affordable units.

Tier 3 Additional Incentives:

In accordance with TOC regulations of LAMC Section 12.22-A.31, the project additionally qualifies for up to three (3) additional incentives for setting aside at least seven percent (11%) of the base density ($71 \text{ units} \times 0.11 = 7.81 \text{ units} = 8 \text{ units} - \text{rounded up}$) for Extremely Income Households. The following table shows the computation:

Total Project Units	Qualification for Tier 3 Base Incentives (set aside 10% of Maximum Density Allowed for Extremely Low Income Households)	Qualification for Three (3) Additional Incentives (set aside 11% of Base Density Allowed for Extremely Low Income Households)
120 units	$120 \times 0.10 = 12 \text{ units (rounded up)}$	$71 \times 0.11 = 8 \text{ units (rounded up)}$

Table 3 - In order to qualify for Tier 3 base incentives, the project must set aside 10% of the total number of units in the final project for Extremely Low Income Households. Additionally, in order to qualify for up to three (3) additional incentives, the proposed project must set aside 11% of the base density for Extremely Low Income Households.

In fact, the applicant is proposing 16% of the base density allowed for Extremely Low Income, thereby qualifying the project for three (3) additional incentives. The applicant is requesting three additional incentives and reserving 12 units for Extremely Low Income. The three additional incentives requested are as follows: (1) side yard requirements for the RAS3 Zone per LAMC 12.10.5; (2) up to a 25% decrease in required open space; and (3) an increase in allowable height of 22 additional feet.

HOUSING REPLACEMENT

Pursuant to LAMC Section 12.22 A.31(b)(1), a Housing Development located within a Transit Oriented Communities (TOC) Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets any applicable replacement requirements of California Government Code Section 65915(c)(3) (California State Density Bonus Law).

Assembly Bill 2222 (AB 2222) amended the State Density Bonus Law to require applicants of density bonus projects filed as of January 1, 2015 to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

On September 28, 2016, Governor Brown signed Assembly Bill 2556 (AB 2556) which further amended the State Density Bonus Law. The amendments took effect on January 1, 2017. AB 2556 clarifies the implementation of the required replacement of affordable units in Density Bonus projects, first introduced by AB 2222. AB 2556 further defines "equivalent size" to mean that as a whole, the new units must contain at least the same total number of bedrooms as the units being replaced.

Pursuant to the Determination made by the Housing and Community Investment Department (HCIDLA) dated March 9, 2017, the proposed project is not required any replacement units under Assembly Bill 2556. However, the project is setting aside 12 units for restricted affordable housing for Extremely Low Income Households, which exceeds the requirements pursuant to AB 2222/2556. This is reflected in the Conditions of Approval. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Project Background section of this determination for additional information.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which it does:

1. **On-Site Restricted Affordable Units.** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*
 - a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.*
 - b. *Tier 2 - 9% ELI, 12% VL or 21% Lower.*
 - c. *Tier 3 - 10% ELI, 14% VL or 23% Lower.*
 - d. *Tier 4 - 11% ELI, 15% VL or 25% Lower.*

The project site is located within a Tier 3 Transit Oriented Communities Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve a total of 12 on-site dwelling units for Extremely Low Income Households, which equates to 10 percent of the 120 dwelling units proposed as part of the Housing Development. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

2. **Major Transit Stop.** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

The subject property is located within 2,640 feet from the intersection of Metro Bus and Rapid Bus Lines. The intersection of Santa Monica Boulevard and Beverly Glen Boulevard (433 feet north and 374 feet east across the street of the project site) is served by Metro Bus Line 4 east-west on Santa Monica Boulevard, Metro Rapid Bus Line 704 east-west on Santa Monica Boulevard, and Commuter Express Bus 431 north-south on Beverly Glen

Boulevard, which have headways of 15 minutes or less. Additionally, the Metro Purple Line Century City and Constellation stop is within 2,650 feet easterly. As such, the project meets the eligibility requirement for proximity to a Major Transit Stop.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

Pursuant to the Determination made by the Housing and Community Investment Department (HCIDLA) dated March 9, 2017, the proposed project is not required any replacement units under Assembly Bill 2222 and 2556. However, the project is setting aside 12 units for restricted affordable housing for Extremely Low Income Households, which exceeds the requirements pursuant to AB 2222 and 2556. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

4. **Other Density or Development Bonus Provisions.** *A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.*

The project is not seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other State or local program that provides development bonuses, including, but not limited to a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Implementation Overlay (CPIO), Specific Plan, or overlay district. As such, the project meets this eligibility requirement.

5. **Base Incentives and Additional Incentives.** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below "base units" refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in the Eligibility Requirement No. 1 above (except Moderate Income units).*

- a. *One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
- b. *Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower*

Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.

- c. Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

The project is seeking three additional incentives for reduction in setbacks, reduction of open space, and additional height in exchange for reserving at least 11 percent of the base units for Extremely Low Income Households. The project is setting aside 12 units for Extremely Low Income Households, which equates to approximately 16 percent of the 71 base units permitted through the underlying zoning of the site. As such, the project meets the eligibility requirement for Base and Additional Incentives.

- 6. *Projects Adhering to Labor Standards.*** *Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).*

The project is not seeking two additional incentives beyond the three permitted in exchange for reserving at least 11 percent of the base units for Extremely Low Income Households. The project is setting aside 12 units for Extremely Low Income Households, which equates to approximately 16 percent of the 71 base units permitted through the underlying zoning of the site. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11; this eligibility requirement does not apply.

- 7. *Multiple Lots.*** *A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The proposed building crosses five lots; however, all lots are located within a Tier 3 Transit Oriented Communities Affordable Housing Incentive Area. As such, this eligibility requirement does not apply.

- 8. *Request for a Lower Tier.*** *Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.*

The applicant has not selected a Lower Tier and is not providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier. As such, this eligibility requirement does not apply.

- 9. *100% Affordable Housing Projects.*** *Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.*

The project does not consist of 100% On-Site Restricted Affordable units. It is not eligible for or seeking an increase in Tier. As such, this eligibility requirement does not apply.

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

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

1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

- a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

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

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

Base Incentives:

Increase in Number of Dwelling Units. By setting aside 10% of the project's total density allowed for Extremely Low Income Households, the project is eligible for a 70% density increase for a maximum density of 121 units. The following table shows the computation:

Zone	Total Base Density	Density Increase	Total Density Allowed (Total Base Density x Density Increase)
C2-1VL	71 units	70% (1.7)	120.7 units = 121 units (rounded up)
Maximum Density Allowed:			121 units

Table 4 - The total (maximum) density allowed for the proposed project is 121 units.

In this case, the applicant is proposing a density of 120 units, which is within the maximum allowable density permitted through the TOC Guidelines in exchange for providing on-site restricted affordable units.

In addition, as the project is located in TOC Tier 3, the project is eligible for the Base Incentives to allow an increase in the allowable FAR and reduction in parking.

Floor Area Ratio. The permitted FAR for the C2-1VL zoned parcels is 1.5 to 1. The applicant is seeking a ministerial TOC Base Incentive to increase FAR from 1.5 to 1 in the C2 zone to 3.75 to 1. The requested incentive will allow the applicant to acquire the requested floor area of 97,011 square feet (approximately 3.75:1

FAR) and will allow the applicant to increase the amount of units in the building so 12 units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This base incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

Vehicle Parking. The applicant has selected the residential minimum parking option for Tier 3. The required parking for all residential units in a Tier 3 Eligible Housing Development shall not exceed 0.5 spaces per unit. The project is proposing 120 units, therefore a total of 60 vehicle parking spaces are required to be provided. However, the applicant is proposing to provide 169 vehicle parking spaces. Therefore, the project complies with and exceeds the vehicle parking requirements per the TOC program. This base incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

Additional Incentives:

Yards. The requested yard incentives, which include utilization of side yard requirements for the RAS3 Zone, are expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive for reduced yards allows the project to increase the overall space dedicated to residential use, thereby allowing for the provision of affordable residential units. The proposed building is located within a lot zoned C2 with two front yards (Pandora Avenue and Beverly Glen Boulevard) and two side yards (Santa Monica Boulevard and the alley). The C2 Zone requires the following yards: zero-foot front yard, a 10-foot side yards, and 19-foot rear yard for a seven-story building. The applicant proposes to utilize the side yard requirements for the RAS3 Zone per LAMC Section 12.10.5. The reduced yards allows for more floor area to provide additional units. This additional incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

Open Space. The requested open space incentive, allowing a 25 percent reduction of the open space requirements, are expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. Per LAMC, the proposed project is required a minimum of 12,725 square feet for open space, however, the project will be utilizing the open space incentive to reduce the minimum open space requirement to 9,544 square feet. However, the applicant is proposing to provide 9,948 square-feet of open space. Therefore, the project complies with and exceeds the open space requirements per the TOC program. The reduction in open space by approximately 25 percent allows the inclusion of affordable housing while still providing usable open space as intended by the code. The requested incentive allows the developer to reduce open space requirements so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This additional incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

Height. The requested increase in height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The C2-1VL Zone allows a maximum building height of 45 feet. Additionally, LAMC Section 12.21.1-B, 2 states that whenever there is a sloping lot which exceeds grade level by more than 20 feet, a building or structure may exceed the height in number of feet prescribed by the zone by not more than 12 feet. Therefore, the proposed building is allowed a base height range of 45 to 57 feet. Moreover, the TOC height incentive allows for an additional 22 feet in height thereby allowing the maximum height range of 67 to 79 feet. The proposed project is requesting the maximum height of 79 feet which accounts for the by-right additional 12 feet allowed for sloping lots and the TOC height incentive for an additional 22 feet. Granting the maximum height would create a building envelope with the area necessary to accommodate the proposed density, including the affordable housing units. As proposed, the building ranges from six to seven-stories, with three levels of subterranean parking and is proposing a height of 67 to 79 feet. The requested incentives in combination with the requested floor area of 97,011 square feet will allow the developer to increase the amount of units in the building so one unit reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

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

There is no evidence that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). The requested additional incentives which allow side yards to be as those required by the RAS3 Zone, the decrease in open space, and height increase do not create any specific adverse impacts, as impact thresholds are generally based on a project's proposed number of residential units. Although the building will be constructed with an increased floor area and height and decreased open space, existing public health and safety and the physical environment will not be adversely impacted given that the project will be required to adhere to all applicable building code requirements, including the city's green building code. These requirements would be applicable to any construction that would potentially occur on the subject site.

As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for projects requesting on-menu incentives in that the project : i) provides facade articulation; ii) provides street orientation ; iii) does not involve a contributing structure in a designated Historic Preservation Overlay Zone or a property on the City of Los Angeles list of Historical-Cultural Monuments; and iv) is not located on a substandard street in a Hillside Area of Very High Fire Hazard Severity Zone. There is

no substantial evidence in the record to support a denial of the request on this basis. There is no evidence in the records which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above there is no basis to deny the requested incentive.

Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

SITE PLAN REVIEW FINDINGS

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

The project is located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan and the West Los Angeles Community Plan areas, and is currently zoned C2-1VL.

The General Plan designates the subject site as General Commercial. The General Commercial area is intended to accommodate the development of general commercial and multiple-family residential uses. This General Plan Designation for General Commercial corresponds to the C1.5, C2, CR, C4, RAS3, RAS4 and P Zones. The subject site is vacant. The subject site consists of five lots and measures approximately 25,869 square feet in size. The project proposes the development of a residential project containing 120 units of multi-family housing. The total floor area proposed is 97,011 square-feet, or an FAR of approximately 3.75:1. This approximate floor area ratio is well above the 1.5:1 FAR allowed on the property. Therefore, the applicant has requested the TOC Base Incentive of a 3.75:1 FAR under the Los Angeles Municipal Code (LAMC) Section 12.22-A, 31. By qualifying for the Base Incentive for increased FAR under the TOC program, the project conforms to the FAR limitations of the underlying zone.

The project proposes an increase in residential units in the West Los Angeles Community Plan, which is permitted through the utilization of TOC pursuant to LAMC Section 12.22-A, 31. The proposed project is consistent with the uses, density, and intensity contemplated by the General Plan and zoning, with increased height for the building, reduced open space, and the proposal of side yards corresponding to the RAS3 Zone, in accordance with the TOC Guidelines. The proposed land use and intensity of the project is consistent and compatible with the surrounding area and typical for an infill development located near transit and on a major City thoroughfare. Moreover, the project utilizes permitted Tier 3 development rights authorized under the City's Transit Oriented Communities (TOC) Program based on (i) the provision of 12 Extremely Low Income affordable units and (ii) the site's proximity to existing transit infrastructure (i.e., Rapid and local bus lines). The adjacent residential neighborhood is zoned for commercial and multi-family residential use, and therefore, the TOC transitional height limitations do not apply to the project. Thus, the project's density and building envelope is fully consistent with the TOC Affordable Housing Incentive Program, adopted specifically to promote this type of infill, mixed income, transit-oriented development.

Development of the proposed residential use development will not exceed the existing density of surrounding properties as there are five to six-story buildings south, east, and

west of the subject site. Furthermore, the net gain of 120 new dwelling units aligns with the General Plan Land Use Designation and allows growth in areas identified as having sufficient infrastructure. The subject property is located within 2,640 feet from the intersection of Metro Bus and Rapid Bus Lines. The intersection of Santa Monica Boulevard and Beverly Glen Boulevard (433 feet north and 374 feet east across the street of the project site) is served by Metro Bus Line 4 east-west on Santa Monica Boulevard, Metro Rapid Bus Line 704 east-west on Santa Monica Boulevard, and Commuter Express Bus 431 north-south on Beverly Glen Boulevard, which have headways of 15 minutes or less. Additionally, the Metro Purple Line Century City and Constellation stop is within 2,650 feet easterly. As such, the project meets the eligibility requirement for proximity to a Major Transit Stop and the 120-unit project is consistent with the policies of the West Los Angeles Community Plan.

The proposed project is in substantial compliance with the purposes, intent, and provisions of the General Plan and the West Los Angeles Community Plan. The site's General Commercial designation is consistent with the planning principles identified in the Community Plan, which outlines a number of objectives and policy goals for commercial, residential and mixed-use developments in the area.

As referenced in the Plan, the intent of providing developments such as the one proposed is to provide for rental housing and encourage pedestrian activity near commercial and transit corridors.

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are twelve elements of the General Plan. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlement requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the West Los Angeles Community Plan, which designates the site General Commercial land uses corresponding Zones of C1.5, C2, CR, C4, RAS3, RAS4, and P. The site is zoned C2-1VL. The proposed project is consistent with the following goals, objectives and policies of the West Los Angeles Community Plan:

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

Objective 1-1 To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area.

Policy 1-1.3 Provide for adequate multi-family residential development.

Objective 1-3 To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Objective 1-4 To promote adequate and affordable housing and increase its accessibility to more segments of the population, especially students and senior citizens.

The implementation of the proposed housing development will contribute for the provision of the housing required to satisfy the varying needs and desires of all persons who choose

to reside in the West Los Angeles community, maximizing the opportunity for individual choices. The proposed housing development, as previously described, conforms with the stated objectives of the Housing Plan as an Element of the General Plan as (1) it encourages the provision of adequate housing in the City, with a particular emphasis on rental units, especially for those of low and moderate income and households having special needs, including the homeless, (2) encourages design in housing that will minimize adverse environmental effects, enhance public safety, encourage energy conservation, and the use of alternative energy sources, including solar power, and optimize accessibility for the handicapped and the elderly, (3) promotes equal opportunity for all persons regardless of race, ethnic background, religion, handicap, income, age, sex and family composition, to purchase, rent, rehabilitate, or build housing throughout the City, and (4) assures the development of new housing units to meet the City's housing needs, consistent with good planning practice. The project includes a variety of unit types, including 25 studio units, 70 one-bedroom units, 23 two-bedroom units, and three (3) three-bedroom units. The project places housing along Santa Monica Boulevard which is designated as a Boulevard II. The subject property is located within 2,640 feet from the intersection of Metro Bus and Rapid Bus Lines. The intersection of Santa Monica Boulevard and Beverly Glen Boulevard (433 feet north and 374 feet east across the street of the project site) is served by Metro Bus Line 4 east-west on Santa Monica Boulevard, Metro Rapid Bus Line 704 east-west on Santa Monica Boulevard, and Commuter Express Bus 431 north-south on Beverly Glen Boulevard, which have headways of 15 minutes or less. Additionally, the Metro Purple Line Century City and Constellation stop is within 2,650 feet easterly which reduces vehicular trips to and from the project site and congestion around the site. The proposed project design complies with all applicable zoning regulations and standards of the code including but not limited to height, setbacks, floor area ratio, open space, landscaping, etc. Except for any allowances that may be permitted under the granting of the requested entitlements, all aspects of the project comply with code requirements. The subject site is not located in a Specific Plan. Therefore, the project is in substantial conformance with the purposes, intent and provisions of the West Los Angeles

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

The project site is comprised of five contiguous lots (five parcels) located south of Santa Monica Boulevard, east of Pandora Avenue, west of Beverly Glen Boulevard, and north of an alley. The project site has a total lot area of approximately 25,869 square feet and is currently vacant.

The project includes the construction of a multi-family residential building with a total of 120 units (including 12 affordable units) and a total floor area of approximately 97,011 square feet for a Floor Area Ratio (FAR) of 3.75:1. The building will be approximately 79 feet high and be constructed over three levels of subterranean parking. The project will include a total of 169 vehicular parking spaces and 66 bicycle parking spaces.

The project site is located within a Tier 3 Transit Oriented Communities Affordable Housing Incentive Area. As such, the project meets the eligibility requirement for a Tier 3 TOC Housing Development to be located within 2,640 feet of a Major Transit Stop.

Density. The permitted residential density in the C2 zone is one dwelling unit per 400 square feet of lot area. The project site has a total lot area of 25,869 square-feet located in the C2 zone. With the provision of ten percent of total number of units affordable for Extremely Low-Income households, the project is entitled to a ministerial TOC Base Incentive to increase density by 70 percent. Based on the required lot area per dwelling unit, the density would be calculated as follows:

Zone	Lot Size (Plus Half of Alley)	Minimum Area per Dwelling Unit	Base Density Allowed (Lot Size/Minimum Area per Dwelling Unit)
C2-1VL	28,224 square feet	400 square feet	70.56 units (71 units)
Total Base Density:			71 units (rounded-up)

Table 5 - The base density allowed for the proposed project without the bonus is 71 units.

Pursuant to the TOC Guidelines, projects which are eligible for the Base Incentives may round up the number of units permitted, therefore, as the project is eligible for a 70% density increase from the base density and density averaging between the two zones across the site, the project is permitted a maximum of 121 total units. The following table shows the computation:

Zone	Total Base Density	Density Increase	Total Density Allowed (Total Base Density x Density Increase)
C2-1VL	71 units	70% (1.7)	120.7 units = 121 units (rounded up)
Maximum Density Allowed:			121 units

Table 6 - The total (maximum) density allowed for the proposed project is 121 units.

In this case, the applicant is proposing a density of 120 units, which is within the maximum allowable density permitted through the TOC Guidelines in exchange for providing on-site restricted affordable units.

In addition, as the project is located in TOC Tier 3, the project is eligible for the Base Incentives to allow an increase in the FAR and reduction in parking.

Base Incentives:

Floor Area Ratio. The permitted FAR for the C2-1VL zoned parcels is 1.5 to 1. The applicant is seeking a ministerial TOC Base Incentive to increase FAR from 1.5 to 1 in the C2 zone to 3.75 to 1. The requested incentive will allow the applicant to acquire the requested floor area of 97,011 square feet (approximately 3.75:1 FAR) and will allow the applicant to increase the amount of units in the building so 12 units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This base incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

Vehicle Parking. The applicant has selected the residential minimum parking option for Tier 3. The required parking for all residential units in a Tier 3 Eligible Housing Development shall not exceed 0.5 spaces per unit. The project is proposing 120 units, therefore a total of 60 vehicle parking spaces are required to be provided. However, the applicant is proposing to provide 169 vehicle parking spaces. Therefore, the project complies with and exceeds the vehicle parking requirements per the TOC program. This

base incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

The three (3) Additional Incentives requested are found on the Menu of Incentives and include: (1) side yard requirements for the RAS3 Zone per LAMC 12.10.5; (2) up to a 25% decrease in required open space; and (3) an increase in allowable height of 22 additional feet. These incentives result in building design and construction efficiencies that provide for affordable housing costs.

Additional Incentives:

Yards. The requested yard incentives, which include utilization of side yard requirements for the RAS3 Zone, are expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive for reduced yards allows the project to increase the overall space dedicated to residential use, thereby allowing for the provision of affordable residential units. The proposed building is located within a lot zoned C2 with two front yards (Pandora Avenue and Beverly Glen Boulevard) and two side yards (Santa Monica Boulevard and the alley). The C2 Zone requires the following yards: zero-foot front yard, a 10-foot side yards, and 19-foot rear yard for a seven-story building. The applicant proposes to utilize the side yard requirements for the RAS3 Zone per LAMC Section 12.10.5. The reduced yards allows for more floor area to provide additional units. This additional incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

Open Space. The requested open space incentive, allowing a 25 percent reduction of the open space requirements, are expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. Per LAMC, the proposed project is required a minimum of 12,725 square feet for open space, however, the project will be utilizing the open space incentive to reduce the minimum open space requirement to 9,544 square feet. However, the applicant is proposing to provide 9,948 square-feet of open space. Therefore, the project complies with and exceeds the open space requirements per the TOC program. The reduction in open space by approximately 25 percent allows the inclusion of affordable housing while still providing usable open space as intended by the code. The requested incentive allows the developer to reduce open space requirements so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This additional incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

Height. The requested increase in height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The C2-1VL Zone allows a maximum building height of 45 feet. Additionally, LAMC Section 12.21.1-B, 2 states that whenever there is a sloping lot which exceeds grade level by more than 20 feet, a building or structure may exceed the height in number of feet prescribed by the zone by not more than 12 feet. Therefore, the proposed building is allowed a base height range of 45 to 57 feet. Moreover, the TOC height incentive allows for an additional 22 feet in height thereby allowing the maximum

height range of 67 to 79 feet. The proposed project is requesting the maximum height of 79 feet which accounts for the by-right additional 12 feet allowed for sloping lots and the TOC height incentive for an additional 22 feet. Granting the maximum height would create a building envelope with the area necessary to accommodate the proposed density, including the affordable housing units. As proposed, the building ranges from six to seven-stories, with three levels of subterranean parking and is proposing a height of 67 to 79 feet. The requested incentives in combination with the requested floor area of 97,011 square feet will allow the developer to increase the amount of units in the building so one unit reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to reserve 12 units as affordable housing units reserved for Extremely Low Income Households.

Bulk/Massing and Building Materials. The project includes variations in building materials and the exterior walls of the building are also articulated, incorporating street-facing, balconies and windows, and breaks in the entire massing to allow visibility to internal residential units. The ground floor consists of a variation in wall treatments that are integrated into the overall architectural style of the building. The project design employs various architecture methods to establish a distinguishable and attractive building design. A variety of building materials and finishes, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood. Metal siding, smooth stucco, poured-in-place concrete walls, masonry walls, etc. are some of the materials that distinguish different building elements and uses of the project and create an attractive pedestrian view from the sidewalk. Deep recessed balconies and partial step backs divide the building into multiple vertical and horizontal elements which decrease the scale of the building and identify each unit stack.

Parking and Circulation. The project includes a total of 120 residential vehicle parking spaces and 66 bicycle parking spaces (60 long-term, 6 short-term) for residents. Required parking for the residential units is required at a rate of 0.5 spaces for each dwelling unit per the TOC LAMC Section 12.22-A, 31; therefore, the project would be required to provide a minimum of 60 parking spaces for the project for the residential units. The project includes a total of 120 parking spaces for the residential uses.

Required bicycle parking for the residential units is required at a rate of one long-term space per two dwelling units and one short-term space for each twenty dwelling units. The total required bicycle parking would be 66 spaces of which the project includes the total required amount.

The project includes primary ingress and egress driveway on Beverly Glen Boulevard. The driveway provide access to the subterranean residential parking.

Lighting. Lighting shall be provided per LAMC requirements. The project proposes security lighting to illuminate the building, entrances, walkways and parking areas. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential and commercial properties. This condition has also been included in the subject approval. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

Lighting would include low-level exterior lights adjacent to buildings and along pathways for security and way-finding purposes. In addition, low-level lighting to accent architectural features and landscaping elements would also be incorporated throughout the site.

Proposed lighting would be designed to provide for efficient, effective, and aesthetically pleasing lighting solutions, which would minimize light trespass from the proposed buildings and overall project site, reduce sky-glow to increase night sky access, and improve nighttime visibility through glare reduction.

Open Space. Section 12.21.G.2 of the L.A.M.C. requires 100 square feet of open space for each residential unit having less than three habitable rooms, 125 square feet of open space for each residential unit consisting of three habitable rooms, and 175 square feet of open space provided for each residential unit containing more than three habitable rooms. The project is a residential project consisting of 120 apartments units. Approximately 12,725 square feet of open space is required; the project will provide approximately 9,948 square feet of open space by utilizing a TOC additional incentive, discussed above, that is inclusive of common open space areas as well as private (balcony) open space areas of both buildings. The common open space areas include the provision of an open landscaped courtyards on the first floor, rooftop landscaped decks on the sixth and seventh floors.

On-Site Landscaping. Twenty percent (20%) of the common open space shall be landscaped which equates to approximately 1,989 square feet, of which the project is meeting. The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Division's requirements. Therefore, the on-site landscaping will be compatible with the existing the future developments in the neighborhood.

Trash Collection. The project is designed to minimize the visual impact of trash receptacles and loading areas. Electrical rooms, storage rooms, trash enclosures, and loading spaces are located within the project and are not visible from surrounding public streets and public view. Rooftop equipment will be set back from the roof parapet edge and appropriately screened from public view.

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

The project provides several recreational amenities for the residents of the project. Pursuant to Section 12.21.G.2 of the L.A.M.C., there shall be 100 square feet of open space provided for each residential unit having less than three habitable rooms; 125 square feet of open space provided for each residential unit consisting of three habitable rooms; and 175 square feet of open space provided for each residential unit containing more than three habitable rooms. The project is for residential use consisting of 120 apartments units. Whereas approximately 12,725 square feet of open space is required, the project will provide approximately 9,948 square feet of open space that is inclusive of common open areas as well as private (balcony) open space areas by utilizing a TOC additional incentive. For transit-dependent residents, the subject property is located within 2,640 feet from the intersection of Metro Bus and Rapid Bus Lines. The intersection of Santa Monica Boulevard and Beverly Glen Boulevard (433 feet north and 374 feet east across the street of the project site) is served by Metro Bus Line 4 east-west on Santa Monica Boulevard, Metro Rapid Bus Line 704 east-west on Santa Monica Boulevard, and Commuter Express Bus 431 north-south on Beverly Glen Boulevard, which have headways of 15 minutes or less. Additionally,

the Metro Purple Line Century City and Constellation stop is within 2,650 feet easterly which reduces vehicular trips to and from the project site and congestion around the site. Therefore, the project contains adequate recreational amenities and is within close proximity to transit services which will contribute to the habitability of the residents of the 120 dwelling units and minimize the impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, categorized as an area of minimal flooding.
6. DETERMINED based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15300 and Article III, Section 1, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

CEQA DETERMINATION - CLASS 32 CATEGORICAL EXEMPTION APPLIES

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following five applicable conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

- (a) The proposed project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations. The West Los Angeles Community Plan Map designates the property for General Commercial land uses with corresponding zones of C1.5, C2, CR, C4, RAS3, RAS4, and P. The property is zoned C2-VL. As such, the proposed construction of a residential use building with 120 units would be permitted by the Zone and is located on property currently designated for such development in the General Plan.

The West Los Angeles Community Plan establishes the following Goals, Objectives, and Policies that relate to the proposed project:

The project includes construction of an apartment building with a total of 120 units (including 12 affordable units) and a total floor area of approximately 97,011 square feet for a Floor Area Ratio (FAR) of 3.75:1.

The proposed project proposes an increase in residential units in the West Los Angeles Community Plan, which is permitted through the utilization of TOC pursuant to LAMC Section 12.22-A, 31. The proposed project is consistent with the uses, density, and intensity contemplated by the General Plan and zoning, with increased

height for the building, decreased open space, and side yards corresponding to the RAS3 Zone, in accordance with the TOC Guidelines. The proposed land use and intensity of the project is consistent and compatible with the surrounding area and typical for an infill development located near transit and on a major City thoroughfare. Moreover, the project utilizes permitted Tier 3 development rights authorized under the City's Transit Oriented Communities (TOC) Program based on (i) the provision of 12 Extremely Low Income affordable units and (ii) the site's proximity to existing transit infrastructure (i.e., Rapid and local bus lines). The adjacent residential neighborhood is zoned for multi-family residential use, and therefore, the TOC transitional height limitations do not apply to the project. Thus, the project's density and building envelope is fully consistent with the TOC Affordable Housing Incentive Program adopted specifically to promote this type of infill, mixed income, transit-oriented development.

As the project is consistent with the General Plan and the applicable zoning regulations; the project complies with subsection a.

- (b) The proposed development occurs within city limits on a project site no more than five acres substantially surrounded by urban uses. The proposed development is wholly within the City of Los Angeles and is on a 0.59 acre site (i.e., less than five acres). The project site is surrounded by urban uses, as it is infill construction within a dense, mixed-use neighborhood within an urban area; and not located in a farmland or agricultural designated area. The neighborhood is fully built out with a variety of development including commercial, multi-family, and office uses and this proposed project will be consistent with the developments in the area, in compliance with subsection b.
- (c) The project site has no value as habitat for endangered species, rare, or threatened species. The existing site is vacant. The project is located within an established, fully developed, residential and commercial neighborhood along Santa Monica Boulevard. Further, no protected trees are located on the project site.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

In regards to traffic, a significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

The project site is approximately 0.59 acres and is currently a vacant, undeveloped lot. The project involves the construction, use, and maintenance of a new seven-story residential building with three levels of subterranean parking.

The project would generate a net increase of approximately 678 net new trips per day at area intersections, including 52 a.m. peak hour trips and 50 p.m. peak hour trips.¹ As shown in the traffic impact analysis prepared by Gibson Transportation Consulting

¹ Transportation Impact Analysis for Proposed Santa Monica (10400) Residential Project, Gibson Transportation Consulting, Inc., September 28, 2017.

Inc., dated September 28, 2017 with a subsequent revision in December 2017, the project would not result in a significant adverse impact in the Existing Plus Project and Future Plus Project (based on cumulative growth resulting from 50 related projects) scenarios at key intersections that would be most directly impacted by project traffic along primary access routes to and from the project site. Nine study intersections were evaluated to determine potential impacts of the Project:

1. Beverly Glen Boulevard & Wilshire Boulevard
2. Overland Avenue & Santa Monica Boulevard
3. Beverly Glen Boulevard & Santa Monica Boulevard
4. Century Park West & Santa Monica Boulevard
5. Westwood Boulevard & Olympic Boulevard
6. Overland Avenue & Olympic Boulevard
7. Beverly Glen Boulevard & Olympic Boulevard
8. Century Park West & Olympic Boulevard
9. Beverly Glen Boulevard & Pico Boulevard

The project site is currently vacant. Based on Los Angeles Department of Transportation's (LADOT) traffic impact criteria, the proposed development would not impose a significant level of impact at any of the nine study intersections that were identified in the detailed analysis. Moreover, no significant regional traffic impacts were identified for the CMP monitoring intersections or freeway locations. In addition, the project's transit impacts on the public transit system were analyzed based on existing available transit capacity and were determined to be less than significant.

In regards to noise, a Construction Noise Study was prepared for the project by Rincon Consultants, Inc. on March 2018. The purpose of the study is to analyze the proposed project's noise impacts related to temporary construction activity. The nearest sensitive receptors to the project site are the adjacent multi-family residential uses located south of the project. The applicant would be subject to comply with LAMC Section 41.40 and 111.0 through 116.01 which regulate noise from construction activities and other sources as indicated:

- LAMC Section 41.40 regulates noise from construction activities. Exterior construction activities that generate noise are prohibited between the hours of 9 p.m. and 7 a.m. Monday through Friday, and between 6 p.m. and 8 a.m. on Saturday. Demolition and construction activities are prohibited on Sundays and all federal holidays. The construction activities associated with the project would comply with these LAMC requirements. Further, the proposed project will adhere to the following more restrictive construction hours: 7 a.m. to 6 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Demolition and construction activities are prohibited on Sundays and all federal holidays.
- LAMC Sections 111.0 through 116.01 regulate other sources of noise. Noise greater than 75 dBA at 50 feet is prohibited between the hours of 7 a.m. and 10 p.m. within 500 feet of a residential zone unless compliance is technically infeasible.

The proposed project would comply with LAMC Section 41.40 with respect to regulations applicable to construction. Compliance with City regulations (i.e., the Noise Ordinance) requires the applicant to incorporate all feasible noise attenuation features such as noise mufflers and noise curtains. The construction noise would be temporary, intermittent, and typical for construction activity in urban areas such as the site. Therefore, with compliance with existing City regulations construction, noise impacts would be less than significant,

Moreover, the City of Los Angeles Building Regulations Ordinance No. 178,048, requires a construction site notice to be provided that includes the following information: job site address; permit number; name and phone number of the contractor and owner or owner's agent; hours of construction allowed by code or any discretionary approval for the site; and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.

Upon completion and operation of the project, on-site operational noise would be generated by heating, ventilation, and air conditioning equipment installed for the new units. The operation of on-site stationary sources of noise would be required to comply with the LAMC Section 112.02, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels. Compliance with these regulatory requirements would ensure noise impacts resulting from on-site stationary sources would be less than significant.

By complying with all existing regulations governing both construction and operational noise, impacts would be less than significant.

Traffic Noise

For operational traffic noise to be considered an impact, there would need to be a 3-dBA or greater community noise equivalent level noise increase. The traffic volume on any given roadway would need to double for a 3-dBA increase in ambient noise to occur.

According to the traffic analysis provided for the project, the proposed development would result in a net increase of 678 daily vehicle trips, including 52 a.m. peak hour trips and 50 p.m. peak hour trips. As shown in greater detail in the project traffic impact analysis, the project would not result in a significant increase in traffic at nearby intersections or freeway ramps. As such, the project would not have the potential to increase roadway noise levels by 3 dBA, and thus, traffic generated noise impacts would be less than significant.

Parking Noise

Sources of noise within the subsurface parking garage would include engines accelerating, doors slamming, car alarms, and people talking. Proposed parking would be contained within the parking garage and would not substantially increase noise at off-site locations. As such, parking related noise under the project could be reduced compared to the noise generated from the existing open-air surface bus maintenance activities site. Parking-related noise generated by motor driven vehicles

within and around the project site is regulated under the LAMC. Specifically, with regard to motor driven vehicles, LAMC Section 114.02 prohibits the operation of any motor driven vehicles upon any property within the City such that the created noise would cause the noise level on the premises of any occupied residential property to exceed the ambient noise level by more than 5 dBA. Therefore, by complying with existing regulations, noise impacts associated with the project's parking garage would be less than significant.

In regards to **air quality**, a project may have a significant impact if project-related emissions would exceed federal, state, or regional standards or thresholds, or if project-related emissions would substantially contribute to an existing or projected air quality violation. To address potential impacts from construction and operational activities, the SCAQMD currently recommends that impacts from projects with mass daily emissions that exceed any of the thresholds outlined in Table 1, SCAQMD Thresholds of Significance, be considered significant. The City of Los Angeles defers to these thresholds for the evaluation of construction and operational air quality impacts.

TABLE 1: SCAQMD THRESHOLDS OF SIGNIFICANCE		
Pollutant	Construction Thresholds (lbs/day)	Operational Thresholds (lbs/day)
Volatile Organic Compounds (VOC)	75	55
Nitrogen Oxides (NO _x)	100	55
Carbon Monoxide (CO)	550	550
Sulfur Oxides (SO _x)	150	150
Particulate Matter (PM ₁₀)	150	150
Fine Particulate Matter (PM _{2.5})	55	55
<i>Note: lbs = pounds.</i>		
<i>Source: South Coast Air Quality Management District.</i>		

An Air Quality and Greenhouse Gas Study was completed for the project by Rincon Consultants, Inc. on March 2018. The study analyzed the potential air quality and greenhouse gas (GHG) impacts of the proposed residential building. The analysis considered both temporary impacts that would result from the project construction and the long-term impacts associated with the operation of the project.

Quantitative Greenhouse Gas Analysis

GHG emissions associated with the proposed project were calculated using the California Emissions Estimator Model (CalEEMod) version 2016.3:1.

Construction Emissions

In accordance with the SCAQMD's recommendation, GHG emissions from construction of the proposed project were amortized over a 30-year period and added to annual operational emissions to determine the project's total annual GHG emissions.

Construction activities associated with the project would be undertaken in four main steps: (1) site preparation; (2) grading, excavation, and foundation; (3) building construction; and (4) architectural coating and finishing. Construction of the proposed project would generate temporary GHG emissions primarily due to the operation of construction equipment and truck trips. Site preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling.

Operational Emissions

CalEEMod provides operation emissions of CO₂ and CH₄ associated with energy use, area sources, waster generation, water use and conveyance, and project-generated vehicle trips.

Construction of the proposed project would generate an estimated 158 MT of CO₂e. Following the SCAQMD's recommendation methodology for amortizing construction emissions over a 30-year period, construction of the proposed project would generate an estimated 5 MT of CO₂e per year.

These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM_{2.5} and PM₁₀ emissions. Mobile sources (such as diesel-fueled equipment on-site and traveling to and from the project site) would generate NO_x emissions. The application of architectural coatings would result in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

The analysis of daily construction emissions has been prepared using the California Emissions Estimator Model (CalEEMod 2016.3.1) recommended by the SCAQMD. Table 2, Estimated Peak Daily Construction Emissions, identifies daily emissions that are estimated to occur on peak construction days for each year. These calculations assume that appropriate dust control measures would be implemented as part of the Project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

TABLE 2: ESTIMATED PEAK DAILY CONSTRUCTION EMISSIONS

Year	Emissions in Pounds per Day				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
2019	64.8	13.3	14.1	2.1	1.0
SCAQMD Thresholds	75.00	100.00	550.00	150.00	55.00
Significant Impact?	No	No	No	No	No
LST Thresholds	N/A	103	562	4	3
Significant Impact?	No	No	No	No	No
<i>Note: Calculations assume compliance with SCAQMD Rule 403 – Fugitive Dust. Calculation sheets are provided in Appendix A.</i>					

The project is required to comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

As shown in Table 2, construction-related daily emissions associated with the project would not exceed any regional SCAQMD significance thresholds for criteria pollutants during the construction phases. Therefore, regional construction impacts are considered to be less than significant.

Regional Operational Emissions

The project site is currently vacant. As such, this analysis assumes no existing air quality emissions for the project site. Operational emissions generated by area sources, motor vehicles, and energy demand would result from normal day-to-day activities of the residential use. The analysis of daily operational emissions associated with the project has been prepared using CalEEMod 2016.3.1 recommended by the SCAQMD. The results of these calculations are presented in Table 3, Estimated Daily

Operational Emissions. As shown, the operational emissions generated by the project would be substantially below regional thresholds of significance set by the SCAQMD. Therefore, impacts associated with regional operational emissions from the project would be less than significant.

TABLE 3: ESTIMATED DAILY OPERATIONAL EMISSIONS						
Emissions Source	Emissions in Pounds per Day					
	ROG	NO_x	CO	SO_x	PM₁₀	PM_{2.5}
Area Sources*	33.1	2.6	71.1	150	150	55
Energy Demand	<0.1	0.3	0.1	<0.1	<0.1	<0.1
Mobile (Motor Vehicles)	1.6	7.4	21.4	<0.1	5.9	1.6
Total Project Emissions	34.7	10.3	93.1	0.2	15.2	10.9
SCAQMD Thresholds	55.00	55.0	550.0	150.0	150.0	55.00
Potentially Significant Impact?	No	No	No	No	No	No
<i>Calculation sheets are provided in Appendix A.</i>						

A significant impact may occur if a project would add a considerable cumulative contribution to federal or state non-attainment pollutant. The South Coast Air Basin is currently in nonattainment of federal standards for ozone, PM_{2.5} and Pb (Lead), and nonattainment of state standards for these same pollutants except Pb and plus PM₁₀. The SCAQMD recommends that a project's potential contribution to cumulative impacts be assessed using the significance criteria identified in Table 2. As discussed above, the mass daily construction and operational emissions generated by the project would not exceed any of thresholds of significance recommended by the SCAQMD. Also, as discussed below, localized emissions generated by the project would not exceed the SCAQMD's Localized Significance Thresholds (LSTs). Therefore, the project would not contribute a cumulatively considerable increase in emissions for those pollutants for which the South Coast Air Basin is in nonattainment. Thus, cumulative air quality impacts associated with the project would be less than significant.

Carbon monoxide concentrations in Los Angeles have been steadily declining over recent years; there have been no exceedances of the 8-hour standard for several years. Requirements for cleaner vehicles, equipment, and fuels have cut peak CO levels more than in half since 1980 despite growth. With regard to localized emissions from motor vehicle travel, traffic congested roadways and intersections have the potential to generate localized high levels of carbon monoxide (CO). The SCAQMD suggests conducting a CO hotspots analysis for any intersection where a project would worsen the Level of Service (LOS) from A-C to any level below C, and for any intersection rated D or worse where the project would increase the V/C ratio by two percent or more. As addressed by the project's Traffic Study, the project would not meet these criteria at any of the studied intersections.² Therefore, the project would not have the potential to cause or contribute to an exceedance of the California one-hour or eight-hour CO standards of 20 or 9.0 ppm, respectively; or generate an incremental increase equal to or greater than 1.0 ppm for the California one-hour CO

² Transportation Impact Analysis for Proposed Santa Monica (10400) Residential Project, Gibson Transportation Consulting, Inc., September 28, 2017.

standard, or 0.45 ppm for the eight-hour CO standard at any local intersection. Therefore, impacts with respect to localized CO concentrations would be less than significant.

Toxic Air Contaminants (TAC)

As the project consists of a residential use, the project would not include any land uses that would involve the use, storage, or processing of carcinogenic or non-carcinogenic toxic air contaminants and no toxic airborne emissions would typically result from project implementation. In addition, construction activities associated with the project would be typical of other development projects in the City and would be subject to the regulations and laws relating to toxic air pollutants at the regional, state, and federal level that would protect sensitive receptors from substantial concentrations of these emissions. Therefore, impacts associated with the release of toxic air contaminants would be less than significant.

Odors

A project-related significant adverse effect could occur if construction or operation of the project would result in generation of odors that would be perceptible in adjacent sensitive areas.

According to the SCAQMD CEQA Air Quality Handbook, land uses and industrial operations that are associated with odor complaints include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The project involves the construction and operation of residential and commercial uses (including potential restaurant or retail use), which are not typically associated with odor complaints. As the project involves no elements related to industrial projects, no unusual objectionable odors are anticipated. Therefore, the potential impacts associated with objectionable odors would be less than significant.

Potential sources that may emit odors during construction activities include equipment exhaust. Odors from these sources would be localized and generally confined to the immediate area surrounding the proposed project. The project would use typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Therefore, construction of the project would result in less-than-significant impacts related to odors.

In regards to **water quality**, a significant impact would occur if the project would: 1) exceed wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board (LARWQCB), 2) increase water consumption or wastewater generation to such a degree that the capacity of facilities currently serving the project site would be exceeded, or 3) increase surface water runoff, resulting in the need for expanded off site storm water drainage facilities. All wastewater from the project would be treated according to requirements of the NPDES permit authorized by the LARWQCB. Therefore, the proposed project would result in a less than significant impact related to wastewater treatment requirements. Additionally, prior to any construction activities, the project applicant would be required to coordinate with the City of Los Angeles Bureau of Sanitation (BOS) to determine the exact wastewater conveyance

requirements of the proposed project, and any upgrades to the wastewater lines in the vicinity of the project site that are needed to adequately serve the proposed project would be undertaken as part of the project. Therefore, the proposed project would not result in a significant impact related to water or wastewater infrastructure. Lastly, development of the proposed project would maintain existing drainage patterns; site generated surface water runoff would continue to flow to the City's storm drain system. The proposed project would not create or contribute runoff water that would exacerbate any existing deficiencies in the storm drain system or provide substantial additional sources of polluted runoff. Therefore, the proposed project would not result in a significant impact related to existing storm drain capacities.

- (e) The proposed project has been reviewed by City staff, and can be adequately served by all required utilities and public services. The project site will be adequately served by all required public utilities and services given that the site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 120 residential apartment units. Based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Exemption.

CEQA SECTION 15300.2: EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

The City has further considered whether the proposed project is subject to any of the six exceptions set forth in State CEQA Guidelines Section 15300.2, that would prohibit the use of any categorical exemption. None of the exceptions are triggered for the following reasons:

- A. **Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Based on a review of the data reported on the Department of City Planning's ZIMAS for the subject property, the site is not located within an Airport Hazard Area, Coastal Zone, Farmland Area, Flood Area, High Wind Velocity Area, Oil Well Area, Liquefaction Zone, Landslide Zone, Very High Fire Hazard Severity Zone, Methane Hazard Site, or Preliminary Fault Rupture Study Area. According to ZIMAS, the project site is not located within the Alquist-Priolo Fault Zone but indicates that the site is located within 0.54 km from the nearest known fault (Santa Monica Fault). As such, exception (a) does not apply.

- B. Cumulative Impact.** *The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.*

Cumulative impacts related to the construction of the proposed project can be assessed by considering the quantity of projects of the same type in the same place. Projects of the same type as the proposed project are limited to the construction of mid-rise mixed-use structures or other projects of the same scale. Santa Monica Boulevard, Pandora Avenue, and Beverly Glen Boulevard located in the West Los Angeles Community Plan and are located in the vicinity of other multi-family apartment buildings and commercial structures.

The proposed project may create additional environmental impacts on the surrounding area. However, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate impacts related to Air Quality, Construction Noise/Vibrations, Operational Noise/Vibrations, and Transportation/traffic. Numerous Los Angeles Municipal Code Sections provide requirements for construction activities and ensure impacts from construction related noise, traffic, and parking are less than significant. The Noise Regulation Ordinance, No. 144,331, provides regulatory compliance measures related to construction noise and maximum noise levels for all activities. LAMC Section 62 provides specific regulatory compliance measures related to construction traffic and parking. Finally, LAMC Section 41 requires construction site postings listing representative contact information and permitted construction/demolition hours as established by the Department of Building and Safety. Additionally, there is insufficient evidence to conclude that significant impacts will occur based on past project approvals or in progress entitlement applications and that the proposed project will have adverse impacts on the cumulative impacts of construction noise and transportation/traffic in this area of the West Los Angeles Community Plan. Further, there is insufficient evidence to conclude that the proposed project will be under construction at the same time as projects within the vicinity. Thus, exception (b) does not apply.

- C. Significant Effect Due To Unusual Circumstances.** *This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.*

The project proposes to construct a new, residential use development with 120 units in an area zoned and designated for such development. Properties in the vicinity are developed with multi-family, commercial, and office structures, and the subject site is of a similar size to nearby properties. There are no special districts or other known circumstances that indicate a special or sensitive surrounding environment. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- D. Scenic Highways.** *This exception applies when, although the project may otherwise be exempt, there may be damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

Based on a review of the California Scenic Highway Mapping System (http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), subject site is

not located along a State Scenic Highway, nor are there any designated State Scenic Highways located near the project site. Based on this, the proposed project will not result in damage to scenic resources including trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

E. Hazardous Waste Sites. *Projects located on a site or facility listed pursuant to California Government Code 65962.5.*

Based on a review of the California Department of Toxic Substances Control "Envirostor Database" (<http://www.envirostor.dtsc.ca.gov/public/>), no known hazardous waste sites are located on the project site. In addition, there is no evidence of historic or current use, or disposal of hazardous or toxic materials at this location. According to the project's Phase I (Environmental Site Assessment) prepared by Gaston & Associates on November 23, 2016, the project is not listed on any hazardous materials list identified in California Government Code Section 65962.5. Based on this, the project will not result in a significant effect due hazardous waste and this exception does not apply.

F. Historical Resources. *Projects that may cause a substantial adverse change in the significance of an historical resource.*

The project site is located within West Los Angeles Community Plan. SurveyLA conducted a Historic Resources Survey Report for the West Los Angeles Community Plan Area that identified potential historic residential and commercial properties. The project site is vacant therefore there are no Historic Resources present on site.

Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

In conclusion, since the project meets all of the requirements of the categorical exemption set forth at CEQA Guidelines, Section 15303 and none of the applicable exceptions to the use of the exemption apply to the project, it is appropriate to determine this project is categorically exempt from the requirements of CEQA.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018 with Technical Clarifications, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher

upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles, West Los Angeles Development Services Center, or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (310) 231-2901, (818) 374-5050, or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective after February 1, 2019 unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

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Planning Department public offices are located at:

Figueroa Plaza 201 North Figueroa Street, 4 th Floor Los Angeles, CA 90012 (213) 482-7077	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Suite 251 Van Nuys, CA 91401 (818) 374-5050	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 (310) 231-2901
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Pursuant to LAMC Section 12.22 A.25(g)(2)(i)(f), only an applicant, abutting property owners, and abutting tenants can appeal this Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits, increase in FAR, and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Sections 12.22 A.25 and 12.22 A.31 of the LAMC, appeals of Transit Oriented Communities Affordable Housing Incentive Program cases are heard by the City Planning Commission.

The applicant or any person aggrieved by the Site Plan Review may appeal the decision to the City Planning Commission.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Note of Instruction Regarding the Notice of Exemption: Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the issuance of this letter. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, **and the possibility of a CEQA appeal**, being extended to 180 days.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:


Nicholas Hendricks, Senior City Planner

Reviewed by:


Courtney Shum, City Planner

Prepared by:


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Attachments:

Exhibit A: Architectural Plans