

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2019-929-TOC	ENV-2019-930-CE-1A	10 – Wesson
PROJECT ADDRESS:		
738 South Normandie Avenue		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
738 Normandie, LP	N/A	N/A
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Allen Park	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Carolyn Zanelli	310-990-1628	carolynzanelli@gmail.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Iris Wan	213-978-1397	Iris.wan@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
CE		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

CEQA appeal - CE

ATTACHMENTS:

REVISED:

ENVIRONMENTAL CLEARANCE:

REVISED:

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

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

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NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:

Yes

No

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

PLANNING COMMISSION:

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
N/A	N/A
LAST DAY TO APPEAL:	APPEALED:
Original Determination: January 3, 2010	CEQA appealed on January 21, 2020
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez Commission Office	January 24, 2020

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

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CAROLINE CHOE

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MARC MITCHELL

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DANA M. PERLMAN

**CITY OF LOS ANGELES
CALIFORNIA**



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MAYOR

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LISA M. WEBBER, AICP
DEPUTY DIRECTOR

**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM**

December 19, 2019

Applicant/Owner

738 Normandie, LP
3470 Wilshire Blvd. Ste. #700
Los Angeles, CA 90010

Representative

Allen Park
3450 Wilshire Blvd. Ste. #1200-115
Los Angeles, CA 90010

Case No. DIR-2019-929-TOC

CEQA: ENV-2019-930-CE

Location: 738 S. Normandie Avenue

Council District: 10 – Wesson

Neighborhood Council: Wilshire Center – Koreatown

Community Plan Area: Wilshire

Land Use Designation: Regional Center Commercial

Zone: R5-2

Legal Description: Lot 27, Tract 7502

Last Day to File an Appeal: January 3, 2020

DETERMINATION - Transit Oriented Communities Affordable Housing Incentive Program

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

Determine that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332 (Class 32 Urban In-Fill Development), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies;

Approve with Conditions a Transit Oriented Communities (TOC) Affordable Housing Incentive Program Compliance Review for a qualifying Tier 3 project, totaling 50 dwelling units, reserving five (5) units for Extremely Low Income Household occupancy for a period of 55 years, with the following three (3) Additional Incentives:

Additional Incentives

- a. Front Yard and Rear Yard Setbacks.** A reduction to the westerly front yard setback to permit 9.6 inches, in lieu of the minimum 15 feet as required by LAMC Section 12.10 C.1. A reduction in the easterly rear yard setback to permit a minimum of 13 feet 3 inches and 15 feet, in lieu of the minimum 19 feet as otherwise required by LAMC Section 12.11 C.3; and
- b. Side Yard Setbacks.** A reduction in the minimum northerly and southerly side yard setbacks to permit 7 feet, in lieu of 10 feet as otherwise required by LAMC Section 12.11 C.2; and
- c. Open Space.** A 25-percent reduction in the usable open space to require a minimum of 3,750 square feet in lieu of the minimum 5,000 square feet as otherwise required by LAMC Section 12.21 G.2; and

Adopt the attached Findings and Conditions of Approval.

CONDITIONS OF APPROVAL

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. No change to the plans shall be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 50 residential dwelling units.
3. **Affordable Units.** At least five (5) units shall be reserved for Extremely Low Income Households, as defined in Sections 50106 of the California Health and Safety Code, respectively.
4. **Changes in On-Site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or parking numbers shall be consistent with LAMC Section 12.22 A.31 and TOC Guidelines.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make five (5) units available to Extremely Low Income Households for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.31 and TOC Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's AB 2556 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the TOC Guidelines and any monitoring requirements established by the HCIDLA. Refer to the TOC Affordable Housing Incentive Program and Housing Replacement (AB 2556 Determination) Background sections of this determination.
6. **Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22 A.31, which permits 0.5 spaces per dwelling unit for a project located in Tier 3 TOC Affordable Housing Incentive Area.
7. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A 16.
8. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 5.75:1.
9. **Building Height.** The project shall be limited to a maximum building height of 80 feet 3 inches, as measured from grade to the highest point of the roof parapet.
10. **Front Yard.** The project shall provide a minimum westerly front yard setback of 9.6 inches.
11. **Rear Yard.** The project shall provide a minimum easterly rear yard setback of 13 feet 3 inches on the second floor, and a minimum of 15 feet for the third through seventh floors.
12. **Side Yard.** The project shall provide a minimum northerly and southerly side yard setbacks of 7 feet.

13. **Open Space.** The project shall provide a minimum of 3,750 square feet of usable open space.
14. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to **10 percent more than otherwise required** by LAMC 12.40 and Landscape Ordinance Guidelines "O". 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.
15. **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.
16. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
17. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.

Administrative Conditions

18. **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.
19. **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.
20. **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.
21. **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.
22. **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.
23. **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.

24. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
25. **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.
26. **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 project site consists of on rectangular lot with 60 feet of street frontage along the east side of South Normandie Avenue and a uniform depth of 125 feet, for a total lot size of 7,533 square feet. The project site is located within the Wilshire Community Plan, zoned R5-2 and designated for Regional Center Commercial land uses. The site is located within the City of Los Angeles Transit Priority Area and the Community Redevelopment Agency Los Angeles' (CRA/LA) Wilshire Center/Koreatown Redevelopment area which does not regulate residential density. The Wilshire Center/Koreatown Redevelopment Project Area identifies the project site as being located within the Normandie Mariposa Historic District, though the site itself is not identified as a historic resource. The site is located approximately 0.11 kilometers from the Puente Hills Blind Thrust Fault.

The site is currently developed with a surface parking lot. On October 17, 2019, the applicant submitted application to Los Angeles Department of Building and Safety (LADBS) for Parallel Design Permit Process for a seven-story multi-family residential apartment building over one level of subterranean parking garage (Permit #19010-10000-04631). On November 25, 2019, the applicant submitted application to LADBS for a seven-story multi-family residential apartment building over one level of subterranean parking garage (Permit #19010-10000-05298).

Properties in the immediate surrounding area are zoned R5-2 and developed with multi-family residential structures ranging from two to five stories in height and surface parking lots. Abutting property to the north is developed with a five-story apartment building. Abutting property to the south is developed with a four-story apartment building. Abutting property to the east is developed with a three-story apartment building. Adjoining property to the west across Normandie Avenue is developed with a four-story apartment building. The site is also located approximately 330 feet from the Robert F. Kennedy Community Schools.

The proposed project is for the construction, use and maintenance of a seven-story residential structure over one level of subterranean parking garage, containing 50 dwelling units, including five (5) units reserve for Extremely Low Income Households and 45 market-rate units. The building will be a maximum of 80 feet 3 inches, as measured from grade to the top of parapet, and contain approximately 27,500 square feet of floor area with a floor area ratio (FAR) of 5.75. The unit mix will be comprised of 45 studio units and 5 one-bedroom units. The project will provide 25 vehicular parking spaces located at grade and within one level of subterranean parking garage. The project will also provide 42 long-term and 4 short-term bicycle parking spaces. The project will provide a total of 3,750 square feet of open space, including a 2,350 square feet roof deck and 1,400 square feet of private balconies.

The applicant is seeking approval of the following Base and Additional Incentives of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program:

- Base Incentives:
 - A 35% increase in density to allow 50 units in lieu of 37 base units.
 - A minimum of 25 automobile parking spaces required for a 50-unit residential development.
- Additional Incentives
 - Front Yard and Rear Yard Setbacks. A reduction to the westerly front yard setback to permit 9.6 inches, in lieu of the minimum 15 feet as required by LAMC Section 12.10 C.1. A reduction in the easterly rear yard setback to permit a minimum of 13 feet 3 inches and 15 feet, in lieu of the minimum 19 feet as otherwise required by LAMC Section 12.11 C.3; and

- Side Yard Setbacks. A reduction in the minimum northerly and southerly side yard setbacks to permit 7 feet, in lieu of 10 feet as otherwise required by LAMC Section 12.11 C.2; and
- Open Space. A 25-percent reduction in the usable open space to require a minimum of 3,750 square feet in lieu of the minimum 5,000 square feet as otherwise required by LAMC Section 12.21 G.2; and

HOUSING REPLACEMENT (AB 2556 DETERMINATION) BACKGROUND

On September 27, 2014, Governor Jerry Brown signed Assembly Bill (AB) 2222, as amended by AB 2556 on August 19, 2016, to amend sections of California's Density Bonus Law (Government Code Section 65915). AB 2556 requires 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.

Pursuant to the AB 2556 (TOC) Determination Letter dated February 20, 2019, and prepared by the Los Angeles Housing and Community Investment Department (HCIDLA), no affordable replacement units are required, as AB 2556 does not apply to commercial properties.

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. The measure required that the Department adopt a set of TOC Guidelines, which establishes incentives for residential and mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines), released on September 22, 2017, 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 tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

The project site is located less than 2,640 feet from the Metro Purple Line Wilshire/Normandie Station, which qualifies the site as Tier 3 TOC Affordable Housing Incentive Area. As such, the project is eligible for Tier 3 TOC Affordable Housing Incentives.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

To be an eligible TOC Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the 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) 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.*

As previously mentioned, the project qualifies for Tier 3. As such, the project is required to reserve at least 10 percent, or five (5) units, of the 50 total units for Extremely Low Income Households. The project proposes to reserve five (5) units for Extremely Low Income Households. As such, the project satisfies 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.*

A Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The project site is located less than 2,640 feet from the Metro Purple Line Wilshire/Normandie Station. 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 AB 2556 (TOC) Determination Letter dated February 20, 2019, and prepared by the Los Angeles Housing and Community Investment Department (HCIDLA), no replacement affordable units are required, as AB 2556 does not apply to commercial properties. As such, this eligibility requirement does not apply.

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 (3) Additional Incentives for reduced front/rear yard setbacks, reduced side yard setbacks, and reduction in usable open space, which requires at least 11 percent, or five (5) units, of the 37 base units to be set aside for Extremely Low Income Households. The project proposes to set aside five (5) dwelling units for Extremely Low Income Households, which is 13 percent of the 37 base units. As such, the project meets the eligibility requirement for three 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 5 dwelling units for Extremely Low Income Households, which is 13 percent of the 37 base units. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11, and 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 project site consists of one lot which is located within a Tier 3 TOC 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 proposed project does not consist of 100 percent On-Site Restricted Affordable units. 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 (TOC) 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 incentives 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 Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of incentives in the TOC Guidelines were pre-evaluated at the time the TOC Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. The following incentives allow the developer to reduce front, rear, side yard setbacks and usable open space so that affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to reserve 5 of 50 total units for Extremely Low Income Households.

Front Yard: The applicant requests a reduction in the westerly front yard setback to permit 9.6 inches in lieu of the minimum 15 feet as otherwise required by LAMC Section 12.10 C.1. This incentive is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building

design or construction efficiencies that facilitate affordable housing costs.

Rear Yard: The applicant requests a reduction in the easterly rear yard setback to permit 13 feet 3 inches and 15 feet in lieu of the minimum 19 feet as otherwise required by LAMC Section 12.11 C.3. This incentive is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs.

Side Yards: The applicant requests a reduction in the northerly and southerly side yard setbacks to permit 7 feet in lieu of the minimum 10 feet as otherwise required by LAMC Section 12.11 C.2. This incentive is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs.

For Eligible Housing Developments located in residential zones, front yard reductions are limited to no more than the average of the front yards of adjoining buildings along the same street frontage. Per survey plan provided by the applicant, abutting property to the north (Lot 28) maintains a front yard setback of approximately 7.2 inches. The abutting property to the south (Lot 26) maintains a front yard setback of approximately 12 inches. The average of 7.2 inches and 12 inches equals to 9.6 inches. Per Section VII.1.a.ii.2. of the TOC Guidelines, a decrease in the required width or depth of two (2) individual yards or setbacks qualifies as one (1) Additional Incentive. In Tier 3 and Tier 4, front yard reduction may be paired with one other individual yard reduction, which will require the use of only one incentive. The project is located in a Tier 3 TOC Incentive Area, and the reductions in all four yard setbacks count as two incentives.

Open Space: The applicant requests a 25-percent reduction in the usable open space to require a minimum of 3,750 square feet in lieu of the minimum 5,000 square feet as otherwise required by LAMC Section 12.21 G.2. The requested open space incentive is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. The requested incentive allows the inclusion of affordable housing while still providing usable open space as intended by the Code.

- b. The Incentive will not 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 in the record that the proposed incentive 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 finding that there is no evidence in the record that the proposed incentives will have a specific adverse impact is further supported by the CEQA findings. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For

example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the State CEQA Statute and Guidelines and the City's L.A. CEQA Thresholds Guide. Analysis of the proposed project determined that the project is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the State CEQA Statute and Guidelines. Furthermore, the project was evaluated against the exceptions to use of Categorical Exemptions pursuant to Section 15300.2 of the State CEQA Statute and Guidelines and determined that none of the exceptions apply to the proposed project. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact upon public health and safety or the environment, or on any real property that is listed in the California Register of Historical Resources.

ENVIRONMENTAL FINDINGS

The Department of City Planning determined that the proposed project is exempt from CEQA pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Class 32 Urban In-Fill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statute and Guidelines, Section 15300.2 applies.

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

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- (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.

There are five (5) exceptions which the City is required to consider before finding a project exempt under Class 15332: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

See *Justification for Categorical Exemption Case No. ENV-2019-930-CE* in the case file for the narrative demonstrating that the proposed project meets the five criteria under Class 32 and that exceptions do not apply.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional 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.

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.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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.

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."

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination 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 <http://planning.lacity.org>.

Planning Department public offices are located at:

Figueroa Plaza
201 North Figueroa Street
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
1828 Sawtelle Boulevard
2nd Floor
Los Angeles, CA 90025
(310) 231-2901

Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal this Density Bonus Compliance Review 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 and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

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 Figueroa Plaza in Downtown Los Angeles, Marvin Braude Constituent Service Center in the Valley, or in West


Los Angeles. 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 through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7077, (818) 374-5050, or (310) 231-2901. The applicant is further advised to notify any consultant representing you of this requirement as well.

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.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

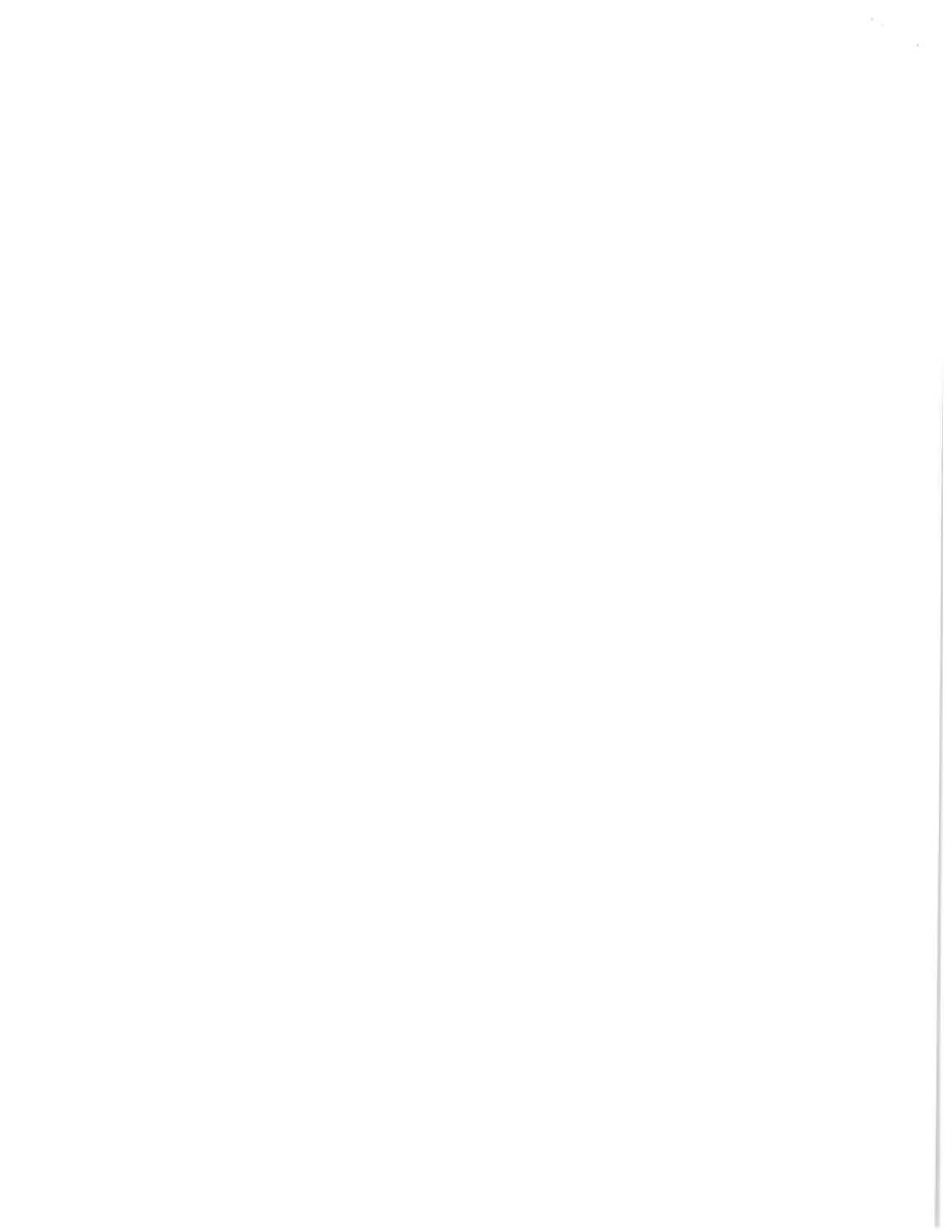
Prepared by:



Christina Toy Lee, Senior City Planner



Iris Wan, City Planner
Iris.Wan@lacity.org



COUNTY CLERK'S USE

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 200 NORTH SPRING STREET, ROOM 395
 LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
 (PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS
 DIR-2019-929-TOC

LEAD CITY AGENCY City of Los Angeles (Department of City Planning)	CASE NUMBER ENV-2019-930-CE
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PROJECT TITLE 738 Normandie Avenue Apartments	COUNCIL DISTRICT 10 - Wesson
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PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map) 738 S. Normandie Avenue	<input type="checkbox"/> Map attached.
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PROJECT DESCRIPTION: 50-unit apartment building, reserving five (5) units for Extremely Low Income Households	<input checked="" type="checkbox"/> Additional page(s) attached.
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NAME OF APPLICANT / OWNER:
738 Normandie LP / Allen Park

CONTACT PERSON (If different from Applicant/Owner above)	(AREA CODE) TELEPHONE NUMBER	EXT.
	(213) 201-1038	

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)
Public Resources Code Section(s) _____

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)
CEQA Guideline Section(s) / Class(es) Section 15332 Class 32 (Urban In-Fill Development)

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION: Additional page(s) attached

Class 32 – (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with 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. (e) The site can be adequately served by all required utilities and public services

None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.

The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.
 If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE Iris Wan 	STAFF TITLE City Planner
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ENTITLEMENTS APPROVED
 TOC Affordable Housing Incentive Program Review – See Case # DIR-2019-929-TOC

FEE: \$5,774,00 + surcharges	RECEIPT NO. 0104002287	REC'D. BY (DCP DSC STAFF NAME) Sasaki, Motoumi
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