

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

<b>CITY PLANNING CASE:</b>		<b>ENVIRONMENTAL CASE:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2021-8640-DB-CU-SPR-PHP-VHCA-1A		ENV-2021-8641-CE	8 – Harris-Dawson
<b>RELATED CASE NOS.</b>		<b>COUNCIL FILE NO:</b>	
<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A	
<b>PROJECT ADDRESS / LOCATION:</b>			
1218 – 1238 West Manchester Avenue			
<b>APPLICANT:</b>		<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
1218 West Manchester Associates, LLC 6404 Wilshire Boulevard, Unit 1200 Los Angeles, CA 90048  <input type="checkbox"/> N/A <input type="checkbox"/> New/Changed		818-387-8832	<a href="mailto:yoav.atzmon@gmail.com">yoav.atzmon@gmail.com</a>
<b>APPLICANT'S REPRESENTATIVE:</b>		<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Heather Lee, Ketter & Associates 12650 Riverside Drive, Unit 100 North Hollywood, CA 91607  <input type="checkbox"/> N/A		310-906-6880	<a href="mailto:heather@hleeconsulting.com">heather@hleeconsulting.com</a>
<b>APPELLANT:</b>		<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Supporters Alliance for Environmental Responsibility 4399 Santa Anita Avenue, Suite 2005 El Monte, CA 91731  <input type="checkbox"/> N/A		510-836-4200	<a href="mailto:richard@lozeaudrury.com">richard@lozeaudrury.com</a>
<b>APPELLANT'S REPRESENTATIVE:</b>		<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Victoria Yundt, Lozeau Drury LP 1939 Harrison Street, Suite 150 Oakland, CA 94612  <input type="checkbox"/> N/A		510-836-4200	<a href="mailto:victoria@lozeaudrury.com">victoria@lozeaudrury.com</a>
<b>PLANNER CONTACT:</b>		<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Connie Chauv, City Planner		213-978-0016	<a href="mailto:connie.chauv@lacity.org">connie.chauv@lacity.org</a>

**ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):**

**Site Plan Review (SPR)**

*The preparation of a draft ordinance by the City Attorney will be required.*

**FINAL ENTITLEMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION:  
(UNAPPEALED OR NON-APPEALABLE ITEMS)**

**Density Bonus (DB); Conditional Use (CU)**

N/A

**ITEMS APPEALED:**

**Appeal of all Site Plan Review (SPR) conditions**

N/A

**ATTACHMENTS:**

**REVISED:**

**ENVIRONMENTAL DOCUMENT:**

**REVISED:**

<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration (ND)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration (MND)	<input type="checkbox"/>
<input type="checkbox"/> T Conditions	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report (EIR)	<input type="checkbox"/>
<input type="checkbox"/> Proposed Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program (MMP)	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map and Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Project Exemption (SCPE)	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA)	<input type="checkbox"/>
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Exhibit A – Plans	<input type="checkbox"/>	<input type="checkbox"/> Appendices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>	<input type="checkbox"/> Other:	<input type="checkbox"/>
<input checked="" type="checkbox"/> Interested Parties List	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Appeal	<input type="checkbox"/>		
<input type="checkbox"/> Development Agreement	<input type="checkbox"/>		
<input type="checkbox"/> Site Photographs	<input type="checkbox"/>		
<input type="checkbox"/> Other:	<input type="checkbox"/>		

**NOTES / INSTRUCTIONS:**

N/A

**FISCAL IMPACT STATEMENT:**

Yes  No

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

**PLANNING COMMISSION:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> North Valley Area Planning Commission |
| <input type="checkbox"/> Cultural Heritage Commission (CHC)        | <input type="checkbox"/> South LA Area Planning Commission     |
| <input type="checkbox"/> Central Area Planning Commission          | <input type="checkbox"/> South Valley Area Planning Commission |
| <input type="checkbox"/> East LA Area Planning Commission          | <input type="checkbox"/> West LA Area Planning Commission      |
| <input type="checkbox"/> Harbor Area Planning Commission           |  |

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
August 25, 2022	8 – 0
<b>LAST DAY TO APPEAL:</b>	<b>DATE APPEALED:</b>
September 30, 2022	September 29, 2022
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	October 4, 2022



# LOS ANGELES CITY PLANNING COMMISSION

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

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

## LETTER OF DETERMINATION

MAILING DATE: **SEP 15 2022**

Case No. **CPC-2021-8640-DB-CU-SPR-PHP-VHCA**  
CEQA: ENV-2021-8641-CE  
Plan Area: South Los Angeles

Council District: 8 – Harris-Dawson

**Project Site:** 1218 – 1238 West Manchester Avenue

**Applicant:** 1218 West Manchester Associates, LLC  
Representative: Heather Lee, Ketter & Associates

At its meeting of **August 25, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of a five-story, 56-foot tall mixed-use residential building comprising 132 dwelling units (including 18 Very Low-Income units) and 5,444 square feet of ground-floor commercial space. The Project will be approximately 85,793 square feet in floor area with a Floor Area Ratio (FAR) of 2.6:1. The Project will provide 97 residential and 16 commercial parking spaces in a subterranean and partial at-grade parking level. The site is currently improved with three single-family dwellings with warehouse/commercial uses, and two non-protected on-site trees, all of which will be demolished. An existing wireless telecommunications facility (cell tower) is proposed to remain. Three non-protected street trees may be removed from the public right-of-way. The Project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with Los Angeles Municipal Code (LAMC) Sections 62.169 and 62.170 and their applicable findings. The Project will also involve the grading of approximately 12,000 cubic yards of soil.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332, Class 32, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25(g)(2) and 12.22 A.25(g)(3) of the Los Angeles Municipal Code (LAMC), a Density Bonus/Affordable Housing Incentive Program Compliance Review to permit the construction of a Housing Development Project totaling 132 units, reserving 18 units for Very Low Income Household occupancy for a period of 55 years, with the following requested On- and Off-Menu Incentives and one Waiver of Development Standard:
  - a. An On-Menu Incentive for a six-foot six-inch westerly side yard setback in lieu of the eight feet otherwise required by the C2-1L-CPIO Zone;
  - b. An On-Menu Incentive for a six-foot six-inch easterly side yard setback in lieu of the eight feet otherwise required by the C2-1L-CPIO Zone;
  - c. An Off-Menu Incentive for a Floor Area Ratio (FAR) of 2.6:1 in lieu of 1.5:1 as otherwise permitted in the C2-1L-CPIO Zone; and

- d. A Waiver of Development Standard for a 20 percent reduction in the required open space, to allow 11,875 square feet in lieu of the 14,725 square feet otherwise required by LAMC Section 12.21 G;
4. **Approved**, pursuant to LAMC Section 12.24 U.26, a Conditional Use Permit for a 60 percent increase in density over the Project site, in lieu of the otherwise permitted 35 percent increase in density allowable under LAMC Section 12.22 A.25;
  5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project resulting in an increase in 50 or more dwelling units;
  6. **Adopted** the attached Conditions of Approval; and
  7. **Adopted** the attached Findings.

The vote proceeded as follows:

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

**Vote:** 8 – 0



Cecilia Lamas, Commission Executive Assistant  
 Los Angeles City Planning Commission

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Off-Menu Density Bonus Incentives and Waiver of Development Standards are not appealable. The On-Menu Incentives are appealable to City Council by the Applicant or abutting owners/occupants per LAMC Section 12.22 A.25(g)(2)(i)(f). All remaining actions are appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE:** SEP 30 2022

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

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

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

c: Faisal Roble, Principal City Planner  
 Michelle Singh, Senior City Planner  
 Connie Chauv, City Planner

## CONDITIONS OF APPROVAL

### Density Bonus & Conditional Use Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped “Exhibit A,” and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 132 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 18 units, that is 21 percent of the base dwelling units, shall be reserved as affordable units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2). The Density Bonus Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Los Angeles Housing Department (“LAHD”) 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.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD). The covenant shall bind the owner to reserve 18 units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. 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 any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background and Housing Replacement (SB 330 Determination) Background sections of this determination.
5. **Floor Area Ratio (FAR) (Incentive).** The project shall be limited to a maximum floor area ratio of 2.6:1 per Exhibit “A”.
6. **Automobile Parking for Residential Uses.** Pursuant to Assembly Bill (“AB”) 2345 and California Government Code Section 65915(p)(2)(A), a development includes at least 11 percent Very Low Income units and is located within one-half mile of a Major Transit Stop is allowed one-half parking space per unit. Based upon the number of dwelling units proposed, 66 residential parking spaces shall be provided for the project. The project proposes 97 residential parking spaces as provided in Exhibit “A”.
7. **Automobile Parking for Commercial Uses.** CPIO Section II-3.A.2 and Table II-2 allow a 25 percent reduction of required parking for Targeted Commercial Uses. The project shall provide a Targeted Commercial Use as defined by the CPIO, including Banks, Credit Unions, child care facilities, Health Centers, Full Service Fitness Centers, Full-Service Grocery Stores, and Sit-Down Restaurants, in order to qualify for the parking reduction to provide a minimum of 16 commercial parking spaces, as provided in Exhibit “A”.

8. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. The project shall provide 135 long-term and 16 short-term bicycle parking spaces, as provided in Exhibit "A".
9. **Street Dedications.**
  - a. **Manchester Avenue** – None.
  - b. **Alley** (South of Manchester Avenue) – A 4-foot wide strip of land along alley frontage to complete a 20-foot wide alley right-of-way.
10. **Street Improvements.**
  - a. **Manchester Avenue** – Repairs and/or replace any broken, damaged, cracked, off-grade concrete curb, gutter, sidewalk and roadway pavement including any necessary removal and reconstruction of existing improvements satisfactory to the City Engineer. Close all unused driveways with full height curb, gutter and concrete sidewalk.
  - b. **Alley** – Reconstruct the 20-foot alley with asphalt pavement adjoining the new property line and reconstruct the 2-foot wide longitudinal concrete gutter. These improvements should suitably transition to join the existing improvements.

#### **Site Plan Review Conditions**

11. **Height.** The project shall be limited to five (5) stories and 56 feet in building height per Exhibit "A".
12. **Living Wall.** The project shall provide a landscaped "living wall" along the façade behind the transformer facing Manchester Avenue, as provided in Sheet A6.3 of Exhibit "A". Landscape plans shall be updated to include the size and location of plants for the "living wall".
13. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the South Los Angeles Community Plan Implementation Overlay ("CPIO") pursuant to Ordinance No. 185,927, except as modified herein.
14. **Construction.** A construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that construction related traffic be restricted to off-peak hours.
15. **Mechanical Equipment.** All exterior mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, satellite dishes, and cellular antennas, shall be screened from public view through the use of architectural elements such as parapets.
16. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).

17. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.
18. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
19. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
20. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.
21. **Parking Structure Design.** Parking structures or that portion of a building or structure that is used for parking at grade or above grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts (“spillover”) on adjacent streets and properties.
22. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project equivalent to 10% 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 landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit “A,” and shall incorporate any modifications required as a result of this grant.
23. **Soil Depths.** Shrubs, perennials, and groundcover shall require a minimum soil depth as follows:
  - a. A minimum depth with a height ranging from 15 to 40 feet shall be 42 inches.
  - b. A minimum depth with a height ranging from 1 to 15 feet shall be 24 to 36 inches.
  - c. A minimum depth with a height of less than 1 foot shall be 18 inches.
  - d. A minimum depth of an extensive green roof shall be 3 inches.Trees shall require a 42 inch minimum soil depth.  
Further, the minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:
  - e. 220 cubic feet for trees with a canopy diameter ranging from 15 to 19 feet.
  - f. 400 cubic feet for trees with a canopy diameter ranging from 20 to 24 feet.
  - g. 620 cubic feet for trees with a canopy diameter ranging from 25 to 29 feet.
  - a. 900 cubic feet for trees with a canopy diameter ranging from 30 to 34 feet
24. **Street Trees.**
  - a. New street trees shall be planted within the public right-of-way, where feasible, at a ratio of at least one (1) tree for every 25 feet of lot length, to the satisfaction of the Bureau of Street Services, Urban Forestry Division, Department of Public Works.



- b. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).
25. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.
26. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
27. **Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
28. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

### **Administrative Conditions**

29. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
30. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
31. **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.
32. **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.
33. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to

the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

34. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

35. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

36. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any

obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

## FINDINGS

### DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. **Government Code Section 65915 and LAMC Section 12.22 A.25 state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:**
  - a. **The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested On- and Off-menu 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.

Based on the set-aside of 21 percent of base units for Very Low Income households, the applicant is entitled to three (3) Incentives under both the Government Code and LAMC. Therefore, the three (3) On- and Off-Menu requests qualify as the proposed development's Incentives.

*Side Yard Setbacks:* LAMC Section 12.14 C.2 requires side yards to conform to the requirements of the R4 Zone for portions of buildings erected and used for residential purposes. The R4 Zone requires side yards of a minimum of 5 feet, and requires one additional foot in the width of the rear yard for each additional story above the 2nd story. The Project is a 5-story mixed-use residential building. Given all levels of the project would be utilized in whole or in part by residential uses, the Project would therefore be required to provide 8-foot side yard setbacks. The On-Menu Incentive allows a 20 percent reduction resulting in 6 feet 6.4-inches. The Applicant has requested two (2) On-Menu Incentives for reduced side yard setbacks, and proposes 6-foot 6-inch easterly and westerly side yard setbacks in lieu of the 8 feet otherwise required. Provision of the reduced 6-foot 6-inch side yard setbacks along the approximately 137-foot building width accounts for an additional building area of approximately 410 per floor, totaling 2,050 square feet across all five floors. Strict compliance with the side yard requirements would reduce the buildable lot area by 3 feet total, thereby limiting the buildable area for new development and reducing the number and range of units that could be developed. As shown on Sheet A0.0a of the project plans, the unit sizes range from 310 to 1,025 square feet. Without the side yard setback incentives, the total unit count would be reduced by at least 2 units from 132 units to 130 units. The requested incentive allows the developer to reduce setback requirements so the affordable housing units can be constructed and the overall space dedicated to residential uses is increased. Therefore, the side yard setback incentives will result in identifiable and actual cost reductions to provide for affordable housing costs.

*FAR:* The subject site is zoned C2-1L-CPIO, with a Height District No. 1L that allows a maximum Floor Area Ratio ("FAR") of 1.5:1. The applicant has requested an Off-Menu Incentive to allow a 2.6:1 FAR in lieu of the otherwise permitted 1.5:1 FAR. The

proposed 2.6:1 FAR allows an additional 36,262 square feet. As proposed, the additional FAR will allow for the construction of the affordable residential units. The requested incentive will allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased. Without the incentive to permit additional floor area, the average unit size and bedroom count would have to be significantly smaller to construct the number of units that the requested density bonus allows. The ability to develop larger units will increase the revenues from the market-rate units, which will lower the marginal cost of developing the affordable units. The additional floor area will allow certain fixed costs involved in the construction of new residential units to be spread over more floor area thereby reducing the per square foot build cost of the development. Therefore, the FAR incentive will result in identifiable and actual cost reductions to provide for affordable housing costs.

FAR by-right	Lot Area (sf)	Total Floor Area (sf)
1.5:1	33,021	$33,021 \times 1.5 =$ <b>49,531</b>

FAR Requested	Buildable Lot Area (sf)	Total Floor Area (sf)	Additional Floor Area (sf)
2.6:1	33,021	85,793	$85,793 - 49,531 =$ <b>36,262</b>

- b. The Incentive will have specific adverse impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)).

The facades of the proposed building which face Manchester Avenue are articulated in multiple ways, creating a visually interesting elevation that invites interaction with the streets. The structure will also be oriented toward the street with entrances, windows, and architectural features on street-facing elevations as required. The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the requested incentives. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on public health and safety, or on property listed in the California Register of Historic Resources.

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

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

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

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

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

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

A project that provides 21 percent of total units for Very Low Income Households qualifies for three (3) Incentives, and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1)).

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

*Open Space:* LAMC Section 12.21 G requires 100 square feet of usable open space per dwelling unit with less than 3 habitable rooms, and 125 square feet of usable open space per dwelling unit with 3 habitable rooms. For the proposed project with 18 studios, 67 one-bedroom units, and 40 two-bedroom units, and 7 three-bedroom units, a total of 14,725 square feet of open space would be required. Strict compliance with the open space requirements would have the effect of physically precluding construction of the development proposing 132 dwelling units, 18 of which will be set aside for Very Low Income Households. The applicant has requested a 20 percent reduction to allow 11,875 square feet of open space through a Waiver of Development Standard. Without the incentive to reduce the minimum usable open space required to 11,875 square feet, the project would need to provide an additional 2,850 square feet of common or private open space on-site. As shown on Sheet A0.0a of the project plans, the unit sizes range from 310 to 1,025 square feet. Without the open space waiver, the total unit count would be reduced by at least 2 units from 132 units to 130 units. Compliance with the minimum usable open space provision would require the removal of floor area that could otherwise be dedicated to the number, configuration, and livability of affordable housing units. Specifically, the project would not only need to comply with the total amount of usable open space requirements, but also the design, dimension, and area requirements set forth in LAMC Section 12.21 G. Common open space would need to be at least 15 feet in width on all sides, have a minimum area of 400 square feet, and be open to sky. The project would lose floor area of the development in order to meet all of these additional requirements for common open space. Therefore, provision of all the required open space would physically preclude construction of the project at the permitted density and with the requested incentives, resulting in a loss of five (5) residential dwelling units.

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

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

### **CONDITIONAL USE FINDINGS**

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

The project site is zoned C2-1L-CPIO, which allows a base density of 83 dwelling units on the subject property. The Density Bonus Ordinance allows a density bonus of up to 35 percent in exchange for setting aside 15 percent of the 83 base density units for Very Low Income Households. With the Density Bonus Ordinance, the project would be permitted a density bonus of 30 units allowing a total of 113 units on site in exchange for setting aside 13 units for Very Low Income Households.

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

<b>Percentage of Base Density to be Restricted to Very Low Income Households</b>	<b>Percentage of Density Increase Granted</b>
11	35
12	37.5
13	40
14	42.5

15	45
16	47.5
17	50
18	52.5
19	55
20	57.5
<b>21</b>	<b>60</b>

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 60 percent increase in density for a total of 132 dwelling units in lieu of 83 dwelling units as otherwise permitted by-right in the C2-1L-CPIO Zone. As provided in the table above, the applicant is required to set aside at least 21 percent, or 18 units, of 83 by-right density units for the 60-percent density increase. The applicant proposes a project totaling 132 dwelling units, 18 of which will be restricted to Very Low Income Households for a period of 55 years, which is 21 percent of the 83 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 60 percent density increase.

According to the 2021 Housing Element of the City of Los Angeles General Plan, 22 percent of total households in the City earn less than \$25,000 a year and 42 percent of all households make less than \$50,000 a year, therefore, almost half of the City's residents are in the Very Low or Low Income Categories. The City has determined that the shortage of affordable housing is an ongoing crisis in Los Angeles. The increased intensity and density of the proposed development will be offset by the project's ability to provide the number of affordable units required by the City's Density Bonus policy. Therefore, the proposed project would provide a service that is essential and beneficial to the community, city and region.

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

The project is the construction of a of a five-story, 56-foot tall mixed-use residential building comprised of 132 dwelling units (including 18 Very Low Income units) and 5,444 square feet of ground-floor commercial space. The project will be approximately 85,793 square feet in floor area with a Floor Area Ratio ("FAR") of 2.6:1. The project will provide 97 residential and 16 commercial parking spaces in a subterranean and partial at-grade parking level. The site is currently improved with three (3) single-family dwellings, two (2) warehouse storage buildings, and two (2) non-protected on-site trees, all of which will be demolished for the project. Three (3) non-protected street trees may be removed from the public right-of-way. The project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with LAMC Sections 62.169 and 62.170 and their applicable findings. The project will also involve the grading of approximately 12,000 cubic yards of soil. An existing wireless telecommunications facility (cell tower) is proposed to remain.

The subject site is located in an urbanized area surrounded by a combination of primarily single- and multi-family residential and commercial uses. Properties along Manchester Avenue are zoned C2-1L-CPIO and serve as a commercial corridor. Abutting properties to the west, east, and north along Manchester Avenue are improved with residential and commercial uses up to two stories in height, including a market, laundromat, churches,



offices, salon, fast food restaurants, and auto repair and sales. Across the alley to the south is the city boundary for the City of Inglewood, with adjacent properties improved with one- and two-story single- and multi-family residential buildings. The site is within 500 feet of the Vox Collegiate of Los Angeles and Alliance Piera Barbaglia Shaheen Health Services Academy High School. The subject site is located within one-half mile (2,640 feet) of a Major Transit Stop located at the intersection of Manchester Avenue and Vermont Avenue, served by Los Angeles County Metropolitan Transportation Authority ("Metro") 115, 204, and 754 bus lines, and Los Angeles Department of Transportation ("LADOT") Vermont/Main bus line. Bus stops are located at the street intersection.

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

The project has been designed with ground floor retail space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will enhance the pedestrian experience and streetscape by removing two (2) existing curb cuts, and providing all vehicular access from the alley.

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

The subject site is zoned C2-1L-CPIO, with a Height District No. 1L that allows a maximum building height of 75 feet and 6 stories and a FAR of 1.5:1 on the subject site. The project proposes a building height of 56 feet and 5 stories which is allowed by the site's zoning by-right; no height increases are requested. The applicant has requested an Off-Menu Incentive to allow a 2.6:1 FAR in lieu of the otherwise permitted 1.5:1 FAR through the Density Bonus Ordinance. Although the massing of the project is larger than the existing commercial and residential buildings on Manchester Avenue, the project's height is consistent with the zone. In addition, the project is separated from the abutting residential properties to the south by the 16-foot wide alley, and the project provides an upper level setback on Level 5 to minimize the building mass from the southerly neighboring properties. Therefore the project will be compatible with and will not degrade the surrounding built environment.

The project will provide 97 residential and 16 commercial parking spaces within an enclosed garage that encompasses a partial at-grade and one subterranean parking level. The project will also provide a loading space that is accessed from the alley and enclosed in the parking garage. The project wraps the parking garage with active uses so that no parking will be visible from the street. All vehicular access will be taken off of the alley, and the project will remove two (2) existing curb cuts. Therefore, the project will not degrade surrounding properties. Furthermore, according to the Transportation Assessment prepared by Ganddini Group, Inc. dated February 7, 2022 and the Department of Transportation ("LADOT") Transportation Assessment Letter dated April 26, 2022, the project will not result in a significant VMT per capita impact. Over five (5) percent, that is seven (7) parking spaces, of the 113 provided parking spaces, will be equipped with electric vehicle charging stations.

Residential amenities are provided in the form of a community room located at the ground floor, a central open-air courtyard on Level 2, outdoor decks on Level 5, and gyms in the basement, as well as individual private balconies, totaling 11,875 square feet of usable open space. The project provides 300 square feet of private open space via balconies. The project will remove two (2) non-protected on-site trees, and proposes to maintain the three (3) non-

protected street trees along the public right-of-way. The project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with LAMC Sections 62.169 and 62.170 and their applicable findings. However, the project will plant 35 new trees as shown in Exhibit "A".

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

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

The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

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

The project site is located in the South Los Angeles Community Plan, and is designated for Community Commercial land uses, with corresponding zones of C2, C4, RAS3, R3, RAS4, and R4. The site is zoned C2-1L-CPIO, and is consistent with the land use designation. The C2 Zone allows for R4 density at a ratio of one dwelling unit per 400 square feet of lot area. Height District No. 1L in the C2-1L-CPIO Zone allows a maximum building height of 75 feet and 6 stories and a FAR of 1.5:1 on the subject site. The site is also located within the South Los Angeles Community Plan Implementation Overlay ("CPIO") District General Corridor Subarea. The CPIO contains additional regulations for ground floor and building height, density, building disposition, building design, and parking. The site is also located within the Vermont/Manchester Recovery Redevelopment Project Area (Zoning Information or "ZI" File No. 2488), South Los Angeles Alcohol Sales Specific Plan (ZI File No. 1231), and Transit Priority Area (ZI File No. 2452).

Consistent with the Community Plan, the proposed 132-unit mixed-use development, which includes 18 Very Low Income units, adds new multi-family housing and much needed affordable housing to Los Angeles's housing supply, in a neighborhood that is conveniently located to a variety of regional destinations, community services and amenities, and multi-modal transportation options. It also adds approximately 5,444 square feet of ground floor commercial space to serve the community.

Framework Element

The General Plan designates the subject site with Community Commercial land use designation with corresponding zones of C2, C4, RAS3, R3, RAS4, and R4. The property is zoned C2-1L-CPIO, which is consistent with the Community Commercial land use. The C2-

1L-CPIO zone allows for R4 (High Medium Residential) land uses and estimates 56 to 109 dwelling units per acre.

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

Therefore, as a 5-story mixed-use development with a maximum 2.6:1 FAR as allowed by Density Bonus, the proposed project is consistent with the General Plan Framework.

#### Land Use Element – South Los Angeles Community Plan

The proposed project aligns with the intent of the South Los Angeles Community Plan including the following:

*Goal LU4: Distinct multi-family neighborhoods that preserve physical assets and foster neighborhood character and identity.*

*Policy LU4.2 – On-site Amenities. Encourage new multi-family developments to provide amenities for residents such as on-site recreational facilities, community meeting spaces and usable private and/or public open space.*

*Policy LU4.3 – Compliance with Design Guidelines. New multi-family residential development should be designed in accordance with established design guidelines to ensure high-quality design.*

*Goal LU5 – Adequate housing units are promoted and provided for all segments of the community regardless of income, age, physical ability, or ethnic background.*

*Policy LU5.1 – Address Diverse Resident Needs. Provide for the preservation of existing housing stock and for the development of new housing to meet the diverse economic and physical needs of existing residents and the projected population of the Community Plan Area to the year 2035.*

*Policy LU5.2 – Diverse and Affordable Housing. Prioritize housing that is affordable to a broad cross-section of income levels, that provides a range of residential product types, and that supports the ability to live near work.*

*Policy LU5.6 – Locate Density Appropriately. Locate higher residential densities, senior citizen housing, affordable housing and mixed-income housing, when feasible, near commercial centers, transit stops (e.g., near Expo Line and Green Line station areas) and public service facilities.*

*Goal LU6 – A commercial sector that is strong and competitive, that serves the needs of individual neighborhoods and the broader community, and that provides local residents with access to high quality jobs providing a pathway out of poverty.*

*Policy LU6.3 – Diverse and Desirable Uses. Attract a diversity of uses that strengthen the economic base and expand market opportunities for existing and new businesses, and provide a distribution of desirable amenities throughout the community, including full service grocery stores, quality sit-down restaurants, and entertainment venues.*

*Goal LU9 – Areas of high pedestrian activity that thrive and vibrant, cohesive neighborhoods that feel inviting and safe.*

*Policy LU9.1 – Design for Pedestrians. Preserve, enhance and expand existing pedestrian orientation along commercial streets through design standards such as maintaining a uniform street frontage and locating parking at the rear of lots.*

*Policy LU9.2 – Active Streets. Encourage an active street environment along commercial corridors by incorporating commercial or other active public uses along street frontages.*

*Policy LU9.8 – Reduce Conflicts. Design mixed-use projects to mitigate potential conflicts between commercial and residential uses (e.g., noise, lighting, security, truck and automobile access), and provide adequate amenities for residential occupants.*

*Policy LU9.10 – Minimize Curb Cuts. Minimize curb cuts along boulevards and encourage vehicular access from alleys or side streets.*

*Goal LU12 – Strong and competitive community commercial areas that serve the needs of the surrounding community while preserving historic commercial and cultural character.*

*Policy LU12.1 – Density and Mixed-Use. Locate higher densities and a mix of uses in areas designated community commercial, as appropriate, unless identified as commercial-only.*

*Policy LU12.2 – Design for Transitions. The scale and massing of new development along corridors should provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods with lower development intensities and building heights.*

*Policy LU12.3 – Design Standards and Guidelines. Recommend that new development projects conform to design standards and guidelines that promote high-quality and attractive buildings, as well as an active pedestrian oriented environment.*

The project is for the construction of a new mixed-income, mixed-use residential development on an underutilized site. The project will result in the net increase of 129 dwelling units, which will include 18 Very Low Income units. It will also provide approximately 5,444 square feet of commercial that will enhance the pedestrian experience on Manchester Avenue. The site is located within walking distance of public transit and local amenities. As shown in Exhibit "A" and Finding No. 4, the Project will provide design features to enhance the visual quality of the area.

### Housing Element 2021 - 2029

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

*Goal 1 – A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*

*Objective 1.2 – Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.*

*Policy 1.2.1 – Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.*

*Policy 1.3.1 – Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.*

*Goal 3 – A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.*

*Objective 3.2 – Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

*Policy 3.2.2 – Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

The proposed project will result in a net increase of 129 new residential units to the City's housing stock and conforms with the applicable provisions of the Housing Element. The applicant has requested deviations from code requirements under the Density Bonus program for increased FAR, reduced yards, and reduced open space, thereby allowing the creation of affordable units. Pursuant to Density Bonus requirements, 21 percent (18 units) of the base units, will be set aside for Very Low Income units. Additionally, this mixed-income development is in close proximity to public transit options, and a variety of retail, commercial, entertainment, recreational, and employment opportunities. Locating new housing and commercial space in this portion of Manchester Avenue will allow residents to have better access to employment centers and places of interest in area.

### Mobility Plan 2035

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

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

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

The project utilizes Density Bonus incentives for the construction of a mixed-income, mixed-use development that provides housing opportunities in close proximity to public transit along the Manchester Avenue corridor, and proposes reduced parking consistent with Assembly Bill (“AB”) 2345 and California Government Code Section 65915(p)(2)(A), thereby encouraging multi-modal transportation and decreasing vehicle miles traveled in the neighborhood. The site is located along Manchester Avenue which is designated by the Mobility Plan as a Tier 1 Protected Bicycle Lane and is also within the designated Pedestrian Enhanced District.

#### South Los Angeles CPIO

The South Los Angeles Community Plan Implementation Overlay (“CPIO”) District was adopted by the Los Angeles City Council and became effective on December 29, 2018 under Ordinance No. 185,927. The subject site is located within the General Corridor of the South Los Angeles CPIO, which contains additional regulations for height, density, floor area, building disposition, building design, and parking. The project is subject to administrative review for compliance with the South Los Angeles Community Plan Implementation Overlay (“CPIO”). Therefore, as conditioned herein and required by LAMC Section 13.14 G.2 and CPIO, the project will be subject to an administrative review and clearance process for CPIO compliance prior to the issuance of building permits.

#### Vermont/Manchester Recovery Redevelopment Plan

The project site is located within the Vermont/Manchester Recovery Redevelopment Project Area; accordingly, the project has been reviewed for consistency and compliance with the Vermont/Manchester Recovery Redevelopment Plan. The project is consistent with the goals of the Redevelopment Plan which seeks to promote a community image that expresses an aesthetically pleasing and clean community, promote the establishment of a full service shopping area, promote the provision of a high level of public services and facilities, and facilitate new affordable housing development meanwhile minimizing displacement of existing residents.

Therefore, the proposed project is consistent with the purposes, intent and provisions of the General Plan, South Los Angeles Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan by meeting several of its goals, objectives, and policies. Specifically, the project would provide housing and commercial uses on underutilized land to 1) accommodate necessary residential growth and provide a mix of apartment sizes and affordability levels, including rent restricted units for Very Low Income households, and 2) reinforce an existing mixed-use corridor by providing an array of housing options, new retail, improved streetscape, and landscaping, that would be inviting to nearby residents and pedestrians along Manchester Avenue.

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

The City’s Housing Element for 2021-2029 was adopted by the City Council on November 24, 2021. The Housing Element is the City’s blueprint for meeting housing and growth challenges. It identifies the City’s housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City’s housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City.

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

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

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

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

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

In granting a Conditional Use for a 60 percent density increase, affordable housing is required beyond the minimum percentage required per the State Density Bonus Law and the City's Density Bonus Ordinance. This ensures that the project provides a proportional amount of affordable housing units compared to the density increase it is seeking. In this case, the project is required to set aside 21 percent, that is 18 units, of the 83 base density units for Very Low Income Households in exchange for the 60 percent density increase requested. The project proposes to set aside 18 units for Very Low Income Households, thereby complying with the requisite percentage of affordable housing units for the 60 percent density increase.

Although the project involves the demolition of three (3) existing residential units, the project will not result in a loss of housing as it will provide a net increase of 129 dwelling units on the subject site. By redeveloping the subject site for the proposed mixed-use project, a net increase of 129 new dwelling units will be made available in the community. The project will set aside 18 units for Very Low Income Households. The project will offer a range of apartment types and sizes as it provides 18 studios, 67 one-bedrooms units, and 40 two-bedroom units, and 7 three-bedroom units. Additionally, the project proposes a total of 11,875 square feet of usable open space within a community room, a central open-air courtyard, and gym, as well as individual private balconies. The project will provide affordable housing in close proximity to transit. The subject site is located within one-half mile (2,640 feet) of a Major Transit Stop located at the intersection of Manchester Avenue and Vermont Avenue, served by Los Angeles County Metropolitan Transportation Authority ("Metro") 115, 204, and 754 bus lines, and Los Angeles Department of Transportation ("LADOT") Vermont/Main bus line. Bus stops are located at the street intersection. Therefore, the project is in conformance with the affordable housing provisions of the Housing Element.

- 7. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:**
- A. 11% Very Low Income Units for a 35% density increase; or**
  - B. 20% Low Income Units for a 35% density increase; or**
  - C. 40% Moderate Income Units for a 35% density increase in for-sale projects.**

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

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

The project site is zoned C2-1L-CPIO, which allows a base density of 83 dwelling units on the subject property. Per the Density Bonus Ordinance, the project is permitted a 35 percent density increase in exchange for setting aside 15 percent, or 13 units, of the 83 base density units for Very Low Income Households. The project is permitted additional density increase beyond 35 percent by setting aside one (1) additional percent of base density units above the 11 percent for Very Low Income Households for every additional 2.5 percent density increase above the 35 percent. Below is a table showing the requisite percentage of affordable housing units for Very Low Income Households based on the percentage of density increase.

Percentage of Base Density to be Restricted to Very Low Income Households	Percentage of Density Increase Granted
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5
17	50
18	52.5
19	55
20	57.5
<b>21</b>	<b>60</b>

The applicant requests a Conditional Use for a density increase in excess of 35 percent pursuant to LAMC Section 12.24 U.26, to allow a 60 percent increase in density for a total of 132 dwelling units in lieu of 83 dwelling units as otherwise permitted by-right in the C2-1L-CPIO Zone. As provided in the table above, the applicant is required to set aside at least 21 percent, or 18 units, of 83 by-right density units for the 60-percent density increase. The applicant proposes a project totaling 132 dwelling units, 18 of which will be restricted to Very Low Income Households for a period of 55 years, which is 21 percent of the 83 base density units. As such, the project satisfies the minimum percentage of base density to be restricted to Very Low Income Households to be eligible for a 60 percent density increase.



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

On October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2025. During the duration of the statewide housing emergency, SB 330, among other things, creates new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant "Protected Units" unless the proposed housing development project replaces those units. The Los Angeles Housing Department (LAHD) has determined, per the Housing Crisis Act of 2019 (SB 330) Amended Replacement Unit Determination, dated September 27, 2021, that three (3) units need to be replaced with equivalent type, with two (2) units restricted to Very Low Income Households and one (1) unit restricted to Low Income Households. The LAHD housing replacement requirements are satisfied by the 18 Very Low Income units provided through this Density Bonus Affordable Housing Incentives Program.

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

The applicant proposes to set aside a total of 18 units for Restricted Affordable Units. Per the Conditions of Approval, the applicant is required to execute a covenant to the satisfaction of LAHD to make 18 Restricted Affordable Units available to Very Low Income Households for rental as determined to be affordable to such households by LAHD for a period of 55 years. The applicant is required to present a copy of the recorded covenant to the Department of City Planning and the proposed project shall comply with any monitoring requirements established by LAHD. Therefore, as conditioned, the project satisfies this finding in regards to subjected restricted affordable units to recorded affordability per LAHD, and is subject to fees as set forth in Section 19.14 of the LAMC.

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

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

The project requests a 60 percent density increase above the 83 base density units to permit a total of 132 dwelling units. The project will set aside 18 units for Very Low Income Households. As such, the project is consistent with the State Density Bonus Law and the local Density Bonus Ordinance, which the Affordable Housing Incentives Guidelines implement. Therefore, the project complies with the City Planning Commission's Affordable Housing Incentives Guidelines.

### **SITE PLAN REVIEW FINDINGS**

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

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

The project site is located in the South Los Angeles Community Plan, and is designated for Community Commercial land uses, with corresponding zones of C2, C4, RAS3, R3, RAS4, and R4. The site is zoned C2-1L-CPIO, and is consistent with the land use designation. The C2 Zone allows for R4 density at a ratio of one dwelling unit per 400 square feet of lot area. Height District No. 1L in the C2-1L-CPIO Zone allows a maximum building height of 75 feet and 6 stories and a FAR of 1.5:1 on the subject site.

The mixed-use development is permitted at this location on the subject site as an allowable use by the underlying C2-1L-CPIO zone. As provided under Finding No. 1, the project's increased FAR, reduced yards, and reduced open space are allowed by the underlying zone in combination with Density Bonus law. The project has been designed with ground floor commercial space with street entrances and storefront glazing that is architecturally differentiated from the residential upper floors. The project will enhance the pedestrian experience and streetscape by removing the two (2) existing curb cuts, and providing all vehicular access from the alley.

As provided under Finding Nos. 5 and 6, the project would meet the goals, objectives, and policies of the General Plan, South Los Angeles Community Plan, Housing Element, and Mobility Plan, particularly those concerning adding housing and affordable housing near transit, neighborhood-serving uses, and jobs. The project would provide additional housing within proximity to neighborhood-serving uses and directly adjacent to public transit. The project is subject to administrative review for compliance with the South Los Angeles CPIO. The project is consistent with the goals of the Redevelopment Plan which seeks to facilitate new affordable housing development meanwhile minimizing displacement of existing residents.

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

As provided under Finding No. 4, the project has been designed to be compatible with adjacent properties and surrounding neighborhood. The subject site is located in an urbanized area surrounded by a combination of primarily single- and multi-family residential and commercial uses. Properties along Manchester Avenue are zoned C2-1L-CPIO and serve as a commercial corridor. Abutting properties to the west, east, and north along Manchester Avenue are improved with residential and commercial uses up to two stories in height,

including a market, laundromat, churches, offices, salon, fast food restaurants, and auto repair and sales. Across the alley to the south is the city boundary for the City of Inglewood, with adjacent properties improved with one- and two-story single- and multi-family residential buildings.

The proposed project is the construction of a of a five-story, 56-foot tall mixed-use residential building comprised of 132 dwelling units (including 18 Very Low Income units) and 5,444 square feet of ground-floor commercial space. The project will be approximately 85,793 square feet in floor area with a Floor Area Ratio ("FAR") of 2.6:1. The project will provide 97 residential and 16 commercial parking spaces in a subterranean and partial at-grade parking level. The primary residential building entrance is located along Manchester Avenue. The project provides a secondary residential entrance and three (3) commercial entrances for pedestrians to activate the street frontage. The residential units are located on upper floors, and will comprise of 18 studios, 67 one-bedrooms units, and 40 two-bedroom units, and 7 three-bedroom units. Residential amenities are provided in the form of a community room located at the ground floor, a central open-air courtyard on Level 2, a gym in the basement, as well as individual private balconies. Vehicular access is proposed from the existing alley, which provides access to an enclosed parking level at-grade with 40 parking spaces and a subterranean parking level with 73 parking spaces.

#### Height

The subject site is zoned C2-1L-CPIO, with a Height District No. 1L that allows a maximum building height of 75 feet and 6 stories. The project proposes a building height of 56 feet and 5 stories which is allowed by the site's zoning by-right; no height increases are requested. Although the massing of the project is larger than the existing commercial and residential buildings on Manchester Avenue, the project's height is consistent with the zone.

#### Bulk/Massing

The proposed mixed-use development abuts one street, with approximately 240 feet of frontage along the south side of Manchester Avenue and a lot depth of approximately 137 feet. There is a 16-foot wide alley to the south of the site. The applicant has requested an Off-Menu Incentive to allow a 2.6:1 FAR in lieu of the otherwise permitted 1.5:1 FAR through the Density Bonus Ordinance. While the proposed project massing exceeds the existing prevailing development pattern, the project proposes a building height of 56 feet and 5 stories which is allowed by the site's zoning by-right. Although the massing of the project is larger than the existing commercial and residential buildings on Manchester Avenue, the project's height is consistent with the zone. In addition, the project is separated from the abutting residential properties to the south by the 16-foot wide alley, and the project provides an upper level stepback on Level 5 to minimize the building mass from the southerly neighboring properties. Therefore, the project massing will be appropriately set back from the neighboring residential uses. Additionally, the project provides architectural detailing that enhances the street-facing facade by applying recesses, balconies, and varied rooflines along the building facade, along with varying building materials and colors to incorporate variation in design. Therefore the project will be compatible with existing and future development on adjacent properties and neighboring properties.

#### Building Materials

The building design incorporates a variety of recesses, balconies, and different materials to add architectural interest to the building and creates distinct breaks in the building plane. These breaks are further differentiated through the use of a variety of building materials that include yellow pine slatwood panels, painted stucco, and powder coated aluminum frames. Together, these elements are applied to create sufficient breaks in plane and articulation. In accordance with CPIO Section II-2.D.1, at least 25 percent of the Primary Frontage of the Ground Floor shall consist of transparent glazing such as doors and windows. In accordance

with CPIO Section II-2.D.6, the project shall use two or more high-quality building materials and treatments, is prohibited from using rough textured stucco, and is limited to 80 percent stucco on the Primary Frontage.

#### Entrances

The project provides one (1) primary residential building entrance along Manchester Avenue, and it is differentiated from the remainder of the street frontage through a canopy at the ground floor lobby and varied roofline due to the elevator overrun. Three (3) commercial entrances and two (2) secondary residential entrances are proposed along Manchester Avenue to activate the street frontage.

#### Setbacks

The project has been designed to create a strong street wall along Manchester Avenue. The C2-1L-CPIO Zone and CPIO Section II-2.C.5(a) have no front yard setback requirements for mixed-use projects. The Applicant has requested two (2) On-Menu Incentives for reduced side yard setbacks, and proposes 6-foot 6-inch easterly and westerly side yard setbacks in lieu of the 8 feet otherwise required by the C2-1L-CPIO Zone.

#### Parking/Loading

Pursuant to Assembly Bill ("AB") 2345 and California Government Code Section 65915(p)(2)(A), a development includes at least 11 percent Very Low Income units and is located within one-half mile of a Major Transit Stop is allowed one-half parking space per unit. Based upon the number of dwelling units proposed, 66 residential parking spaces shall be provided for the project. The project will provide 97 residential and 16 commercial parking spaces within an enclosed garage that encompasses a partial at-grade and one subterranean parking level. The project will also provide a loading space that is accessed from the alley and enclosed in the parking garage. The project wraps the parking garage with active uses so that no parking will be visible from the street. All vehicular access will be taken off of the alley, and the project will remove two (2) existing curb cuts. Over five (5) percent, that is seven (7) parking spaces, of the 113 provided parking spaces, will be equipped with electric vehicle charging stations. The project shall provide 135 long-term and 16 short-term bicycle parking spaces, as provided in Exhibit "A". The project proposes a loading space in the enclosed parking garage that is accessed from the alley in compliance with LAMC Section 12.21 C.6, as provided in Exhibit "A". Therefore, the project's parking and loading will be fully contained in the enclosed garage, and will not affect street circulation, and will be compatible with surrounding properties.

#### Lighting

The project is conditioned to ensure that all outdoor lighting provided on-site will be down-cast shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and the night sky. Furthermore, as conditioned, all pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated.

#### Landscaping/Open Space

On-site landscaping and open space is provided in the form of a 1,642 square foot community room located at the ground floor, a 4,416 square foot central open-air courtyard on Level 2, 1,107 square feet of gym space in the basement, as well as 300 square feet of individual private balconies. The applicant has requested a 20 percent reduction to allow 11,875 square feet of open space through an On-Menu Waiver of Development Standard as allowed under Density Bonus. The common open space areas required by code shall meet the minimum dimension, landscaping, and amenity requirements per LAMC Section 12.21 G.2(a). The project will remove two (2) non-protected on-site trees and may remove three (3) non-protected street trees subject to the approval of Urban Forestry, and will plant 35 new trees including coral bark Japanese maples, Santa Cruz Island ironwoods, and California bay trees,

as provided in Exhibit "A". The project will also provide a "living wall" to soften the façade behind the transformer, as provided in Exhibit "A". The project is conditioned to submit landscape plans prepared by a licensed landscape architect or licensed architect to show the size and location of all plants, and ensure sufficient depth and soil volume for trees and green roofs.

#### Trash Collection

Trash and recycling areas are conditioned to be located within the parking level to ensure that they are fully enclosed to be not visible from public view from the street and prevent the release of refuse odors per CPIO Section II-2.1.4. Service providers will access the trash area from the alley. Therefore, trash collection will not affect circulation for surrounding properties.

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

The proposed project provides recreational and service amenities that will improve habitability for the residents and minimize any impacts on neighboring properties. The project will provide a total of 11,875 square feet of open space as allowed under Density Bonus. Common open space is provided in the form of a 1,642 square foot community room located at the ground floor, a 4,416 square foot central open-air courtyard on Level 2, and 1,107 square feet of gym space in the basement. The project also provides 300 square feet of private balconies for use as private open space for individual units. Therefore, the proposed project provides sufficient recreational and service amenities for its residents, minimizing any impacts on neighboring properties.

### **CEQA FINDINGS**

The Department of City Planning determined, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The Notice of Exemption and Justification for Project Exemption for Environmental Case No. ENV-2021-8641-CE is provided in the case file and attached as Exhibit D.

The project is the construction of a of a five-story, 56-foot tall mixed-use residential building comprised of 132 dwelling units (including 18 Very Low Income units) and 5,444 square feet of ground-floor commercial space. The project will be approximately 85,793 square feet in floor area with a Floor Area Ratio ("FAR") of 2.6:1. The project will provide 97 residential and 16 commercial parking spaces in a subterranean and partial at-grade parking level. The site is currently improved with three (3) single-family dwellings, warehouse/commercial uses, and two (2) non-protected on-site trees, all of which will be demolished for the project. Three (3) non-protected street trees may be removed from the public right-of-way. The project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with LAMC Sections 62.169 and 62.170 and their applicable findings. The project will also involve the grading of approximately 12,000 cubic yards of soil. An existing wireless telecommunications facility (cell tower) is proposed to remain.

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

CEQA Determination – Class 32 Categorical Exemption Applies

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

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

The project site is located in the South Los Angeles Community Plan, and is designated for Community Commercial land uses, with corresponding zones of C2, C4, RAS3, R3, RAS4, and R4. The site is zoned C2-1L-CPIO, and is consistent with the land use designation. Height District No. 1L in the C2-1L-CPIO Zone allows a maximum building height of 75 feet and 6 stories and a FAR of 1.5:1 on the subject site. The proposed project will have a height of 5 stories and 56 feet with a FAR of 2.6:1 through an Off-Menu Incentive as permitted by State Density Bonus Law in exchange for providing 18 units of rent restricted units for Very Low Income Households for 55 years. As demonstrated in the case file and under Finding No. 5 above, the project is consistent with the General Plan, the applicable South Los Angeles Community Plan designation and policies, and all applicable zoning designations and regulations as permitted by Density Bonus law.

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

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.76 acres (33,021 square feet) and is surrounded by urban uses. Lots adjacent to the subject site are developed with the following urban uses: single family dwellings, multi-family dwellings, commercial buildings, automotive uses, churches, and schools. The subject site is located within one-half mile (2,640 feet) of a Major Transit Stop located at the intersection of Manchester Avenue and Vermont Avenue, served by Los Angeles County Metropolitan Transportation Authority (“Metro”) 115, 204, and 754 bus lines, and Los Angeles Department of Transportation (“LADOT”) Vermont/Main bus line. Bus stops are located at the street intersection.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The site is currently improved with three (3) single-family dwellings, warehouse/commercial uses, associated parking, and a wireless telecommunications facility. Prior to any work on the adjacent public right-of-way, the applicant will be required to obtain approved plans from the Department of Public Works. As there currently is no approved right-of-way improvement plan and for purposes of conservative analysis under CEQA, Planning has analyzed the worst-case potential for removal of all street trees. Note that street trees and protected trees shall not be removed without prior approval of the Board of Public Works/Urban Forestry (BPW) under LAMC Sections 62.161 - 62.171. At the time of preparation of this environmental document, no approvals have been given for any tree removals on-site or in the right-of-way by BPW. The City has required a Tree Report to identify all protected trees/shrubs on the project site and all street trees in the adjacent public right-of-way. There are no protected trees on the subject site or public right-of-way, according to the Tree Letter prepared by Courtland Studio, LLC dated December 16, 2021. The Tree Letter identified two (2) non-protected trees on the subject site (brush

cherry, mexican fan palm) that will be removed, and three (3) non-protected street trees along the public right-of-way (pink trumpet tree, London plane trees) that will be maintained. However, the Project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with Los Angeles Municipal Code, Chapter VI, Section 62.169 through 62.170 and their applicable findings. Furthermore, the project site does not adjoin any open space or wetlands that could support habitat for endangered, rare or threatened species. Therefore, the site does not contain or have value as habitat for endangered, rare or threatened species and is not located adjacent to any habitat for endangered, rare or threatened species. As such, the proposed project meets this criterion.

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

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

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

- **Regulatory Compliance Measure RC-AQ-4:** The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.
- **Regulatory Compliance Measure RC-AQ-5:** The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.
- **Regulatory Compliance Measure RC-AQ-6:** New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

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

- **AQ1:** Projects (except for Residential Subareas M, N, and O) shall ensure all contractors include the best management practices provided in the bulleted list below in contract specifications:
  - a. Restrict idling of construction equipment and on-road heavy duty trucks to a maximum of 5 minutes when not in use.
  - b. Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible.
  - c. Use heavy duty diesel-fueled equipment that uses low NOX diesel fuel to the extent it is readily available and feasible.
  - d. Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible.
  - e. All on-road heavy-duty diesel trucks or equipment with a gross-vehicle weight rating (GVWR) of 19,500 pounds or greater shall comply with EPA 2007 on-road emission standards for PM and NOx:
    - PM – 0.01 g/bhp-hr
    - NOx – at least 1.2 g/bhp-hr
  - f. Use zero-emission trucks and equipment where available, or cleanest available technology.
  - g. Every effort should be made by the Contractor to utilize grid-based electric power at any construction site, where feasible.
  - h. Where access to the power grid is not available, on-site generators are required to meet 0.01 g/bhp-hr standard for PM, or be equipped with Best Available Control Technology (BACT) for PM emissions reductions.



- i. Use building materials, paints, sealants, mechanical equipment, and other materials that yield low air pollutants and are nontoxic.
  - j. Construction contractors shall use pre-painted construction materials, as feasible.
  - k. Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
  - l. Prepare haul routes, when required by the LAMC, that conform to local requirements to minimize traversing through congested streets or near sensitive receptor areas.
  - m. Maintain a buffer zone that is a minimum of 1,000 feet between truck traffic and sensitive receptors, where feasible.
  - n. When required by LADOT, upgrade signal synchronization to improve traffic flow.
  - o. Configure construction parking to minimize traffic interference.
  - p. When required by LADOT, provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
  - q. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable.
  - r. Traffic speeds on all unpaved roads shall be 15 mph or less.
  - s. Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible.
  - t. Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation. The name and contact information of the construction relations officer shall be posted at a location on the project site that is accessible and visible from the public right-of-way.
  - u. Identify Sensitive Land Uses within 500 feet of a project that involves ground-disturbing activities and notify sensitive uses before construction projects occur, including disclosure of the name and contact information for the construction relations officer acting as the community liaison.
  - v. Implement the fugitive dust control measures as required in the South Coast Air Quality Management District's Rule 403 Fugitive Dust.
  - w. Require installation of high efficiency filtration systems (MERV 13) for housing projects within 500 feet of freeways and oil drilling sites.
- **N1:** Projects (except for Residential Subareas M, N, and O) shall ensure that all contractors include the following best management practices in contract specifications, where applicable:
    - a. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
    - b. The construction contractor shall locate construction staging areas away from sensitive uses.
    - c. When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (e.g., temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
    - d. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.
    - e. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
    - f. The construction contractor shall use on-site electrical sources to power equipment rather than diesel generators where feasible.
    - g. Use electric or solar generators, when available.

- **N2:** Projects (except for Residential Subareas M, N, and O) shall comply with the following conditions:
  - a. Industrial activity yards that include the operation of heavy equipment shall be shielded by sound barriers that block line-of-sight to sensitive receptors.
  - b. Mechanical equipment (e.g., heating, ventilation and air conditioning (HVAC) Systems) shall be enclosed with sound buffering materials.
  - c. Truck loading/unloading activity shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. when located within 200 feet of a residential land use.
  - d. Parking structures located within 200 feet of any residential use shall be constructed with a solid wall abutting the residences and utilize textured surfaces on garage floors and ramps to minimize tire squeal
- **N4:** Projects (except for Residential Subareas M, N, and O) shall ensure that all contractors include the following best management practices in contract specifications, where applicable:
  - a. Impact pile drivers shall be avoided where possible in vibration-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are alternatives that shall be utilized where geological conditions permit their use.
  - b. The construction activities shall involve rubber-tired equipment rather than metal-tracked equipment.
  - c. The construction contractor shall manage construction phasing (scheduling demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period), use low-impact construction technologies, and shall avoid the use of vibrating equipment where possible to avoid construction vibration impacts.

Traffic - A Transportation Assessment prepared by Ganddini Group, Inc. dated March February 7, 2022, concluded that the project results in an increase of 698 daily vehicle trips and Household VMT per Capita of 6.0, which does not exceed the Household VMT per Capita threshold of 6.0. The Department of Transportation (“LADOT”) reviewed the VMT analysis and confirmed its findings in a memo dated April 26, 2022, confirming that implementation of the Project would not result in a significant VMT per capita impact. The analysis includes reduced parking as provided in Exhibit “A” in accordance with Assembly Bill (“AB”) 2345 for residential uses, and the CPIO 25 percent reduction for Targeted Commercial Uses. Therefore, the project will not have any significant impacts relating to traffic.

Noise – The Project must comply with the adopted City of Los Angeles Noise Ordinances No. 144,331 and 161,574 and LAMC Section 41.40 as indicated above in RC-NO-1, LAMC Section 112.05, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed Project will not result in any significant noise impacts. Furthermore, the Noise and Vibration Study prepared by Rincon Consultants, Inc. dated June 2020 confirmed that the Project would not result in construction-related or operational noise impacts on the environment. The analysis took into account noise from construction activities, operational noise sources from periodic delivery and trash hauling, outdoor use areas, conversation, rooftop equipment, off-site traffic, vibration, impacts to sensitive receptors. The analysis concluded that the project would not result in any significant effects relating to noise.

Air Quality – The Project’s potential air quality effects were evaluated by estimating the potential construction and operations emissions of criteria pollutants, and comparing those levels to significance thresholds provided by the Southern California Air Quality Management District (SCAQMD). The Project’s emissions were estimated using the CalEEMod 2016.3.2 model (output August 1, 2022) for the purposes of evaluating air quality impacts of proposed projects and summarized in the Air Quality Study prepared by Rincon Consultants, Inc. dated August 2022. The analysis took into account construction activity emissions during demolition, site preparation, grading, building construction, paving, and architectural coating, as well as operational emissions and effects to sensitive receptors. The analysis confirms that neither construction nor operation of the project would result in significant air quality impacts. In addition, there are several Regulatory Compliance Measures which regulate air quality-related impacts for projects citywide as noted above.

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

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

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

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

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

(a) **Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There is not a succession of known projects of the same type and in the same place as the subject project. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected, and this exception does not apply.

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

The project proposes a mixed-use residential building in an area zoned and designated for such development. All adjacent lots are developed with multi-family and single-family residential and commercial uses, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 2.6:1 on a site that is permitted to have an FAR of 1.5:1 by the site’s zoning. The project size and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family dwellings and proposed future projects in the area. Furthermore, there is no substantial evidence in the administrative record that this project will cause a significant impact. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately 17 miles northwest of the subject site. Therefore, the subject site will not create any impacts within a designated state scenic highway, and this exception does not apply.

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

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

A Phase I Environmental Site Assessment ("ESA") Report prepared by EFI Global, Inc. dated July 22, 2022 conducted a review of available historical data, site reconnaissance, and interviews, to identify any potential recognized environmental conditions ("RECs") in connection with the subject property. The Phase I ESA identified current uses including single-family structures, a wooden pallets supplier, lumber yard storage, telecommunication facility, parking areas, access ways, unpaved areas, landscaped areas, a wrought iron fence; and historical uses including residential structures, detached auto garages and sheds, storage/warehouse structures, and yard field. The Phase I ESA referenced a previous assessment dated January 3, 2019 that identified eight (8) 55-gallon drums including one (1) drum that was labeled as "hazardous waste", however the drums appeared to be empty during site reconnaissance and no spills, stains, or subsurface conduits were observed; therefore it recommended the drums be properly disposed of by a licensed hazardous waste hauler for better housekeeping practices. The Phase I ESA indicated that there are no RECs on the subject site. Based on the above, the Phase I ESA recommends no further investigation for the subject site.

An Environmental Sampling Report prepared by EFI Global, Inc. dated July 29, 2022 assessed the site for impacts from the former drums that potentially contained hazardous waste. A total of three (3) soil borings were advanced in the former drum storage area, and the results of the investigation did not identify evidence of any significant on-site releases in the former drum area that would affect groundwater beneath the site or the health of site occupants. Therefore, the Environmental Sampling Report concluded that no further environmental assessment is warranted with respect to the former hazardous material drum storage.

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

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

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

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

**Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

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

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment