



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

CORRECTED LETTER OF DETERMINATION

MAILING DATE: JANUARY 19, 2023

Case No. DIR-2020-7846-DB-SPR-HCA-1A
CEQA: ENV-2020-7847-CE
Plan Area: Central City

Council District: 14 – de León

Project Site: 212 – 220 South Spring Street

Applicant: 216 Spring St., LLC
Representative: Blaise Fremont, David Lawrence Gray Architects

Appellants: Coalition for Responsible Equitable Economic Development Los Angeles
Representative: Aidan P. Marshall, Adams, Broadwell, Joseph & Cardozo

Supporters Alliance for Environmental Responsibility
Representative: Brian Flynn, Lozeau Drury LLP

At its meeting of **December 15, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

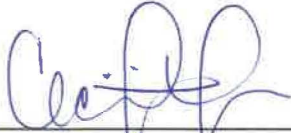
Demolition of an existing commercial building; and construction, use and maintenance of a 17-story mixed-use building containing 103,550 square feet of floor area with an 8.1:1 floor area ratio and a maximum height of 223 feet, four inches. The new building would include 120 dwelling units, of which 14 units will be restricted to Very Low Income Households. The Project would provide 69 automobile parking spaces, 102 bicycle parking spaces and 12,692 square feet of usable open space.

1. **Determined**, that based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32 (Class 32 Urban In-Fill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies;
2. **Denied** the appeals and **sustained** the Planning Director's Determination dated September 21, 2022;
3. **Approved** with Conditions, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Affordable Housing Incentive Program to allow the following incentive for a project totaling 120 dwelling units, reserving 11 percent, or 14 units, of the base density units for Very Low Income Household occupancy for a period of 55 years:
 - a. An On-Menu Incentive for a 35 percent increase in the Floor Area Ratio (FAR) to permit a maximum of 8.1:1 in lieu of otherwise permitted 6:1;
- *4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates or results in an increase of 50 or more dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 5 – 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 is final and effective upon the mailing of this determination letter and not further appealable.

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. The Applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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 (CEQA)

c: Jane Choi, Principal City Planner
Nuri Cho, City Planner

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit "A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 120 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 14 units, that is 11 percent of the base 120 dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2).
4. **Changes in On-Site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (a-j).
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 14 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. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination.
6. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 8.1:1 in lieu of the otherwise permitted FAR of 6:1.
7. **Open Space.** The project shall provide a minimum of 12,692 square feet of usable open space.
8. **Automobile Parking.** Based upon the number and type of dwelling units proposed, a minimum of 69 automobile parking spaces shall be provided for the residential uses of the project, pursuant to Assembly Bill (AB) 744. The project includes 105 one-bedroom units, which require 53 parking spaces, and 13 two-bedroom units, which require 13 parking spaces, and two (2) three-bedroom units, which require 3 parking spaces at a ratio of 0.5 parking spaces per bedroom for mixed income projects within one-half mile of a major transit stop to which the project has unobstructed access.
9. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
10. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and / or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
11. **Materials.** A variety of high-quality exterior building materials, consistent with the approved Exhibit "A" shall be used. Substitutes of an equal quality may be permitted to the satisfaction of the Department of City Planning.

12. Landscaping.

- a. All open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect and submitted for approval to the Department of City Planning.
- b. All planters containing trees shall have a minimum depth of 48 inches.

13. Street Trees. Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.2 (Chapter 1, Open Space Requirement for Six or More Residential Units). Per Exhibit A and 12.21.G.2, four (4) street trees shall be provided.

14. Trees. Required Trees per 12.21 G.2. As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." There shall be a minimum of 30 24-inch box, or larger, trees on site pursuant to LAMC Section 12.21 G.2. Any required trees pursuant to LAMC Section 12.21 G.2 shown in the public right of way in Exhibit "A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right of way is proven to be infeasible due to City determined physical constraints.

15. Driveway. All vehicle access shall be via the alley (Harlem Place).

16. Sidewalk Access.

- a. Applicant shall maintain pedestrian access if the sidewalk is temporarily closed during construction;
- b. Scaffolding Lighting. Applicant shall ensure any temporary walkways covered due to construction (e.g., scaffolding) are well-lit at all hours.

17. 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, to the satisfaction of the Department of Building and Safety.

18. Solar Ready. 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.

19. Solar and Electric Generator. Generators used during the construction process shall be electric or solar powered, where feasible. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

20. Trash Storage. Trash storage and collection shall be enclosed and not visible from the public right-of-way. Trash collection shall not interfere with traffic on any public street.

21. Mechanical Equipment. All mechanical equipment on the roof shall be screened from view. All surface or ground mounted mechanical equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.

22. **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.
23. **Maintenance.** The project site (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
24. **Downtown Design Guide.** The project shall comply with the following Downtown Design Guide (DDG) Standards:
- a. **Sidewalk.** The project shall provide a minimum six-foot walkway zone and a minimum seven-foot parkway zone, as defined in the DDG, for sidewalk along Spring Street.
 - b. **Ground Floor Treatment.**
 - i. Electrical transformers, mechanical equipment, other equipment, enclosed stairs, storage spaces, blank walls, and other elements shall not be located along Spring Street.
 - ii. At least 75 percent of the street frontage along Spring Street shall be designed to accommodate active uses. Active uses may include retail, professional office, live-work uses, building lobbies, recreation rooms, common areas, gathering or assembly spaces, cultural facilities, and courtyards with direct access to each of these uses from the sidewalk or other walkway.
 - iii. Wall openings, such as windows and doors, shall comprise at least 50 percent of the building's street level façade along Spring Street.
 - c. **Architectural Detail.**
 - i. The project shall provide well-marked entrances to cue access and use.
 - ii. Exterior lighting shall be shielded to reduce glare and eliminate light being cast into the night sky.
 - iii. The project shall integrate security lighting into the architectural and landscape lighting system. Security lighting shall not be distinguishable from the project's overall lighting system.
 - d. **Roof Terrace.** Roof terrace shall provide seating at a ratio of one (1) seat per 50 square feet and 25 percent of the space shall be landscaped.
 - e. **Streetscape Improvements.**
 - i. Street trees shall be spaced not more than an average of 30 feet on center and shall comply with Downtown Design Guide Section 9.F. At least 50 percent of the provided trees shall be canopy trees in conformance with Downtown Design Guide Section 7.
 - ii. The developer shall install streetlights to the satisfaction of the Bureau of Street Lighting.

- iii. The applicant shall execute a Maintenance Agreement with the City by which the develop or Lead Public Agency agrees to maintain the streetscape improvements and accepts liability for them.
- f. **Signage.** Prior to the issuance of a building permit or a signage permit, whichever is first, a detailed final master sign plan shall be submitted to the Department of City Planning, Central Project Planning Division, for review with compliance with the Downtown Design Guide.

Environmental Conditions

25. Project Design Features.

- a. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- b. The project contractor shall use power construction equipment with noise shielding and muffling devices.
- c. The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the project site. The sound wall will be a minimum of 8 feet in height to block the line-of-sight of construction equipment and off-site receptors at the ground level. The sound barrier shall include sound absorbing material capable of achieving a minimum of 15-dBA reduction in sound level.
- d. During any jackhammering and structural framing, the project contractor shall utilize temporary portable acoustic barriers, partitions, or acoustic blankets to effectively block the line-of-sight between noise producing equipment and the adjacent residential land uses for purposes of ensuring noise levels at the adjacent residential land uses does not exceed 75 dBA L_{eq} over the ambient noise levels.

Administrative Conditions

- 26. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
- 27. **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.
- 28. **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.
- 29. **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.

30. **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.
31. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
32. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
33. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
34. **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.
35. **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. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:
 - a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

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

The list of on-menu incentives in LAMC Section 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Based on the set-aside of 11 percent of the proposed density for Very Low Income households, the applicant is entitled to two On-Menu Density Bonus Incentives under both Government Code Section 65915 and the LAMC. The project is requesting one On-Menu Incentive, a 35-percent increase in FAR. Based on the set asides and the project's proximate location within one-half mile of a major transit stop, the project will also utilize a residential parking ratio of 0.5 spaces per bedroom, in accordance with AB 744.

The requested incentive, an increase in FAR, is expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentives 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. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of unit types. This incentive supports the applicant's decision to set aside 14 Very Low Income dwelling unit for 55 years.

Floor Area Ratio (FAR) Increase: The project site is zoned C2-4D with Height District 4D which allows for unlimited building height and up to 6:1 FAR. The FAR incentive permits a percentage increase in the allowable FAR equal to the percentage of Density Bonus for which the housing development project is eligible, not to exceed 35 percent. The proposed project requested a 35-percent increase in FAR which would provide a maximum floor area of 103,550 or at 8.1:1 FAR. The FAR increase allows the project to build additional 26,846 square feet and set aside a minimum of 14 units for Very Low Income Households for 55 years.

FAR By-Right	Buildable Lot Area (sq.ft.)	Total Floor Area (sq.ft.)
6:1	12,784	76,704

FAR proposed	Buildable Lot Area (sq.ft.)	Total Floor Area (sq.ft.)	Additional Floor Area (sq.ft.)
8.1:1	12,784	103,550	26,846

- a. *The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there 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 incentive will have a specific adverse impact. A “specific adverse impact” is defined as, “a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (LAMC Section 12.22 A.25(b)). The finding that there is no evidence in the record that the proposed incentives will have a specific adverse impact is further supported by the CEQA findings. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.

The proposed project and potential impacts were analyzed in accordance with the CEQA Guidelines. The project was evaluated against the exceptions to the use of Categorical Exemptions pursuant to Section 15300.2 of the CEQA Guidelines. The Director of Planning determined that none of the exceptions apply to the proposed project and the project is Categorically Exempt from CEQA pursuant to Class 32 of the CEQA Guidelines. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact upon public health and safety or the environment, or on any real property that is listed in the California Register of Historical Resources.

- b. *The Incentive(s) are contrary to state or federal law.*

There is no substantial evidence in the record that the proposed incentives are contrary to State or Federal law.

SITE PLAN REVIEW FINDINGS

The following is a delineation of the findings related to the applicant’s request for Site Plan Review for a proposed project resulting in an increase of 50 or more dwelling units pursuant to Section 16.05 of the Los Angeles Municipal Code.

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

The General Plan sets forth goals, objectives, and programs that serve as the foundation for all land use decisions. The City of Los Angeles’ General Plan consists of the Framework

Element, seven (7) State-mandated Elements including, Land Use, Mobility, Housing, Conservation, Noise, Safety, and Open Space, and optional elements including Air Quality and Public Facilities & Services and Infrastructure Systems. The Land Use Element is comprised of 35 Community Plans that establish parameters for land use decision within those subareas of the City.

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

The proposed project includes the demolition of one existing commercial building and the construction, use and maintenance of a 17-story mixed-use building containing 103,550 square feet of floor area, including 3,013 square feet of commercial space, with a maximum floor area ratio (FAR) of 8.1:1. The project includes 120 dwelling units, of which 14 units will be restricted to Very Low Income Households. The building height is 223 feet and four (4) inches as measured from grade to the top of the structure. The project will provide 69 auto parking, 102 bicycle parking spaces and total of 12,692 square feet of usable open space. There are two (2) non-protective street trees in the public right-of-way which will be removed during construction. The project also includes the planting of 30 24-inch box trees.

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

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

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

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

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

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

Consistent with these objectives, the project would further the development of Central City as a major center of population and retail services by replacing and activating the existing one-story commercial building with a high-quality mixed-use development that includes 120 residential units and approximately 3,000 square feet of neighborhood-serving commercial spaces. The provision of 120 new residential units of varying sizes and types, including 14 units affordable to Very Low Income households, would provide for the housing required to satisfy the needs of various economic segments of the community. By providing a range of housing opportunities, the project accommodates an adequate supply of housing units by type

and cost.

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

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

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

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

The latest Housing Element (2021-2029) of the General Plan provides land use policies and programs that encourage development of affordable housing across the City. The project also supports the following goals and objectives of the Housing Element:

GOAL 1: 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.

GOAL 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

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

Objective 3.1: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.

Objective 2.5: 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.

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

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

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

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

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

Additionally, the project is a Density Bonus development located in close proximity to the Civic Center/Grand Park Metro Station and is well-served by other public transportation. Thus, by locating a higher-density development along major transit corridors and by providing commercial services and jobs in close proximity to residences, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT (vehicle miles traveled). The project will further promote mobility and sustainable environments by providing active and transparent building facades, and incorporating landscaping, all of which will significantly improve pedestrian movement and the quality of the streetscape in the area. The proposed improvements represent a significant improvement over the existing site conditions. In addition, the project has been conditioned to include automobile parking spaces both ready for immediate use by electric vehicles (e.g. with electric vehicle chargers installed) and capable of supporting electric vehicles in the future. The project has also been conditioned to provide solar infrastructure. Together, these conditions further support applicable policies in the Health and Wellness Element, Air Quality Element, and Mobility Element of the General Plan by reducing the level of pollution/greenhouse gas emissions, ensuring new development is compatible with alternative fuel vehicles, and encouraging the adoption of low emission fuel sources and supporting infrastructure. These conditions also support good planning practice by promoting overall sustainability and providing additional benefits and conveniences for residents, workers, and visitors.

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

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

The project site is a level, rectangular-shaped parcel with an approximately 82-foot frontage along the east side of Spring Street with a uniform depth of 156 feet and a total lot area of approximately 12,784 square feet. The site is currently developed with a one-story commercial building.

The project includes the demolition of the existing commercial building and the construction, use and maintenance of a 17-story 120-unit mixed-use building containing 103,550 square feet of floor area, including 3,013 square feet of commercial space on the ground floor. The project includes 120 dwelling units, of which 14 units will be restricted to Very Low Income Households. The building height is 223 feet and four (4) inches as measured from grade to the top of the structure. The project will provide 69 auto parking for the residential spaces. The project will also provide 102 bicycle parking spaces, including 13 short-term and 89 long-term. A total of 12,694 square feet of usable open space, consisting of 1,209 square feet of interior common space, 5,483 square feet of exterior common space, and 6,000 square feet of balconies will be provided. There are two (2) non-protective street trees in the public right-of-way which will be removed during construction. The street tree removal is subject to a 2:1 replacement ratio to the satisfaction of the Board of Public Works, Urban Forestry Division. There are no existing trees on the project site. The project also includes the planting of 30 24-inch box trees per LAMC Section 12.21 G.

The project also includes three (3) subterranean levels of vehicular parking. Vehicular access to the subterranean parking garage would be provided via a full-access driveway along the

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

Height, Bulk, Setbacks

As depicted in Exhibit "A", the building will encompass a total of 103,550 square feet of total floor area and with a building height of 223 feet and four (4) inches as measured from grade to the top of the structure.

The City's zoning regulations, specifically those that govern building height, mass, and location on a property, are intended to ensure that a development is compatible with its surroundings and is appropriate for its location. Surrounding properties varies in height. The project's proposed height is compatible with the two buildings to the north which are 10 and 11 stories in height, one government building to the south which is 16 stories in height, and one mixed-use building to the west which is 13 stories in height. The project's ground level consists of the retail and restaurant space. This will facilitate a pedestrian-oriented streetscape and activate the public realm. No setbacks are required within the Greater Downtown Housing Incentive Area (GDHIA) and the building will be consistent with surrounding development which also observe zero setbacks and a continuous street frontage.

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

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

At the ground floor, the project includes approximately 3,013 square feet of commercial space fronting Spring Street, with parking located in the subterranean level which is accessed from the alley (Harlem Place) where the loading space is also proposed. At the corner of this level is the residential lobby with entrance from Spring Street.

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

Short-term bicycle parking is located in the public right-of-way along Spring Street and on the ground floor close to the elevators. Long-term bicycle parking is also located on the ground floor close to the elevators. The proposed trash collection at the ground level is easily accessible from the alleyway and it is shielded from view by adjacent properties.

The project includes several distinct outdoor open space areas at the second floor, the rooftop level and along the streetscape. Thirty (30) 24-inch box trees will be provided onsite and in the public right-of-way in compliance with the LAMC and Urban Forestry's policies. All of the proposed recreation spaces and landscaping will enhance both the project and the greater neighborhood as a whole, and as a result the project will be cohesive and integrate well with the surrounding community.

Furthermore, appropriate lighting will be provided for pedestrians at the street level and is integrated with the building façade to accentuate architectural elements and enhance the design. The project has been designed to provide adequate lighting for operation and safety and to meet all regulations while limiting potential impacts.

Therefore, for all of these reasons, the project will significantly improve the physical appearance of the property and will be compatible with existing and future development on surrounding properties.

4. **Any residential project provides recreation and service amenities to improve habitability for its residents and minimizes the impacts on neighborhood properties.**

The project will provide a wide array of recreational and service amenities for residents. There will be retail and restaurant space on the ground floor. The project will provide a total of 12,692 square feet of open space which consists of 1,209 square feet of common indoor open space, 5,483 square feet of common outdoor space and 6,000 square feet of private open space in the form of residential balconies.

Recreation and amenity spaces are proposed on level two and the rooftop. This includes a recreation room, common area and patio, a rooftop level pool, BBQ and lounge area, and private balconies for the residential units.

In addition, all of the common outdoor spaces will be landscaped and planted with a variety of trees and other plants, which will provide shade and greenery for residents and patrons of the project, enhance the physical environment, and reduce potential impacts on adjacent properties. Therefore, the project provides many different recreational and service amenities which will improve habitability for residents and the community alike and will minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



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

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

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

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

OPTION 2: Drop off at DSC

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

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

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

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