



December 12, 2023

Owner/Applicant

Steven Scheibe
LA Affordable Communities LLC
1853 6th Street
Manhattan Beach, CA 90266

Case No. ADM-2023-4682-DB-VHCA-ED1

Related Case: PAR-2023-3811-AHRF-ED1

CEQA: N/A

Location: 11418-11424 West Missouri Avenue

Representative

Gary Benjamin
Alchemy Planning + Land Use
1110 North Virgil Avenue, Unit 187
Los Angeles, CA 90029

Council District: 11 - Park

Community Plan Area: West Los Angeles

Specific Plan: West LA Transportation Improvement & Mitigation

Land Use Designation: Low Medium II Residential

Zone: [Q]RD1.5-1

Legal Description: Lot 1, Arbs 2-3, Block 26, Gillis Subdivision Tract

LETTER OF COMPLIANCE – MINISTERIAL OFF-MENU DENSITY BONUS INCENTIVES AND WAIVERS OF DEVELOPMENT STANDARDS

Pursuant to the California Government Code Section 65915, and the Los Angeles Municipal Code (LAMC) Section 12.22 A.25, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

DETERMINE, based on the whole of the administrative record, that the Project is statutorily exempt from the California Environmental Quality Act (CEQA) as a ministerial project, pursuant to Government Code Section 65915 and California Public Resources Code Section 21080(b)(1); and

DETERMINE, that the project qualifies as a ministerial review, pursuant to Resolution (CF 22-1545) relative to the Declaration of Local Emergency by the Mayor, dated December 12, 2022, concerning homelessness in the City of Los Angeles, pursuant to the provisions of the Los Angeles Administrative Code (LAAC) Section 8.27, adopted by the City Council on December 13, 2022 and Executive Directive 1 dated December 16, 2022; and

APPROVE a ministerial review of a Density Bonus Housing Project pursuant to LAMC Section 12.22 A.25 and California Government Code Section 65915, for a 44 dwelling unit project with one (1) market rate manager's unit and reserving two (2) units for Very Low Income, 34 units for Low Income, and seven (7) units for Moderate Income, for a period of 55 years, with the following four (4) Off-Menu Incentives, and seven (7) Waivers of Development Standards:

- **Bicycle Parking (Off-Menu).** A reduction in bicycle parking to allow zero long-term bicycle parking spaces in lieu of the 38 long-term bicycle parking spaces otherwise required by LAMC Section 12.21 A.16.
- **Horizontal Plane Break (Off-Menu).** An elimination of the horizontal plane articulation every 15 feet in length as otherwise required by Ordinance No. 186,249 Qualified (“Q”) Condition No. C.1.b.
- **Vertical Plane Break (Off-Menu).** An elimination of the vertical plane articulation every 20 feet in height as otherwise required by Ordinance No. 186,249 Qualified (“Q”) Condition No. C.1.b.
- **Building Step back (Off-Menu).** An elimination of the 10-foot step back for portions of the building above three (3) stories as otherwise required by Ordinance No. 186,249 Qualified (“Q”) Condition No. A.2.a.
- **Front Yard (Waiver).** A reduction in the front yard setback, allowing 4 feet 9 inches in lieu of the 15 feet otherwise required in the [Q]RD1.5-1 Zone.
- **Side Yard (Waiver).** A reduction in the westerly side yard setback, allowing 5 feet 6 inches in lieu of the 7 feet otherwise required in the [Q]RD1.5-1 Zone.
- **Side Yard (Waiver).** A reduction in the easterly side yard setback, allowing 5 feet 6 inches in lieu of the 7 feet otherwise required in the [Q]RD1.5-1 Zone.
- **Rear Yard (Waiver).** A reduction in the rear yard setback, allowing 5 feet 6 inches in lieu of the 15 feet otherwise required in the [Q]RD1.5-1 Zone.
- **Floor Area Ratio (Waiver).** An increase in FAR to allow 3.82:1 in lieu of the otherwise allowable 3:1 FAR in the [Q]RD1.5-1 Zone.
- **Open Space (Waiver).** A reduction in open space to allow 706 square feet in lieu of the 4,475 square feet otherwise required by LAMC Section 12.2 G.
- **Parking (Waiver).** A reduction in parking to allow zero parking spaces in lieu of the 68 parking spaces otherwise required by LAMC Section 12.22 A.25 Parking Option 1.

CONDITIONS OF APPROVAL

1. **Site Development.** The project shall be in substantial conformance with the plans and materials submitted by the Applicant, including the proposed building design elements and materials stamped "Exhibit A," with a date of November 14, 2023, attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning Project Planning Bureau 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 44 multi-family residential dwelling units, including On-Site Restricted Affordable Units.
3. **On-Site Restricted Affordable Units.** The project shall provide 100% On-Site Restricted Affordable units exclusive of one (1) building manager's unit. Two (2) unit shall be reserved for Very Low-Income Households, 34 units shall be reserved for Low Income Households, and seven (7) units shall be reserved for Moderate Income Households for a period of 55 years, as defined by the California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 and Government Code Section 65915.
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 two (2) unit available to Very Low Income Households, 34 units available to Low Income Households, and seven (7) units available to Moderate Income Households, for sale or rental, as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD and in consideration of the project's Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The Applicant shall submit 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.
6. **100% Affordable Housing Project (ED1).** If the project changes at any time during the review or construction process such that it no longer meets ED 1 eligibility criteria, the project is disqualified from ED1 streamlining and all prior determinations on the project become inapplicable. For projects requiring a City Planning application, if a project changes at any point during the City Planning review or post-approval process such that the project would no longer qualify for ED 1, a new application for the revised project must be filed.
7. **Density Bonus Incentives and Waivers**
 - i. **Bicycle Parking (Off-Menu).** The project shall allow zero long-term bicycle parking spaces, as shown in Exhibit "A".

- ii. **Horizontal Plane Break (Off-Menu).** The project shall not be required to comply with the horizontal plane break Qualified (“Q”) Condition, as shown in Exhibit “A”.
 - iii. **Vertical Plane Break (Off-Menu).** The project shall not be required to comply with the vertical plane break Qualified (“Q”) Condition, as shown in Exhibit “A”.
 - iv. **Building Step back (Off-Menu).** The project shall not be required to comply with the 10-foot step back Qualified (“Q”) Condition, as shown in Exhibit “A”.
 - v. **Front Yard (Waiver).** The project shall have a minimum 4 feet 9 inches front yard setback, as shown in Exhibit “A”.
 - vi. **Side Yard (Waiver).** The project shall have a minimum 5 feet 6 inches westerly side yard setback, as shown in Exhibit “A”.
 - vii. **Side Yard (Waiver).** The project shall have a 5 feet 6 inches minimum easterly side yard setback, as shown in Exhibit “A”.
 - viii. **Rear Yard (Waiver).** The project shall have a minimum 5 feet 6 rear yard setback, as shown in Exhibit “A”.
 - ix. **Floor Area Ratio (Waiver).** The project total floor area shall be limited to 21,029 square and a 3.82:1 FAR, as shown in Exhibit “A”.
 - x. **Open Space (Waiver).** The project shall have a minimum of 706 square feet of usable open space per Exhibit “A”.
 - xi. **Parking (Waiver).** The project shall allow zero parking spaces, as shown in Exhibit “A”.
8. **Bicycle Parking.** Short-term bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
9. **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.
10. **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 eleven 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.
11. **Landscape Plan.** 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 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.

12. **SB 8 Replacement Units (Government Code Section 66300 et seq.)** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated August 8, 2023, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
13. **Qualified “Q” Conditions.** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the applicable Qualified “Q” Conditions of Ordinance No. 186,249.

Administrative Conditions

14. **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.
15. **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.
16. **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.
17. **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.
18. **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.
19. **Recording Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder’s Office. The agreement (Covenant and Agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder’s number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.

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

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes

actions, as defined herein, alleging failure to comply with any federal, state, or local law.

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

PROJECT BACKGROUND

Subject Property

The project site is located in the West Los Angeles Community Plan and is comprised of two (2) regular-shaped lots with a total area of approximately 8,756 square feet or approximately 0.20 acres. The project site is located in the [Q]RD1.5-1 Zone with a Land Use designation of Low Medium II Residential and is under the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The site has a street frontage of approximately 83 feet along the east side of Missouri Avenue and is approximately 105 feet in depth. The project site is located approximately .66 kilometers (0.4 miles) from the Santa Monica Fault and is not located within the Alquist-Priolo Fault Zone. The site is not located within a designated hillside area, very high fire hazard severity zone, flood zone, landslide, liquefaction area, or tsunami inundation zone. The tree disclosure statement, signed by Steve Scheibe dated July 5, 2023, stated that there are no protected tree or shrub species on the site or adjacent to the site. There is one (1) existing street tree which is proposed to remain.

The existing project site was developed with a one-story, single family residential unit with a detached garage in one (1) lot and a one-story, single family residential unit in the other. Both residences and the garage were approved by Building and Safety for demolition on August 25, 2023.

Project Description

The project is for the construction of a new four-story, 50 foot 9-inch-tall development with 44 residential dwelling units (including two (2) units for Very Low-Income Household occupancy, 34 units for Low Income Household occupancy, seven (7) units for Moderate Income Household occupancy, and one (1) manager's unit). The project will have a proposed Floor Area Ratio (FAR) of approximately 3.82:1 with approximately 21,029 square feet of floor area. Zero parking spaces are proposed.

Ministerial Review

Following the Mayor's Declaration of Local Emergency dated December 12, 2022, Executive Directive 1 (ED1) went into effect on December 16, 2022, to facilitate the expeditious processing of shelters and 100 percent affordable housing projects to address the homelessness crisis in the City of Los Angeles. A 100 percent Affordable Housing Project is defined as "A project with at least 5 units that has at least two-thirds residential square footage, with all units affordable at 80% of Area Median Income (HUD) levels, OR affordable at mixed income with up to 20% of units at 120% AMI (HCD rents) and the balance at 80% AMI or lower (HUD rents) as technically described here: A housing development project defined in Government Code Section 65589.5 that includes 100% restricted affordable units (excluding any manager's units) for which rental or mortgage amounts are limited so as to be affordable to and occupied by, Lower Income households, as defined by CA Health and Safety Code 50079.5, or that meets the definition of a 100% affordable housing development in CA Gov. Code 65915(b)(1)(G)2, as determined by the Los Angeles Housing Department (LAHD)". For 100 percent affordable housing projects and shelters, the Directive requires the review be completed within 60 days after the application is complete.

Housing Replacement

Pursuant to LAMC Section 12.22 A.25, an eligible Housing Development shall be eligible for Density Bonus Incentives if it meets any applicable replacement requirements of California Government Code Section 65915(c)(3) (California State Density Bonus Law).

Pursuant to the Senate Bill 8 Replacement Unit Determination made by the Los Angeles Housing Department (LAHD) dated August 8, 2023, LAHD determined that two (2) units need to be replaced with equivalent type units including two (2) units restricted to Very Low-Income Households.

Density Bonus Incentives and Waivers

Pursuant to State Density Bonus Law under Government Codes Section 65915, which was amended under AB 2334, awards a project located in a very low vehicle travel area, as defined in subdivision (o)(4) of Section 65915 of the California Government Code, a waiver from any maximum controls on density and a height increase of up to three additional stories, or up to 33 additional feet. As a 100 percent affordable housing project within a very low vehicle travel area, the project is utilizing the unlimited density increase and an additional height increase of 5 feet and 9 inches.

LAMC Section 12.22 A.25 and State Density Bonus Law (Government Code Section 65915) outline types of relief that minimize restrictions on the size of the project. In exchange for meeting the minimum set-aside requirements, the project may receive a set of incentives and concessions, and waivers to deviate from development standards in order to facilitate the provisions of affordable housing at the site. The requested incentives allow the developer to expand the building envelope so the additional affordable units can be constructed, provide for design efficiencies, and allow the overall space dedicated to residential uses to be increased. Given that the applicant is providing 100 percent of dwelling units, except for the manager's unit, to be affordable at Very Low-Income Households, Low Income Households and Moderate-Income Households occupancy for a period of 55 years, the project is eligible for four (4) incentives under AB 2334. The applicant is requesting the following four (4) Off-Menu Incentive and seven (7) Waivers of Development Standard:

- **Bicycle Parking (Off-Menu).** A reduction in bicycle parking to allow zero long-term bicycle parking spaces in lieu of the 38 long-term bicycle parking spaces otherwise required by LAMC Section 12.21 A.16.
- **Horizontal Plane Break (Off-Menu).** An elimination of the horizontal plane articulation every 15 feet in length as otherwise required by Ordinance No. 186,249 Qualified ("Q") Condition No. C.1.b.
- **Vertical Plane Break (Off-Menu).** An elimination of the vertical plane articulation every 20 feet in height as otherwise required by Ordinance No. 186,249 Qualified ("Q") Condition No. C.1.b.
- **Building Step back (Off-Menu).** An elimination of the 10-foot step back for portions of the building above three (3) stories as otherwise required by Ordinance No. 186,249 Qualified ("Q") Condition No. A.2.a.
- **Front Yard (Waiver).** A reduction in the front yard setback, allowing 4 feet 9 inches in lieu of the 15 feet otherwise required in the [Q]RD1.5-1 Zone
- **Side Yard (Waiver).** A reduction in the westerly side yard setback, allowing 5 feet 6 inches in lieu of the 7 feet otherwise required in the [Q]RD1.5-1 Zone.
- **Side Yard (Waiver).** A reduction in the easterly side yard setback, allowing 5 feet 6 inches in lieu of the 7 feet otherwise required in the [Q]RD1.5-1 Zone.

- **Rear Yard (Waiver).** A reduction in the rear yard setback, allowing 5 feet 6 inches in lieu of the 15 feet otherwise required in the [Q]RD1.5-1 Zone.
- **Floor Area Ratio (Waiver).** An increase in FAR to allow 3.82:1 in lieu of the otherwise allowable 3:1 FAR in the [Q]RD1.5-1 Zone.
- **Open Space (Waiver).** A reduction in open space to allow 706 square feet in lieu of the 4,475 square feet otherwise required by LAMC Section 12.2 G.
- **Parking (Waiver).** A reduction in parking to zero parking spaces in lieu of the 68 parking spaces otherwise required by LAMC Section 12.22 A.25 Parking Option 1.

The record does not contain substantial evidence that would allow the decision maker to make a finding that the requested incentives do not result in identifiable and actual cost reduction 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 a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The project requests four (4) Off-Menu incentives for bicycle parking, horizontal and vertical articulation and building step back. Strict compliance with the bicycle parking, building step back, and façade plane changes required for articulation per the Q Condition requirement would reduce the buildable area for new development and reduce the number and range of units that could be developed. There is no evidence in the record that the proposed incentives would 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” per 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. 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 incentive.

There is no evidence in the record that the proposed incentives are contrary to state or federal law. A project that provides 44 of total units, with two (2) units for Very Low Income, 34 units for Low Income Households, and seven (7) unit for Moderate Income Households, qualifies for four (4) 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-side 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 requests for the following are recommended as Waivers of Development Standard. Without the below Waivers, the existing development standards would preclude development of the proposed density bonus units and project amenities.

Yard Reductions: The RD1.5 Zone requires a both a 15-foot setback for the front and rear yards and 5-foot side yard setbacks which require an additional foot for every story constructed over the second story. The four-story building would require 7-foot side yard setbacks. The proposed project includes units that have an area of 300 to 400 square feet. By reducing the required setbacks, the project is allowed an additional 1,600 square feet per floor which helps

accommodates about four (4) extra units per floor, creating about a total of 16 additional affordable units.

Floor Area Ratio: The RD1.5-1 Zone allows a 3:1 floor area ratio. The project site has an area of 8,756 square feet. Considering the required setbacks, the project ends with a total of 5,511 square feet of buildable area. At a 3:1 floor area ratio the is allowed a maximum floor area or 16,533 square feet. The requested waiver from the floor area ratio requirement allows the project to increase the total floor area from 16,533 square feet to 21,029 square feet. By waiving this development standard and allowing the addition floor area, the project can integrate an additional floor and the developer will not be physically precluded from constructing the proposed development with 44 dwelling units of which 43 units will be reserved for affordable units.

Open Space Reduction: 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 for dwelling units with three (3) habitable rooms. For the proposed project with eight (8) studios, 33 one-bedroom units, and three (3) two-bedroom units, a total of 4,475 square feet of usable open space would be required. Strict compliance with the open space requirements would physically preclude construction of the development proposing 44 dwelling units, two (2) of which will be set aside for Very Low-Income Households, 34 for Low Income Households, and seven (7) for Moderate Income Households. The applicant has requested a Waiver of Development Standards for an 85 percent reduction to allow 706 square feet of open space. Without the incentive to reduce the minimum usable open space required to 706 square feet, the project would need to provide an additional 3769 square feet of common open space on-site. 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 to meet all of these additional requirements for common open space. The requested waiver will allow the developer to expand the building envelope to the construction of additional units and the overall space dedicated to residential uses is increased. By waiving this development standard, the developer will not be physically precluded from constructing the proposed development with 44 dwelling units including 43 affordable units.

Parking: The project is requesting a Waiver of Development Standard to allow for a deviation from the requirement and provide zero parking spaces. LAMC Section 12.21 A.4(a) requires 1.5 parking spaces for studios and one-bedroom units, 2 parking spaces for two- and three-bedroom units and 2.5 parking spaces for units with four or more bedrooms. The project is proposing 41 dwelling units with one or less bedrooms and three (3) two-bedroom units. Strict compliance with this standard would require the project to provide a total of 68 parking spaces. Compliance with the parking requirement means that the square footage that which would be used for the driveway, parking spaces, drive aisle and turn around points would be underutilized and lost. By allowing the waiver from the parking requirement, the project will be able to accommodate additional units to provide a total of 44 dwelling units.

CONCLUSION

As a Density Bonus Housing Project that satisfies all the objective planning standards of LAMC Section 12.22 A.25(g)(3), California Government Code Section 65915 and is a 100% affordable housing project consistent with ED1 streamlined approval, the project is considered to be a ministerial project and is statutorily exempt from the California Environmental Quality Act (CEQA).

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Letter of Compliance shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within three years after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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

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

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

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at planning.lacity.org or by calling (213) 482-7052 or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

Effective Date/Appeals: The decision of this Letter of Compliance is final and effective upon the mailing of this letter and not appealable.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Prepared by:

Michelle Singh

Michelle Singh, Senior City Planner

Anacany Hurtado

Anacany Hurtado, City Planning Associate