

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL CASE:	COUNCIL DISTRICT:	
CPC-2023-5116-DB-PHP-HCA	ENV-2023-5117-CE-1A	13 - Soto-Martinez	
RELATED CASE NOS.		COUNCIL FILE NO:	
<input checked="" type="checkbox"/> N/A		<input checked="" type="checkbox"/> N/A	
PROJECT ADDRESS / LOCATION:			
1332 North Fairfax Avenue, Los Angeles 90046			
APPLICANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:	
Jason Grant, Local Development	310-488-4446	Jason@localdevinc.com	
APPLICANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:	
<input checked="" type="checkbox"/> N/A			
APPELLANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:	
North Orange Grove Residents	818-907-8755	N/A	
APPELLANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:	
Kristina Kropp, Luna & Glushon	818-907-8755	kkropp@lunaglushon.com	
PLANNER CONTACT:	TELEPHONE NUMBER:	EMAIL ADDRESS:	
Bryant Wu	213-202-5435	bryant.wu@lacity.org	
ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):			
N/A			
FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)			
Density Bonus Off-Menu Incentives and Waivers			
ITEMS APPEALED:			
ENV-2023-5117-CE			
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	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		<input type="checkbox"/>

<input type="checkbox"/> Land Use Map <input checked="" type="checkbox"/> Exhibit A – Plans <input checked="" type="checkbox"/> Mailing List <input checked="" type="checkbox"/> Interested Parties List <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Development Agreement <input type="checkbox"/> Site Photographs <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Project Exemption (SCPE) <input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA) <input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR) <input type="checkbox"/> Appendices <input type="checkbox"/> Other:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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NOTES / INSTRUCTIONS:

Please create Council File.

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

PLANNING COMMISSION HEARING DATE:

January 11, 2024

COMMISSION VOTE:

8 – 0

LAST DAY TO APPEAL:

N/A

DATE APPEALED:

Yes, February 27, 2024

TRANSMITTED BY:

Cecilia Lamas
Commission Executive Assistant II

TRANSMITTAL DATE:

February 29, 2024



LOS ANGELES CITY PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: FEBRUARY 15, 2024

Case No. CPC-2023-5116-DB-PHP-HCA
CEQA: ENV-2023-5117-CE
Plan Area: Hollywood

Council District: 13 – Soto-Martinez

Project Site: 1332 North Fairfax Avenue

Applicant: Jason Grant, Local Development

At its meeting of **January 11, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of an existing one-story single-family dwelling and the construction of a new, approximately 14,111 square foot, 45 feet in height, 100 percent affordable four-story residential apartment building containing 26 residential units with 20 units set aside for Low Income Households, five units set aside for Moderate Income Households and one manager's unit, utilizing the State Density Bonus Program. The Project does not propose vehicular or bicycle parking and no Open Space is provided. The Project proposes the removal of seven non-protected on-site trees. One existing street tree is not proposed for removal and will be maintained.

1. **Determined**, that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, 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;
2. **Approved**, pursuant to Section 12.22 A.25(g)(3) of the Los Angeles Municipal Code (LAMC) and Government Code Section 65915, a Density Bonus/Affordable Housing Incentive Program Compliance Review to permit the construction of a housing development project totaling 26 dwelling units, reserving 20 units for Low Income Households and five units for Moderate Income Households for a period for 55 years, with the following Off-Menu Incentives and Waivers of Development Standards:
 - a. An Off-Menu Incentive to allow an increase in Floor Area Ratio (FAR) to 2.032:1 in lieu of the otherwise permitted 0.45:1 in the R1-1 Zone; and
 - b. An Off-Menu Incentive to allow a reduction in the Building Line 15 feet required to 10 feet;
 - c. An Off-Menu Incentive to allow a 29 percent northerly side yard setback reduction to allow a side yard setback of five feet in lieu of the otherwise required seven feet in the R1-1 Zone;
 - d. An Off-Menu Incentive to allow a 29 percent southerly side yard setback reduction to allow a side yard setback of five feet in lieu of the otherwise required seven feet in the R1-1 Zone;
 - e. A Waiver of Development Standards to allow a 100 percent reduction in the required Bicycle parking;
 - f. A Waiver of Development Standard for a 100 percent reduction in required Open Space;
 - g. A Waiver of Development Standard from an Encroachment Plane requirement pursuant to LAMC 12.08.C.5;

- h. A Waiver of Development Standard from a R1 Zone Side Wall Plane Break requirement pursuant to LAMC Section 12.08.2; and
 - i. A Waiver of Development Standard from a Roof Deck Setback requirement pursuant to LAMC Section 12.08.C.2;
3. **Adopted** the attached Conditions of Approval; and
 4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Mack
 Second: Gold
 Ayes: Cabildo, Choe, Lawshe, Leung, Millman, Noonan
 Absent: Zamora

Vote: 8 – 0

Cecilia Lamas, Commission Executive Assistant II
 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 Waivers of Development Standards are not appealable. Therefore, 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 LAMC Section 11.5.13 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. For other limitations see LAMC Section 11.5.13.

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, Appeal Filing Procedures (CEQA)

- c: Jane Choi, Principal City Planner
- Chi Dang, City Planner

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22 A.25 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped Exhibit "A" and attached to the subject case file. 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 26 residential dwelling units.
3. **On-site Restricted Affordable Units.** 20 units shall be reserved for Low Income Households and five (5) units shall be reserved for Moderate Income Households, 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 LACM Sections 12.22 A.25 and State Density Bonus Law (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 20 units available to Low Income Households and five (5) units available to Moderate Income Households, equal to 100 percent of the project's total proposed residential density allowed, 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 will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD.
6. **SB 8 Replacement Units (Government Code Section 66300).** The project shall be required to comply with the Replacement Unit Determination (RUD) letter, dated June 7, 2023, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant.
7. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either

replace all withdrawn RSO Units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided to City Planning for inclusion in the case file.

8. Density Bonus Incentives

- a. **Floor Area Ratio.** The project shall not exceed a Floor Area Ratio (FAR) of 2.156:1.
- b. **Building Height.** The project shall be limited to a maximum building height of 45 feet and four stories. Up to 10 additional feet in height may be permitted for mechanical equipment, stairways, elevator towers, etc. per LAMC Section 12.21.1 B.3, and to the satisfaction of the Los Angeles Department of Building and Safety.
- c. **Side Yard Setbacks.** The project shall provide a minimum 5-foot northerly side yard setback.
- d. **Side Yard Setback.** The project shall provide a minimum 5-foot southerly side yard setback.
- e. **Front Yard Setback.** The project shall provide a minimum 10-foot westerly front yard setback and shall observe a 10-foot Building Line, in lieu of the required 15 feet.

9. Waivers of Development Standards:

- a. **Open Space.** A minimum of zero (0) square feet of open space shall be permitted in lieu of the minimum 2,725 square feet otherwise required.
- b. **Bicycle Parking.** Zero (0) bicycle parking is required.
- c. **Encroachment Plane.** The project's height is permitted to encroach into the Encroachment Plane requirement pursuant to LAMC 12.08.C.5.
- d. **Side Wall Plane Break.** The project is permitted to encroach upon the R1 Zone Side Wall Plane Break requirement pursuant to LAMC Section 12.08.2.
- e. **Roof Deck Setback.** The project is permitted to encroach upon the Roof Deck Setback requirement pursuant LAMC Section 12.08.C.2.

10. Parking.

- a. **Automobile Parking.** Pursuant to California Government Code 65915(p)(3), no parking requirements shall apply for 100 percent affordable housing projects located within one-half mile of public transit. Zero (0) parking spaces are provided. In addition, the project is allowed zero parking spaces pursuant to California Government Code Section 65863.2 (AB 2097). Zero (0) parking spaces are provided.
- b. **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), 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 recalculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22 A.25.

11. **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.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).
12. **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 seven (7) 24-inch box, or larger, trees onsite 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.

Administrative Conditions

13. **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.
14. **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.
15. **Approval, Verification and Submittals.** Copies of any approvals guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
16. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
17. **Department of Building 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.

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

19. **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 PROGRAM FINDINGS

1. Pursuant to LAMC Section 12.22 A.25(g)(2)(i)(c) 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 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 25-percent gross income based on area median income thresholds dependent on affordability levels.

The Off-Menu include types of relief that minimize restrictions on the size of the project. As such, the Density Bonus Off-Menu Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. As the project is providing 100% affordable units, the applicant is entitled to four incentives under both Government Code Section 65915 and the LAMC. The four incentives consist of Off-Menu Incentives to provide relief from the limitation on floor area, reduced side yard and front yard setbacks.

Floor Area Ratio (FAR)

Pursuant to the R1-1 Zone and BMO (Ordinance No. 179,883), the development is restricted to a maximum FAR of 0.45:1. The applicant is requesting an Off-Menu incentive to permit a 443% percent increase in Floor Area, resulting in a Floor Area Ratio of 2.156:1 for a total residential floor area of 14,111 square-feet. This increased floor area will allow for the construction of the affordable residential units and to expand the building envelope so the additional units can be constructed, and the overall space dedicated to residential units is increased.

Side Yard Setbacks

The underlying zoning on the project site would require a 7-foot northerly and southerly side yard setback. The applicant is requesting a reduction in both side yard setbacks to five (5) feet from the required seven (7) feet that would allow the project to physically be constructed at the proposed density. These side yard reductions enable the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more dwelling units. The larger building footprint facilitates the creation of more residential units of all types, which enables the applicant to subsidize and reserve more residential units for lower income levels. Without these incentive requests, the units would need to be reduced in size or total number.

Building Line

The requested reduction of the building line from 15 feet to 10 feet would allow the building to be built to the requested Density and FAR. The requested reduction in the required building line allows the applicant to construct the building at 26 units including 25 covenanted affordable units. Without the requested reduction, the project would lose approximately 250 square feet of floor area to adhere to the building line which would decrease the size of the units and directly affect 3 units that front Fairfax Avenue. The project site is narrow as the site as it is 50 feet in width and denial of the off-menu incentive would prohibit the proposed number and adequate size of the affordable units.

- b. The Incentives and/or Waivers will have a Specific Adverse Impact upon public health and safety or the physical environment or 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 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 substantial evidence in the record that the proposed 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)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also 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 the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Therefore, there is no substantial evidence that the proposed incentives will have a specific adverse impact on public health and safety.

- c. The waiver[s] or reduction[s] of development standards relate to development standards that will not 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).**

A project that meets the requirements of Government Code 65915 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)).

Open Space

The applicant is requesting a 100% reduction in the required Open Space of 2,725 square feet. The requested decrease in open space allows for a decrease in construction costs and space for necessary building components to house the affordable housing units on the project site.

Bicycle Parking

The applicant is requesting a reduction in the required bicycle parking by 100%. Pursuant to LAMC Section 12.21.A.16, the project would require 26 long-term bicycle parking spaces and 4 short-term bicycle parking spaces. The project does not propose bicycle parking spaces. The reduction in the number of bicycle parking spaces would provide more floor area in providing affordable housing units for the development.

Encroachment Plane

The project is requesting a reduction in the required encroachment plane. The requested decrease in encroachment plane allows for space for necessary floor area and building components to house the affordable housing units on the project site and enables the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more affordable dwelling units.

Wall Plane Break

The project is requesting a reduction in the required wall plane break. The requested decrease in the plane break allows for necessary floor area and building components to house the affordable housing units on the project site and enables the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more affordable dwelling units.

Roof Deck Setback

The project is requesting a reduction in the required roof deck setback. The requested decrease in the roof deck setback allows for necessary building components to house the affordable housing units the project site and enables the project to expand the building envelope and provide additional floor space and residential units, thus enabling the provision of more affordable dwelling units.

Therefore, the requested Waivers of Development Standards relate to development standards that would physically preclude a project otherwise meeting the requirements of State Density Bonus law.

d. The Incentives and/or Waivers are contrary to State/federal law.

There is no substantial evidence in the record indicating that the requested Incentives and Waivers are contrary to any State or federal laws.

ADDITIONAL MANDATORY FINDINGS

2. 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.
3. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, 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 proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document found in Case No. ENV-2023-5117-CE and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

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

(CURRENTLY CLOSED)

(310) 231-2901

1828 Sawtelle Boulevard

West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online Appeal Filing



QR Code to Forms for In-Person Filing