



DEPARTMENT OF CITY PLANNING APPEAL RECOMMENDATION REPORT

City Planning Commission

Date: May 11, 2017
Time: After 8:30 A.M.*
Place: Los Angeles City Hall
Public Works Board Room 350
200 North Spring Street
Los Angeles, California 90012

Public Hearing: Required
Appeal Status: Not further appealable
Appeal
Expiration Date: June 21, 2017
Multiple No
Approval:

PROJECT LOCATION: 850 South La Brea Avenue

PROPOSED PROJECT: The construction of a mixed-use building with 40 residential dwelling units including 11 percent, four (4) units, set aside for Very-Low Income Households, and approximately 4,500 square feet of commercial space. The building is proposed as a five (5) story building over two (2) levels of subterranean parking. The project proposes to provide 47 residential and 13 commercial parking spaces.

APPEAL ACTION: Appeal of the Planning Director's determination to approve two on-menu Density Bonus Incentives pursuant to Los Angeles Municipal Code (LAMC) Section 12.22-A,25, as follows:

- A Floor Area Ratio (FAR) not to exceed 3:1 in lieu of the 1.5:1 FAR;
- A 20 percent reduction in the open space requirement to provide 3,520 square feet of open space in lieu of 4,400 square feet.

RECOMMENDED ACTIONS:

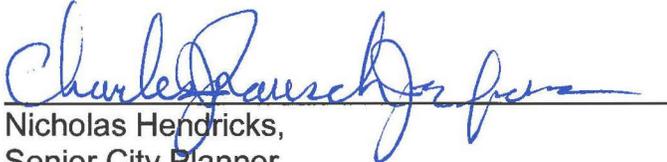
- Deny** the appeal;
- Determine** that based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
- Sustain** the Planning Director's decision to approve two on-menu Density Bonus Incentives pursuant to Los Angeles Municipal Code (LAMC) Section 12.22-A,25, as follows:

Case No.: DIR-2016-4543-DB-1A
CEQA No.: ENV-2016-4544-CE
Incidental N/A
Cases:
Related Cases: N/A
Council No.: 4
Plan Area: Wilshire
Specific Plan: None
Certified NC: Greater Wilshire
GPLU: General Commercial
Zone: C2-1

Appellants:
1. Elizabeth Fuller
2. Ed and Christine Costumbrado
3. Donald Klein
Applicant: Farzad Halavi, Labrea9, LLC

- a. A Floor Area Ratio (FAR) not to exceed 3:1 in lieu of the 1.5:1 FAR;
 - b. A 20 percent reduction in the open space requirement to provide 3,520 square feet of open space in lieu of 4,400 square feet.
4. **Adopt** the Conditions of Approval; and
 5. **Adopt** the findings of the Director of Planning.

VINCENT P. BERTONI, AICP
Director of Planning



Nicholas Hendricks,
Senior City Planner



May Sirinopwongsagon
City Planner

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *City Planning Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012* (Phone No.213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1299.

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- C. Architectural Plans
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- G. Appeal No. 3: Donald Klein

PROJECT ANALYSIS

Project Summary

The proposed project will remove the existing commercial buildings on the project site and construct a new five-story mixed-use building consisting of 40 residential units and 4,500 square feet of ground floor commercial space. The project proposes to set aside 11 percent of the base density, or 4 dwelling units, for Very Low Income Households. The project proposes to provide 47 residential and 13 commercial parking spaces on the ground level and within two subterranean levels of parking.

Background

The project site is an irregularly-shaped, approximate 12,355 square-foot site located at the northeast corner of La Brea Avenue and 9th Street. The project site is located within the Wilshire Community Plan, with a land use designation of General Commercial and is zoned C2-1. The project site is currently developed with a one-story commercial building consisting of a restaurant and four retail spaces, and surface parking lot. In a letter dated October 7, 2016, the Housing + Community Investment Department determined that there were no residential units on the property within the last five years and the properties have been utilized as commercial buildings. As AB 2222 does not apply to commercial buildings, AB 2222 replacement affordable units are not required.

Pursuant to LAMC Section 12.22-A,25, the project proposes to remove the existing buildings for the construction of a new five-story mixed-use building, which would include 4,500 square feet of ground floor commercial and 40 residential dwelling units. The project would provide a total of 13 commercial parking spaces on the ground floor and 47 residential parking spaces within two levels of subterranean parking.

The C2 Zone permits a maximum of 30.9 dwelling units, pursuant to AB 2501, the base density is rounded up to 31 dwelling units. Pursuant to LAMC Section 12.22-A,25 the applicant has proposed to set aside 11 percent of the base density, four dwelling units, for Very Low Income Households. With 11 percent set aside, the project qualifies for a 35 percent density bonus, or a maximum of 42 dwelling units. As the project site is located within ½ mile of a major transit stop, Metro Bus Lines 212/312, the project may provide 0.5 vehicular parking spaces per bedroom pursuant to AB 744. Commercial parking spaces are provided pursuant to LAMC Section 12.22-A,4.

The properties to the north and south are zoned C2-1 and are developed with developed with one- to two-story commercial buildings and surface parking lots. The properties to the west are zoned C2-1-O and are also developed with one- to two-story commercial buildings, including a church, and surface parking. The properties to the east are zoned R2-1 and are developed with two-story duplexes.

THE APPEAL

Appellant: Elizabeth Fuller – Appeal of the Entire Decision

The following bullet points are statements from the appeal submitted by the appellant. The appeal in its entirety is attached for reference (see Exhibit E)

Reasons for Appeal:

- A-1. Parking. The reduced number of parking spaces, 0.5 parking spaces per bedroom, would require tenants to park on neighborhood streets.

STAFF RESPONSE

On October 9, 2015, Assembly Bill 744 (AB 744) was signed by Governor Brown, which amended sections of the State Density Bonus Law, Section 65915 of the Government Code. The amendment were in regards to automobile parking requirements for affordable housing projects. The bill prevents local jurisdictions from imposing higher automobile requirements than those established by the legislation if requested by the developer, provided that the project includes the maximum percentage of low- or very low income units and is located within one-half mile of a major transit stop. If the project qualifies, the alternative parking ratio would be 0.5 parking space per bedroom.

Case No. DIR-2016-4543-DB was filed on November 30, 2016, for an approval of a 35 percent density bonus and two on-menu incentives in conjunction with an 11 percent set aside for Very-Low Income Households. The application included a request to provide 0.5 parking spaces per bedroom pursuant to AB 744.

As previously discussed, the C2 Zone would permit a maximum of 30.9 dwelling units on the project site, or a base density of 31 dwelling units pursuant to AB 2501. The project proposes to set aside 11 percent of 31 dwelling units, or 4 dwelling units, for Very-Low Income Households. Pursuant to Section 65915 of the Government Code, 11 percent is the maximum percentage required to be set aside for a 35 percent density bonus. The project site is located at northeast corner of La Brea Avenue and 9th Street and is located across from the Metro Bus Stops for Line 212/312 and is approximately 0.12 miles north of the Metro Rapid Bus Stop for Line 728. The three lines are identified by Metro as bus lines which run every 15 minutes, and are considered to be a major transit stop pursuant to Section 21155 of the State Public Resources Code. As the proposed project complies with the requirements of AB 744, the City is prohibited from imposing a parking ratio in excess of 0.5 parking spaces per bedroom, as requested by the applicant.

The project proposes to provide 24 one-bedroom units and 16 two-bedroom units, requiring a total of 28 residential parking spaces pursuant to AB 744. Although the applicant has requested a reduction in the required parking ratio, the applicant proposes to provide a total of 47 residential parking spaces. This is 9 parking spaces less than what would have been required pursuant to LAMC Section 12.22-A,25 had the applicant not requested the alternative parking ratio pursuant to AB 744. By reducing the required parking ratio, the additional parking spaces may be utilized to serve residents who may desire an additional parking space or to serve for guest of the residents. The applicant will provide 13 parking spaces for the commercial component of the project, as required by LAMC Section 12.21-A,4. As such, the project is anticipated to provide adequate parking to serve the needs of the future residents and customers of the commercial component.

Reasons for Appeal:

- A-2. Further damage to already failing streets. The additional height and density afforded by the two incentives would increase construction time and the neighborhood effects of the construction process, such as wear and tear on our neighborhood streets.
- A-3. Other construction intensity issues.
 - a. La Brea is a major traffic artery, and it simply cannot accommodate a large amount of construction mess or activity without creating major regional traffic disruptions.
 - b. That would indicate that much construction parking and staging will need to take place along 9th Street, which is very narrow at this location.
 - c. Losing valuable street parking for the neighborhood during construction.

- A-4. During construction, there will be temporary but still long-term disruptions, which will be made worse by the approved size and density incentives.

STAFF RESPONSE

A transportation impact analysis dated November 2, 2016 was prepared by KOA Corporation Planning & Engineering for the proposed project. The analysis was reviewed by the Department of Transportation (LADOT) and in a Transportation Impact Study memorandum dated January 12, 2017 (DOT Case No. CEN 16-45006), LADOT determined that none of the studied intersections were expected to be significantly impacted by project-related traffic, including during the construction phase. The memo includes a project related condition regarding the preparation and approval of a construction work site traffic control plan. Prior to the issuance of a building permit, the applicant would be required to prepare and receive approval of the plan and other related conditions contained within the LADOT memorandum.

Reasons for Appeal:

- A-5. Privacy. Because the building will tower over its neighbors, it will significantly decrease the neighbors' privacy, especially in their back yards.

STAFF RESPONSE

The City does not directly regulate or protect privacy; however, existing regulations such as requiring that structures observe front, side, and rear yard setbacks helps to address the issue of privacy. In the C2 Zone, portions of buildings which are utilized for residential purposes are required to comply with the side and rear yard requirements of the R4 Zone. A front yard setback is not required, pursuant to LAMC Section 12.14-C,1. The building will observe a zero-foot front yard setback along La Brea Avenue and 9th Street. While the first floor will observe a zero-foot side and rear yard setback, the building will observe a seven-foot side yard setback from the northern property line and a 16-foot rear yard setback from the eastern property line. The 16-foot setback is similar to the rear yard setback required for the adjacent property to the rear. The property to the rear, which is zoned R2-1, is required to observe a 15-foot rear yard setback. The applicant has not requested an incentive to reduce the setbacks and will comply with the required setbacks of the zone.

Reasons for Appeal:

- A-6. Shadows. The additional height allowed by the increased size and density of the building will also cast large shadows.
- A-7. The additional size and density of the project as currently approved will continue to have more permanent negative effects on the neighboring properties through increased traffic, noise and parking problems, the increase in shadows and loss of sunlight and privacy.

STAFF RESPONSE

The project site is zoned C2-1, which does not have a limitation for the height or the number of stories for a building. While the applicant has requested an incentive for an increase in the floor area ratio, a request has not been made or granted for additional height. The proposed building height of approximately 57 feet 4 inches, excluding roof structures, is permitted by-right by the Zoning Code. The permitted 1.5:1 FAR could be constructed to the same height, but the resulting building would not be as wide of a building as one that was constructed to a lower height. Additionally, the project site is located within an area of the City that is designated as a Transit Priority Area, pursuant to Senate Bill 743. As an infill,

mixed-use development within an urban area, shade and shadow would not be considered an impact. Additionally, the project is below the threshold of 60 feet to require a shade and shadow analysis, pursuant to the City's CEQA Guidelines.

As discussed in Appeal Point A-4, a traffic analysis was prepared and reviewed by the LADOT. In its review, LADOT determined that the project would not have a significant impact on the studied intersections, including when taken into consideration with surrounding projects. LADOT recommended the preparation and approval of a construction work site traffic control plan. Prior to the issuance of the building permit, the applicant would be required to comply with the requirements contained within the LADOT memorandum. The project would be required to comply with existing noise and parking regulations, which were established to reduce the impacts of a project on the surrounding areas.

Reasons for Appeal:

- A-8. Heat island effects. Increasing the size and density of the new building beyond its by-right dimensions, and reducing the outdoor space requirement, will also add to the urban heat island effect.

STAFF RESPONSE

Pursuant to LAMC Section 12.21-G, the project is required to provide 4,400 square feet of open space, of which a minimum of 50 percent is required to be common open space. The common open space area may be provided in- or outdoors. When outdoor common open spaces is provided, a minimum of 25 percent is required to be landscaped. Additionally, the project is required to provide at least one 24-inch box tree per dwelling unit. Per code, if the project provided a minimum of 50 percent as common open space, 2,200 square feet, and all of it was outdoors, 550 square feet of the area would be required to be landscaped.

The requested 20 percent reduction would require 3,520 square feet of open space in lieu of 4,400 square feet. The applicant proposed to provide 3,646 square feet of open space, of which 2,896 square feet will be provided outdoors and 725 square feet will be landscaped. Although the project has requested a reduction of the overall open space, the project will provide the landscaping that is required by the Zoning Code and would exceed the minimum landscaped area required by code without the reduction of the open space area.

Reasons for Appeal:

- A-9. Historic context and compatibility. The additional height and density is very much out of character with the low-density, lower-profile and historic building patterns in the neighborhood.

STAFF RESPONSE

As previously discussed, the height of the proposed building is permitted within the C2-1 Zone and no additional height has been granted for the project. Height District 1 would permit the maximum floor area to be developed either as a low- or mid-rise building. The properties located to the north and south are zoned C2-1 and the properties to the west are zoned C2-1-O. These properties are subject to the same floor area restrictions as the project site and would not be subject to a height or story limitation. The properties to the east are zoned R2-1 and would be subject to a 33-foot height limit; however, the properties would be permitted a maximum floor area of three times the buildable area of the lot. While the immediately adjacent properties are developed with one- to two- stories building, the project site is located along a commercially developed corridor. Additionally, the project site is located approximately 0.1 miles south of the southern boundary of the Miracle Mile Regional

Center, as designated by the Wilshire Community Plan. The property located at the northeast corner of La Brea Avenue and 8th Street is developed with a six-story building with two levels of subterranean parking. The proposed height and number of units would be compatible with the future development of what would be permitted in the area.

Appellant: Ed and Christine Costumbrado - Appeal of the Entire Decision

The following bullet point statements are from the appeal submitted by the appellant. The appeal in its entirety is attached for reference (see Exhibit F). The appeal includes additional appeal points which were raised by Elizabeth Fuller, as discussed above.

Reasons for Appeal:

- B-1. During construction and thereafter there will be disruptions and problems such as traffic, noise, dust, parking and devaluation of our property.
- B-2. Loss of privacy and the view of the sky due to the height of the building.
- B-3. Appeal the project because of its size and scale.

STAFF RESPONSE

As discussed in the appeal points above, the project would be required to comply with existing regulations which were established with the intention to reduce the impacts and disruption of the project on surrounding areas. Traffic impacts of the project, during construction and operation, were evaluated as part of a traffic analysis, which was reviewed by LADOT. LADOT determined that the analysis was adequately prepared and that project was not anticipated to have a significant impact on the studied intersections. Prior to the issuance of a building permit, the project is required to be reviewed by LADOT and would be required to comply with conditions contained within LADOT Memorandum dated January 12, 2017 Other applicable regulations that the project would be required to comply with include, but are not limited to, restricted hours of construction, limitations on the use of multiple equipment, and wetting of the ground to avoid dust.

As discussed in appeal point A-5 and A-9, the project will comply with regulations as it relates to yard setbacks and the height of the building is permitted by the height district. The approval of the 3:1 FAR would ensure that the development of the affordable units and the habitability of the building.

Appellant: Donald Klein – Appeal of Part of the Decision

The following bullet point statements are from the appeal submitted by the appellant. The appeal in its entirety is attached for reference (see Exhibit G)

Reasons for Appeal:

The Appellant is specifically appealing the number of units, amount/location of open space, and parking.

- C-1. Value of property would be grossly reduced by the construction of a high-rise building directly adjacent and to the west of my property.
- C-2. Loss of all privacy at my building and would be deprived of all western-exposure sunlight.
- C-3. Parking congestion on both 9th Street and Sycamore Ave

STAFF RESPONSE

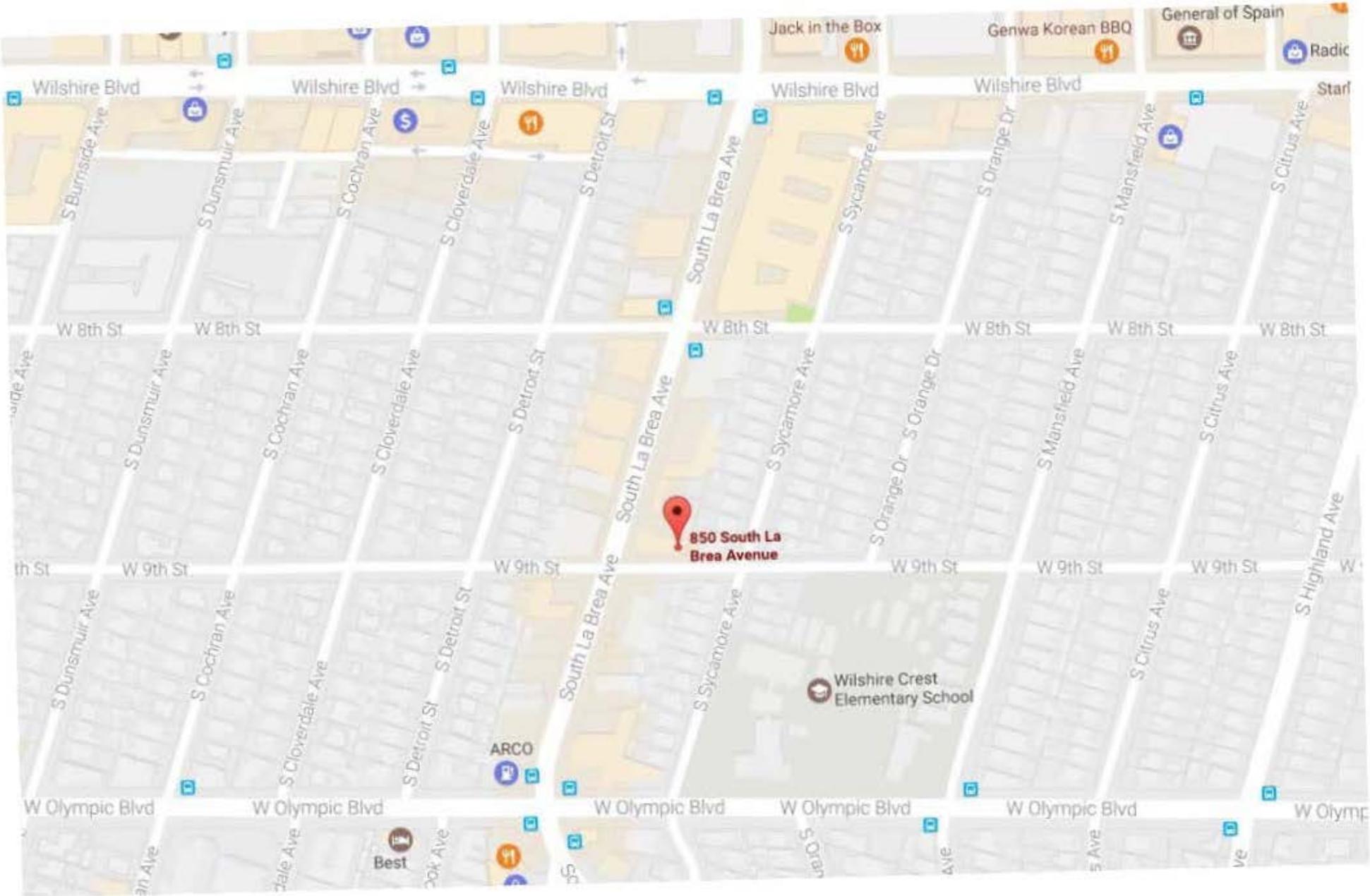
As previously discussed, the project site is permitted a maximum density of 31 dwelling units pursuant to AB 2501. The project has set aside the required 11 percent of the base density to qualify for a 35 percent density bonus, for a maximum of 42 dwelling units. As proposed, the project will develop a maximum of 40 dwelling units, with 4 dwelling units set aside for Very Low Income Households. As discussed in appeal point A-8, the project proposes to provide 3,646 square feet of open space, with a portion of it located within the rear yard setback on the rooftop of the first level of parking. LAMC Section 12.21-G, permits the use of the rear yard for common open space areas and a request to deviate from the location of open space has not been requested or granted.

In addition to addressing privacy concerns, as discussed in appeal point A-5, the require yard setbacks are intended to ensure that proper access to light and air is maintained for proposed and existing buildings. The project will observe a 16-foot rear yard setback from the eastern property line which is the shared property line with the Appellant's property. Incentive requests have not been granted as it relates to the yard regulations.

As discussed in the appeal point A-1, the applicant has requested the alternative parking ratio pursuant to AB 744. As the project qualifies for the alternative parking ratio, the City is prohibited from requiring a higher parking ratio. Although the alternative parking ratio would require 28 residential parking spaces, the applicant has proposed to provide 47 residential parking spaces and will provide the required 13 commercial parking spaces. As such, the project is anticipated to provide the necessary parking for future residents and commercial tenant spaces.

Staff Recommendation:

In consideration of the foregoing, it is submitted that the Director of Planning acted reasonably in approving DIR-2016-4543-DB for the proposed 40 residential dwelling units, including 4 dwelling units set aside for very-low income households, and 4,500 square feet of commercial space. Therefore, staff recommends that the appeal be denied, and that the decision of the Director of Planning be sustained and that Pages 23 and 24 of Exhibit A be updated to reflect the corrected landscape plans. The updated landscape plans are attached as Exhibit C-1 of the Recommendation Report package.





**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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**DIRECTOR'S DETERMINATION
DENSITY BONUS & AFFORDABLE HOUSING INCENTIVES**

April 4, 2017

Applicant/Owner/Representative

Farzad Halavi
Labrea9, LLC
11040 W Santa Monica Blvd, Suite 400
Los Angeles, CA 90025

Case No. DIR-2016-4543-DB
CEQA: ENV-2016-4544-CE (Class 32)
Location: 850 South La Brea Avenue
Council District: 4 - Ryu
Neighborhood Council Greater Wilshire
Community Plan Area: Wilshire
Land Use Designation: General Commercial
Zone: C2-1
Legal Description: Lots FR 133 and 135, Tract TR 4542

Last Day to File an Appeal: April 19, 2017

DETERMINATION – Density Bonus/Affordable Housing Incentives Program

Pursuant to 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:

Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080 of the California Public Resources Code, and Article 19, Class 32 of the CEQA Guidelines;

Approve the following two (2) incentive requested by the applicant for a project totaling 40 dwelling units, reserving 11 percent, or four (4) units for Very Low Income Household occupancy for a period of 55 years, subject to the conditions of approval below:

- a. **Floor Area Ratio.** A Floor Area Ratio (FAR) not to exceed 3:1 in lieu of the 1.5:1 FAR;
- b. **Open Space.** A 20 percent reduction in the open space requirement to provide 3,520 square feet of open space in lieu of 4,400 square feet.

Adopt the attached Findings.

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, Expedited Processing Section, 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 40 residential units, including Density Bonus Units.
3. **Affordable Units.** A minimum of four (4) units, that is 11 percent of the base dwelling units, shall be reserved as very-low income units, as defined by the State Density Bonus Law 65915 (C)(2).
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.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make four (4) units available to Very-Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Incentives.**
 - a. A maximum Floor Area Ratio (FAR) of 3:0 may be permitted in lieu of the maximum 1.5:1 FAR permitted;
 - b. A 20 percent reduction in the required open space, a minimum of 3,520 square feet of open space may be provided in lieu of the minimum 4,400 square feet of open space required.
 - i. 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";
 - ii. Except as modified herein, the landscape plan shall comply with the applicable regulations of LAMC Section 12.21-G.
7. **Parking.**
 - a. **Automotive Parking.** Vehicle parking may be provided consistent with AB 744, which permits a minimum of 0.5 parking spaces per bedroom, provided that a minimum of 11 percent of the base dwelling units is set aside for Very Low Income households; otherwise, parking shall be provided consistent with LAMC Section 12.22-A,25(d).
 - b. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A.16.

- c. **Adjustments to 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.
8. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.

Administrative Conditions

9. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
10. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
11. **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.
12. **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.
13. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
14. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
15. **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.

16. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

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

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

PROJECT BACKGROUND

The project site is an irregularly shaped, approximate 12,355 square-foot site located at the northeast corner of La Brea Avenue and 9th Street. The project site is located within the Wilshire Community Plan, with a land use designation of General Commercial and is zoned C2-1. The project site is currently developed with a one-story commercial building consisting of a restaurant and four retail spaces, and surface parking lot. In a letter dated October 7, 2016, the Housing + Community Investment Department determined that there were no residential units on the property within the last five years and the properties have been utilized as commercial buildings. As AB 2222 does not apply to commercial buildings, AB 2222 replacement affordable units are not required.

Pursuant to LAMC Section 12.22-A,25, the project proposes to remove the existing buildings for the construction of a new five-story mixed-use building, which would include 4,500 square feet of ground floor commercial and 40 residential dwelling units. The project would provide a total of 13 commercial parking spaces on the ground floor and 47 residential parking spaces within two levels of subterranean parking.

The C2 Zone permits a maximum of 30.9 dwelling units, pursuant to AB 2501, the base density is rounded up to 31 dwelling units. Pursuant to LAMC Section 12.22-A,25 the applicant has proposed to set aside 11 percent of the base density, four dwelling units, for Very Low Income Households. With 11 percent set aside, the project qualifies for a 35 percent density bonus, or a maximum of 42 dwelling units. As the project site is located within ½ mile of a major transit stop, Metro Bus Lines 212/312, the project may provide 0.5 vehicular parking spaces per bedroom pursuant to AB 744. Commercial parking spaces are provided pursuant to LAMC Section 12.22-A,4.

La Brea Avenue is a designated Avenue I, dedicated to a width of 100 feet and is improved with curb, gutter, and sidewalk. Pursuant to the Mobility Element, La Brea Avenue was previously classified as Major Highway Class II.

9th Street is a designated Local Street – Standard, dedicated to a width of 60 feet and is improved with curb, gutter, and sidewalk.

As permitted by LAMC Section 12.22-A.25 the applicant is requesting two incentive that will facilitate the provision of affordable housing at the site: 1) a maximum Floor Area Ratio (FAR) of 3:1 in lieu of maximum permitted 1.5:1 FAR and 2) a 20 percent reduction in the total required open space.

Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

- a. *The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.*

The proposed mixed-use building consists of two street frontages, the west elevation which faces La Brea Avenue and the south elevation which faces 9th Street. As shown in Exhibit A, Pages A1.1, A3.0-3.7, A4.0, and A4.2, the building provides breaks in the plane along both the western and southern elevations. The western elevation provides breaks to accommodate balconies and additional articulation to match the diagonal property line. The southern elevation provides a 12 foot 6 inch by 13 foot 5 inch setback in the middle of the plane. As indicated in the exhibit, the elevations will include alternating materials such as stucco and porcelain tile.

- b. *All buildings must be oriented to the street by providing entrances, windows architectural features and/or balconies on the front and along any street facing elevation.*

As previously described, the project site has frontage along La Brea Avenue and 9th Street. The frontage along La Brea Avenue provides glass store frontages for the 4,500 square feet of commercial space. Additionally, balconies for the residential units are located along La Brea Avenue. The frontage along 9th Street includes the continuation of the glass store frontage, as well as the main entrance for the residential dwelling units.

- c. *The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM).*

The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

- d. *The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.*

The project site is located at the northeast corner of La Brea Avenue, a designated Avenue I, and 9th Street, a designated Local Street – Standard. La Brea Avenue is dedicated to a width of 100 feet and an improved roadway width of 70 feet. 9th Street is dedicated to a width of 60 feet and an improved roadway width of approximately 30 feet. The project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

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 12.22-A.25 were 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.

The requested incentives, an increase in the allowable Floor Area Ratio to a maximum of 3:1 and a 20 percent decrease in the required open space, are expressed in the Menu of Incentives per LAMC Section 12.22-A,25(f) and, as such, permit exceptions to the 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 affordable units can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to set aside four (4) dwelling units for Very Low Income households for 55 years.

Floor Area Ratio Increase. The subject site is zoned C2-1 which permits a maximum of 30 dwelling units by right on the 12,355 square-foot site and a maximum Floor Area Ratio (FAR) of 1.5:1. The FAR incentive permits an increase of the FAR not to exceed 3:1 for project sites which are located along a Major Highway and are located within 1,500 feet of a Transit Stop/Major Employment Center. The project site is located within 500 feet of the Metro Bus stop for Lines 212/312, which runs every 15 minutes and is considered to be a Transit Stop. Pursuant to Height District 1, the project site would have been permitted a maximum of 18,532.5 square feet of floor area. The proposed 3:1 FAR would permit a maximum of 37,067 square feet of floor area. The granting of the additional 18,534.5 square feet would allow for the development of the additional dwelling units, as well as, ensuring that the all the dwelling units are of a habitable size.

Open Space Reduction. The project proposes to construct 24 one-bedroom units and 16 two-bedroom units. As required by LAMC Section 12.21-G, the project would be required to provide a total of 4,400 square feet of open space. The Open Space Reduction incentive permits a 20 percent reduction in the required open space, which would result in a total of 3,520 square feet. Although the applicant has requested the 20 percent reduction, the applicant proposes to provide 3,646 square feet of open space. The project will provide 2,896 square feet of common open space and 15 of the dwelling units would have balconies, accounting for 750 square feet of private open space. The overall reduction of the open space requirement would permit additional floor area to be dedicated to the livability and habitability of the proposed dwelling units.

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

There is no evidence 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 proposed project, including 9,075 cubic yards of export, and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City’s L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines.

The Class 32 Exemption is intended to promote infill development within urbanized areas. The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of “Infill Projects” as further described in the analysis for Case No. ENV-2016-4544-CE. The analysis determined that the project would not have a specific adverse impact upon public health and safety or the physical environment. The project site is not listed in the California Register of Historical Resources and therefore there would not be a specific impact.

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 in Zone C, which is categorized as an area of minimal flooding.
3. On March 1, 2017, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2016-4544-CE, for a Categorical Exemption, Class 32, Article 19, CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that “[t]he availability of housing is of vital statewide importance,” and has determined that state and local governments have a responsibility to “make adequate provision for the housing needs of all economic segments of the community.” Section §65580, subs. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the “continued affordability of all low and very low income units that qualified the applicant” for the density bonus.

NOTE: California State Assembly Bill 2222 recently went into effect January 1, 2015. It introduces rental dwelling unit replacement requirements, which pertain to cases filed (not issued) as of January 1, 2015. This determination letter does not reflect replacement requirements because the case application was submitted to the Department of City Planning on December 22, 2014, prior to the effective date of the amended Law. The new state law also increases covenant restrictions from 30 to 55 years for cases issued (not just filed) as of January 1, 2015. This determination letter does reflect 55 year covenant restrictions, given that the case decision, or approval, as noted on the front page, is being issued after January 1, 2015.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three “concessions or incentives” for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as “on-menu” incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government

Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for “averaging” of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

Under Government Code Section § 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify zoning code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City’s development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

FINANCIAL ANALYSIS/PRO-FORMA

Pursuant to the Affordable Housing Incentive Density Bonus provisions of the LAMC (Section 12.22 A.25) proposed projects that involve on-menu incentives are required to complete the Department’s Master Land Use Permit Application form, and no supplemental financial data is required. The City typically has the discretion to request additional information when it is needed to help make required findings. However, the City has determined that the level of detail provided in a pro forma is not necessary to make the findings for on-menu incentives. This is primarily because each of the City’s eight on-menu incentives provides additional buildable area, which, if requested by a developer, can be assumed to provide additional project income and therefore provide for affordable housing costs. When the menu of incentives was adopted by ordinance, the impacts of each were assessed in proportion to the benefits gained with a set-aside of affordable housing units. Therefore, a pro-forma illustrating construction costs and operating income and expenses is not a submittal requirement when filing a request for on-menu incentives. The City’s Density Bonus Ordinance requires “a pro forma or other documentation” with requests for off-menu incentives but has no such requirement for on-menu requests.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director’s Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do

not lapse, the authorization shall terminate and become void.

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.

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

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."

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.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

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

*Valley Office
Marvin Braude Constituent Service Center
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050*

Only abutting property owners and residents can appeal the Density Bonus Compliance Review portion of this Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

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

Vincent P. Bertoni, AICP
Director of Planning

Approved by:



Nicholas Hendricks, Senior City Planner

Prepared by:



May Sirinopwongsagon, City Planner
(213)978-1372

Attachments:
Exhibit A: Site Plan and Elevations

OWNER

Labrea9 LLC
11040 Santa Monica Blvd #400
LOS ANGELES, CA 90025
310-477-0110
elhalava@gmail.com

ARCHITECT

OPEN ARCHITECTS USA INC
6115 SELMA AVE
SUITE 205
LOS ANGELES, CA
90028-6461

No.	Description	Date
1	EXPEDITED INTAKE MEETING	08/25/2016

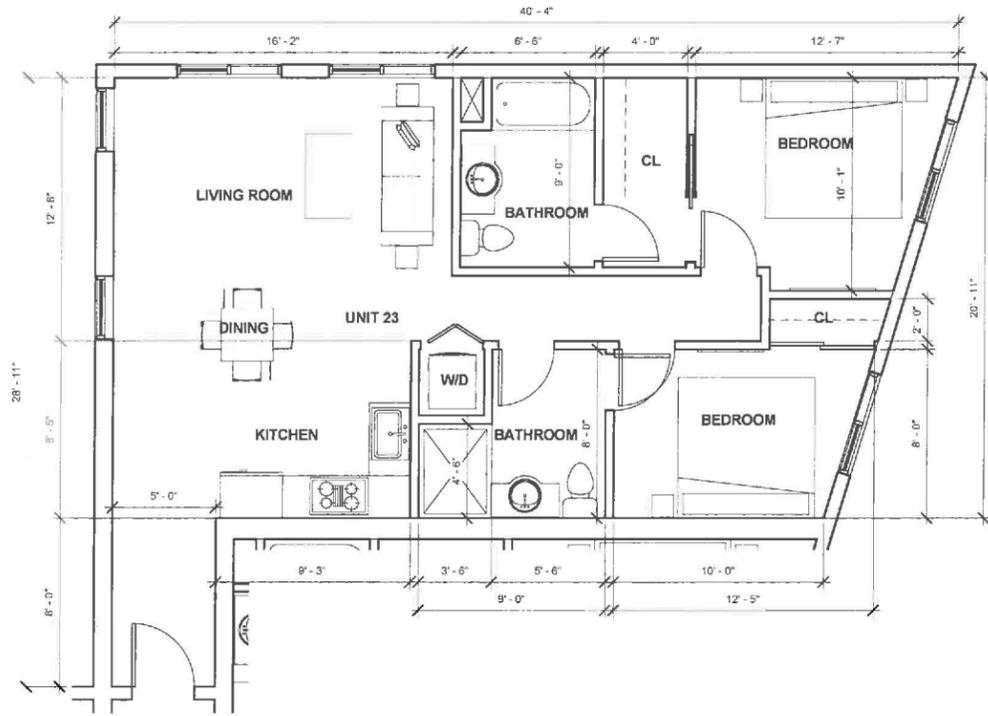
MIXED USE BUILDING
850 S. LA BREA AVE.,
LOS ANGELES, CA 90036

**ENLARGED
UNIT PLANS**

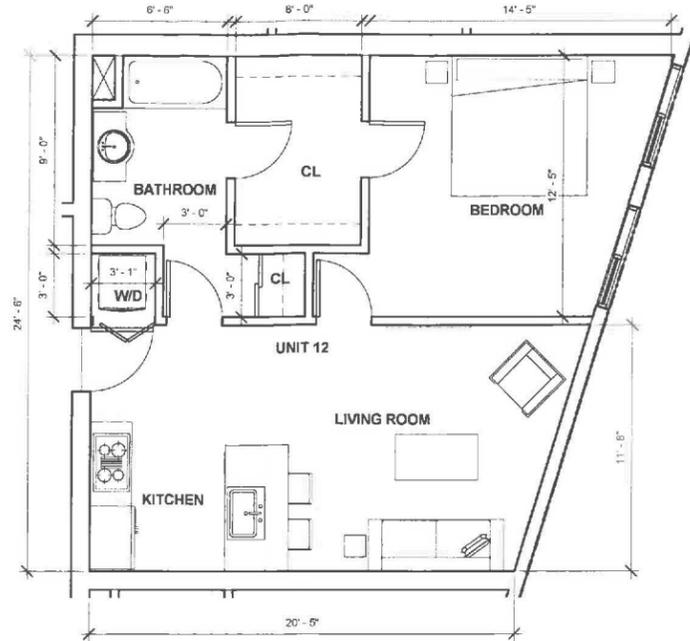
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Date	08/25/2016
Drawn by	EB
Checked by	BOBA

A6.0

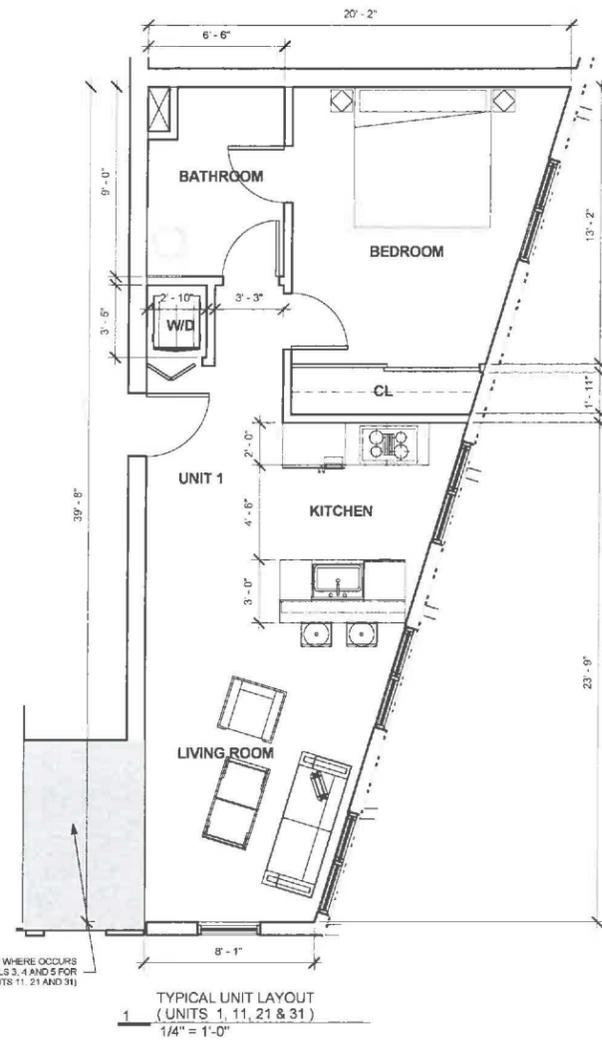
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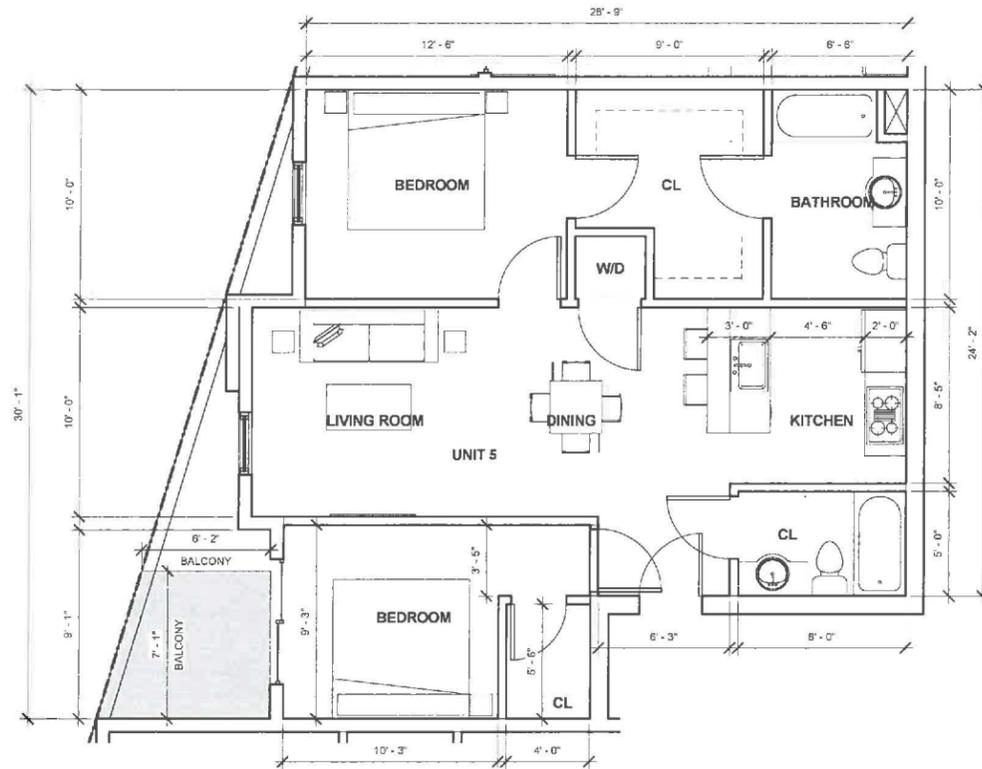
3 TYPICAL UNIT LAYOUT
(UNITS 3, 13, 23 & 33)
1/4" = 1'-0"



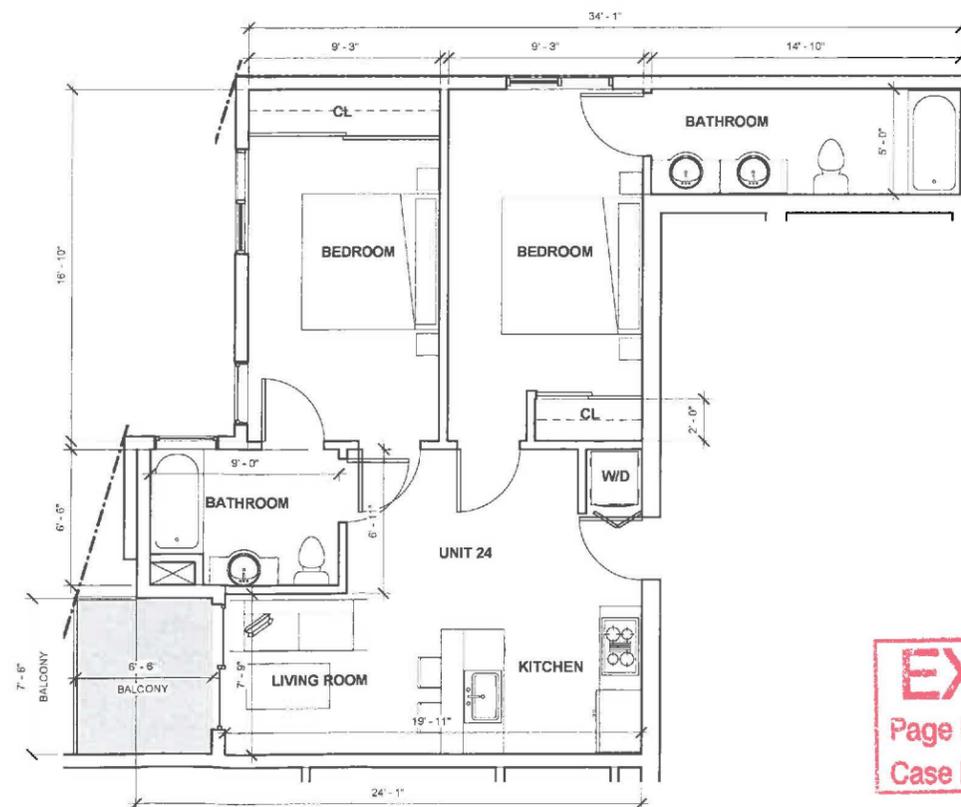
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(UNITS 2, 12, 22 & 32)
1/4" = 1'-0"



1 TYPICAL UNIT LAYOUT
(UNITS 1, 11, 21 & 31)
1/4" = 1'-0"



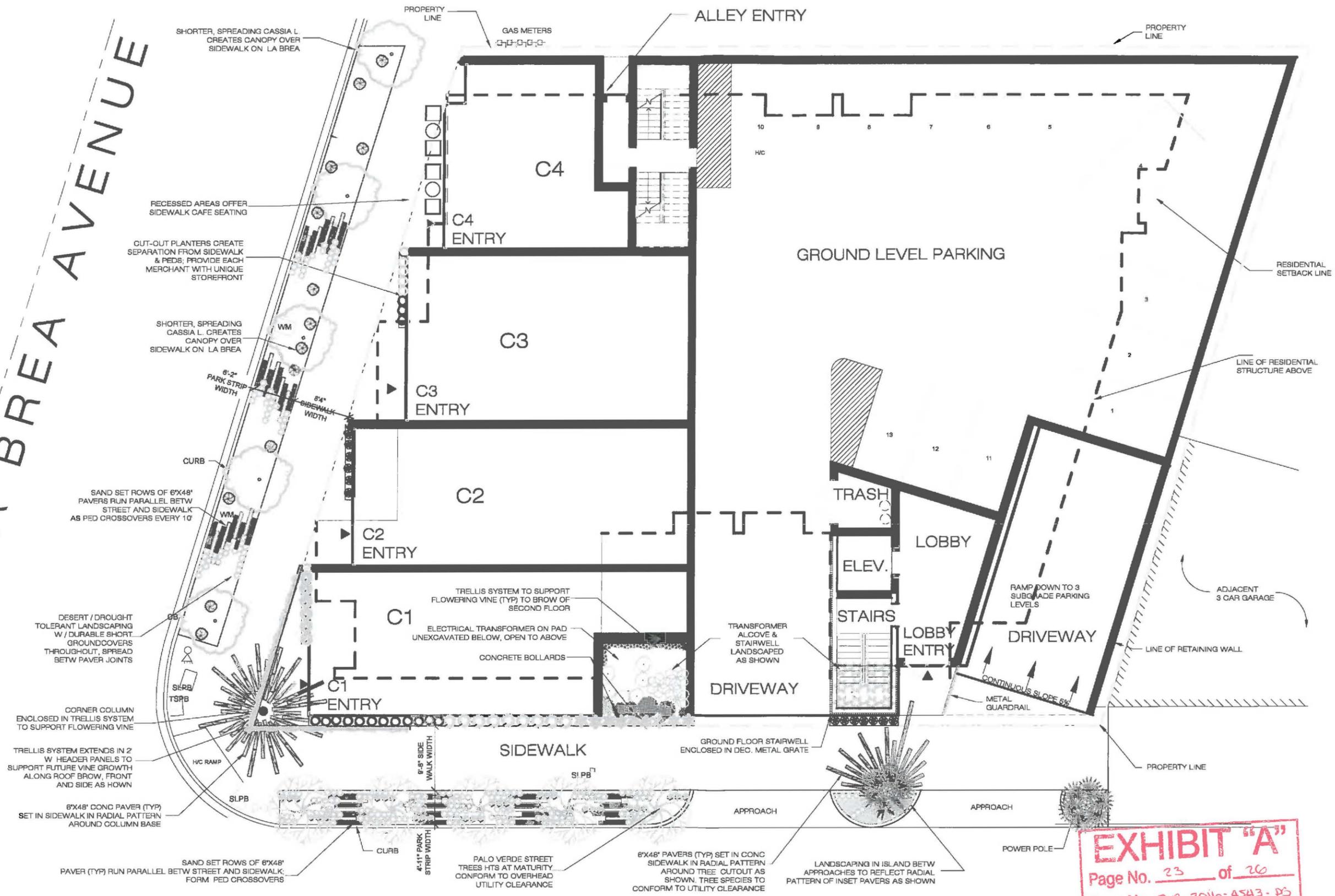
5 TYPICAL UNIT LAYOUT
(UNITS 5, 15, 25 & 35)
1/4" = 1'-0"



4 TYPICAL UNIT LAYOUT
(UNITS 4, 14, 24 & 34)
1/4" = 1'-0"

EXHIBIT "A"
Page No. 19 of 26
Case No. D12-2016-4543-DB

LA BREA AVENUE

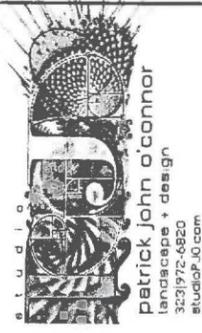


NINTH STREET

CONCEPT:
EXTERIOR AND LANDSCAPING
GROUND FLOOR

EXHIBIT "A"
Page No. 23 of 26
Case No. DIR-2016-4543-DS

LANDSCAPE CONCEPT
850 S. LA BREA
LOS ANGELES, CA 90036

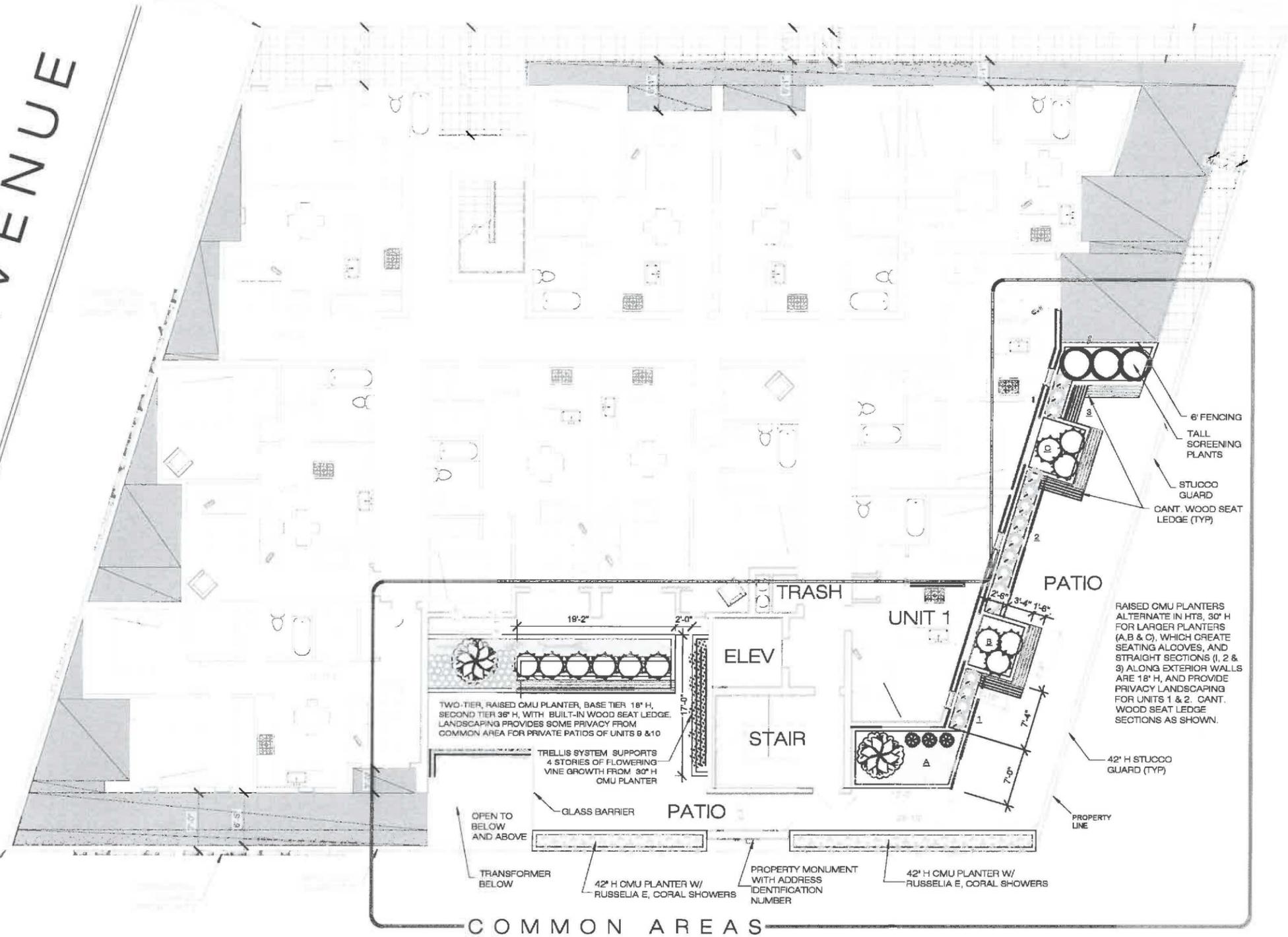


FOR
ELI HALAVI, HALCO
PROPERTY OWNER

REVISION & DATE:
ORIGINAL 6-28-16
DRAFT I:
DRAFT II:
DRAFT III:
FINAL DRAFT:
DESIGNED & DRAWN BY:
PATRICK J. O'CONNOR
SCALE:
1/8" = 1'-0"
SHEET:
L-1

NOTE: The drawings, specifications, ideas and arrangements presented herein are and shall remain the sole intellectual property of Studio PJO aka Patrick John O'Connor Landscape + Design. No part thereof shall be copied, disclosed or distributed to others or used in connection with any project for which they have been developed, executed and/or prepared without written consent or expressed approval of Studio PJO. Visual contact with this document shall constitute conclusive evidence of acceptance of these restrictions.

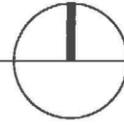
LA BREA AVENUE



NINTH STREET

EXHIBIT "A"
 Page No. 24 of 26
 Case No. D12-2016-4543-DG

CONCEPT:
 EXTERIOR COMMON AREAS
 SECOND FLOOR



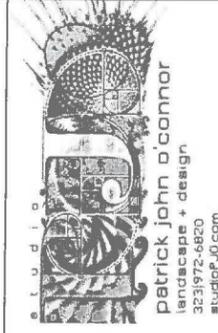
REVISION & DATE:
 ORIGINAL 8-28-16
 DRAFT I:
 DRAFT II:
 DRAFT III:
 FINAL DRAFT:

DESIGNED & DRAWN BY:
 PATRICK J. O'CONNOR
 SCALE:
 1/8" = 1'-0"
 SHEET:

L-1

SECOND FLOOR PATIO CONCEPT
850 S. LA BREA
LOS ANGELES, CA 90036

FOR
 ELI HALAVI, HALCO
 PROPERTY OWNER



patrick john o'connor
 landscape + design
 323.972.6620
 studiojoc.com

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SOUTH ELEVATION
(W. NINTH STREET)

EXHIBIT "A"
Page No. 25 of 26
Case No. D12-2016-4543-D6

REVISION & DATE:
ORIGINAL 8-28-16
DRAFT I:
DRAFT II:
DRAFT III:
FINAL DRAFT:

DESIGNED & DRAWN BY:
PATRICK J. O'CONNOR

SCALE:
N.T.S.
SHEET:

L-1

LANDSCAPE CONCEPT
850 S. LA BREA
LOS ANGELES, CA 90036

FOR
ELI HALAVI, HALCO
PROPERTY OWNER



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PERSPECTIVE, VIEW NORTHEAST
 (SOUTHWEST CORNER W. NINTH STREET AND S. LA BREA AVENUE)

EXHIBIT "A"
 Page No. 26 of 26
 Case No. D18-2016-4543-08

REVISION & DATE:
 ORIGINAL 8-28-16
 DRAFT I:
 DRAFT II:
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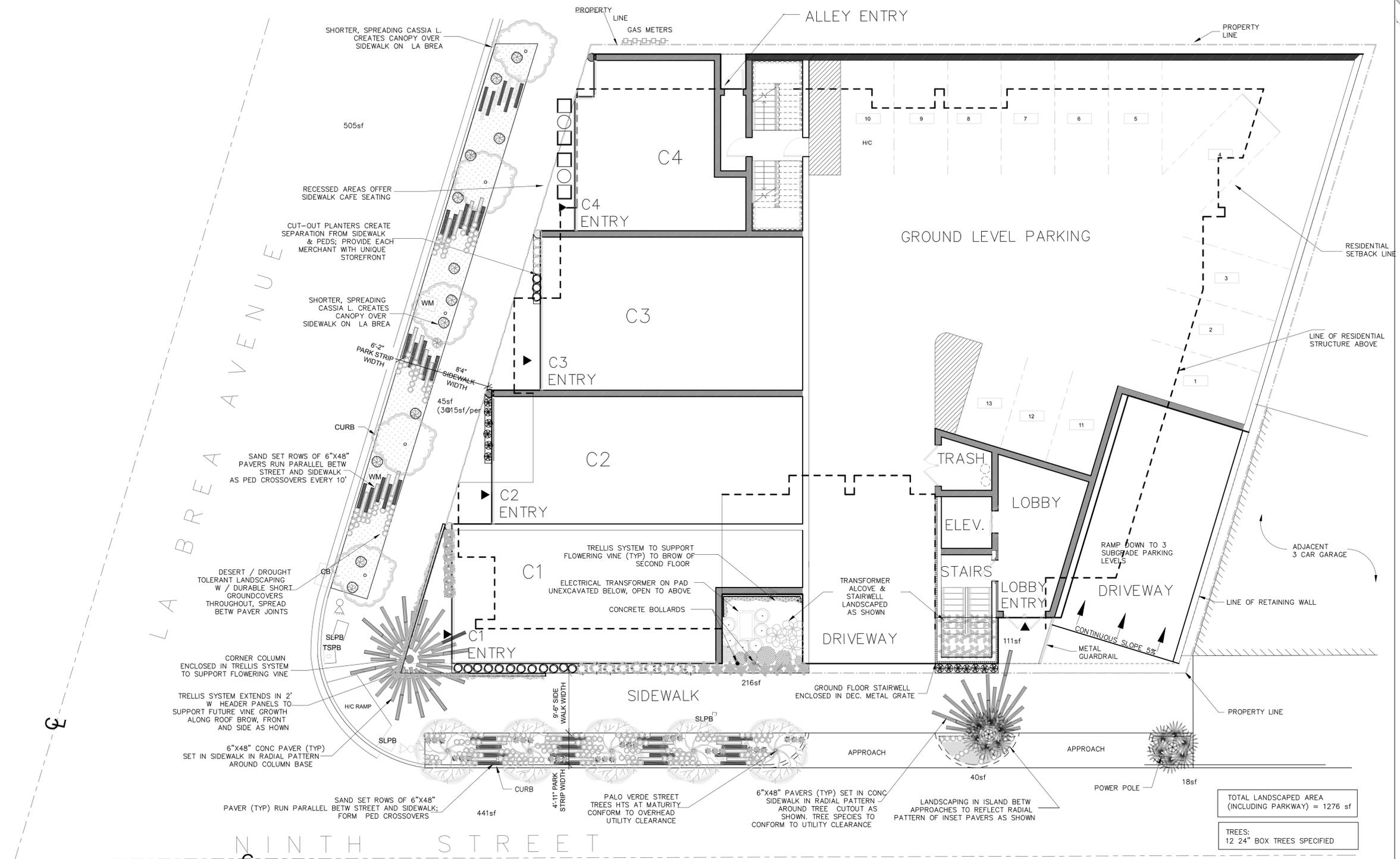
DESIGNED & DRAWN BY:
 PATRICK J. O'CONNOR

SCALE:
 N.T.S.
 SHEET:
L-1

LANDSCAPE CONCEPT
 850 S. LA BREA
 LOS ANGELES, CA 90036
 FOR
 ELI HALAVI, HALCO
 PROPERTY OWNER



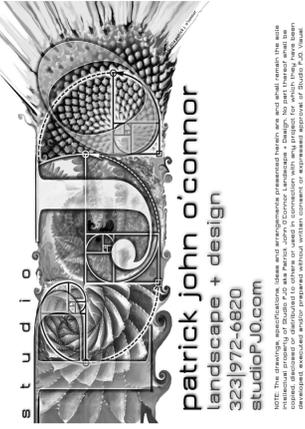
NOTE: The drawings, specifications, ideas and arrangements presented herein are and shall remain the sole intellectual property of Studio PJO aka Patrick John O'Connor Landscape + Design. No part thereof shall be copied, disclosed or distributed to others or used in connection with any project for which they have been developed, executed and/or prepared without written consent or expressed approval of Studio PJO. Visual contact with this document shall constitute conclusive evidence of acceptance of these restrictions.



LANDSCAPING CONCEPT:
EXTERIOR AND LANDSCAPING
GROUND FLOOR

TOTAL LANDSCAPED AREA
(INCLUDING PARKWAY) = 1276 sf

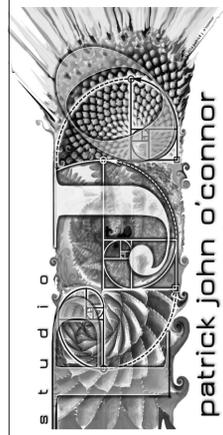
TREES:
12 24" BOX TREES SPECIFIED



LANDSCAPE CONCEPT
850 S. LA BREA
LOS ANGELES, CA 90036
FOR
ELI HALAVI, HALCO
PROPERTY OWNER

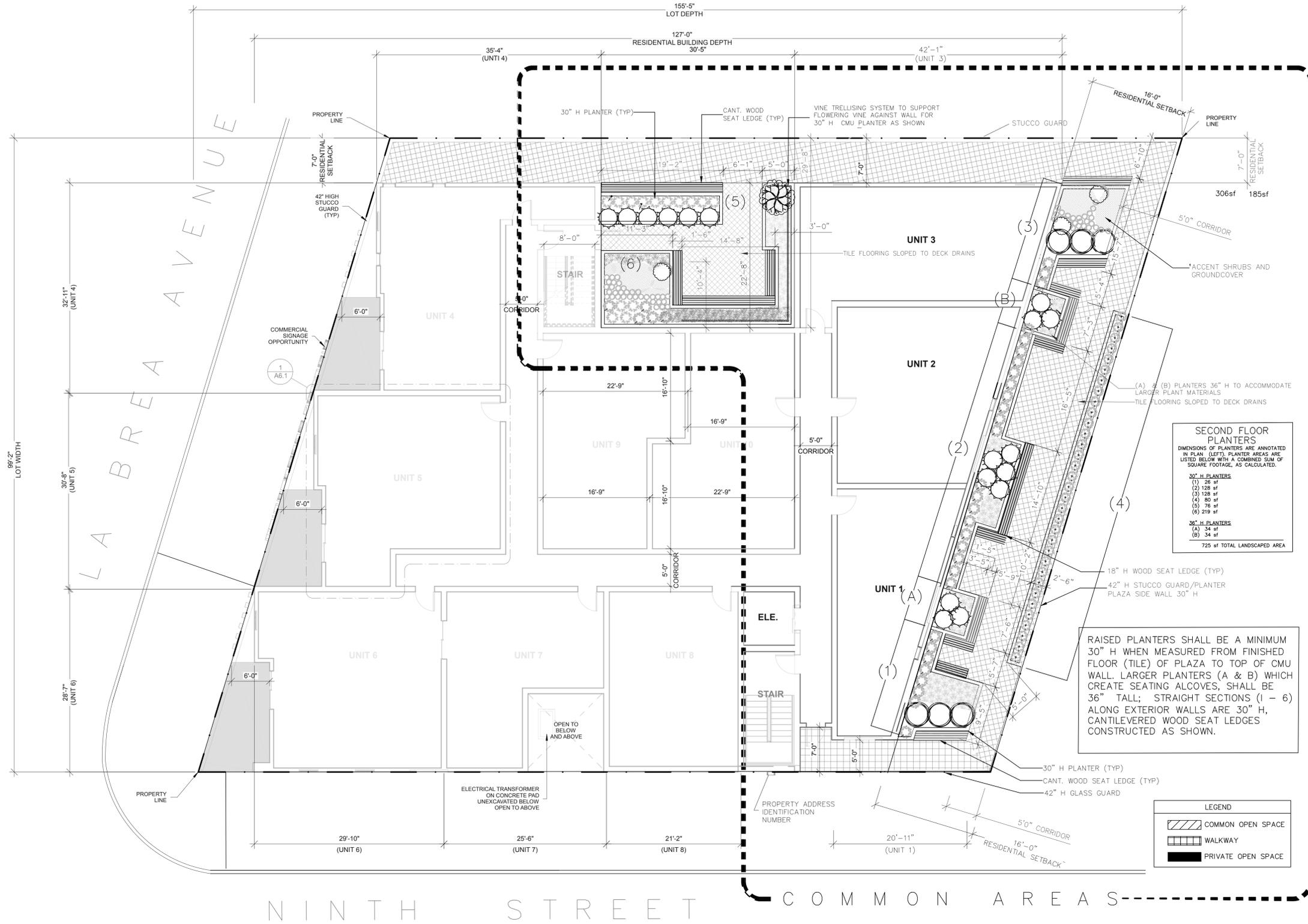
REVISION & DATE:
ORIGINAL 8-28-16
DRAFT I: REVISION: 9-10-16
DRAFT II:
DRAFT III:
DRAFT IV: REVISION 4-29-17

DESIGNED & DRAWN BY:
PATRICK J. O'CONNOR
SCALE:
1/8" = 1'-0"
SHEET: 1



patrick john o'connor
landscape + design
323972-6820
studioPJ0.com

NOTE: The drawings, specifications, uses and arrangements presented herein are and shall remain the sole property of Patrick John O'Connor Studio. They are to be used in connection with the project for which they were prepared and are not to be used for any other project without the express written consent of Patrick John O'Connor Studio. The drawings, specifications, uses and arrangements presented herein are subject to change without notice and are not to be construed as a contract. The drawings, specifications, uses and arrangements presented herein are not to be construed as a contract. The drawings, specifications, uses and arrangements presented herein are not to be construed as a contract.



LANDSCAPE CONCEPT
850 S. LA BREA
LOS ANGELES, CA 90036
FOR ELI HALAVI, HALCO
PROPERTY OWNER

LANDSCAPING CONCEPT:
EXTERIOR COMMON AREAS
SECOND FLOOR

REVISION & DATE:
ORIGINAL 8-28-16
DRAFT I: REVISION: 9-10-16
DRAFT II: REVISION: 9-10-16
DRAFT III: REVISION: 4-29-17
DRAFT IV: REVISION: 4-29-17
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1/8" = 1'-0"
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COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

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

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT 4
--	------------------------------

PROJECT TITLE DIR-2016-4543-DB	LOG REFERENCE ENV-2016-4544-CE
--	--

PROJECT LOCATION 850 South La Brea Avenue

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
Demolition of two existing commercial buildings and the construction of a new 5-story, 40-unit apartment building with 4,500 square feet of ground floor retail and two levels of subterranean parking; 9,075 cubic yards of export.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY: LA Brea 9 LLC
--

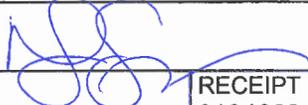
CONTACT PERSON Eli Halavi	AREA CODE 310	TELEPHONE NUMBER 477-0110	EXT. 116
-------------------------------------	-------------------------	-------------------------------------	--------------------

EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
Class <u>32</u> Category _____ (City CEQA Guidelines)		
<input type="checkbox"/> OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)	

JUSTIFICATION FOR PROJECT EXEMPTION: In-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE City Planner	DATE March 1, 2017
--	-----------------------	-----------------------

FEE: \$2,280.00	RECEIPT NO. 0104663495	REC'D. BY LADBS	DATE November 30, 2016
--------------------	---------------------------	--------------------	---------------------------

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

NAME (PRINTED) _____

SIGNATURE _____

DATE _____

Exhibit D

**9DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT

RENEE DAKE WILSON
VICE-PRESIDENT

ROBERT L. AHN
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VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

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DIRECTOR
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DEPUTY DIRECTOR
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

<http://planning.lacity.org>

March 1, 2017

Farzad Halavi (A)(O)
Labrea9 LLC
11040 Santa Monica Blvd. Unit 400
Los Angeles, CA 90025

RE: Case No. DIR-2016-4543-DB
Address: 850 S. La Brea Avenue
Planning Area: Wilshire
Zone : C2-1
D. M. : 132B181
C. D. : 4
CEQA : ENV-2016-4544-CE

RE: ENV-2016-4544-CE (Categorical Exemption - Class 32)

The proposed project involves the demolition of two existing commercial buildings and the construction, use and maintenance of a new five-story, approximately 34,972 gross square foot structure consisting of 40 residential units including 4 dwelling units set aside for very-low income households, approximately 4,500 square feet of ground floor commercial space, with ground floor and two levels of subterranean parking with 47 residential and 13 commercial parking. The building will have a maximum height of 57 feet and 4 inches, excluding roof structures. Additionally, the project proposes the export of approximately 9,075 cubic yards of dirt.

The project site, comprised of two (2) parcels, has approximately 12,376.6 square feet of lot area and is located at the northeast corner of La Brea Avenue and 9th Street. The site is located within the Wilshire Community Plan, with a land use designation of General Commercial, and is zoned C2-1. The site has 100 feet of frontage along La Brea Avenue and 122 feet of frontage along 9th Street. There is one existing tree in the right-of-way which is proposed to remain.

To the north and south, properties are zoned C2-1 and are developed with one- and two-story commercial buildings. To the east, properties are zoned R2-1 and are developed with multi-family dwellings. To the west, properties are zoned C2-1-O and are developed with one- and two-story commercial buildings and a church.

The proposed project would not have a significant effect on the environment. A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment” (CEQA Guidelines, Public Resources Code Section 21608). The proposed project and the potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City’s L.A. CEQA Thresholds Guide. These two documents establish guidelines and the thresholds of significant impact, and provide the date for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Class 32 Exemption is intended to promote infill development within urbanized areas.

The proposed project qualifies for a Categorical Exemption because it conforms to the definition of “In-fill Projects” as follows:

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

The project site is located within the Wilshire Community Plan, which is one of 35 Community Plans that the Land Use Element of the General Plan is comprised of. The Community Plan designates the project site with a land use designation of General Commercial which lists the following corresponding zones: C1.5, C2, C4, RAS3, and RAS4. The subject property is zoned C2-1, which is consistent with the land use designation. The C2 zone would permit a maximum density of 30.9 dwelling units and a maximum floor area of one and a half times the buildable area of the lot. In the C2 Zone, Height District 1 does not have a height or story limitation.

The project proposes to set aside 11 percent of the base density for Very-Low Income Households, pursuant to LAMC Section 12.22-A,25. Pursuant to Assembly Bill 2501 (AB 2501) the base density is rounded up; therefore, making the maximum permitted density on the project site 31 dwelling units. By setting aside 11 percent for restricted affordable housing, the project qualifies for a 35 percent density bonus. The density bonus would permit a maximum of 42 dwelling units; however, the applicant has proposed a maximum of 40 dwelling units. The applicant has requested two on-menu incentives for an increase in the floor area ratio and a reduction in the required open space.

With the approval of the two requested incentives, the proposed project would provide additional housing, including four units set aside for Very-Low Income Households, within an established commercial corridor and within proximity to transit and employment centers. The project would be consistent with the land use designation and regulations of the Zoning Code.

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

The project site, comprised of two parcels, has approximately 12,376.6 square feet (0.28 acres) of lot area and is located at the northeast corner of La Brea Avenue and 9th Street. The project site is located within the Wilshire Community Plan, approximately 0.1 miles south of the designated Miracle Miles Regional Center, as designated by the Community Plan. The project site and properties to the north and south are zoned C2-1 and properties to the west are zoned C2-1-O, and are developed with one- to two-stories of commercial buildings. Adjacent properties to the east are zoned R2-1 and are developed with duplexes. The project site is less than 5 acres and is located within an urban area that is developed with commercial and residential uses, and is located within close proximity to a designated regional center.

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

The project site is zoned C2-1 and is developed with two commercial buildings and a surface parking lot. The existing buildings were built in 1951 and 1956. The project site is located along an established commercial corridor. The project site has no value as a habitat for endangered, rare or threatened species.

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

The proposed project involves the demolition of two existing commercial buildings and the construction of a new five-story, approximately 34,972 gross square foot structure consisting of 40 residential units and approximately 4,500 square feet of ground floor commercial space. A traffic impact analysis was prepared by KOA Corporation Planning & Engineering, dated November 2, 2016, and was reviewed by the Department of Transportation (DOT). In a memo dated January 12, 2017, DOT determined that the analysis of the project impacts on the studied intersections was adequate and that the project would not cause a significant impact.

The project would be required to comply with the adopted City of Los Angeles Noise Ordinances Nos. 144,331 and 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed project will not result in any significant noise impacts.

The building construction phase includes the construction of the proposed building on the subject property, grading for subterranean parking, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping

the subject property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM_{2.5} and PM₁₀ emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NO_x emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The project would replace two existing one-story commercial buildings with a new 40-unit apartment building with 4,500 square feet of ground floor commercial space. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The proposed project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emission impacts will be at a less-than-significant level.

The development of the project would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.

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

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these building codes, which are required of all projects, it can be anticipated that the proposed project will not create a significant impact on existing utilities and public services.

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 the conditions listed above.

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

850 S. La Brea Ave
DOT Case No. CEN 16-45006

Date: January 12, 2017

To: Karen Hoo, City Planner
Department of City Planning

From: Wes Pringle, Transportation Engineer
Department of Transportation

Subject: **TRANSPORTATION IMPACT STUDY FOR THE PROPOSED MIXED-USE RESIDENTIAL PROJECT LOCATED AT 850 SOUTH LA BREA AVENUE**

DOT has reviewed the transportation impact analysis dated November 2, 2016 prepared by KOA Corporation Planning & Engineering for the proposed mixed-use residential project located at **850 SOUTH LA BREA AVENUE**. In order to evaluate the effects of the project's traffic on the available transportation infrastructure, the significance of the project's traffic impacts is measured in terms of change to the volume-to-capacity (V/C) ratio between the "future no project" and the "future with project" scenarios. This change in the V/C ratio is compared to DOT's established threshold standards to assess the project-related traffic impacts. The transportation impact analysis included the detailed analysis of two intersections. Based on DOT's traffic impact criteria¹, none of the study intersections included in the transportation impact analysis are expected to be significantly impacted by project-related traffic, as noted in **Attachment 1**. The results of the transportation impact analysis accounted for other known development projects in evaluating potential cumulative impacts and adequately evaluated the project's traffic impacts on the surrounding community.

DISCUSSION AND FINDINGS

A. Project Description

The proposed mixed-use project will replace an existing 5,617 square feet of commercial use with 40 residential units and 4,500 square feet of retail. The project will provide 46 on-site parking spaces. Vehicular access will be accommodated via one full access driveway on 9th Street. The project is expected to be completed by 2018.

B. Trip Generation

The project is estimated to generate a net increase of 437 daily trips, 24 trips in the a.m. peak hour, and 42 trips in the p.m. peak hour. The trip generation estimates are based on formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, 2012. A copy of the trip generation table can be found in **Attachment 2**.

C. Freeway Analysis

The transportation impact analysis included a freeway impact analysis that was

¹ Per the DOT Transportation Impact Study Guidelines, a significant impact is identified as an increase in the Critical Movement Analysis (CMA) value, due to project related traffic, of 0.01 or more when the final ("with project") Level of Service (LOS) is LOS E or F; an increase of 0.020 or more when the final LOS is LOS D; or an increase of 0.040 or more when the final LOS is LOS C.

prepared in accordance with the State-mandated Congestion Management Program (CMP) administered by the Los Angeles County Metropolitan Transportation Authority (MTA). According to this analysis, the project would not result in significant traffic impacts on any of the evaluated freeway mainline segments. To comply with the Freeway Impact Analysis Agreement executed between Caltrans and DOT in October 2013, the study also included a screening analysis to determine if additional evaluation of freeway mainline and ramp segments was necessary beyond the CMP requirements. The project did not meet or exceed any of the four thresholds defined in the latest agreement, updated in December 2015. Exceeding one of the four screening criteria would require the applicant to work directly with Caltrans to prepare more detailed freeway analyses. No additional freeway analysis was required.

PROJECT REQUIREMENTS

A. Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related traffic be restricted to off-peak hours.

B. Highway Dedication And Street Widening Requirements

On January 20, 2016, the City Council adopted the Mobility Plan 2035 which is the new Mobility Element of the General Plan. A key feature of the updated plan is to revise street standards in an effort to provide a more enhanced balance between traffic flow and other important street functions including transit routes and stops, pedestrian environments, bicycle routes, building design and site access, etc. Per the new Mobility Element, **La Brea Avenue** is designated as an Avenue I, which would require a 35- foot half-width roadway and a 50-foot half-width right-of-way. **9th Street** is designated as a Local Street-Standard, which would require an 18- foot half-width roadway and a 30-foot half-width right-of-way. The applicant should check with BOE's Land Development Group to determine if there are any other applicable highway dedication, street widening and/or sidewalk requirements for this project.

C. Parking Requirements

The project will provide 46 parking spaces on-site. Vehicular access will be accommodated via one full access driveway on 9th Street. The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

D. Driveway Access and Circulation

The proposed site plan illustrated in **Attachment 3** is acceptable to DOT; however, review of the study does not constitute approval of the driveway dimensions and internal circulation schemes. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 5th Floor, Room 550, at 213-482-7024). In order to minimize potential building design changes, the applicant should contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. All new driveways should be Case 2 driveways and any security gates should be a minimum 20 feet from

the property line. All truck loading and unloading should take place on site with no vehicles backing into the project via any of the project driveways.

E. Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009. This ordinance identifies specific fees for transportation impact analysis review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

If you have any questions, please contact Johnathan Yu of my staff at (213) 972-4993.

Attachments

J:\Letters\2016\CEN 16-45006_850 S La Brea Ave_mu ts ltr.docx

c: Julia Duncan, Council District No. 4
Jeannie Shen, Hollywood Wilshire, DOT
Taimour Tanavoli, Case Management Office, DOT
Carl Mills, Central District, BOE
Mengzhao Hu, KOA Corporation Planning & Engineering

ATTACHMENT 1 Summary of Volume to Capacity Ratios (V/C) and Level of Service (LOS)

**Table 7 – Determination of Project Impacts –
Existing plus Proposed Project Conditions**

Study Intersections	Peak Hour	Existing 2016 Conditions		Existing 2016 plus Project		Change in V/C	Sig Impact?
		V/C or Delay	LOS	V/C or Delay	LOS		
1 La Brea Avenue and 8th Street	AM	0.545	A	0.545	A	0.000	No
	PM	0.636	B	0.638	B	0.002	No
2 La Brea Avenue and Olympic Blvd	AM	0.827	D	0.829	D	0.002	No
	PM	1.047	F	1.051	F	0.004	No

**Table 8 – Determination of Project Impacts –
Future Post-Project Conditions**

Study Intersections	Peak Hour	Existing 2016 Conditions		Future 2018 Pre-Project		Future 2018 Post-Project		Change in V/C	Sig Impact?
		V/C or Delay	LOS	V/C or Delay	LOS	V/C or Delay	LOS		
1 La Brea Avenue and 8th Street	AM	0.545	B	0.562	A	0.563	A	0.001	No
	PM	0.636	A	0.654	B	0.657	B	0.003	No
2 La Brea Avenue and Olympic Blvd	AM	0.827	C	0.856	D	0.859	D	0.003	No
	PM	1.047	D	1.078	F	1.083	F	0.005	No

ATTACHMENT 2 Project Trip Generation Estimates

Table 2 – Project Trip Generation

Land Use	ITE Code	Intensity	Weekday	AM Peak Hour			PM Peak Hour			
				In	Out	Total	In	Out	Total	
Trip Generation Rates *										
Apartments	220	40 Units	6.65	20%	80%	0.51	65%	35%	0.62	
Shopping Center	820	4.50 k.s.f.	42.70	62%	38%	0.96	48%	52%	3.71	
Proposed Project										
Apartments	220	40 Units	266	4	16	20	16	9	25	
Shopping Center	820	4.50 k.s.f.	192	2	2	4	8	9	17	
Proposed Project Total			458	6	18	24	24	18	42	

JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Elyahua Fuller Date: 04/17/2017

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: \$89.00	Reviewed & Accepted by (DSC/Planner): <i>Sarah J</i>	Date: 4/18/2017
Receipt No: 0102722416	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

April 17, 2017

DIR 2016-4543

To Whom It May Concern -

My husband, Dan Kegel, and I own the property at 901-903 S. Sycamore Ave., which is officially adjacent to the development site at 850 S. La Brea (case #s DIR-2016-4353-DB and ENV-2016-4544-CE) (see attached correspondence with May Sirinopwongsagon, Department of City Planning). Although we fully understand the city's current housing shortage, support efforts to build more new housing, and agree that we should take advantage of opportunities near our currently under-construction transit lines, we are also very much in favor of preserving our existing historic neighborhoods and protecting the quality of life they have provided for many generations of Angelenos.

As the owners of one of the closest nearby residential properties, my husband and I would be in favor of a new housing development at the proposed site. But we would prefer that it respect and reflect the character and scale of the neighboring area, as this one does not. We also feel that the two incentives requested and granted - for increased floor area ratio (FAR) and a reduction in open space - contribute greatly to the problems with the total size and scale of the project, which we hereby respectfully appeal.

Reason for the Appeal

First and foremost, we believe that the intensity and negative effects of the project as approved are considerably increased by the two incentives that have been approved for the project. The development is by right allowed to have a Floor Area Ratio of 1.5, limiting its residential area to roughly 14,000 square feet. The Density Bonus increase in FAR to 3.0 *doubles* the number of allowed units from about 20 to about 40. Without the bonus, the development would be limited to two residential stories (containing a total of 20 units), over one story of retail, instead of the currently approved 40 units in four stories of residential space over one story of retail. That's a huge change, and greatly increases the project's impact in every dimension.

The resulting development would be completely out of scale with the surrounding community, towering over nearby residences on Sycamore Ave., creating quality of life issues for both owners and tenants, and significantly reducing our privacy, property values and rent potential.

Specific Points at Issue

1. Parking. The increase in floor area and number of units provided by the approved incentives, along with the low parking requirement of 0.5 spaces per bedroom, virtually guarantees that half the new residents will need to park on our neighborhood streets...which don't have 10 to 40 parking spots to spare. This has already been an issue with other recent development projects. For example, when the Essex Wilshire-La Brea building was constructed just two blocks north a few years ago, we were promised by the developers and the city that the project would not affect neighborhood parking for three reasons: 1. the development would provide more than enough interior parking for residents, retail customers and visitors, 2. the development would officially opt out of the local District 36 Permit Parking District, so its residents would not be able to obtain permits to park on the neighborhood streets, and 3, that pre-existing parking restrictions, such as a posted no parking zone on the west side of the 700 S. Sycamore block, would remain in effect even after construction. Since then, however, already tight parking in the neighborhood has become nearly unmanageable as Wilshire-La Brea tenants and customers park on neighborhood streets instead of in the building's garage, and trucks that are unable to access its poorly designed loading dock park and load/unload on our neighborhood streets instead. Also, the city apparently retains no official record of the PPD opt-out and tenants have now acquired local parking permits...and the previous no-parking zone on Sycamore simply vanished one day when the signs were removed. None of that bodes well for an additional 40 units on in the already congested block near 9th and Sycamore.

2. Further damage to already failing streets. The additional height and density afforded by the two incentives would also increase construction time and the neighborhood effects of the construction process, such as wear and tear on our neighborhood streets. Streets in this neighborhood, and especially on 9th St. next to the development site, were historically paved in concrete, but are currently in failing condition. Any heavy construction activity on the street's surface will degrade it further...and prolonging the construction and

heavy vehicle traffic, which would be required for construction of the larger than by-right building, could render them nearly unusable.

3. Other construction intensity issues. In addition to the effects on neighborhood streets of the longer and more intensive construction process for an over-sized building, there will also be other impacts, such as more construction traffic and parking, and more materials being moved in and out of and staged near the site. As I'm sure you're aware, La Brea is a major traffic artery, and it simply cannot accommodate a large amount of construction mess or activity without creating major regional traffic disruptions. That would indicate that much construction parking and staging will need to take place along 9th Street, which is very narrow at this location. Also, in addition to losing valuable street parking for the neighborhood during construction, access to the 9th St.-facing driveways and garages belonging to both 855 and 901 S. Sycamore, adjacent to the construction site, would likely be impeded. Like La Brea, 9th Street simply cannot accommodate the large amount of construction materials, vehicles and other daily mess that it would take to build a project of this size. Any amount of construction traffic and materiel on this street will be problematic for both nearby owners and tenants, but the additional size of the new building, as afforded by the incentives, will magnify and lengthen those problems, making life miserable for those who live there currently. And this would mean that tenants in our buildings would be more likely to move out earlier than they might have otherwise, and it would make it harder for landlords to either re-rent the spaces or sell their buildings at market rates for the next several years.

4. Privacy. Because the building will tower over its neighbors, it will significantly decrease the neighbors' privacy, especially in their back yards. (Our property, for example, includes a back yard spa, which will now be potentially visible to a great number of units on several floors of the new development. This loss of privacy is a distinct issue for us and our tenants.)

5. Shadows. The additional height allowed by the increased size and density of the building will also cast large shadows on at least several adjacent properties on Sycamore Ave., to the east of the new building, significantly decreasing the available sunlight both indoors and outdoors for those neighbors.

6. Heat island effects. Increasing the size and density of the new building beyond its by-right dimensions, and reducing the outdoor space requirement (which will also, presumably, reduce the amount of green space, landscaping, plants, trees, etc.), will also add to the urban heat island effect. Los Angeles has a citywide goal of reducing the heat island effect, and the FAR and outdoor space incentives for this project do not serve that goal.

7. Historic context and compatibility. The additional height and density is very much out of character with the low-density, lower-profile and historic building patterns in the neighborhood. The nearest residential neighbors are all two-story duplexes, built in the 1920s. Most of the neighboring homes are also vibrant contributors to the historic character of the Sycamore Square neighborhood, in which most of the buildings are Spanish, Mediterranean or Tudor revival, and in which 84% of the structures, according to SurveyLA,, qualify as contributors to the historic fabric of the area (this is well above the threshold required to qualify for HPOZ protection, should the residents seek to pursue it). The scale, style and materials for the proposed development are completely incompatible with established local patterns, and this incompatibility is made even more obvious by the increased size from the FAR and outdoor space incentives, which will make the building even taller, more prominent and more obvious amid its historic neighbors. As can be seen in the developer's renderings, it would stick out like a sore thumb, or perhaps middle finger, dwarfing everything nearby. (It is also worth noting, finally, that there are no other buildings of this height in this area south of 8th St, anywhere between Crenshaw Blvd. to the east, and Fairfax Ave., to the west.)

How we are aggrieved by the decision.

We believe that the additional size and density granted by the two incentives chosen by the applicant, and approved by the city, will make an already difficult project simply untenable for the neighborhood, and especially for the nearest neighbors. During construction, there will be temporary but still long-term disruptions, which will be made worse by the approved size and density incentives. The problems include traffic, noise, dust and parking during the construction phase, as well as difficult access for owners and tenants, reduction in residents' quiet enjoyment of the property, and the reduced ability of the owners to rent our properties at rates commensurate with other properties in the neighborhood, or to sell at rates equivalent to other neighborhood properties. In the long term, after construction is complete, the additional size and density of the project as currently approved will continue to have more permanent negative effects on the neighboring properties

through increased traffic, noise and parking problems, the increase in shadows and loss of sunlight and privacy to adjacent neighbors, and continuing negative effects on adjacent property values and rental rates.

Why we believe the decision-maker erred or abused their discretion.

When this project was first proposed, we had hoped that we would have the opportunity to negotiate with the developers, and to work with them to create mitigations to as many of these issues as possible. (Ideas that come to mind most quickly would be an official opt-out from the District 36 PPD, a full re-paving of the street on that block of 9th St. after construction (in concrete, for durability, historic compatibility and reduced heat island effects), and modifications in scale, design and materials to make the project at least a bit more compatible with its neighborhood context.)

At the developers' recent meetings with the SSNA and the Land Use Committee of the Greater Wilshire Neighborhood Council, we still thought this would be possible because the project representatives gave both groups the impression that no city hearings or decisions on the project were imminent. When we learned, however, just last week, that this was not true, and that the project had, in fact, already been approved, with an appeal period already half expired, we felt that we had been deceived and shut out of the process without an opportunity to participate or to have any sort of voice in something that will severely affect the value and viability of our property.

We realize that the city offers fewer opportunities for neighbors and community members to weigh in on and influence decisions on Density Bonus applications than on other sort of entitlement requests such as variances, zone changes and liquor permits, but there are still issues at stake in Density Bonus applications which can have huge effects on neighboring communities and property owners...so the decision-makers should be careful to consider those stakeholders in their determinations. In this case, however, we feel that opportunity was not fairly provided. The developers did not meet with either the Sycamore Square Neighborhood Association or the Land Use Committee of the Greater Wilshire Neighborhood Association until very late in the approval process...and when they did appear at those meetings, they did not accurately reflect the urgency of the approval timeline to either of those groups or the neighbors in attendance.

It's also worth noting that both the SSNA and the GWNC LUC voted to oppose the project at least a month prior to the meetings at which the developers finally did make their presentations, because the developers simply did not reply to earlier invitations from either group for several months after the project first appeared on the city's planning application reports. Had they responded and made presentations when first invited, those of us who own adjacent and nearby properties would have had ample time to react, protest the egregious aspects of the project, and propose acceptable mitigations.

At this point, we have no way of knowing if the person who approved the project for the city was aware of the community and neighbor opposition or the developers' tardiness in connecting with neighbors. But it seems clear that such input was not sought, encouraged or acknowledged by the decision-maker at any point in the process, and it is quite clear that the developer did not accurately represent his timeline to the neighbors, or convey to the city the neighborhood opposition he did encounter just prior to the approval. This, if nothing else, should be grounds for accepting this appeal and giving those most affected by the project the chance to have their say.

Thank you for your consideration...and we hope you will accept this appeal application.

Elizabeth Fuller and Dan Kegel
Owners, 901-903 S. Sycamore Ave.
Los Angeles, CA 90036

Mailing address:
1919 S. Harvard Blvd.
Los Angeles, CA 90018

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

Area Planning Commission City Planning Commission City Council Director of Planning

Regarding Case Number: DIR-2016-4543-DB

Project Address: 850 South La Brea Avenue

Final Date to Appeal: 04/19/2017

Type of Appeal:

- Appeal by Applicant/Owner
 Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Ed. & Christine Costumbrado

Company: _____

Mailing Address: 849 S. Sycamore Avenue

City: Los Angeles

State: CA

Zip: 90036

Telephone: (323) 646-4048

E-mail: ed.costumbrado@sbcglobal.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self

Other: _____

- Is the appeal being filed to support the original applicant's position?

Yes

No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Telephone: _____

E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

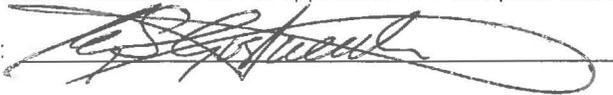
If Yes, list the condition number(s) here: See attached.

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 04/18/2017

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>89.00</u>	Reviewed & Accepted by (DSC Planner): <u>JOHN DACEY</u>	Date: <u>4/18/17</u>
Receipt No: <u>36510</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

4/18/17

Department of City Planning
200 N. Spring St., Room 525
Los Angeles, CA 90012-4801

Re: DIRECTOR'S DETERMINATION DENSITY BONUS & AFFORDABLE HOUSING
INCENTIVES

Case No. DIR-2016-4543-DB
CEQA: ENV-2016-4544-CE (Class 32)
Location: 850 South La Brea Avenue

Dear Sir/Madam:

My wife, Christine, and I own the property at 847-849 S. Sycamore Avenue which is behind the development site at 850 S. La Brea (case #s DIR-2016-4353-DB and ENV-2016-4544-CE). My wife and I live on one unit and we rent out the other unit.

While we understand the need to address the housing problem we are respectfully appealing the decision for the following reasons:

We were aggrieved by the decision because foremost, we were misinformed and were given very little time to respond.

Our neighborhood will be adversely impacted because of the size and density of this development. During construction and thereafter there will be disruptions and problems such as traffic, noise, dust, parking and devaluation of our property.

Please know that I am retired and a main source of income is the rent of our other unit. Our current tenants are husband and wife whose first child was born here and who are expecting their second child. Their son who will turn four years old soon, enjoys running around the backyard. With the planned structure, I as a parent, would be wary to allow my child to be in the backyard with the windows of a five-story building towering over my child. Tenants prior were husband and wife who had just recently married when they moved here. Their son was born here as well and they moved out to their newly purchased home when their son was over three years old. They enjoyed the backyard so much, they even made a private enclave of it where they would relax by themselves alone and sometimes with their friends. If there was such a structure behind

us (as being planned now), I don't think they would even consider renting our unit. The first tenant was a single woman, a PHD who was very discerning and lived here for more than 5 years.

As you can see, our tenants stay with us for a long time because they enjoy the privacy and the quiet. With the planned structure behind us, privacy which has been a compelling reason for our tenants to consider our unit and eventually stay for a long time, will obviously not be there anymore. Therefore, I would potentially lose a main source of revenue. I am retired and that means that our economic survival will hang in the balance.

The actual construction is also something to reckon with for all the noise, dust, dirt and security issues. We and our current tenants would find it difficult to cope with this and I would understand perfectly if our current tenants would decide to leave since the wife is pregnant and should not be subjected to the rigors of a construction nearby. And I don't think I would be able to rent the unit especially during construction.

Because of the proposed excavation for their subterranean, two-level parking, I anticipate that our existing concrete fence bordering their property line will be weakened and possibly destroyed.

In essence this development disrupts our lives, deprives us of our privacy and the view of the sky and will adversely affect our financial situation. The 31 windows facing us as shown by the East Elevation of their plan is very intrusive.

Reason for the Appeal

We believe that the intensity and negative effects of the project as approved are considerably increased by the two incentives that have been approved for the project. The development is by right allowed to have a Floor Area Ratio of 1.5, limiting its residential area to roughly 14,000 square feet. The Density Bonus increase in FAR to 3.0 *doubles* the number of allowed units from about 20 to about 40. Without the bonus, the development would be limited to two residential stories (containing a total of 20 units), over one story of retail, instead of the currently approved 40 units in four stories of residential space over one story of retail.

As owners of the property behind this development we would be in favor of a new housing development at the proposed site, but we wish that it would respect existing neighborhood and that the two incentives requested and granted - for increased floor area ratio (FAR) and a reduction in open space.

We therefore respectfully appeal this project because of its size and scale.

Specific Points at Issue

1. Parking. The increase in floor area and number of units provided by the approved incentives, along with the low parking requirement of 0.5 spaces per bedroom, virtually guarantees that half the new residents will need to park on our neighborhood streets and we just don't have 10 to 40

parking spots to spare. This has already been an issue with other recent development projects. For example, when the Essex Wilshire-La Brea building was constructed just two blocks north a few years ago, we were promised by the developers and the city that the project would not affect neighborhood parking for three reasons: 1. the development would provide more than enough interior parking for residents, retail customers and visitors, 2. the development would officially opt out of the local District 36 Permit Parking District, so its residents would not be able to obtain permits to park on the neighborhood streets, and 3, that pre-existing parking restrictions, such as a posted no parking zone on the west side of the 700 S. Sycamore block, would remain in effect even after construction. Since then, however, already tight parking in the neighborhood has become nearly unmanageable as Wilshire-La Brea tenants and customers park on neighborhood streets instead of in the building's garage, and trucks that are unable to access its poorly designed loading dock park and load/unload on our neighborhood streets instead. Also, the city apparently retains no official record of the PPD opt-out and tenants have now acquired local parking permits...and the previous no-parking zone on Sycamore simply vanished one day when the signs were removed. None of that bodes well for an additional 40 units on in the already congested block near 9th and Sycamore.

2. Safety. Years back there was a death on the 8th block of S. Sycamore Avenue because a man was driving at full speed. Our neighborhood had since requested for street humps but never got them. With this development, there would be additional inherent traffic hazards.

3. Further damage to already failing streets. Heavy construction activity on the street's surface will degrade our streets further.

4. Other construction intensity issues. La Brea is a major street as it is and construction traffic will be a problem. I foresee tenants leaving and consequently loss of income on property owners.

5. Privacy. As previously mentioned, privacy is an appealing attribute of our property and losing that would mean losing our tenants. We ourselves have to rethink our position.

6. Shadows. Yes, we will not have a view of the sky anymore. The additional height allowed by the increased size and density of the building will also cast large shadows on at least several adjacent properties on Sycamore Ave., to the east of the new building, significantly decreasing the available sunlight both indoors and outdoors for those neighbors.

7. Heat island effects. Increasing the size and density of the new building beyond its by-right dimensions, and reducing the outdoor space requirement (which will also, presumably, reduce the amount of green space, landscaping, plants, trees, etc.), will also add to the urban heat island effect. Los Angeles has a citywide goal of reducing the heat island effect, and the FAR and outdoor space incentives for this project do not serve that goal.

8. Historic context and compatibility. The additional height and density is very much out of character with the low-density, lower-profile and historic building patterns in the neighborhood. The nearest residential neighbors are all two-story duplexes, built in the 1920s. Most of the neighboring homes are also vibrant contributors to the historic character of

the Sycamore Square neighborhood, in which most of the buildings are Spanish, Mediterranean or Tudor revival, and in which 84% of the structures, according to SurveyLA,, qualify as contributors to the historic fabric of the area (this is well above the threshold required to qualify for HPOZ protection, should the residents seek to pursue it). The scale, style and materials for the proposed development are completely incompatible with established local patterns, and this incompatibility is made even more obvious by the increased size from the FAR and outdoor space incentives, which will make the building even taller, more prominent and more obvious amid its historic neighbors. As can be seen in the developer's renderings, it would stick out like a sore thumb, or perhaps middle finger, dwarfing everything nearby. (It is also worth noting, finally, that there are no other buildings of this height in this area south of 8th St, anywhere between Crenshaw Blvd. to the east, and Fairfax Ave., to the west.)

Thank you for your kind attention.



Ed. S. Costumbrado

847-847 S. Sycamore Avenue

Los Angeles, CA 90036



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission (checked), City Council, Director of Planning

Regarding Case Number: 71R-2016-4543-DB

Project Address: 850 S. La Brea

Final Date to Appeal: April 19th, 2017

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved (checked), Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Donald Klein

Company:

Mailing Address: 8840 Wilshire Blvd. #207

City: Beverly Hills State: CA Zip: 90211

Telephone: 310-386-4398 E-mail: donkleinmgt@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company? Self (checked), Other:
Is the appeal being filed to support the original applicant's position? Yes, No (checked)

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable):

Company:

Mailing Address:

City: State: Zip:

Telephone: E-mail:

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: # of units, amount/location of open space, parking

Attach a separate sheet providing your reasons for the appeal. Your reason must state: see attached

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Don Allen

Date: 4-14-17

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
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- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Brian Ceur</u>	Date: <u>4/18/17</u>
Receipt No: <u>0101722725</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

April 13th, 2017

Department of City Planning
200 N. Spring St. Room 525
Los Angeles, CA 90012-4801

Re. DIRECTOR'S DETERMINATION
DESNITY BONUS & AND AFFORDABLE HOUSING INCENTIVES

Case No. DIR-2016-4543-DB
CEQA: ENV-2016-4544-CE (Class 32)
Location: 850 S. La Brea

To Whom It May Concern;

I'm writing this letter in protest of the development of the planned multi-unit structure at 850 S. La Brea Avenue.

I am the owner of a duplex at 855-857 S. Sycamore Ave. L.A. 90036, a corner property at 9th St. and Sycamore Ave. My property would be the most adversely affected in the event of construction of this new multi-unit development.

I have invested hundreds of thousands of dollars to renovate, preserve and beautify this historic 1925 property and its value would be grossly reduced by the construction of a high-rise building directly adjacent and to the west of my property.

I would lose all privacy at my building and I would be deprived of all western-exposure sunlight.

We already experience parking congestion on both 9th St. and Sycamore Ave. and the added density would completely transform this quiet residential area into an over-traffickeed, commercial zone.

Proposed Remedy:

I hope that the City would refuse the proposed expansion of this building from 30-40 units. It is incumbent upon the City to maintain as few stories as possible with this construction project to assure neighbors' privacy, sunlight, quiet enjoyment and quality of life.

I would propose an open space setback on the eastern side of the proposed construction site and to maximize the number of stories at no more than 3.

Additionally, I would hope The City would preclude residents at 850 S. La Brea from obtaining parking permits for Sycamore Ave. and that they be required to park on La Brea Ave., or at a subterranean parking structure accommodated by the owner/builder.

The bonus addition of 10 units, as intended by the owner/builder and under consideration to be granted by The City, would be an extra intolerable injustice to not only me, but to the other adjacent home owners in this neighborhood.

I will appear before any committee to discuss these concerns that have severely impacted the value and quality of life at my duplex.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Klein".

Don Klein

8840 Wilshire Blvd. #207
Beverly Hills, CA 90211
310-358-3240
donkleinmgt@gmail.com