



DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

City Planning Commission

Date: September 17, 2020
Time: after 8:30 a.m.
Place: In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>].

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commissions-boards-hearings> and/or by contacting cpc@lacity.org

Case No.: DIR-2019-750-TOC-1A
CEQA No.: ENV-2019-751-CE
Incidental Cases: None
Related Cases: None
Council No.: 5 – Koretz
Plan Area: West Los Angeles
Plan Overlay: West Los Angeles Transportation Improvement and Mitigation Specific Plan
Certified NC: South Robertson
GPLU: Medium Residential
Zone: R3-1
Applicant: Douglas Nili
Representative: Liz Jun, The Code Solution
Appellant A: Margaret C. Fields

Public Hearing: Required
Appeal Status: Not further appealable
Expiration Date: September 17, 2020
Multiple Approval: No

PROJECT LOCATION: 3117-3119 South Bagley Avenue

PROPOSED PROJECT: The project is for the demolition of the existing one-story, two-unit duplex and the construction, use and maintenance of a new four-story, 53'-6" tall apartment building consisting of 12 units (including 2 Extremely Low Income units). The building will be approximately 10,980 square feet of floor area, with a maximum Floor Area Ratio ("FAR") of 3:1. The project proposes one level of at grade parking, consisting of six parking spaces. There are no protected trees on the subject site or the adjacent public right-of-way.

REQUEST: The Appeal of the Director of Planning's determination conditionally approving a Transit Oriented Communities Compliance Review, pursuant to Los Angeles Municipal Code ("LAMC") Section 12.22 A.31, and of the Categorical Exemption, ENV-2019-751-CE, as the environmental clearance for the project.

RECOMMENDED ACTIONS:

1. **Deny** in part the appeal of DIR-2019-750-TOC;
2. **Grant** in part the appeal of DIR-2019-750-TOC;
3. **Adopt** the Director of Planning's Conditions of Approval, Findings, and Exhibit "B" as modified herein.
4. **Determine** that, based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Article 19, Sections 15332 (Class 32), and there is no substantial evidence demonstrating that any exceptions contained in Section

15300.2 of the State CEQA Guidelines, regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

VINCENT P. BERTONI, AICP
Director of Planning

Michelle Singh for
Faisal Roble, Principal City Planner

Michelle Singh
Michelle Singh, Senior City Planner



Elizabeth Gallardo, City Planner
Telephone: (213) 978-1297

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 *Commission Secretariat, Room 273, City Hall, 200 North Spring Street, 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 agendized 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 these 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) 978-1300.

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- Exhibit B – Revised Project Plans
- Exhibit C – Director of Planning's Letter of Determination (DIR-2019-750-TOC)
- Exhibit D – Environmental Clearance (ENV-2019-751-CE)
- Exhibit E – Maps, Site Photos, and ZIMAS Parcel Profile Report
- Exhibit F – Appeal Documents & Correspondence
- Exhibit G – Transit-Oriented Communities Affordable Housing Referral Form

PROJECT ANALYSIS

APPELLATE DECISION BODY

Pursuant to Section 12.A.31 and 12.22 A.25 of the Los Angeles Municipal Code (“LAMC”), appeals of Transit Oriented Communities Compliance Affordable Housing Incentive Program cases are heard by the City Planning Commission. The appellate decision of the City Planning Commission is final and effective as provided in Charter Section 245.

PROJECT SUMMARY

On June 18, 2020, the Director of Planning approved a Transit Oriented Communities/ Affordable Housing Incentive Program Compliance Review for a project totaling 12 dwelling units, reserving 2 units for Extremely Low Income household occupancy for a period of 55 years, with three (3) Transit Oriented Communities Incentives for a reduction in the side yard setback, a reduction in the rear yard setback, and an increase in building height.

The proposed project is for the demolition of the existing one-story, two-unit duplex and the construction, use and maintenance of a new four-story, 53'-6" tall apartment building consisting of 12 units units (including 2 Extremely Low Income units). The building will be approximately 10,980 square feet of floor area, with a maximum Floor Area Ratio (“FAR”) of 3:1. The project proposes one level of at grade parking, consisting of six parking spaces. There are no protected trees on the subject site or the adjacent public right-of-way. The Determination is provided in Exhibit “C” herein, and the appeal period ended on July 6, 2020.

Pursuant to the Transit Oriented Communities Affordable Housing Incentives Program, the project was determined eligible and requests the following three (3) Additional Incentives to construct the proposed project:

- a. **Height.** An 8'-6" increase in the building height, allowing 53'-6" in height in lieu of the otherwise allowable 45 feet.
- b. **Side Yard/Setback.** A 30 percent decrease from the side yard requirement, allowing a 5'-0" northerly and 4'-4" southerly side yard in lieu of 6 feet;
- c. **Rear Yard/Setback.** A 30 percent decrease from the rear yard requirement, allowing a 10'-6" rear yard in lieu of 15 feet.

However, in examining the appeal, an error was discovered with Additional Incentive c. Rear Yard/Setback. The project was permitted a Rear Yard/Setback incentive, despite the subject property being located adjacent to an R1 equivalent zone; the rear abutting property is zoned R1V2. Section VII.1.a.iii. of the TOC Guidelines details an Exception stating, “Yard reductions may not be applied along any property line that abuts an R1 or more restrictive residential zoned property.” Because the subject property abuts a property zoned R1V2 in the rear, the Rear Yard/Setback incentive is subject to the Exception and cannot be utilized for the project.

PROJECT REVISION

The Director’s Determination included an incentive for a 30 percent decrease from the Rear Yard/Setback requirement allowing 10'-6" rear yard in lieu of 15 feet, and conditiond the project as such in Condition No. 8. However, as the subject property abuts a property zoned R1V2 in the rear, the Rear Yard/Setback incentive is subject to the Exception and cannot be utilized for the project. The Director’s Determination issued on June 18, 2020 incorrectly grants the incentive.

The original project plans approved as Exhibit “A” reflect a 30 percent reduction in the required amount of Rear Yard/Setback. Since the project was appealed, the applicant has become aware

of this error and has revised their plans to remove the rear yard incentive, as well as revising the project to lower the height, increase the southerly side yard, reduce the project's floor area, and as a result, has reduced the project's FAR. Therefore, the project's plans found in Exhibit "A" have been revised to conform to the TOC Guidelines, and incorporates the additional project revisions. These revisions are attached in a new planset included as Exhibit "B."

The correction and adherent revisions herein are minor revisions to language in the Director's Determination, conditions and findings as approved in Exhibit "C", and do not result in any increased or additional incentives or a significant change to the environmental analysis.

The project as revised is for the demolition of the existing one-story, two-unit duplex and the construction, use and maintenance of a new four-story, 49'-10" tall apartment building consisting of 12 units (including 1 Extremely Low Income unit and 1 Very Low Income unit). The building will be approximately 9,706 square feet of floor area, with a maximum Floor Area Ratio ("FAR") of 2.65:1. The project proposes one level of at grade parking, consisting of six parking spaces. There are no protected trees on the subject site or the adjacent public right-of-way. The revised plans are provided in Exhibit "B" herein, and the environmental clearance under Case No. ENV-2019-751-CE is provided in Exhibit "D" herein.

Pursuant to the Transit Oriented Communities Affordable Housing Incentives Program, the project was determined eligible and requests the following two (2) Additional Incentives to construct the proposed project:

- a. **Height.** A 4'-10" increase in the building height, allowing 49'-10" in height in lieu of the otherwise allowable 45 feet.
- b. **Side Yard/Setback.** A 30 percent decrease from the side yard requirement, allowing a 5'-0" northerly and 4'-8" southerly side yard in lieu of 6 feet;

Incentives	Approved	TOC Guidelines	As Revised
Density	12 units	16 units (70% increase)	12 units
FAR	3.0	4.5 (50% increase)	2.65
Residential Parking Spaces	6	6 (.5 spaces per unit)	6
Height	53'-6"	67' (Two stories up to 22')	49'-10"
Side Yards	5'-0" northerly (16.7% reduction) 4'-4" southerly (27% reduction)	4'-3" (30% reduction)	5'-0" northerly (16.7% reduction) 4'-8" southerly (22% reduction)

The project revision does not increase any incentives requested, and therefore represents a lesser project than that originally proposed and approved. The revised project features Density, FAR, Height and Side Yard incentives that are significantly less than that which is allowed per the Transit Oriented Communities Affordable Housing Incentives Program.

BACKGROUND

Subject Property

The subject site is located in the West Los Angeles Community Plan at 3117 & 3119 South Bagley Avenue and is a regularly shaped and flat rectangular lot, located mid-block on South Bagley Avenue, between National Boulevard and Kincardine Avenue. The project site at 3117 & 3119 South Bagley Avenue is developed with a one-story, two-unit, duplex originally built in 1930 as a single-family home (see site photos in Exhibit "E"). On October 30, 1974, a Certificate of Occupancy was issued for the conversion of the single-family home to the duplex with no parking indicated on the Certificate of Occupancy (1972LA60556). The existing single-family structure is proposed to be demolished. There are no protected trees on the subject site or the adjacent public right-of-way. There are no known designated historic resources or cultural monuments on the subject site.

The applicant filed for building permits with the Los Angeles Department of Building and Safety ("LADBS") on July 17, 2020 for the construction of a new 12-unit 4-story apartment building over ground floor parking (Permit No. 20010-10000-02212), which is currently pending.

As previously discussed in the Project Revision section, upon receiving the Appeal, the applicant has reconsidered their project to accommodate elements of the appeal as well as correcting the rear yard incentive. The applicant has submitted revised plans, Exhibit "B", that reduce the request to 2 additional incentives, eliminating the third incentive for the rear yard reduction.

Zoning and Land Use Designation

The site is located within the West Los Angeles Community Plan area. The site is zoned R3-1 and has a General Plan Land Use Designation of Medium Residential. The R3-1 Zone allows for a base density of one dwelling unit per 800 square feet of lot area. Height District 1 in the R3 Zone, allows for a height of 45 feet. The project site is located in the West Los Angeles Community Plan area. In addition, the project is located in the Expo Corridor Transit Neighborhood Plan, which became effective on December 26, 2019. The project was filed with the Department of City Planning on February 5, 2019 and was deemed completed on December 12, 2019, and was vested prior to the effective date of the Expo Corridor Transit Neighborhood Plan. The project is within a Tier 3 designation of the Transit Oriented Communities Program. Pursuant to LAMC Section 12.22 A.31 and the TOC guidelines, the applicant requests a Transit Oriented Communities Compliance Review.

Surrounding Uses / Transit

The project abuts R1V2 zoned properties to the rear, which are developed with single-story single-family residences. Bagley Avenue is zoned R3-1 in the immediate vicinity of the project site and approximately 163 feet to the north of the project site, properties are zoned R1V2. The R3 properties are primarily developed with two-story multi-family apartment complexes. The R1V2 properties are developed with one and two-story single-family homes. The subject site is located within 2,390.47 feet from the Metro Expo Line Culver City and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the Revised TOC Referral Form dated September 3, 2020.

Transit Oriented Communities

Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22-A.31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure requires the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guideline) for all Housing Developments located within a ½ -mile (or, 2,640-foot) radius of a Major Transit Stop. These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22-A.31.

A qualifying TOC Project shall be granted Base Incentives with regard to increased residential density, increased floor area ratio, and reduced automobile parking requirements. In addition to these Base Incentives, and eligible project may be granted Additional Incentives with regard to yards and setbacks, open space, lot coverage, lot width, averaging, density calculation, height, and developments in public facility zones. Up to three (3) Additional Incentives may be granted in exchange for providing the requisite set aside of affordable housing as enumerated in the TOC Guidelines.

The subject site is located within 2,390 feet from the Metro Expo Line Culver City and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the Revised TOC Referral Form dated September 3, 2020. Furthermore, as the project will set aside 10% of the total number of dwelling units for Very Low Income (VLI) Households and meets all other eligibility requirements of the TOC Affordable Housing Incentive Program, the project is entitled to the Base Incentives.

In addition, the subject property is located within a Tier 3 TOC Affordable Housing Incentive Area as the property is located within 2,390 feet from the intersection of a Regular Bus and Rapid Bus line. Therefore, as the project will set aside 2 units, (10% of the base number of units, 12 units) for Very Low Income (VLI) Households. The project is entitled to two (2) Additional Incentives.

Tier 3 Base Incentives:

- a. **Density:** The R3 Zone allows for a maximum residential density of one dwelling unit per 800 square feet of lot area. The subject lot totals 6,400.1 square feet, for a maximum base density of eight units. Los Angeles Municipal Code allows eight units by-right, however, the TOC Guidelines round base density up to the next whole number, nine. A Tier 3 area allows a 70% increase in density. Therefore, a maximum allowed density for the subject site under the Tier 3 Density Incentive would be 16 units. The project is proposing 12 units.
- b. **Parking:** Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half space per unit.

Tier 3 Additional Incentives:

- a. **Height:** In the Tier 3 area, the Height Incentive allows for a 22-foot increase in the building height, allowing a maximum 67 feet in lieu of the 45 feet otherwise allowed by the R3-1 Zone. The original entitlement only utilized an 8'-6" increase for a maximum building height of 53'-6". The project as revised now only utilizes a 4'-10" increase for a maximum building height of 49'-10".
- b. **Yard/Setbacks:** In Tier 3 areas, the TOC incentive for side and rear yard reductions allows up to a 30 percent reduction in the required width or depth of two individual yards or setbacks, with the exception that yard reductions may not be applied along any property line that abuts an R1 or more restrictive residential zoned property.

The project had requested and been granted a 30 percent Rear Yard/Setback reduction for its third incentive, for a rear yard setback of 10'-6"; however, because of the project site location, where the rear property line abuts an R1V2 zoned property, the Rear Yard/Setback incentive cannot be utilized. In the R3 Zone, a 15-foot rear yard is required. Per the revised TOC Referral Form dated September 3, 2020 and revised plans found in Exhibit "B", the project shall be eligible for two additional incentives, and be conditioned to comply with the rear yard requirement, providing a 15-foot rear yard setback.

The project is utilizing an Additional Incentive for a reduction of the side yards. In the R3 Zone, if a lot is less than 50 feet in width, side yards may be 10% of the lot width, and when a building is more than two stories in height, the side yards are required to be increased by one foot for each additional story above the second story. The proposed project has a lot width of 40 feet and is four stories in height, requiring six-foot side yards. The project had requested and been granted a 5'-0" northerly and 4'-4" southerly side yard, consistent with the TOC Guidelines. Per the revised plans found in Exhibit "B", the project will increase the southerly side yard, providing a 5'-0" northerly and 4'-8" southerly side yard, remaining consistent with the TOC Guidelines. The side yards reflect a less than 30 percent reduction in the otherwise required 6-foot required side yards for the project.

The property is not utilizing a reduction in the front yard and maintains a 15-foot setback, consistent with the front yard setback requirements.

APPEAL ANALYSIS

One appeal was filed in a timely manner within the appeal period ending on July 6, 2020 by the rear-abutting property owner, Margaret C. Fields.

The appeal points are provided in Exhibit "E" and summarized as follows:

APPEAL POINT 1: TOC Housing Incentive Conformance

Appeal Point 1-a:

The award of discretionary incentives exceed the scope of those provided by Measure JJJ, which authorized only incentives for density and parking, not height and yard reductions.

Staff Response:

Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22-A.31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure requires the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guideline) for all Housing Developments located within a ½ -mile (or, 2,640-foot) radius of a Major Transit Stop. These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22-A.31.

A qualifying TOC Project shall be granted Base Incentives with regard to increased residential density, increased floor area ratio, and reduced automobile parking requirements. In addition to these Base Incentives, and eligible project may be granted Additional Incentives with regard to yards and setbacks, open space, lot coverage, lot width, averaging, density calculation, height, and developments in public facility zones. Up to three (3) Additional Incentives may be granted in exchange for providing the requisite set aside of affordable housing as enumerated in the TOC Guidelines. As revised, the project only takes advantage of two of the three additional incentives available to them through the Transit Oriented Communities (TOC) Affordable Housing Incentive Program.

Appeal Point 1.b:

The project has a rear yard reduction with balconies that come within 4'5" of the rear property line, and does not comply with the mandatory setback of 15 feet.

Staff Response:

As explained in the Project Summary and Project Revision sections of the Staff Report, the Director's Determination included an incentive for a 30 percent decrease from the Rear Yard/Setback requirement allowing 10'-6" rear yard in lieu of 15 feet, and conditioned the project as such in Condition No. 8. However, the subject property is located adjacent to an R1 equivalent zone; the rear abutting property is zoned R1V2. Section VII.1.a.iii. of the TOC Guidelines details an Exception stating, "Yard reductions may not be applied along any property line that abuts an R1 or more restrictive residential zoned property." Because the subject property abuts a property zoned R1V2 in the rear, the Rear Yard/Setback incentive is subject to the exception and cannot be utilized for the project. Therefore, the project does not comply with the rear yard setback.

Upon receiving the Appeal, the applicant has revised their project to accommodate elements of the appeal as well as correcting the rear yard setback incentive. The applicant has submitted revised plans, Exhibit "B", that reduce the request to 2 additional incentives, eliminating the third incentive for the rear yard reduction. Per the revised plans found in Exhibit "B", the project shall be conditioned to comply with the rear yard requirement, providing a 15-foot rear yard setback. The revised plans feature the same balconies as previously proposed, on the second, third, fourth, and fifth floors, that project 4 feet (48 inches) into the 15-foot rear yard set back. LAMC Section 12.22C.20d allows balconies, not covered by a roof or canopy, to extend or project into required front and rear yards not more than four feet. Therefore, the project's balconies comply with the front and rear yard setbacks and allowed projections into yards.

Appeal Point 1.c:

The project utilizes a height incentive that is not necessary for the provision of 2 units of affordable housing. The plans illustrate that four stories of housing reach 42 feet in height, within the 45-foot height limit. The excess height is being used to create an expansive mezzanine floor, that will not contribute to any living area for residents.

Staff Response:

As provided in the Director's Determination Exhibit "B" and Project Background above, the project site is located in the West Los Angeles Community Plan and subject to the R3-1 zone. The site's zoning would allow a building height of 45 feet, by-right. The project is eligible for Tier 3 Base and Additional Incentives of the TOC Guidelines.

The applicant had requested an Additional Incentive under the TOC Guidelines for the increase of 8 feet, 6 inches additional feet in height to allow for 53 feet, 6 inches in total building height in lieu of the otherwise permitted 45 feet. Upon receiving the Appeal, the applicant has revised their project to respond to and accommodate elements of the appeal, including the building height, and has removed the mezzanine floor, to reduce the building height to 49'-10", representing a 4'-10" increase from the otherwise allowed 45 feet.

The limitation on height could limit the ability to construct the residential dwelling units permitted by-right and the Restricted Affordable Units which are of a reasonable size. Per the TOC Guidelines, the proposed project qualifies for a 22 foot increase in height, or 67 feet. As proposed, the height of 49'-10" would allow for the construction of the affordable residential units and is below the allowable height limit of 67 feet.

Appeal Point 1.d:

Due to the mezzanine, the project floor area exceeds the allowed 3.0 floor area ratio and requires an additional TOC incentive.

Staff Response:

As provided in the Director's Determination Exhibit "C" and Project Background above, the project site is located in the West Los Angeles Community Plan and subject to the R3-1 zone. The site's zoning would allow a maximum 3.0:1 FAR. As provided in the Project Background above, the project will set aside 10% of the total number of dwelling units for Very Low Income (VLI) Households and meets all other eligibility requirements of the TOC Affordable Housing Incentive Program, the project is entitled to the Base Incentives. As a TOC Tier 3, the project was eligible for a 50 percent increase in FAR.

A project's allowable increase in FAR is a TOC Tier 3 Base Incentive. Additionally, upon receiving the Appeal, the applicant has revised their project to respond to and accommodate elements of the appeal, including removing the mezzanine floor, reducing the FAR to 2.65:1, less than the by-right FAR of 3.0:1. Both the approved and revised plans, in Exhibits "A" and "B", feature FARs that meet the code requirement, and do not take advantage of the Base Incentive available through the Transit Oriented Communities (TOC) Affordable Housing Incentive Program.

Appeal Point 1.e:

The roof decks are improperly counted as open space, when the code requires that open space calculations exclude the area within 10 feet of the parapet. The reduction in open space requires an additional TOC incentive.

Staff Response:

The project does not request an Open Space Incentive. The project as revised features 3 units of less than 3 habitable rooms, which require 100 square feet of open space per unit ($100 \times 3 = 300\text{sf}$) and 9 units of 3 habitable rooms, which require 125 square feet per unit ($125 \times 9 = 1,125\text{sf}$). In total, the project as revised requires 1,425 square feet of open space, and will provide 1,507 square feet.

Open space calculations will be subject to LAMC requirements and LADBS verification. The project is conditioned to comply with LAMC requirements in Condition 17, which states "The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans." As such, the project is conditioned to comply with the Open Space Requirement.

APPEAL POINT 2: CEQA Exemption

Appeal Point 2:

The CEQA exemption is inappropriate due to unusual circumstances including limited neighborhood parking, out of scale development, and reduced rear setback.

Staff Response:

With regard to the environmental analysis performed pursuant to CEQA, the adequacy of parking for a project, in and of itself, is not an environmental impact. (See Public Resource Code, section 21099(b)(3).) Furthermore, as an Eligible Housing Development in Tier 3, parking for all residential units shall not be required to exceed one-half space per unit. Therefore, the project shall not be required to provide more than ½ parking space per unit. As proposed, the project is providing 6 parking spaces. In addition, the project is situated near the Metro Expo Line Culver City station, which encourages alternative modes of transportation and potentially reduces the demand for automobile parking. Therefore, the project is not required to provide additional on-site parking beyond code requirements.

The current project is in an urbanized area and characterized as in-fill development. With the project revised and conditioned for compliance with the rear yard/setback requirements, these conditions constitute typical infill development patterns and do not constitute an unusual circumstance under CEQA, and are accounted for within the allowable entitlements provided by the Los Angeles Municipal Code and with the applicable provisions of the Transit Oriented Communities Affordable Housing Incentive Program, as set forth in more detail in the discussion regarding unusual circumstances at F-6.

The Subject Site is of a similar size and slope to nearby properties. The Floor Area, Density, Height, Yards, and Open Space of the proposed project are consistent with the Zone and Transit Oriented Communities program and incentives. The project site is not located within a Fault Zone, Liquefaction Zone, Landslide Area, Methane Zone, or Very High Fire Severity Zone. The project site is within a Special Grading Area (BOE Basic Grid Map A-13372), but will not require a Haul Route, as the proposed export of 400 cubic yards does not meet the 1000 cubic yard threshold required for a Haul Route. There are no known designated historic resources or cultural monuments on the subject site. Thus, there are no unusual circumstances, and the appellant has not submitted substantial evidence that proves otherwise.

CONCLUSION

In consideration of the foregoing, it is submitted that the Director of Planning acted reasonably in approving Case No. DIR-2019-750-TOC, but upon an in-depth review and analysis of the issues raised by the appellants for the proposed project at 3117-3119 South Bagley Avenue, an error by the Director of Planning or his/her designees were found in regards to the Additional Incentive granted for the Rear Yard Setback. Upon receiving the Appeal, the applicant has revised their project to respond to and address elements of the appeal as well as correcting the rear yard incentive. The applicant has submitted revised plans, Exhibit "B", that reduced their request to 2 additional incentives, eliminating the third incentive for the rear yard reduction. Per the revised plans found in Exhibit "B", the project shall be conditioned to comply with the rear yard requirement, providing a 15-foot rear yard setback.

For the reasons stated herein, and as provided in the Findings in the Director's Determination, the project, as approved, does not comply with portions of the applicable provisions of the Transit Oriented Communities Affordable Housing Incentive Program and the California Environmental Quality Act. Therefore, the appeal of the Director's Determination can be substantiated in part and therefore should be granted in part. With the revisions to the project annotated in Exhibit "B" and conditioned henceforth, the project does comply with all applicable provisions of the Transit Oriented Communities Affordable Housing Incentive Program and the California Environmental

Quality Act. For this reason, the Director of Planning's Conditions of Approval as modified herein, Findings, and Exhibit "B" should be adopted.

Staff recommends that the City Planning Commission Deny the appeal in part; Grant the appeal in part; and Adopt the Director of Planning's Conditions of Approval, Findings, and Exhibit "B" as modified herein, approving a Transit Oriented Communities Affordable Housing Incentive Program for a project totaling 12 dwelling units, reserving 1 unit for Extremely Low Income Household and 1 unit for Very Low Income occupancy for a period of 55 years, with the incentives for a reduction in the side yard setbacks and an increase in building height; and Determine, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

EXHIBIT B

REVISED PROJECT PLANS

DIR-2019-750-TOC-1A

12-UNIT APARTMENT

3117, 3119 S BAGLEY AVE, LOS ANGELES, CA 90034

TOC INCENTIVE

- BASE INCENTIVE
- 1) 70 % DENSITY INCREASE
2) 0.5 PER UNIT PARKING
- ADDITIONAL INCENTIVE
- 1) YARD/ SETBACK 30% REDUCTION (TWO SIDE YARD)
2) HEIGHT INCREASE

RENDERED IMAGE



PROJECT INFORMATION

PROJECT ADDRESS :

3117, 3119 S BAGLEY AVE, LOS ANGELES, CA 90034

PROJECT DESCRIPTION :

NEW CONSTRUCTION OF 12-UNIT, 4-STORY RESIDENTIAL BUILDING AND GROUND FLOOR PODIUM PARKING. REQUESTING TOC 2 ADDITIONAL INCENTIVE.

1) YARD/ SETBACK 30% REDUCTION (TWO SIDE YARD)
2) HEIGHT INCREASE

LEGAL DESCRIPTION :

ASSESSOR PARCEL NUMBER : 4311019014
LOT : 81
TRACT : TR 625
ZONING : R3-1
TRANSIT ORIENTED COMMUNITIES : TIER 3

TOTAL AREA : 6,400.1 SF
TYPES OF CONSTRUCTION : V-A ON I-A PODIUM
OCCUPANCY GROUP : R-2, S-2 , A-2
ALLOWABLE AREA TYPE I-A (GROUP S-2) : UNLIMITED
ALLOWABLE AREA TYPE V-A (GROUP R-2) : 12,000 SF/FLOOR
ALLOWABLE HEIGHT TYPE I-A (GROUP S-2) : UNLIMITED
ALLOWABLE HEIGHT TYPE V-A (GROUP R-2) : 50'-0"
ALLOWABLE STORIES TYPE V-A (GROUP R-2) : 3+1
PROPOSED STORIES TYPE V-A (GROUP R-2) : 4

CONSTRUCTION TYPE : V-A ON I-A PODIUM 4 STORY
OF STORY : 3 RESIDENTIAL FL OVER GROUND PARKING

FIRE SPRINKLER SYSTEM :

-FULL AUTOMATIC SPRINKLERS THROUGHOUT TO COMPLY WITH NFPA-13R

ZONING ANALYSIS

TOTAL LOT AREA : 6,400.1 SF
BUILDABLE AREA : 3,665.0 SF
BASE ZONE ALLOWABLE AREA : (3.0 : 1) 10,995.0 SF
FLOOR AREA RATIO (TOC) : (4.5 : 1) 16,492.5 SF
PROPOSED FLOOR AREA : (2.65:1) 9,705.2 SF
BASE ZONE ALLOWABLE HEIGHT : 45' - 0"
ZONING ALLOWABLE HEIGHT (TOC - INCENTIVE 2) : 56' - 0"
PROPOSED HEIGHT : 49' - 9 215/256"

RESIDENTIAL SETBACK (INCENTIVE 1 : SIDE YARD)

HIGHWAY DEDICATION : 8' - 0"
FRONT (EAST) : 15' - 0" (REQ'D 15' - 0")
SIDE (SOUTH) : 4' - 8" (REQ'D 6' - 0")
SIDE (NORTH) : 5' - 0" (REQ'D 6' - 0")
REAR (WEST) : 15' - 0" (REQ'D 15' - 0")

* SIDE REQUIRED YARD : 10% LOT WIDTH WHEN LOT WIDTH IS < 50 FT

UNIT DENSITY

AREA / UNIT (R3) : 6,400.1 / 800 SF
UNIT ALLOWED BY RIGHT (PER LAMC) : 8-UNIT
BASE DENSITY : 9-UNIT
UNIT (TOC) : 16-UNIT
PROPOSED UNIT : 12-UNIT
MARKET RATE : 10-UNIT
AFFORDABLE UNIT : 1 ELI AND 1 VL
RSO : YES

SHEET INDEX

- I0.00** TITLE SHEET
I0.01 TOC
I0.02 TOPOGRAPHIC SURVEY
I3.00 OPEN SPACE / BUILDABLE AREA
I3.01 ZONING AREA DIAGRAM
- A0.00** SITE PLAN
A0.01 1ST FLOOR PLAN
A0.02 2ND FLOOR PLAN
A0.03 3RD FLOOR PLAN
A0.04 4TH FLOOR PLAN
A0.05 ROOF PLAN
A0.06 ROOF TOP PLAN
A1.00 ELEVATION 1
A1.01 ELEVATION 2
A1.02 ELEVATION 3
A2.00 SECTION 1
A2.01 SECTION 2
A2.02 SECTION 3
L0.00 LANDSCAPE 1
L0.01 LANDSCAPE 2

OWNER/ APPLICANT INFO

COMPANY NAME : ABY HOLDINGS LLC
OWNER NAME : 269 S DOHEYNY DR. #136 BEVERLY HILLS CA 90211
ADDRESS : 310-279-7200
EMAIL : YOAV.ATZMON@GMAIL.COM

REPRESENTATIVE INFO

COMPANY NAME : THE CODE SOLUTION
ADDRESS : 800 W 6TH ST SUITE 1250, LOS ANGELES, CA 90017
TEL : 213-537-0158
PROJECT MANAGER : MATT YUKON KIM
DESIGNER :
EXECUTIVE EXPEDITOR : LIZ JUN

FLOOR DESIGNATION

LEVEL	1BED	2BED	TOTAL
1ST FL	-	-	-
2ND FL	1	3	4
3RD FL	1	3	4
4TH FL	1	3	4
TOTAL	3	9	12

UNIT TABULATION

TYPE	AREA	#	TOTAL AREA
1 BED	459.3 SF	3	1,377.9 SF
2 BED A	684.6 SF	6	4,107.6 SF
2 BED B	729.6 SF	3	2,188.8 SF
TOTAL			7,674.3 SF

ZONING FLOOR TABULATION

LEVEL	COMMON	UNIT	TOTAL AREA
1ST FLOOR	312.5 SF	-	312.5 SF
2ND FLOOR	572.8 SF	2,558.1 SF	3,130.9 SF
3RD FLOOR	572.8 SF	2,558.1 SF	3,130.9 SF
4TH FLOOR	572.8 SF	2,558.1 SF	3,130.9 SF
ROOF	-	-	-
TOTAL	2,030.9 SF	7,674.3 SF	9,705.2 SF

PARKING (TOC)

TYPE	STUDIO/ 1BED	2BED	TOTAL
REQUIRED	1.5(0.5x3)	4.5(0.5x9)	6
PROVIDED	6 STANDARD		

BICYCLE PARKING

TYPE	REQUIRED		PROVIDED	
	SHORT	LONG	SHORT	LONG
RESIDENTIAL	2	12	2	12
TOTAL	2	12	2	12

OPEN SPACE

TYPE	LESS THAN 3 HABITABLE ROOM (100/UNIT)	3 HABITABLE ROOM (125/UNIT)	MORE THAN 3 HABITABLE ROOM (175/UNIT)
UNIT #	3	9	-
REQUIRED	300.0 SF	1,125.0 SF	-
TOTAL	1,425.0 SF		
TYPE	REAR YARD	BALCONY	ROOF DECK
PROVIDED	-	300 SF	1,207.6 SF
TOTAL	1,507.6 SF		

LANDSCAPE

REQUIRED	1,207.6 SF X 0.25 = 301.9 SF
PROVIDED	506.1 SF

TREE

REQUIRED	12 X 0.25 = 3
PROVIDED	3 TREES

VICINITY MAP



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12-UNIT APARTMENT

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Description	Date

Date

09/04/2020

Scale


Sheet Name

TITLE SHEET

Sheet Number

10.00

3117 BAGLEY



Culver City

4.3 (76)

Light rail station

Directions

Save

Nearby

Send to your phone

Share

8817 Washington Blvd, Culver City, CA 90232

2JH6+5F Culver City, California

metro.net

(323) 466-3876

Add a label

Suggest an edit

Light rail

Metro Expo Line

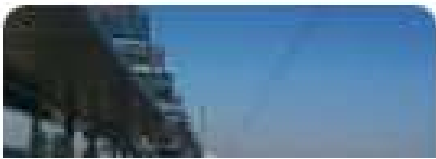

culvercity.org

ladottransit.com

metro.net

See departure board

Photos





*TOTAL DISTANCE (FROM SITE TO MAJOR TRANSIT STOP) : 2,390.47 FT

*TOC AFFORDABLE HOUSING INCENTIVE AREA TIERS

Type of Major Transit Stop	Tier 1 (Low)	Tier 2 (Medium)	Tier 3 (High)	Tier 4 (Regional)
Distance to Major Transit Stop				
Two Regular Buses (Intersection of 2 non Rapid Bus* lines, each w/ at least 15 min. average peak headways)	750 - 2640 ft.	< 750 ft.	-	-
Regular plus Rapid Bus* (Intersection of a Regular Bus and Rapid Bus line)	1500 – 2640 ft.	750 – <1500 ft.	< 750 ft.	-
Two Rapid Buses* (Intersection of two Rapid Bus lines)	-	1500-2640 ft.	< 1500 ft.	-
Metrolink Rail Stations	1500 – 2640 ft.	750 – <1500 ft.	< 750 ft.	-
Metro Rail Stations	-	-	≤ 2640 ft.	< 750 ft. from intersection with another rail line or a Rapid Bus*

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Scale:


















Sheet Name: TOC



Sheet Number: 10.01

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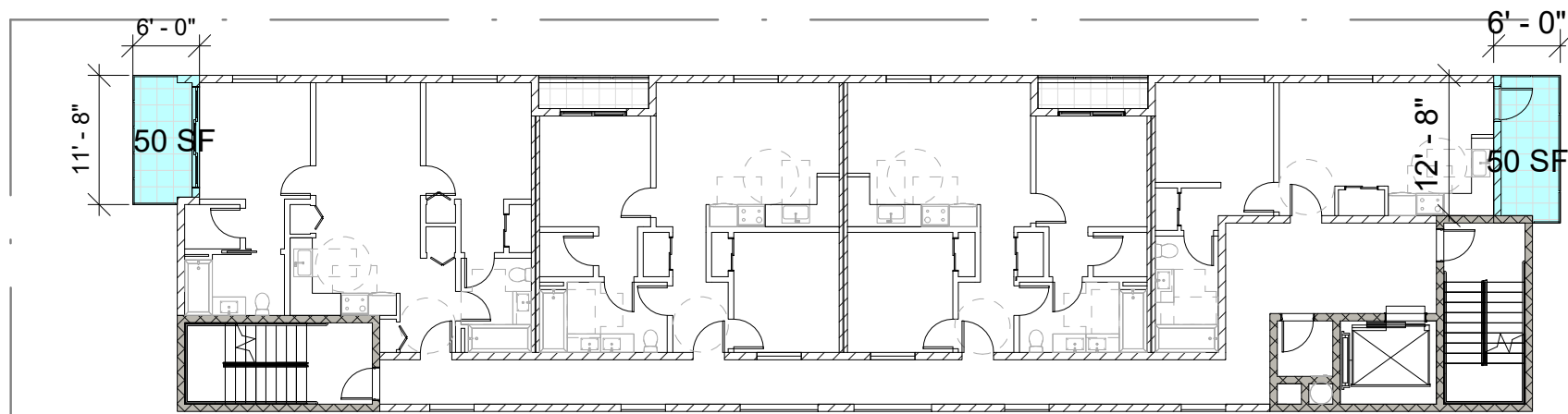
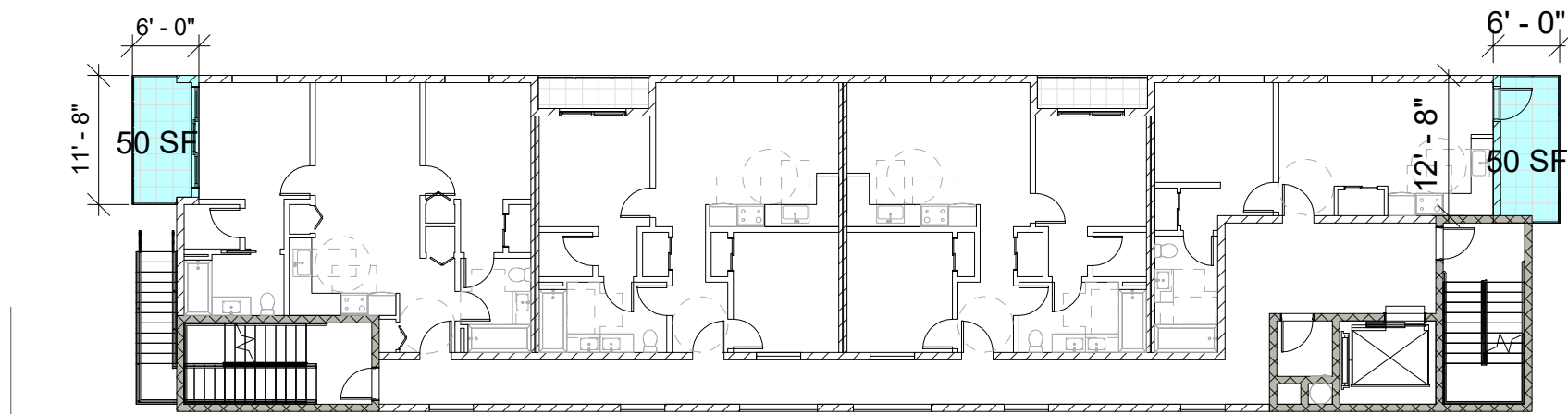
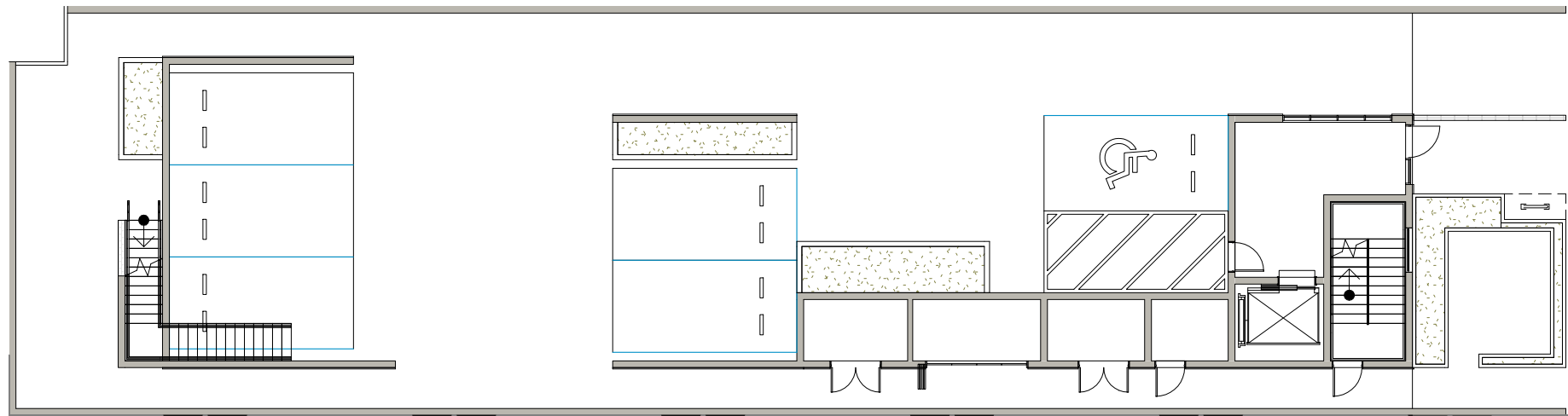


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A.C.	—	ASPHALT CONCRETE	R / PL	—	PROPERTY LINE
BM	—	BENCHMARK	PLTR	—	PLANTER
BLDG	—	BACK OF WALK	S.S.D.M.	—	STANDARD SURVEY DISC MONUMENT
C/L	—	CENTERLINE	SPK/W	—	SPRINKLER WASHER
C.L.F.	—	CHAIN LINK FENCE	TO	—	TOP OF CURB ELEV.
CONC	—	CONCRETE	TR	—	TRACT
EST	—	ESTABLISH	TW	—	TOP OF WALL FENCE
FB	—	FIELD BOOK	W.L.F.	—	WROUGHT IRON FENCE
FD	—	FOUND			
FF	—	FINISH FLOOR ELEV.			
FL	—	FLOWING ELEV.			
INTER	—	INTERSECTION			
MB	—	MAP BOOK			

	PROPERTY LINE
	CENTERLINE
	RETAINING WALL
	
	
	
	
	
	
	
	
	
	
	
	
	
	

	BUILDING LINE
	FENCE LINE

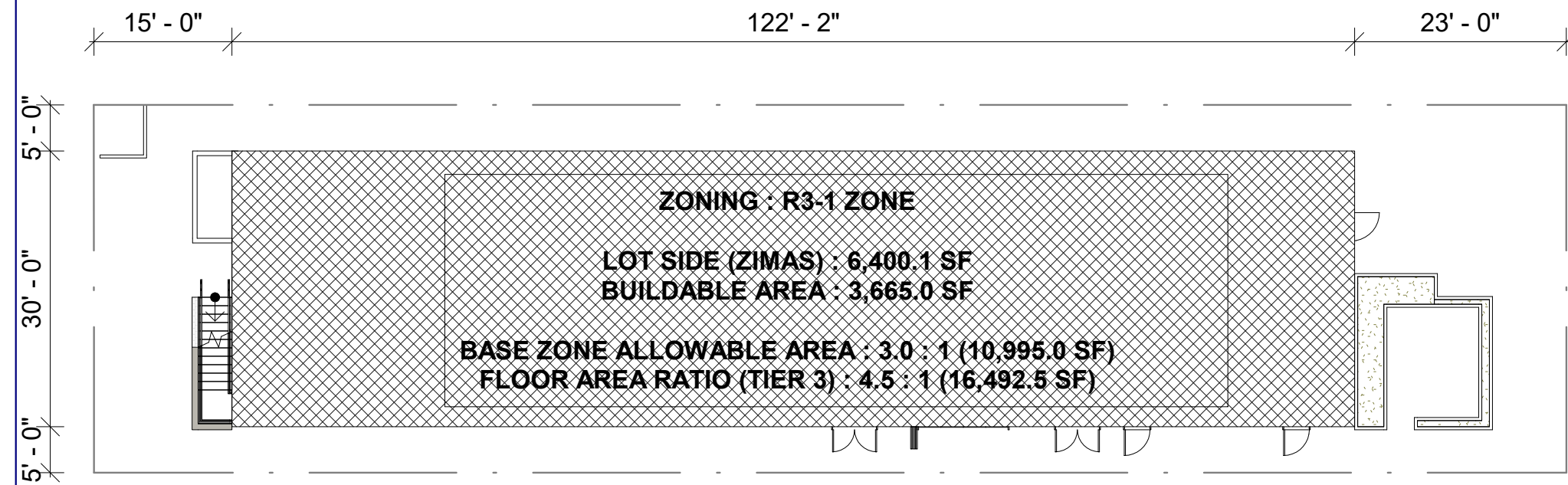
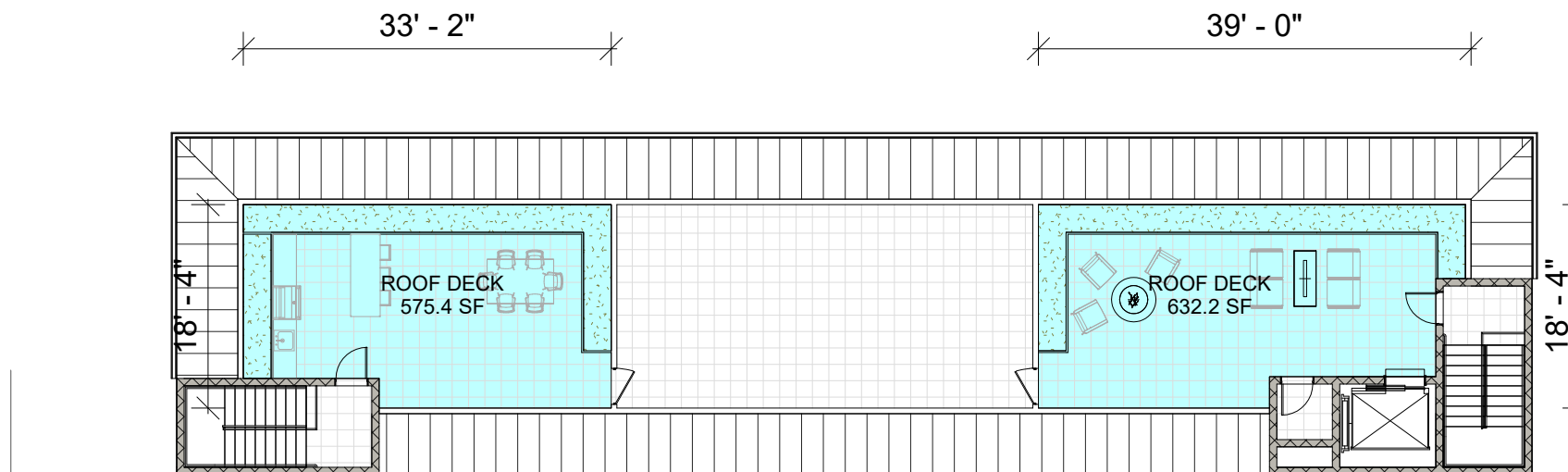
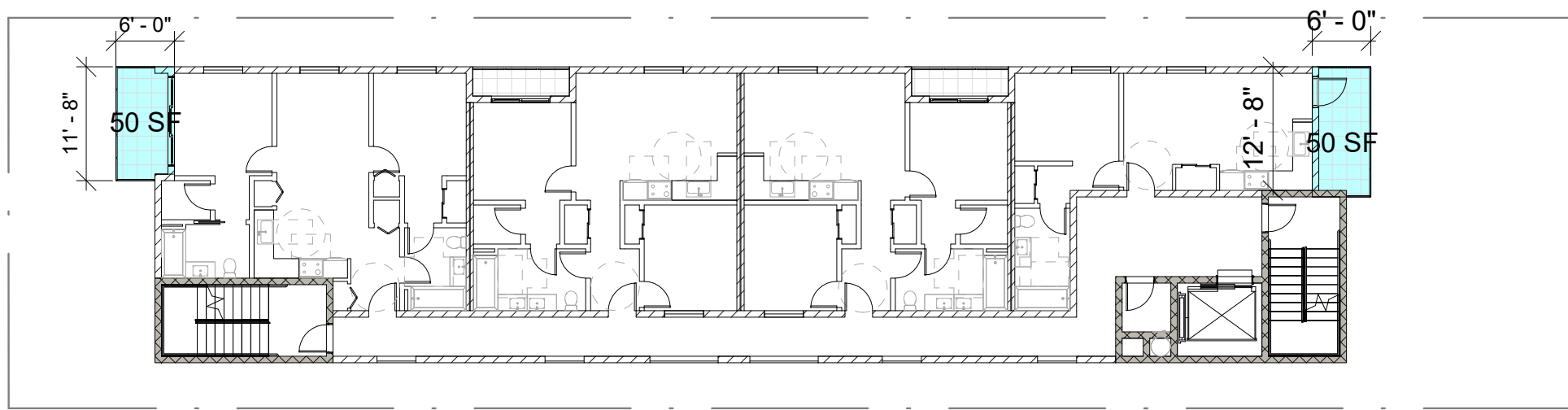
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CLIENT: Ms. Liz Jun		JOB NO.: 19-14687	
SCALE: 1" = 10'	 CIVIL ENGINEERING & LAND SURVEYING		DATE: 03/29/19
DESIGNED BY: F.G. / NJ	347 S. ROBERTSON BLVD. BEVERLY HILLS, CALIFORNIA 90211 TEL. (310) 659-0871 FAX (310) 659-0845 info@mglandsurvey.com www.mglandsurvey.com		REVISION (S):
DRAWN BY: DC			SHEET 1
CHECKED BY: C.D.L.			OF 1 SHEET



OPEN SPACE - 1ST FLOOR

OPEN SPACE - 2ND FLOOR

OPEN SPACE - 3RD FLOOR



OPEN SPACE - 4TH FLOOR

OPEN SPACE - ROOF

OPEN SPACE

TYPE	LESS THAN 3 HABITABLE ROOM (100/UNIT)	3 HABITABLE ROOM (125/UNIT)	MORE THAN 3 HABITABLE ROOM (175/UNIT)
UNIT #	3	9	-
REQUIRED	300.0 SF	1,125.0 SF	-
TOTAL		1,425.0 SF	
TYPE	REAR YARD	BALCONY	ROOF DECK
PROVIDED	-	300 SF	1,207.6 SF
TOTAL		1,507.6 SF	

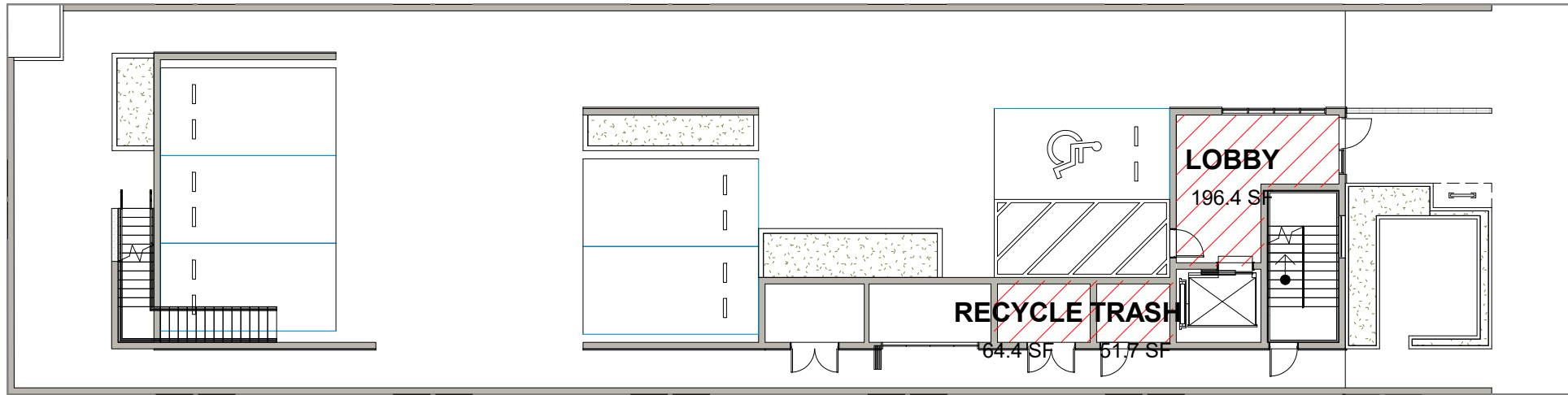
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Date
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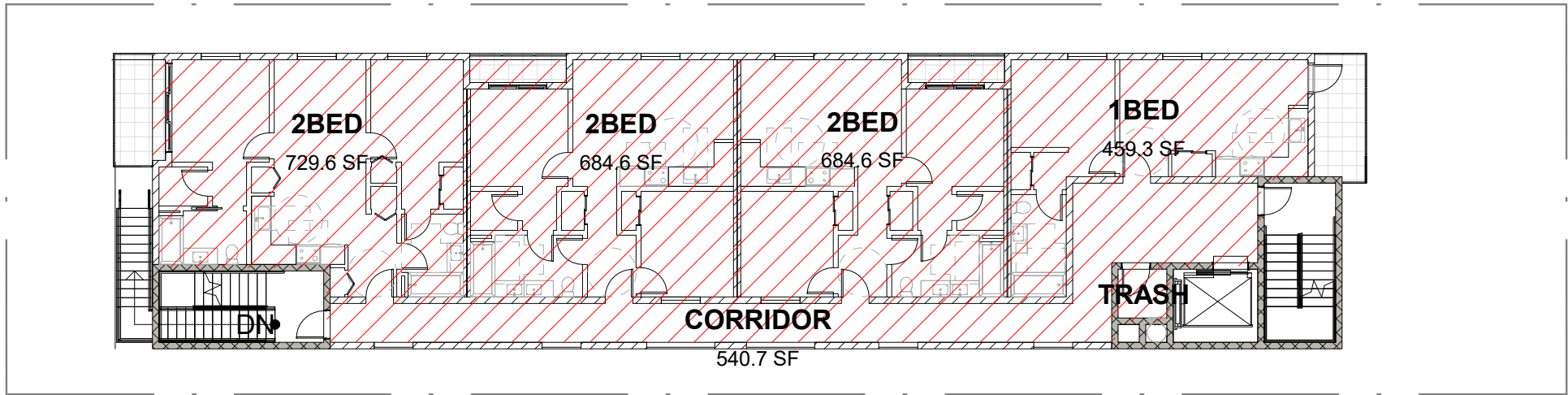
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Sheet Name
**OPEN SPACE /
BUILDABLE
AREA**

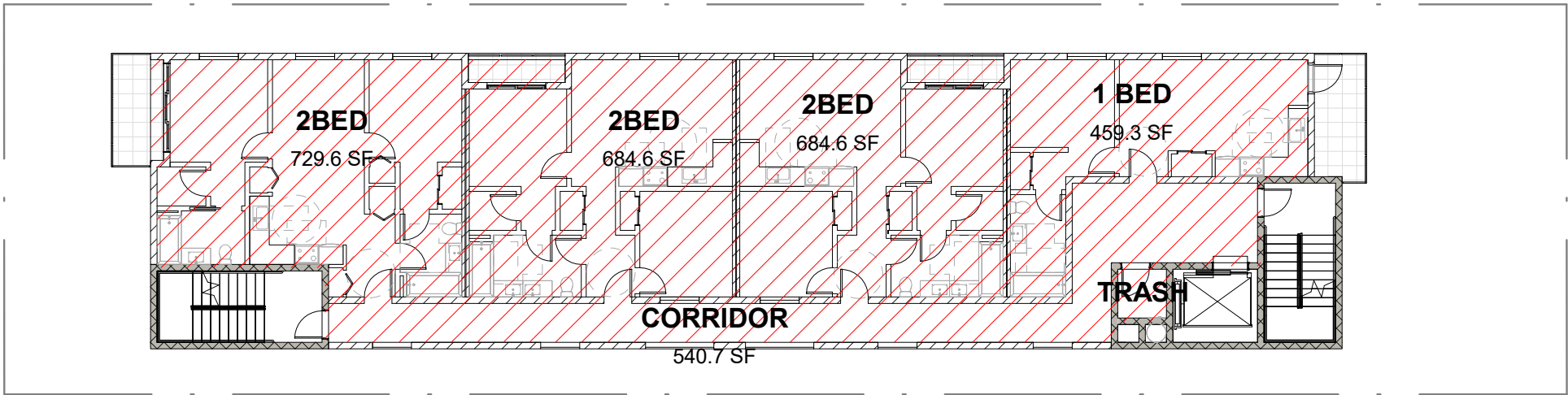
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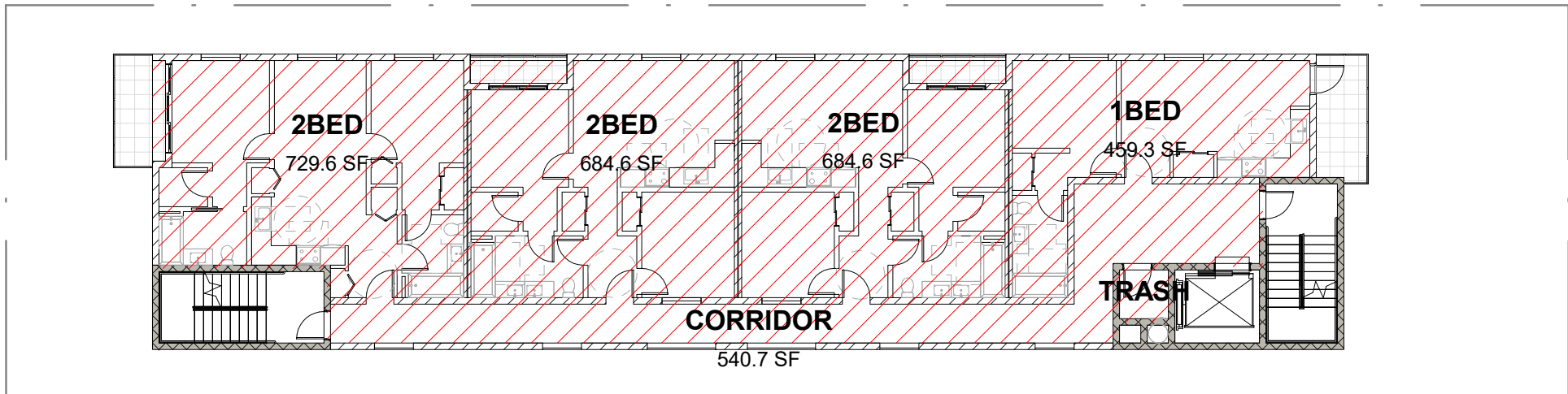
ZONING AERA DIAGRAM - 1ST FLOOR



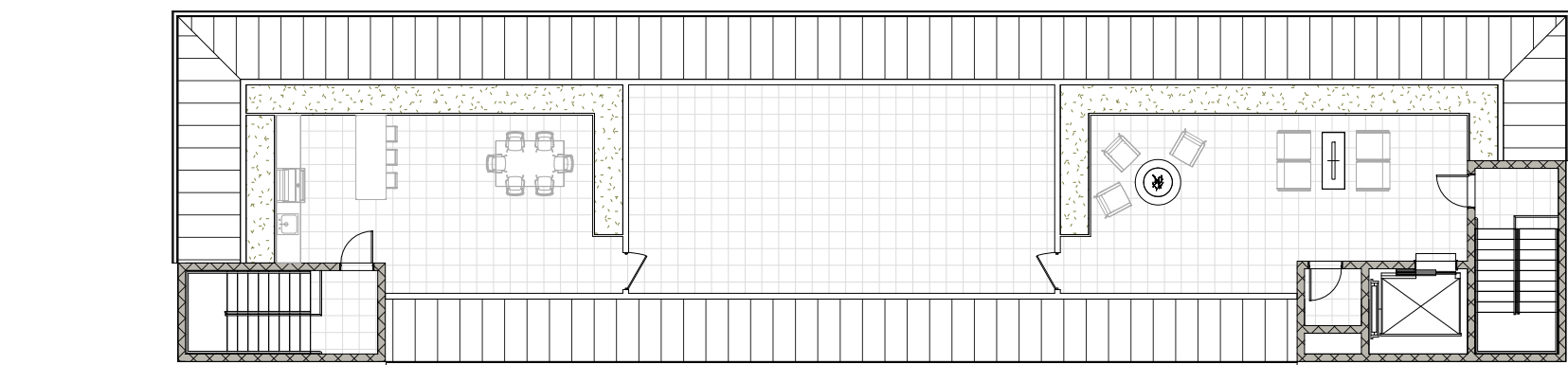
ZONING AERA DIAGRAM - 2ND FLOOR



ZONING AERA DIAGRAM - 3RD FLOOR



ZONING AERA DIAGRAM - 4TH FLOOR



ZONING AERA DIAGRAM - ROOF

ZONING FLOOR TABULATION

1ST FL (131.10')	
COMMON	312.5 SF
2ND FL	
COMMON	572.8 SF
RESIDENTIAL	2,558.1 SF
3RD FL	
COMMON	572.8 SF
RESIDENTIAL	2,558.1 SF
4TH FL	
COMMON	572.8 SF
RESIDENTIAL	2,558.1 SF
GRAND TOTAL	9,705.2 SF

License Stamp

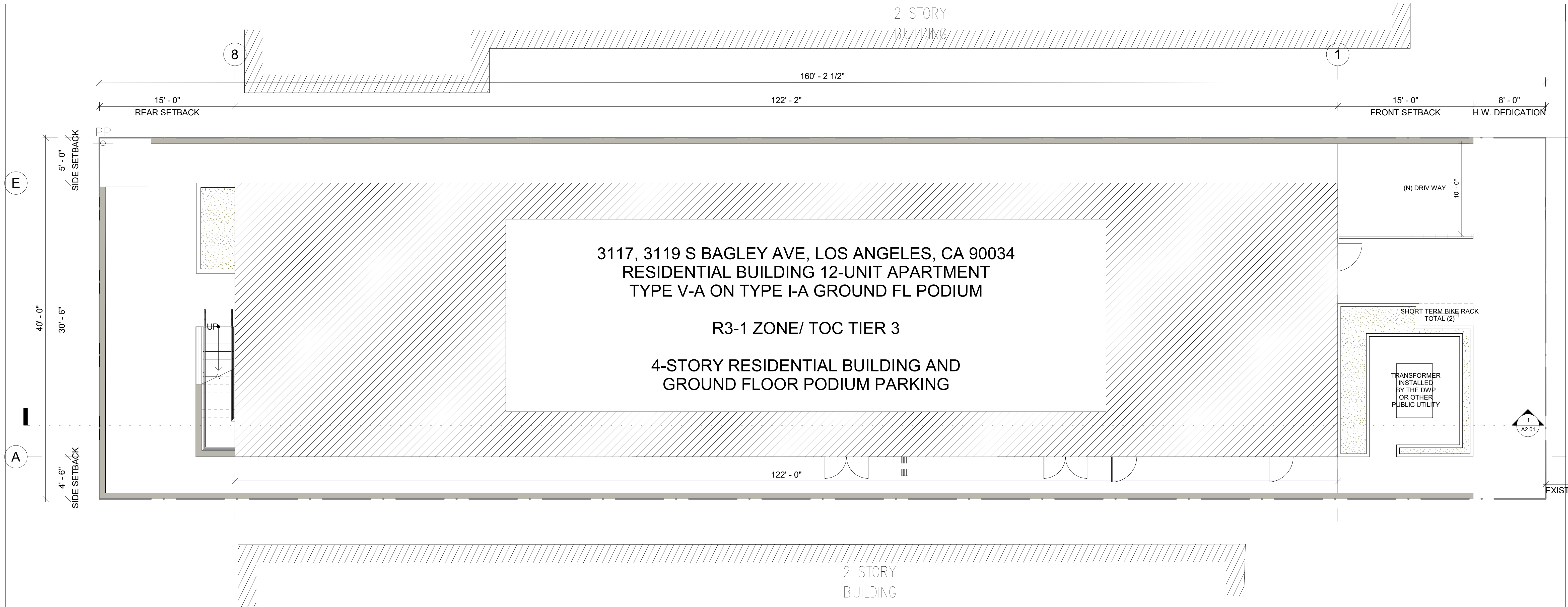
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Date
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Sheet Name
**CODE
EVALUATION -
ZONING AREA
DIAGRAM**

Sheet Number
13.01



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SIDE WALK

9' - 6"

NG SIDEWALK

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[illegible]Date **08/28/2020**

Scale

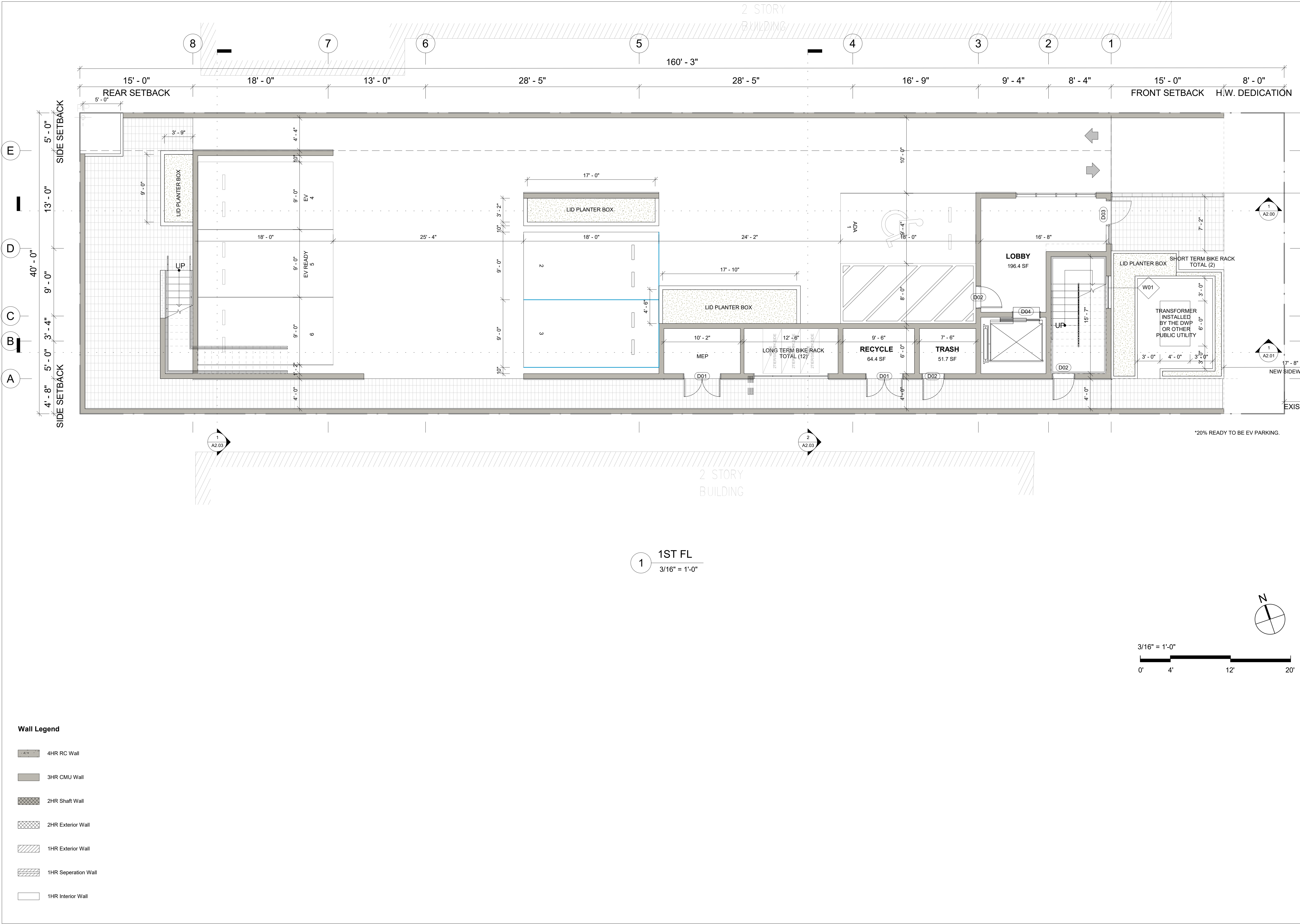
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Sheet Name

SITE PLAN

Sheet Number

A0.00



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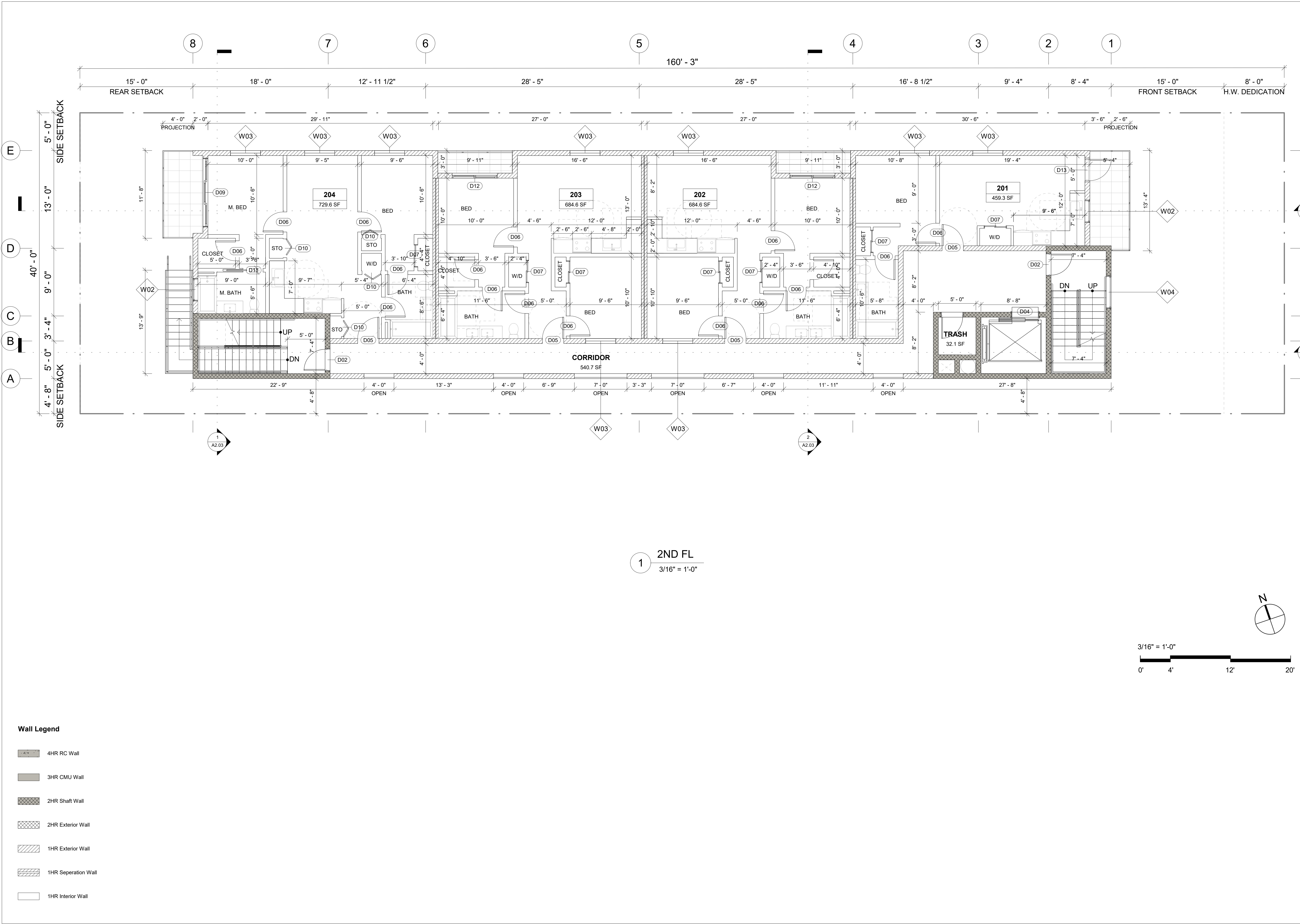
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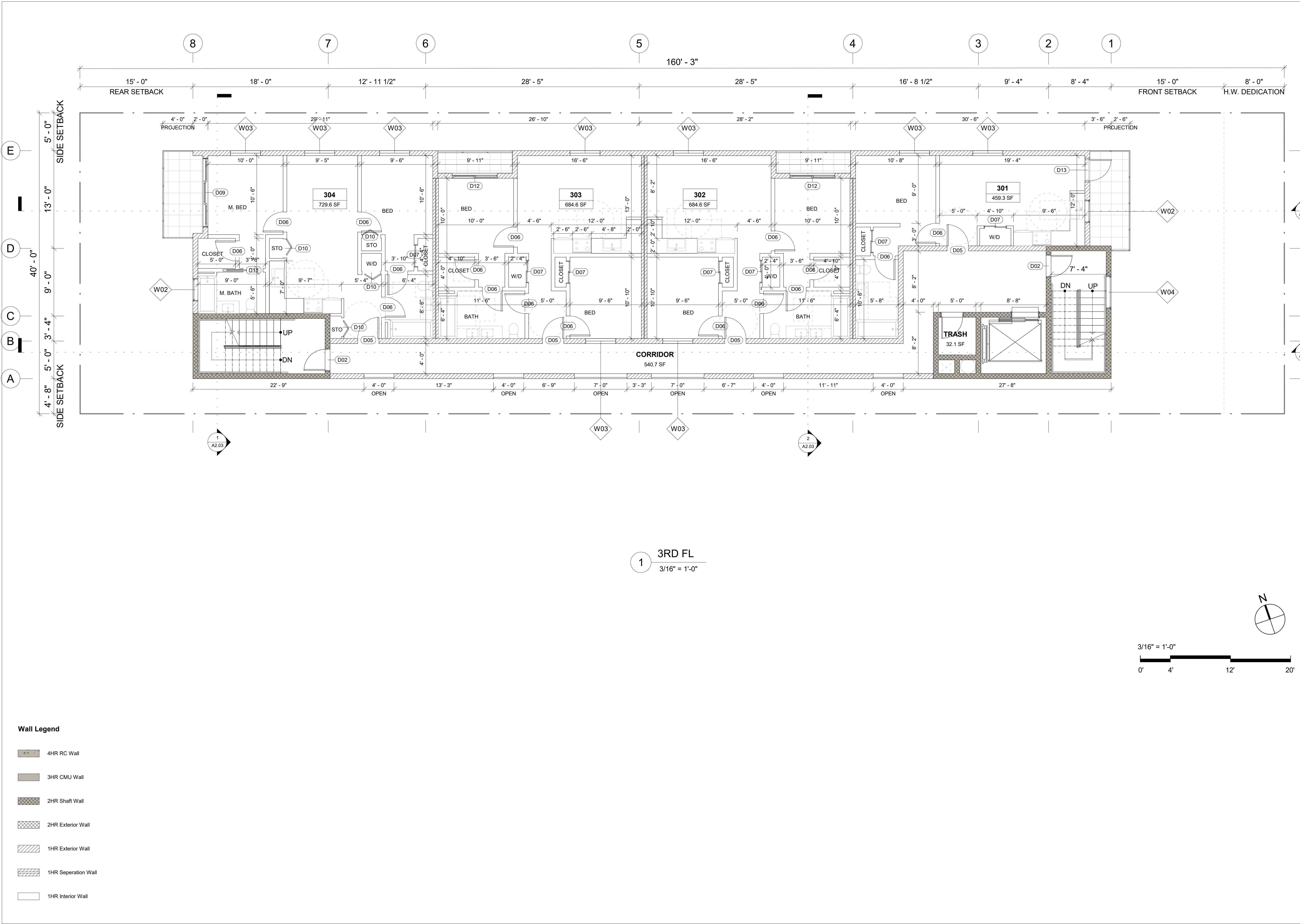
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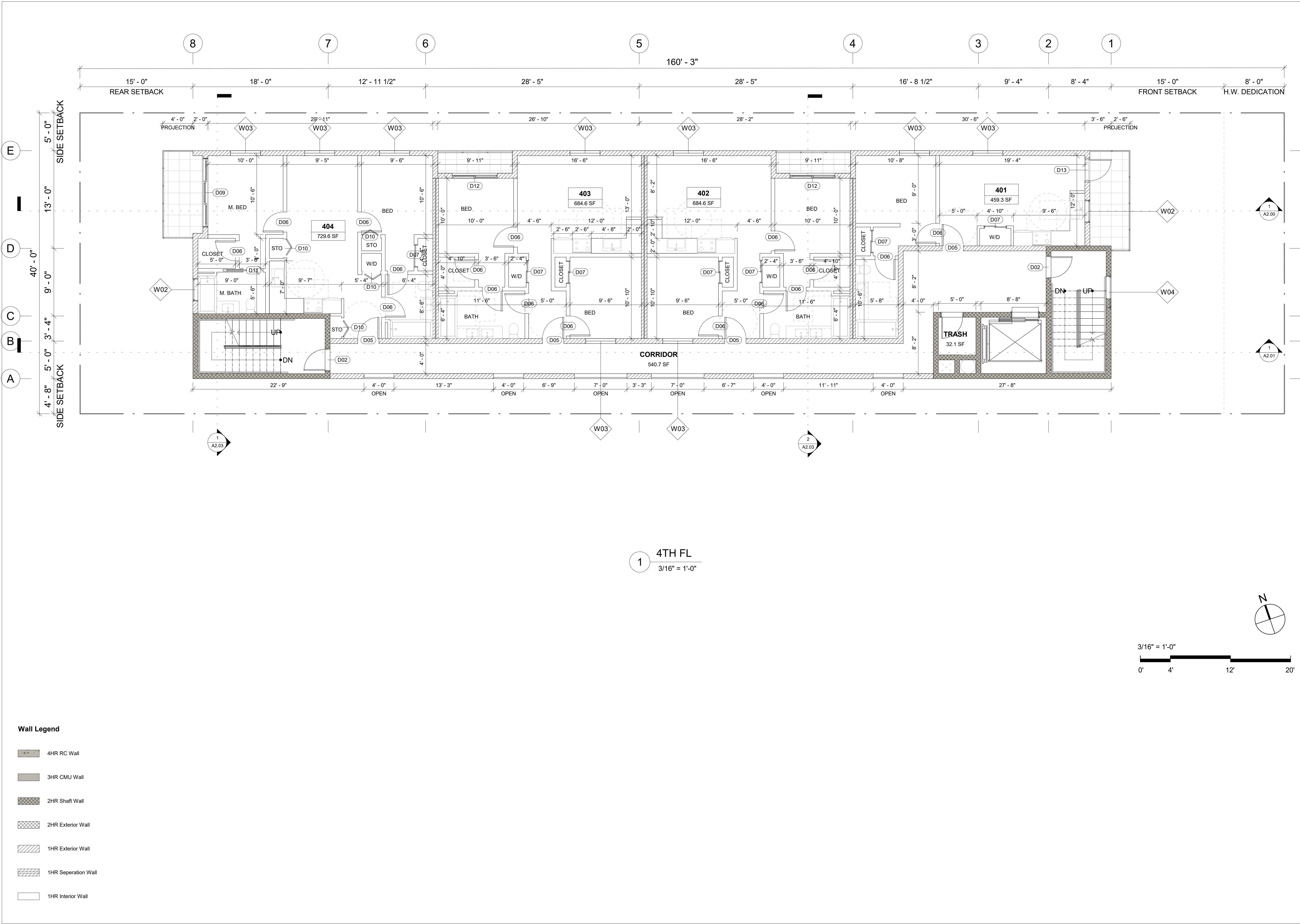
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Description	Date



Description	Date



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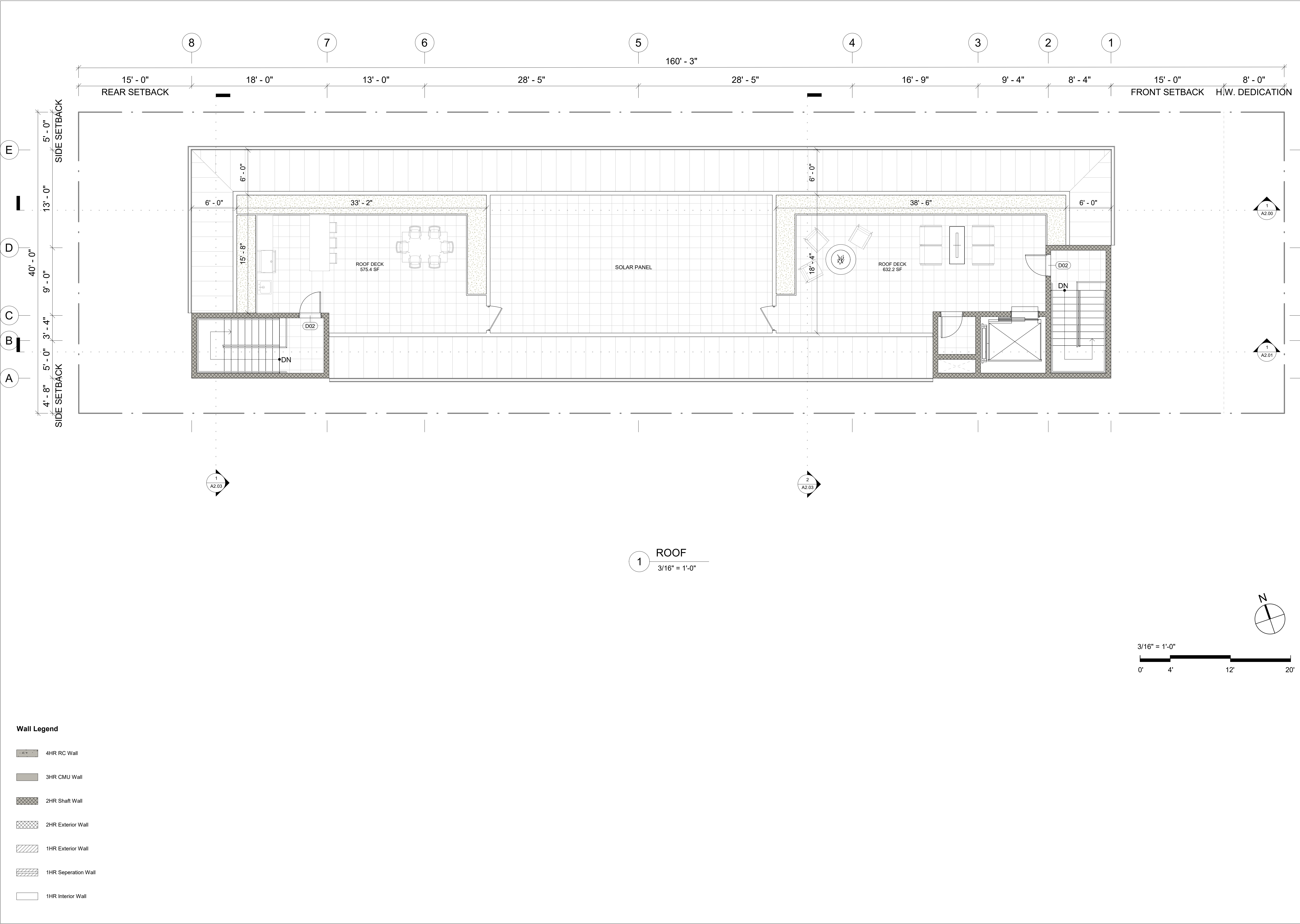
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Date
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Scale
As indicated

Sheet Name
4TH FLOOR PLAN

Sheet Number
A0.04



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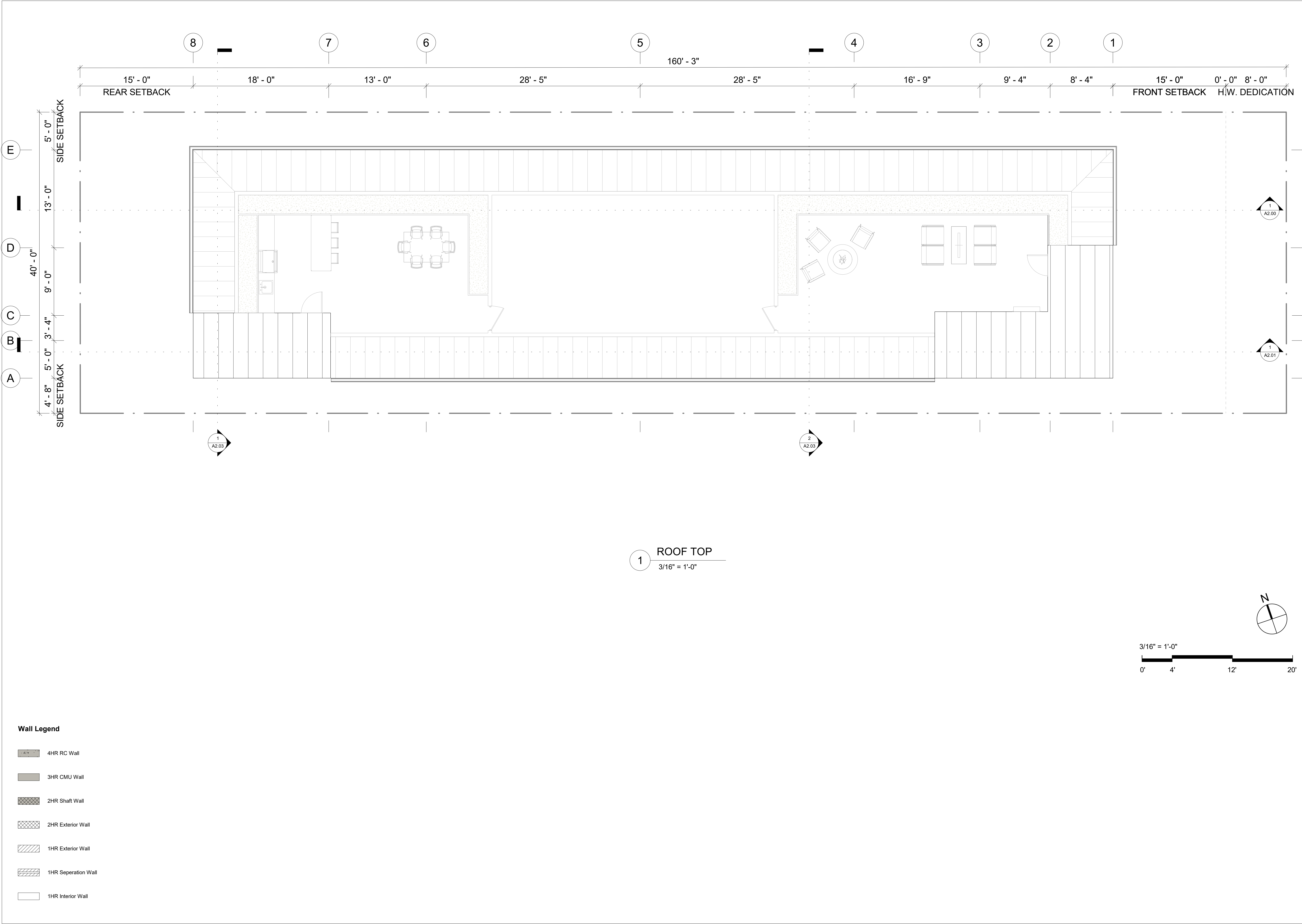
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Sheet Name
ROOF PLAN

Sheet Number
A0.05

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Date

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Sheet Name

ROOF TOP PLAN

Sheet Number

A0.06

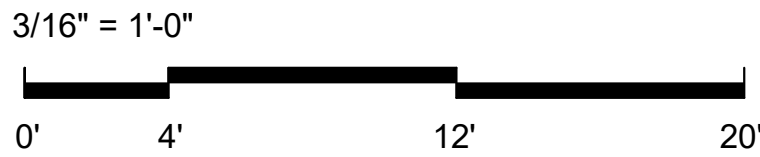
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1 EAST ELEVATION
3/16" = 1'-0"



2 WEST ELEVATION
3/16" = 1'-0"



A. BRICK VENEER	B. CREAM SMOOTH STUCCO	C. GRAY SMOOTH STUCCO	D. WHITE STUCCO	E. ZINC ROOFING	F. CONCRETE FINISH
					

**ANTI-GRAFFITI FINISH AT THE FIRST 9 FEET, MEASURED FROM GRADE, AT EXTERIOR WALLS AND DOORS.

Revisions:	
Description	Date

Date	08/28/2020
Scale	3/16" = 1'-0"
Sheet Name	ELEVATION 1



A. BRICK VENEER	B. CREAM SMOOTH STUCCO	C. GRAY SMOOTH STUCCO	D. WHITE STUCCO	E. ZINC ROOFING	F. CONCRETE FINISH

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Date
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Scale
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Sheet Name
ELEVATION 2

Sheet Number
A1.01

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Description	Date

Date: 08/28/2020

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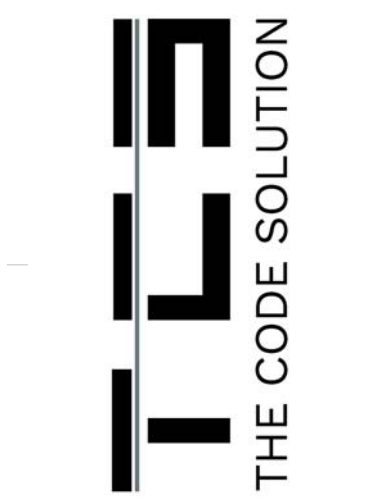
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Sheet Number: A1.02



- Wall Legend**
- 4HR RC Wall
 - 3HR CMU Wall
 - 2HR Shaft Wall
 - 2HR Exterior Wall
 - 1HR Exterior Wall
 - 1HR Separation Wall
 - 1HR Interior Wall

1 SECTION 1
3/16" = 1'-0"



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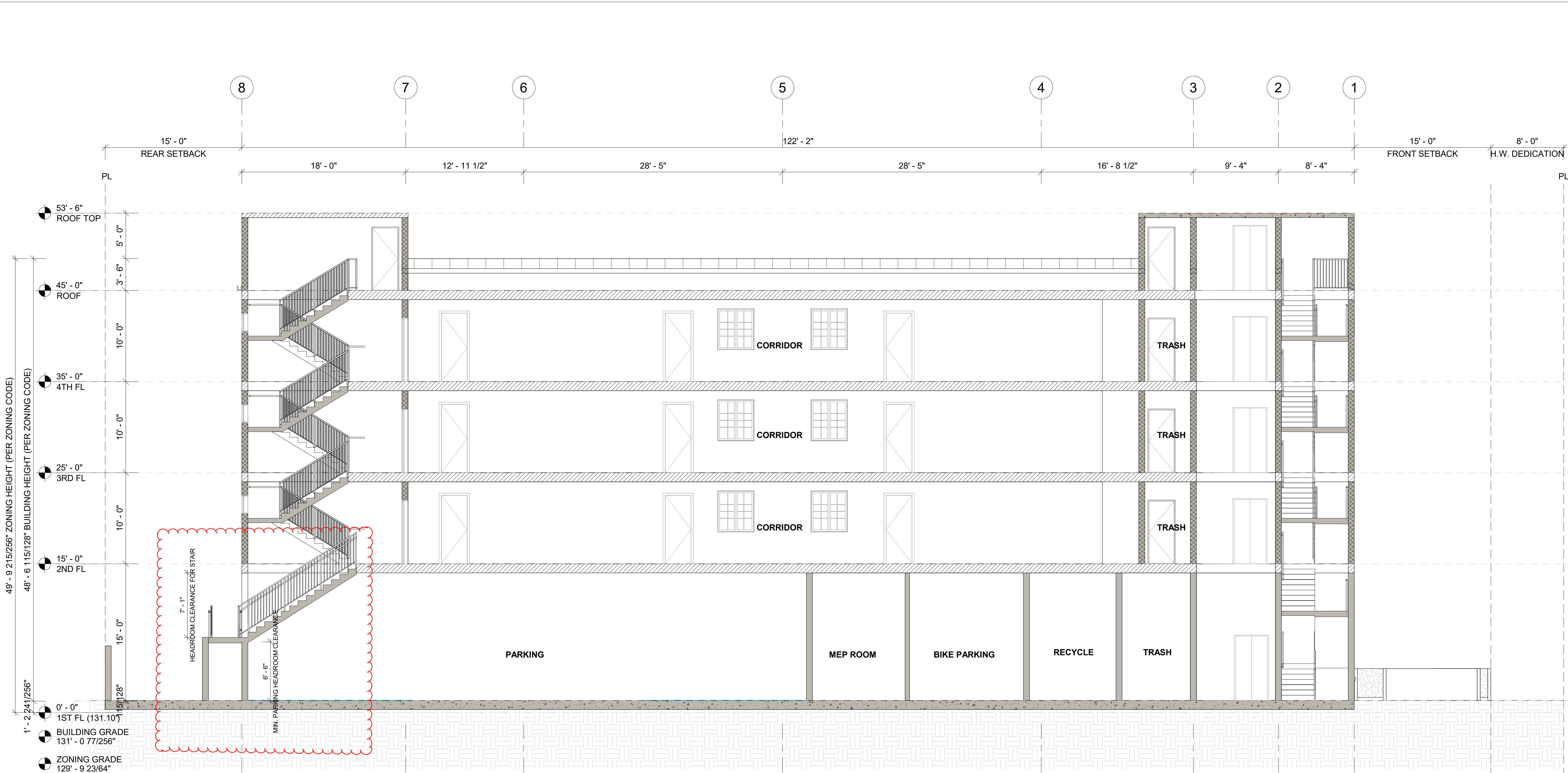
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Date
08/28/2020

Scale
As indicated

Sheet Name
SECTION 1

Sheet Number
A2.00



- Wall Legend
- 4HR RC Wall
 - 3HR CMU Wall
 - 2HR Shaft Wall
 - 2HR Exterior Wall
 - 1HR Exterior Wall
 - 1HR Separation Wall
 - 1HR Interior Wall

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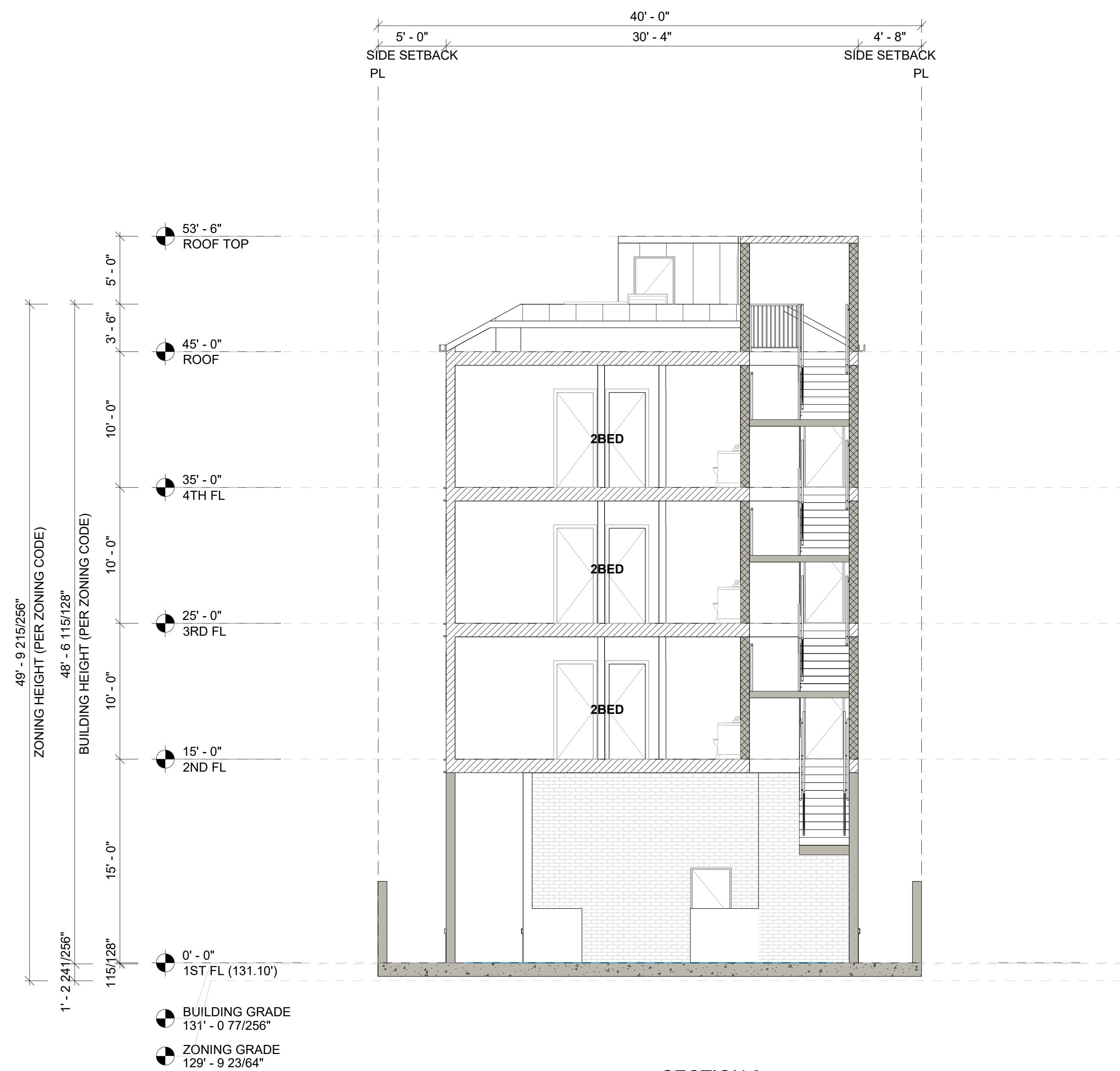
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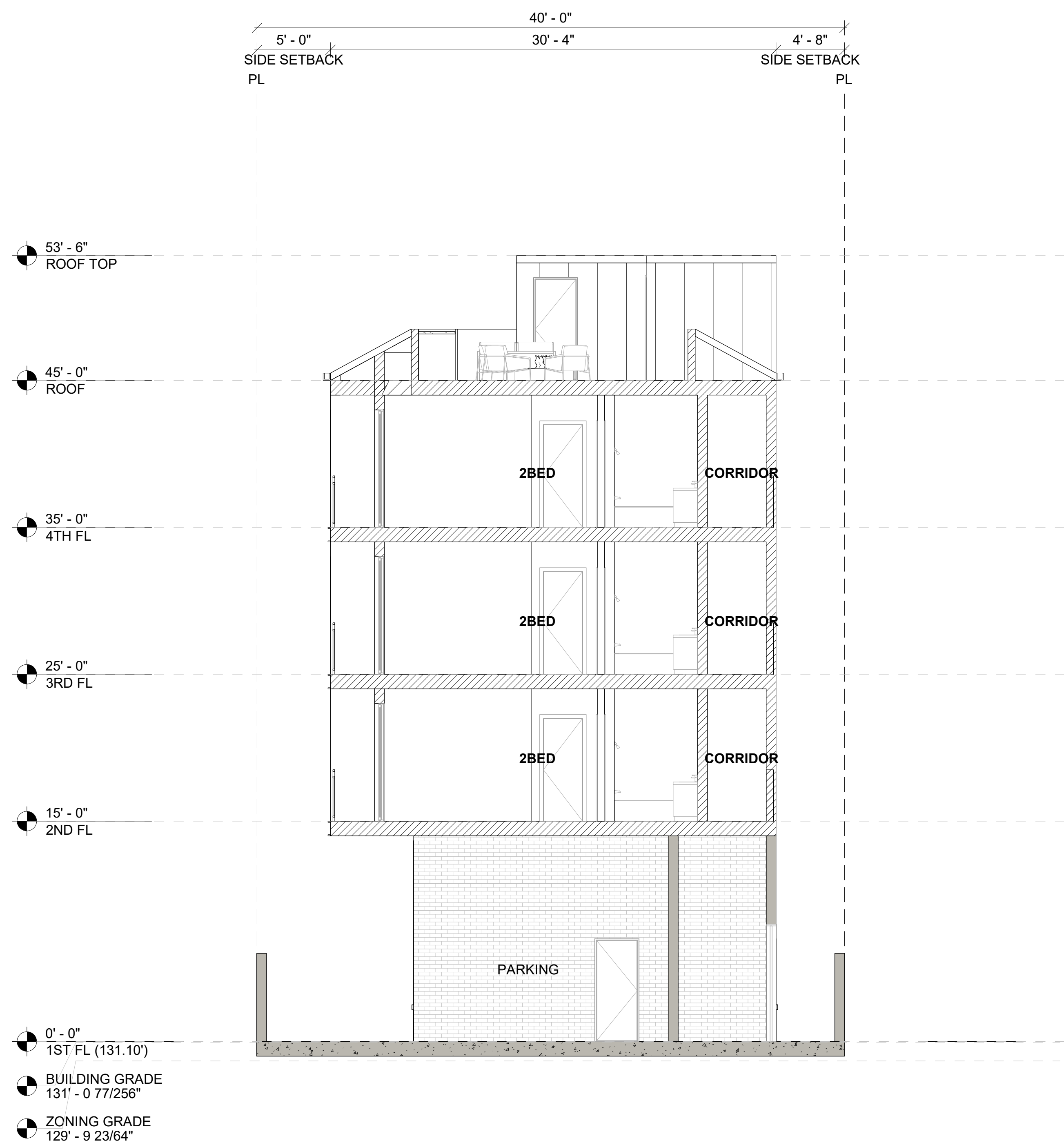
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Wall Legend

- | | |
|---|---------------------|
|  | 4HR RC Wall |
|  | 3HR CMU Wall |
|  | 2HR Shaft Wall |
|  | 2HR Exterior Wall |
|  | 1HR Exterior Wall |
|  | 1HR Separation Wall |
|  | 1HR Interior Wall |



2 SECTION 4
3/16" = 1'-0"

$$3/16'' = 1'-0''$$
Revisions:[illegible]

ate

8/28/2020

sale

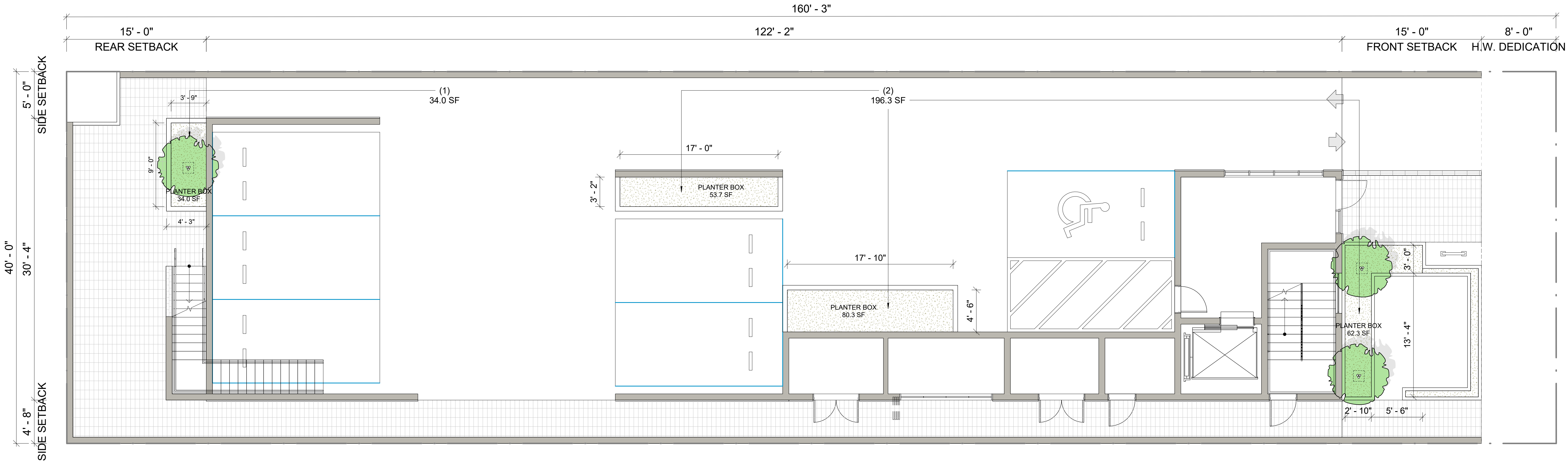
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SECTION 2

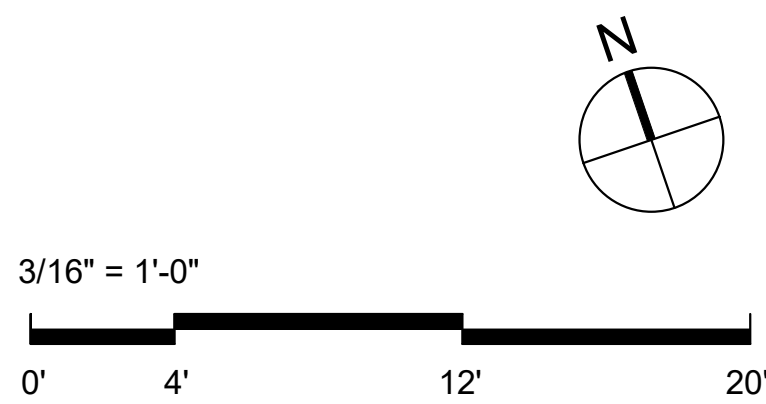
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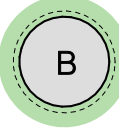
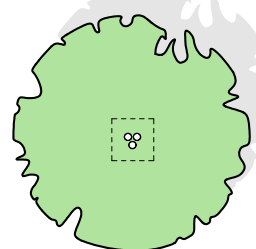


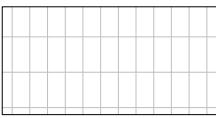
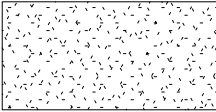
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3/16" = 1'-0"

TOTAL HARDSCAPE (PERMEABLE PAVING): 1,080.7 SF (82.4%)
TOTAL LANDSCAPE: 230.3 SF (17.6 %)



PLANTING LEGEND

-  SMALL SIZED CANOPY
WE WILL USE NATIVE PLANTES WITH LESS WATER DEMAND
-  PAINTED BAMBOO
-  MIDIU M SIZED CANOPY
WE WILL USE NATIVE PLANTES WITH LESS WATER DEMAND
-  LARGE SIZED CANOPY TREE
24" MIN. PLANTER BOX

-  HARDSCAPE AREA - PERMEABLE PAVING
(INTERLOCKING PAVING DOLPHIN GREY)
-  PLANTING AREA

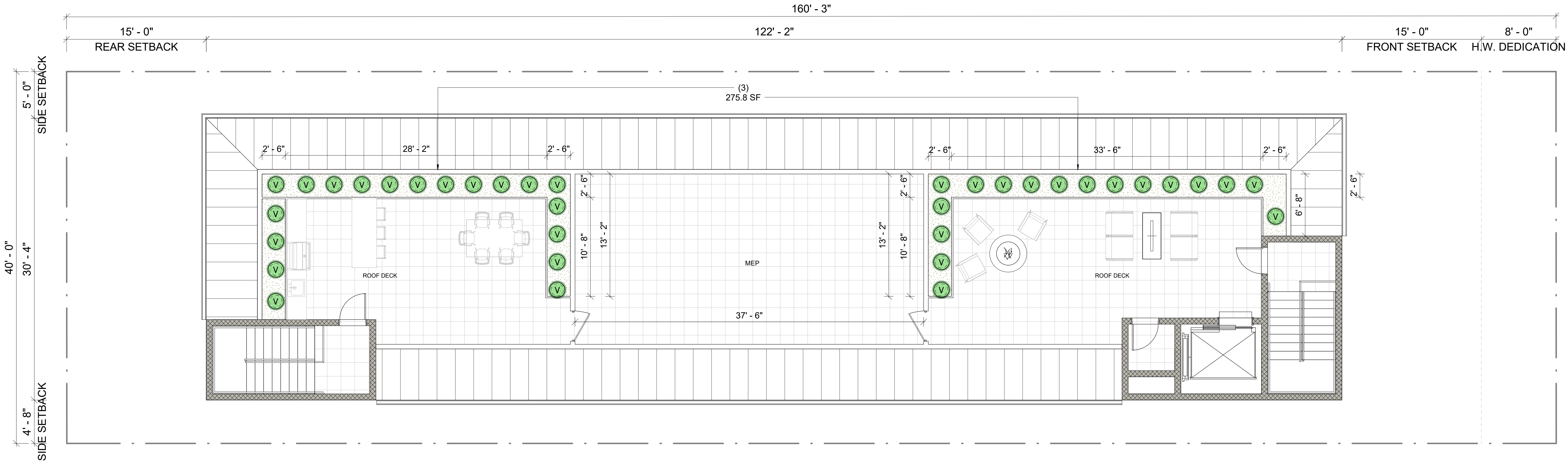
TREE			
REQUIRED	12 X 0.25 = 3		
PROVIDED	3 TREES		
LANDSCAPE			
REQUIRED	1,207.6 SF X 0.25 = 301.9 SF		
PROVIDED	(1)	34.0 SF	506.1 SF
	(2)	196.3 SF	
	(3)	275.8 SF	



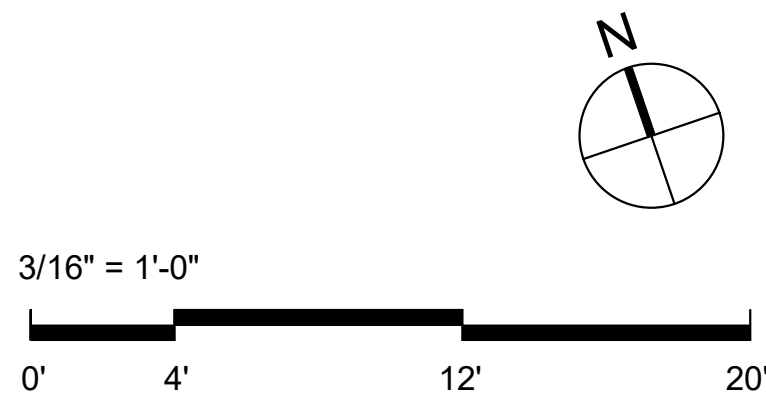
Revisions:

Description	Date

Date	08/28/2020
Scale	3/16" = 1'-0"
Sheet Name	LANDSCAPE



1 LANDSCAPE_ROOF
3/16" = 1'-0"



PLANTING LEGEND

- V

SMALL SIZED CANOPY
WE WILL USE NATIVE PLANTES WITH LESS WATER DEMAND
- P

PAINTED BAMBOO
- B

MIDIUM SIZED CANOPY
WE WILL USE NATIVE PLANTES WITH LESS WATER DEMAND
- ☼

LARGE SIZED CANOPY TREE
24" MIN. PLANTER BOX

- HARDSCAPE AREA - PERMEABLE PAVING
(INTERLOCKING PAVING DOLPHIN GREY)
- PLANTING AREA

TREE			
REQUIRED	12 X 0.25 = 3		
PROVIDED	3 TREES		
LANDSCAPE			
REQUIRED	1,207.6 SF X 0.25 = 301.9 SF		
PROVIDED	(1)	34.0 SF	506.1 SF
	(2)	196.3 SF	
	(3)	275.8 SF	

ROOF DECK: BARBECUE AND FIRE PLACE



ROOF DECK: SEATING AREA



Revisions:	
Description	Date

Date	08/28/2020
Scale	3/16" = 1'-0"
Sheet Name	LANDSCAPE

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 B," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/South/Coastal Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 12 residential units per "Exhibit B."
3. **Affordable Units.** A minimum of two (2) units, that is 16.7 percent On-Site Restricted Affordable Units, shall be reserved for Very Low Income Households as defined in Section 50106 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
4. **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,31 and comply with the Transit Oriented Communities Affordable Housing Incentive Program Guidelines adopted by the City Planning Commission.
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 one unit for Extremely Low Income Households and one unit for Very Low Income Households for 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 any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.
6. **Floor Area Ratio (FAR).** The project shall be limited to a maximum floor area ratio of 2.65:1 per the R3-1 Zoning requirements and "Exhibit B."
7. **Height.** The project shall be limited to a maximum 49'-10" in height. Per "Exhibit B":
8. **Yard/Setback.** The northerly side yard setback shall be no less than 5'-0" per "Exhibit B." The southerly side yard shall be no less than 4'-8" per "Exhibit B." The rear yard shall be no less than 15 feet per "Exhibit B."

9. **Automobile Parking.** Based upon the number of dwelling units proposed, a minimum of six residential automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines. Parking for all residential units in an Eligible Housing Development for a Tier 3 project shall not be required to exceed one-half (.5) space per unit.
10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
11. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance "Guidelines O." All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
12. **Street Trees.** Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio All street tree plantings shall be brought up to current standards.

Administrative Conditions

13. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved." A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
14. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
15. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
16. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
17. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral

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

18. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

EXHIBIT D

ENVIRONMENTAL CLEARANCE
(ENV-2019-751-CE)

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines 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) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

DIR-2019-750-TOC / Transit Oriented Communities Affordable Housing Incentive Program

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2019-751-CE

PROJECT TITLE

12 Unit Apartment Building

COUNCIL DISTRICT

5

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

3117-3119 South Bagley Avenue☐ Map attached.

PROJECT DESCRIPTION:

☐ Additional page(s) attached.

The project is for the demolition of the existing one-story, two-unit duplex and the construction, use and maintenance of a new four-story, 49'-10" tall apartment building consisting of 12 units (including 2 Extremely Low Income units). The building will be approximately 9,706 square feet of floor area, with a maximum Floor Area Ratio ("FAR") of 2.65:1. The project proposes one level of at grade parking, consisting of six parking spaces. There are no protected trees on the subject site or the adjacent public right-of-way.

NAME OF APPLICANT / OWNER:

Douglas Nili / Aby Holdings LLC

CONTACT PERSON (If different from Applicant/Owner above)

Liz Jun / The Code Solution

(AREA CODE) TELEPHONE NUMBER

(213) 537-0158

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)CEQA Guideline Section(s) / Class(es) **Sec. 15332 / Class 32**☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached

The proposed project qualifies for a Class 32 Categorical Exemption as it is developed on an infill site and meets the conditions as follows: (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; and (e) The Site can be adequately served by all required utilities and public services.

☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

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

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Elizabeth Gallardo

STAFF TITLE

City Planner

ENTITLEMENTS APPROVED

Transit Oriented Communities Affordable Housing Incentive Program

FEE:

\$5,774.00

RECEIPT NO.

0104998893

REC'D. BY (DCP DSC STAFF NAME)

Eric Claros

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ

CAROLINE CHOE

HELEN LEUNG

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS

DANA M. PERLMAN

**City of Los Angeles
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

**JUSTIFICATION FOR PROJECT EXEMPTION
CASE NO. ENV-2019-751-CE**

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32), and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project proposes the demolition of the existing one-story, two-unit duplex and the construction, use and maintenance of a new four-story, 49'-10" tall apartment building consisting of 12 units. The building will be approximately 9,706 square feet of floor area, with a maximum Floor Area Ratio ("FAR") of 2.65:1. The project proposes one level of at grade parking, consisting of six parking spaces. There are no protected trees on the subject site or the adjacent public right-of-way. The project site is within a Special Grading Area (BOE Basic Grid Map A-13372), but will not require a Haul Route, as the proposed export of 400 cubic yards does not meet the 1000 cubic yard threshold required for a Haul Route. As a multi-family residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

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

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

The site is zoned R3-1 and has a General Plan Land Use Designation of Medium Residential. The R3-1 Zone allows for a base density of one dwelling unit per 800 square feet of lot area. Height District 1 in the R3 Zone, allows for a height of 45 feet. The project site is located in the West Los Angeles Community Plan area. In addition, the subject site is located within 2,390.47 feet from the Metro Expo Line Culver City and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the Revised TOC Referral Form dated September 3, 2020.

The project proposes the demolition of the existing one-story, two-unit duplex and the construction of a new four-story, maximum 9,706 square feet, maximum 49'-10" in height, apartment building consisting of 12 units. One level of at grade parking are proposed consisting of six parking spaces. The R3 Zone allows for a maximum residential density of one dwelling unit per 800 square feet of lot area. The subject lot totals 6,400.1 square feet, for a maximum base density of eight units. Los Angeles Municipal Code allows eight units by-right, however, the TOC Guidelines round base

density up to the next whole number, nine. Under the TOC Guidelines, the applicant can utilize a Base Incentive for a maximum 70% increase in the number of dwelling units, in exchange for the provision on-site restricted affordable units. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 16 units. The project is proposing 12 units, a 50% increase over the LAMC base allowed density.

The project is required to provide 6 parking spaces under the TOC incentive and is providing 6 spaces, consistent with the requirements of Los Angeles Municipal Code 12.22-A.31.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted two Tier 3 Additional Incentives. In Tier 3 areas, the TOC incentive for side yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks. The project proposes a 5'-0" northerly and 4'-8" southerly side yard consistent with the TOC Guidelines. The side yards reflect a less than 30 percent reduction in the otherwise required 6-foot required side yards for the project. The project is providing a 15' rear yard, consistent with the R3 zone.

The TOC Guidelines allow for a maximum height of 67 feet (22 additional feet) and the project is 49'-10" in height. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable West Los Angeles Community Plan designation and policies and all applicable zoning designations 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.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately .147 acres (6,400.1 square feet) acres. Lots adjacent to the subject site are developed with urban uses. The project abuts R1V2 zoned properties to the rear, which are developed with single-story single-family residences. Bagley Avenue is zoned R3-1 in the immediate vicinity of the project site and approximately 163 feet to the north of the project site, properties are zoned R1V2. The R3 properties are primarily developed with two-story multi-family apartment complexes. The R1V2 properties are developed with one and two-story single-family homes. The subject site is located within 2,390.47 feet from the Metro Expo Line Culver City and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The project site at 3117 & 3119 South Bagley Avenue is developed with a one-story, two-unit, duplex originally built in 1930 as a single-family home. On October 30, 1974, a Certificate of Occupancy was issued for the conversion of the single-family home to the duplex with no parking indicated on the Certificate of Occupancy (1972LA60556). There are no protected trees on the project site, and therefore a tree report was not required.

Therefore, 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.**

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

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection

of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a Vehicle Miles Traveled Analysis as determined by the City of Los Angeles VMT Calculator. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. 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.**

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

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

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

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes the demolition of the existing one-story, two-unit duplex and the construction of a new four-story, maximum 9,706

square feet, maximum 49'-10" in height, apartment building consisting of 12 units. One level of at grade parking are proposed consisting of six parking spaces. The project is in an area zoned and designated for such development. Lots adjacent to the subject site are developed with urban uses. The project abuts R1V2 zoned properties to the rear, which are developed with single-story single-family residences. Bagley Avenue is zoned R3-1 in the immediate vicinity of the project site and approximately 163 feet to the north of the project site, properties are zoned R1V2. The R3 properties are primarily developed with two-story multi-family apartment complexes. The R1V2 properties are developed with one and two-story single-family homes. The subject site is of a similar size and slope to nearby properties. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

The project proposes the demolition of the existing one-story, two-unit duplex and the construction of a new four-story, maximum 9,706 square feet, maximum 49'-10" in height, apartment building consisting of 12 units. One level of at grade parking are proposed consisting of six parking spaces. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, Density, Height, Yards, and Open Space of the proposed project are consistent with the Zone and Transit Oriented Communities program and incentives. The project site is not located within a Fault Zone, Liquefaction Zone, Landslide Area, Methane Zone, or Very High Fire Severity Zone. The project site is within a Special Grading Area (BOE Basic Grid Map A-13372), but will not require a Haul Route, as the proposed export of 400 cubic yards does not meet the 1000 cubic yard threshold required for a Haul Route. There are no known designated historic resources or cultural monuments on the subject site. Thus, there are no unusual circumstances, which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 13.1 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

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

site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

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

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

EXHIBIT E

MAPS, SITE PHOTOS, ZIMAS PARCEL PROFILE REPORT



MONTE
MAR VISTA

CHEVIOT HILLS

LA CIENEGA
HEIGHTS

REYNIER
VILLAGE

CASTLE HEIGHTS

PALMS

LUCERNE -
HIGUERA

HAYDEN TRACT

DOWNTOWN

3117 Bagley Avenue

Griffin Club Los Angeles

Tommy's Express
Car Wash

Taco Bell

Kaiser Permanente W
Los Angeles Medi

Urgent Care
Permanente We

Mandrake

Father's Office

Keslow Cam
MCMANU

Syd
Kronenthal
Park

Sprouts Farmers Market

Golden China Restaurant

The Museum of
Jurassic Technology

ArcLight Cinemas
- Culver City
Temporarily closed

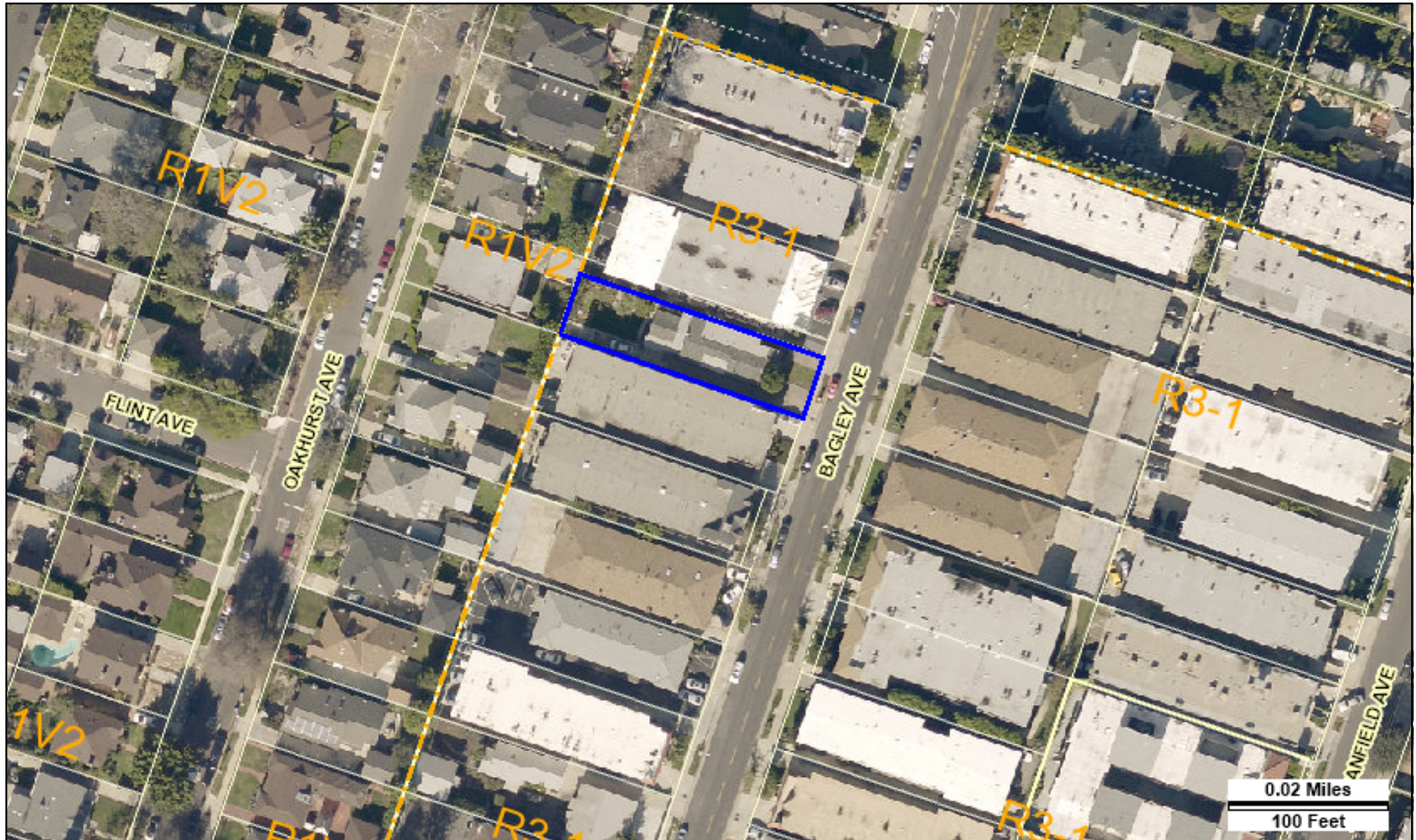
Phorage
Vietnamese
restaurant

Lobster & Beer
Seafood restaurant

Simpang Asia

Woodcliff
ent Homes

Google



Address: 3117 S BAGLEY AVE

APN: 4311019014

PIN #: 123B165 680

Tract: TR 625

Block: None

Lot: 81

Arb: 1

Zoning: R3-1

General Plan: Medium Residential





Sign



3117 Bagley Avenue



African braids,
By Bouso



va Cleaning Services

Google

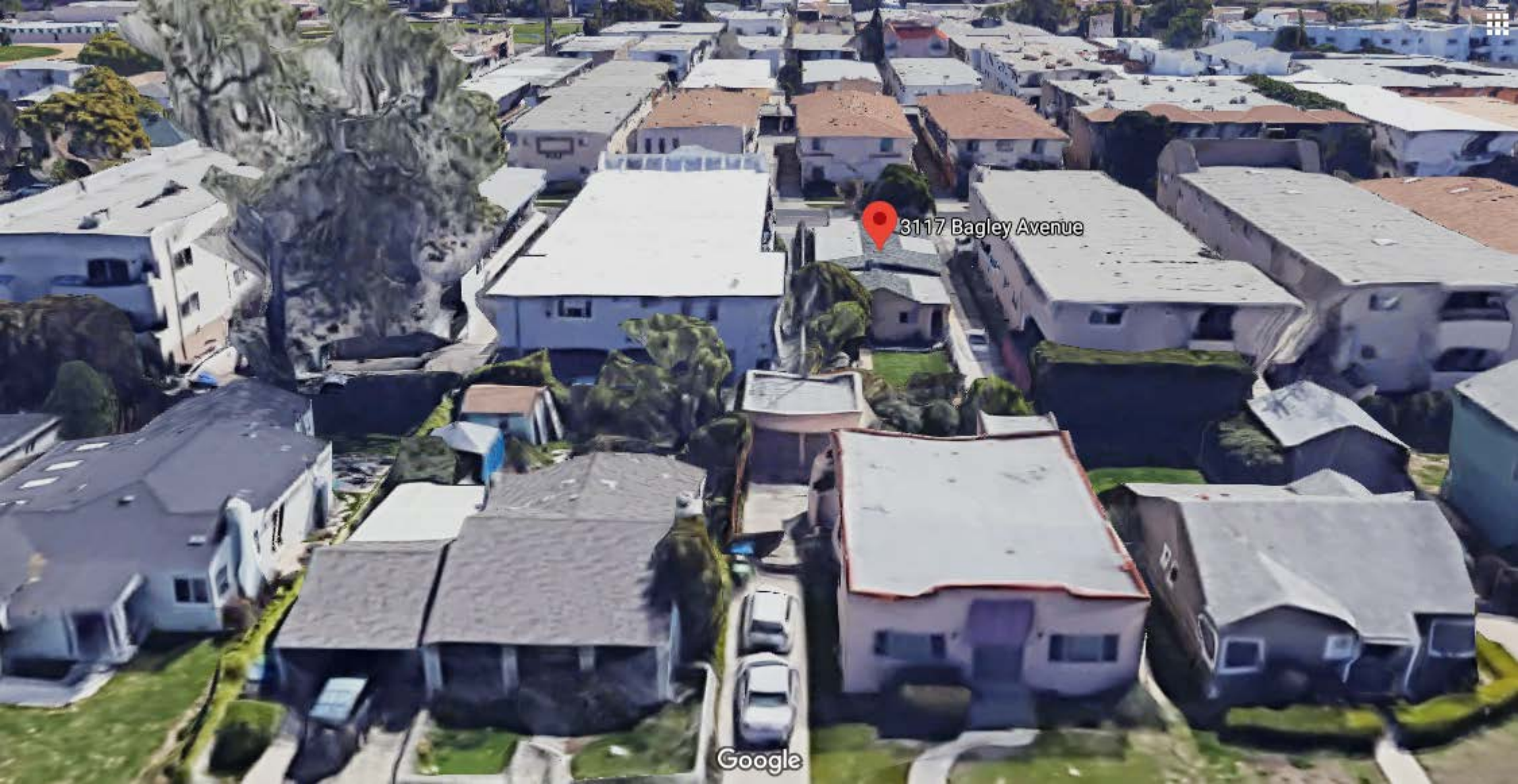


3117 Bagley Avenue

Google

Africa
B





3117 Bagley Avenue



City of Los Angeles Department of City Planning

8/18/2020 PARCEL PROFILE REPORT

PROPERTY ADDRESSES

3117 S BAGLEY AVE
3119 S BAGLEY AVE

ZIP CODES

90034

RECENT ACTIVITY

PAR-2018-7284-TOC

CASE NUMBERS

CPC-2018-7546-CPU
CPC-2013-621-ZC-GPA-SP
CPC-10776
ORD-186402
ORD-183497
ORD-129279
ORD-117158
DIR-2019-750-TOC
YD-13742-YV
ENV-2019-751-EAF
ENV-2013-622-EIR
ENV-2005-8253-ND

Address/Legal Information

PIN Number	123B165 680
Lot/Parcel Area (Calculated)	6,400.1 (sq ft)
Thomas Brothers Grid	PAGE 632 - GRID G7
Assessor Parcel No. (APN)	4311019014
Tract	TR 625
Map Reference	M B 18-125
Block	None
Lot	81
Arb (Lot Cut Reference)	1
Map Sheet	123B165

Jurisdictional Information

Community Plan Area	West Los Angeles
Area Planning Commission	West Los Angeles
Neighborhood Council	South Robertson
Council District	CD 5 - Paul Koretz
Census Tract #	2698.00
LADBS District Office	West Los Angeles

Planning and Zoning Information

Special Notes	None
Zoning	R3-1
Zoning Information (ZI)	ZI-2490 Specific Plan: Exposition Corridor Transit Neighborhood Plan ZI-2452 Transit Priority Area in the City of Los Angeles
General Plan Land Use	Medium Residential
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	Specific Plan: Exposition Corridor Transit Neighborhood Plan
Subarea	None
Special Land Use / Zoning	None
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CUGU: Clean Up-Green Up	None
HCR: Hillside Construction Regulation	No
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
RFA: Residential Floor Area District	None
RIO: River Implementation Overlay	No
SN: Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage Fee	

Residential Market Area	High
Non-Residential Market Area	High
Transit Oriented Communities (TOC)	Tier 3
RPA: Redevelopment Project Area	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	Active: Alexander Hamilton Senior High School Active: Alexander Hamilton Senior High School (Humanities Magnet) Active: Alexander Hamilton Senior High School (Music & Performing Arts Magnet)
500 Ft Park Zone	No
Assessor Information	
Assessor Parcel No. (APN)	4311019014
Ownership (Assessor)	
Owner1	ABY HOLDINGS LLC
Address	1133 S ALFRED ST LOS ANGELES CA 90035
Ownership (Bureau of Engineering, Land Records)	
Owner	SCHEINFARB,DAVID AND
Address	3117 BAGLEY AVE LOS ANGELES CA 90034
APN Area (Co. Public Works)*	0.147 (ac)
Use Code	0200 - Residential - Double, Duplex, or Two Units - 4 Stories or Less
Assessed Land Val.	\$1,092,420
Assessed Improvement Val.	\$84,896
Last Owner Change	05/15/2018
Last Sale Amount	\$1,130,011
Tax Rate Area	67
Deed Ref No. (City Clerk)	90046,47 669744 452100 4-612 276510 2428200 1936962 1474532 1444963 1206955 1096218 0-509
Building 1	
Year Built	1930
Building Class	D5B
Number of Units	2
Number of Bedrooms	2
Number of Bathrooms	2
Building Square Footage	1,758.0 (sq ft)
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Rent Stabilization Ordinance (RSO)	Yes [APN: 4311019014]
Additional Information	
Airport Hazard	None
Coastal Zone	None

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at zimas.lacity.org
 (*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	YES
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	Outside Flood Zone
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	Yes
Wells	None

Seismic Hazards

Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	0.52431696
Nearest Fault (Name)	Newport - Inglewood Fault Zone (Onshore)
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Right Lateral - Strike Slip
Slip Type	Poorly Constrained
Down Dip Width (km)	13.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	90.00000000
Maximum Magnitude	7.10000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

Economic Development Areas

Business Improvement District	None
Hubzone	Not Qualified
Opportunity Zone	No
Promise Zone	None
State Enterprise Zone	None

Housing

Direct all Inquiries to	Housing+Community Investment Department
Telephone	(866) 557-7368
Website	http://hcidla.lacity.org
Rent Stabilization Ordinance (RSO)	Yes [APN: 4311019014]
Ellis Act Property	No

Public Safety

Police Information	
Bureau	West
Division / Station	West Los Angeles
Reporting District	897
Fire Information	
Bureau	South
Batallion	18
District / Fire Station	43
Red Flag Restricted Parking	No

CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-2018-7546-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	ADOPT COMMUNITY PLAN POLICY DOCUMENT, GENERAL PLAN AMENDMENTS, AND ZONE CHANGES TO APPLY RE-CODE LA ZONING.
Case Number:	CPC-2013-621-ZC-GPA-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS) GPA-GENERAL PLAN AMENDMENT ZC-ZONE CHANGE
Project Descriptions(s):	ZONE CHANGE AND PLAN AMENDMENT FOR THE IMPLEMENTATION OF THE EXPOSITION CORRIDOR TRANSIT NEIGHBORHOOD PLAN.
Case Number:	DIR-2019-750-TOC
Required Action(s):	TOC-TRANSIT ORIENTED COMMUNITIES
Project Descriptions(s):	PER LAMC 12.22 A.31, A TRANSIT ORIENTED COMMUNITIES PROJECT SEEKING ADDITIONAL INCENTIVE TO REDUCE SIDE SETBACKS AND INCREASE HEIGHT.
Case Number:	YD-13742-YV
Required Action(s):	YV-HEIGHT AND DENSITY ADJUSTMENTS 20% OR MORE
Project Descriptions(s):	Data Not Available
Case Number:	ENV-2019-751-EAF
Required Action(s):	EAF-ENVIRONMENTAL ASSESSMENT
Project Descriptions(s):	PER LAMC 12.22 A.31, A TRANSIT ORIENTED COMMUNITIES PROJECT SEEKING ADDITIONAL INCENTIVE TO REDUCE SIDE SETBACKS AND INCREASE HEIGHT.
Case Number:	ENV-2013-622-EIR
Required Action(s):	EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	ZONE CHANGE AND PLAN AMENDMENT FOR THE IMPLEMENTATION OF THE EXPOSITION CORRIDOR TRANSIT NEIGHBORHOOD PLAN.
Case Number:	ENV-2005-8253-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	AN ORDINANCE ESTABLISHING PERMANENT REGULATIONS IMPLEMENTING THE MELLO ACT IN THE COASTAL ZONE.

DATA NOT AVAILABLE

CPC-10776
ORD-186402
ORD-183497
ORD-129279
ORD-117158



Address: 3117 S BAGLEY AVE

APN: 4311019014

PIN #: 123B165 680

Tract: TR 625

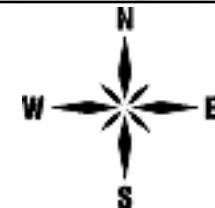
Block: None

Lot: 81

Arb: 1

Zoning: R3-1

General Plan: Medium Residential



**TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM
/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS**

Pursuant to Section 12.22.A.31(e) of the LAMC, the Director shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22 A.25(g).

1. Pursuant to Section 12.22 A.25(g) 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 a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in the TOC Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program 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 on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project. Therefore, the site and project qualify for the TOC Affordable Housing Incentive Program as an Eligible Housing Development, and is eligible for the incentives granted therein.

Reduced Yard/Setback:

Per TOC Guidelines, in residential zones, Eligible Housing Developments may utilize an incentive for yard reductions. The project does not request or propose any reductions in the required front or rear yard setbacks. In Tier 3 areas, the TOC incentive for side yard reduction allows up to a 30 percent reduction in the required width or depth of two individual yards or setbacks. The project is utilizing one incentive to reduce the required side yards.

In the R3 Zone, if a lot is less than 50 feet in width, side yards may be 10% of the lot width, and when a building is more than two stories in height, the side yards are required to be increased by one foot for each additional story above the second story. The proposed project has a lot width of 40 feet and is four stories in height, requiring six-foot side yards. In the R3 Zone, a 15-foot rear yard is required. The project proposes a 5'-0" northerly and 4'-8" southerly side yard consistent with the TOC Guidelines. The side yards reflect a less than 30 percent reduction in the otherwise required 6-foot required side yards for the project.

The requested side yard incentives are necessary to provide the affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units.

Increased Height:

A restriction on height could limit the ability to construct the additional residential dwelling units, and specifically the Restricted Affordable Units. The project is financially feasible because of the increased flexibility the incentives allow the applicant in the building envelope.

Base Height + Incentive

The applicant has requested a Tier 3 Height Incentive, which allows for a maximum of 22 additional feet. Height District 1 in the R3-1 Zone allows for a maximum height of 45 feet. Therefore, the Tier 3 Height Incentive would allow a maximum height of 67 feet. The project is below that envelope at 49'-10", a 4'-10" height increase, consistent with the TOC guidelines.

- 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 in the record that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. 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 Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentives.

CEQA Determination – Class 32 Categorical Exemption Applies

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

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

The site is zoned R3-1 and has a General Plan Land Use Designation of Medium Residential. The R3-1 Zone allows for a base density of one dwelling unit per 800 square feet of lot area. Height District 1 in the R3 Zone, allows for a height of 45 feet. The project site is located in the West Los Angeles Community Plan area. In addition, the subject site is located within 2,390.47 feet from the Metro Expo Line Culver City and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program Guidelines, as indicated on the Revised TOC Referral Form dated September 3, 2020.

The project proposes the demolition of the existing one-story, two-unit duplex and the construction of a new four-story, maximum 9,706 square feet, maximum 49'-10" in height, apartment building consisting of 12 units. One level of at grade parking are proposed consisting of six parking spaces. The R3 Zone allows for a maximum residential density of one dwelling unit per 800 square feet of lot area. The subject lot totals 6,400.1 square feet, for a maximum base density of eight units. Los Angeles Municipal Code allows eight units by-right, however, the TOC Guidelines round base density up to the next whole number, nine. Under the TOC Guidelines, the applicant can utilize a Base Incentive for a maximum 70% increase in the number of dwelling units, in exchange for the provision on-site restricted affordable units. The maximum allowed density for the subject site under the Tier 3 Density Incentive would be 16 units. The project is proposing 12 units, a 50% increase over the LAMC base allowed density.

The project is required to provide 6 parking spaces under the TOC incentive and is providing 6 spaces, consistent with the requirements of Los Angeles Municipal Code 12.22-A.31.

Pursuant to the TOC Guidelines, the project is eligible for, and has been granted two Tier 3 Additional Incentives. In Tier 3 areas, the TOC incentive for side yard reductions allows up to a 30 percent decrease in the required width or depth of two individual yards or setbacks. The project proposes a 5'-0" northerly and 4'-8" southerly side yard consistent with the TOC Guidelines. The side yards reflect a less than 30 percent reduction in the otherwise required 6-foot required side yards for the project. The project is providing a 15' rear yard, consistent with the R3 zone.

The TOC Guidelines allow for a maximum height of 67 feet (22 additional feet) and the project is 49'-10" in height. The project is consistent with the TOC Guideline's Height Incentive and Exception requirements.

The current project is in an urbanized area and characterized as in-fill development, which qualifies for the Class 32 Categorical Exemption. As shown in the case file, the project is consistent with the applicable West Los Angeles Community Plan designation and policies and all applicable zoning designations 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.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately .147 acres (6,400.1 square feet) acres. Lots adjacent to the subject site are developed with urban uses. The project abuts R1V2 zoned properties to the rear, which are developed with single-story single-family residences. Bagley Avenue is zoned R3-1 in

the immediate vicinity of the project site and approximately 163 feet to the north of the project site, properties are zoned R1V2. The R3 properties are primarily developed with two-story multi-family apartment complexes. The R1V2 properties are developed with one and two-story single-family homes. The subject site is located within 2,390.47 feet from the Metro Expo Line Culver City and is eligible as a Tier 3 development in the Transit Oriented Communities Affordable Housing Incentive Program.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. The project site at 3117 & 3119 South Bagley Avenue is developed with a one-story, two-unit, duplex originally built in 1930 as a single-family home. On October 30, 1974, a Certificate of Occupancy was issued for the conversion of the single-family home to the duplex with no parking indicated on the Certificate of Occupancy (1972LA60556). There are no protected trees on the project site, and therefore a tree report was not required. Therefore, 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.**

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

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the Project Site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a Vehicle Miles Traveled Analysis as determined by the City of Los Angeles VMT Calculator. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. These RCMs will ensure the project will not have significant impacts on noise, air quality, and water. 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.**

The project site will be adequately served by all public utilities and services given that the project site is developed, surrounded by urban uses, served by existing infrastructure, and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

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

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

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes the demolition of the existing one-story, two-unit duplex and the construction of a new four-story, maximum 9,706 square feet, maximum 49'-10" in height, apartment building consisting of 12 units. One level of at grade parking are proposed consisting of six parking spaces. The project is in an area zoned and designated for such development. Lots adjacent to the subject site are developed with urban uses. The project abuts R1V2 zoned properties to the rear, which are developed with single-story single-family residences. Bagley Avenue is zoned R3-1 in the immediate vicinity of the project site and approximately 163 feet to the north of the project site, properties are zoned R1V2. The R3 properties are primarily developed with two-story multi-family apartment complexes. The R1V2 properties are developed with one and two-story single-family homes. The subject site is of a similar size and slope to nearby properties. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project and as it may be subsequently amended or modified. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

The project proposes the demolition of the existing one-story, two-unit duplex and the construction of a new four-story, maximum 9,706 square feet, maximum 49'-10" in height, apartment building consisting of 12 units. One level of at grade parking are proposed consisting of six parking spaces. The Subject Site is of a similar size and slope to nearby properties. The Floor Area, Density, Height, Yards, and Open Space of the proposed project are consistent with the Zone and Transit Oriented Communities program and incentives. The project site is not located within a Fault Zone, Liquefaction Zone, Landslide Area, Methane Zone, or Very High Fire Severity Zone. The project site is within a Special Grading Area (BOE Basic Grid Map A-13372), but will not require a Haul Route, as the proposed export of 400 cubic yards does not meet the 1000 cubic yard threshold required for a Haul Route. There are no known designated historic resources or cultural monuments on the subject site. Thus, there are no unusual circumstances, which may lead to a significant effect on the environment, and this exception does not apply.

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

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 13.1 miles from State Route 27. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the Subject Site, nor any site in the vicinity, is identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

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

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

Therefore, determined based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

EXHIBIT G

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING REFFERAL FORM

PAR-2018-7284-TOC



REFERRAL FORMS:

TRANSIT-ORIENTED COMMUNITIES - REFERRAL FORM
LOS ANGELES CITY PLANNING DEPARTMENT

This form is to serve as a referral to the Department of City Planning Development Services Center for Affordable Housing case filing purposes (in addition to the required Department of City Planning Application and any other necessary documentation) and as a referral to HCIDLA, CRA, Building and Safety, or other City agency for project status and entitlement need purposes. This form shall be completed by the applicant and reviewed and signed by Department of City Planning staff prior to filing an application for a case or building permit. Any modifications to the content(s) of this form after its authorization by the Department of City Planning staff is prohibited. The Department of City Planning reserves the right to require an updated form for the project if more than 180 days have transpired since the approval date, or as necessary, to reflect project modifications, policy changes and/or amendments to the LAMC, local laws, and State laws.

CITY STAFF USE ONLY

Referral To: <input checked="" type="checkbox"/> Planning DSC - Filing <input type="checkbox"/> HCIDLA <input type="checkbox"/> DBS <input type="checkbox"/> Funding <input type="checkbox"/> SB35 <input checked="" type="checkbox"/> Other: <u>DIR-2019-750-TOC</u>	
NOTES: <u>Revision</u>	
Planning Staff Name and Title <u>Natali Martinez, City Planning Associate</u>	Planning Staff Signature <u>[Signature]</u>
Date Approved <u>9/3/2020</u>	Expiration Date <u>NA</u>

I. Project Information – To be completed by applicant

1. PROJECT LOCATION/ ZONING

Project Address: 3117, 3119 S BAGLEY AVE., LOS ANGELES, CA 90034
 Applicant Name and Phone/Email: LIZ JUN / 213.537.0158 / LIZ@THECODESOLUTION.C
 Assessor Parcel Number(s): 4311019014
 Community Plan: West Los Angeles Number of Lots: 1 Lot Size: 6,400.1 s.f.
 Existing Zone: R3-1 Land Use Designation: Medium Residential
☒ Specific Plan ☐ HPOZ ☐ DRB ☐ Enterprise Zone ☐ CRA ☐ CPIO
☐ Q-condition/ D-limitation/ T-classification (please specify): _____
☐ Other pertinent zoning information (please specify): _____
☒ Location of Major Transit Stop (please specify the intersection or metro stop)¹: CULVER CITY STATION
(METRO EXPO LINE)

II. Project Eligibility – To be completed by DCP Housing Services Unit Staff

2. TRANSPORTATION QUALIFIERS

Qualifier #1 (rail name & stop, ferry terminal or bus #): Metro Expo line - Culver City
≤ 2640 ft from Metro Rail Station
 Service Interval # 1: NA [420 min / # of trips]²
 Service Interval # 2: NA [420 min / # of trips]
 Qualifier #2 (rail name & stop, ferry terminal or bus #): _____
 Service Interval # 1: NA [420 min / # of trips]
 Service Interval # 2: NA [420 min / # of trips]

TOC Tier³: ☐ Tier 1 ☐ Tier 2 ☒ Tier 3 ☐ Tier 4 Planning Staff Initials: N.M

¹ Per AB 744, A Major Transit Stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan.

² This figure (420 minutes) is based on the total number of minutes during the peak hours of 6 am to 9 am as well as 3 pm to 7 pm.

³ If project is 100% affordable, it is eligible for the designated Tier to be increased by one.

III. Project Information (if applicant is requesting additional incentives) – To be completed by applicant

3. DESCRIPTION OF PROPOSED PROJECT

NEW 4-STORY, 12-UNIT APARTMENT WITH GROUND FLOOR PARKING.

2 UNITS TO BE SET ASIDE AS AFFORDABLE (1 ELI, 1 VL)

2 TOC ADDITIONAL INCENTIVES REQUESTED:

1) YARD/ SETBACK 30% REDUCTION (TWO SIDE YARDS)

2) HEIGHT INCREASE

4. EXISTING USE

A. Describe Existing Development: DUPLEX (1,758 SQ FT)

Characteristic of existing use Dwelling Unit (DU), Commercial/ Industrial, or Other	Existing # of Units or Non-Residential SF	Existing # of Units or Non-Residential SF To Be Demolished	Proposed ⁴ # of Units or Non-Residential SF
Guest Rooms			
Studio			
One Bedroom	2	2	3
Two Bedrooms			9
Three Bedrooms			
_____ Bedrooms			
Non-Residential Square Feet			
Other:			

B. Previous Cases Filed

	(1)	(2)	(3)
Case Number(s):	_____	_____	_____
Date Filed:	_____	_____	_____
Date Approved:	_____	_____	_____
End of Appeal Period:	_____	_____	_____
Environmental No.	_____	_____	_____

5. TYPE OF APPLICATION

- ☒ Transit-Oriented Communities (per TOC Guidelines) with **Base Incentives** filed in conjunction with another discretionary approval.
- ☒ Transit-Oriented Communities (per TOC Guidelines) with **Additional Incentives** (please specify, max of three):
 - 1) YARD/ SETBACK 30% REDUCTION (TWO SIDE YARD)
 - 2) HEIGHT INCREASE
 - 3) _____
- ☐ If applicable, projects adhering to the Labor Standards in LAMC 11.5.11 may be granted two more **Additional Incentives** as listed in the TOC Guidelines (please specify):
 - 4) _____
 - 5) _____
- ☐ Site Plan Review per LAMC Sec. 16.05
- ☐ Specific Plan Project Permit Compliance per LAMC Sec. 11.5.7.C
- ☐ Community Design Overlay per LAMC Sec. 13.08
- ☐ Coastal Development Permit per LAMC Sec. 12.20.2 or 12.20.2.1
- ☐ Tract or Parcel Map per LAMC Sec. 17.00 or 17.50
- ☐ Other entitlements requested (please specify): _____

⁴ Replacement units, per AB 2556, shall be equivalent to the number of units and number of bedrooms of the existing development.

6. ENVIRONMENTAL REVIEW

☐ Environmental Review Not Required – Project is Ministerial.⁵ Please Explain: _____

☐ Not filed

☒ Filed (indicate case number): ENV-2019-751-EAF

7. HOUSING DEVELOPMENT PROJECT TYPE (please check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> For Sale | <input type="checkbox"/> Moderate Income | <input type="checkbox"/> Other (please describe): _____ |
| <input checked="" type="checkbox"/> For Rent | <input type="checkbox"/> Market Rate | _____ |
| <input checked="" type="checkbox"/> Extremely Low Income | <input type="checkbox"/> Mixed Use | _____ |
| <input checked="" type="checkbox"/> Very Low Income | <input type="checkbox"/> Senior | _____ |
| <input type="checkbox"/> Low Income | <input type="checkbox"/> Chronically Homeless | _____ |

8. DENSITY CALCULATION

A. Base Density: Maximum density allowable per zoning

Lot size	<u>6,400.1</u>	s.f. (a)
Minimum area per dwelling unit	<u>800</u>	s.f. of lot area per unit (b)
Units allowed by right (per LAMC)	<u>8</u>	units (c) [c = a/b, round down to whole number]
Base Density	<u>9</u>	units (d) [d = a/b, round up to whole number]

B. Maximum Allowable Density Bonus:

16 units (e)
*[e = d x 1.5 (Tier 1), 1.6 (Tier 2), 1.7 (Tier 3), or 1.8 (Tier 4);
 in RD Zones d x 1.35 (Tiers 1 and 2), 1.4 (Tier 3) or 1.45 (Tier 4);
 round up to whole number]*

C. Proposed Project: Please indicate total number of Units requested as well as breakdown by levels of affordability set by each category (HCD or HUD). For information on HCD and HUD levels of affordability please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org.⁶

	<u>Total</u>	<u>HCD (State)</u>	<u>HUD (TCAC)</u>
Market Rate	<u>10</u>	<u>N/A</u>	<u>N/A</u>
Managers Unit(s) - Market Rate	<u> </u>	<u>N/A</u>	<u>N/A</u>
Extremely Low Income	<u>1</u>	<u>1</u>	<u> </u>
Very Low Income	<u>1</u>	<u>1</u>	<u> </u>
Low Income	<u> </u>	<u> </u>	<u> </u>
Moderate Income	<u> </u>	<u> </u>	<u> </u>
 TOTAL # of Units Proposed	<u>12</u> (f)		
TOTAL # of Affordable Housing Units	<u>2</u> (g)		
 Number of Density Increase Units	<u>4</u> (h) [If f>c, then h=f-c; if f<c, then h= 0]		
Percent Density Increase Requested	<u>33</u> (i) [i = 100 x (f/d - 1)]		
Percent of Affordable Set Aside	<u>16</u> (j) [g/f, round down to a whole number]		

Other Notes on Units: _____

⁵ Ministerial Projects (aka, "By-Right") do not require any discretionary Planning approvals.

⁶ HCD (State) = Published affordability levels per California Department of Housing and Community Development. HUD (TCAC) = Published affordability levels per the United States Department of Housing and Urban Development.

9. **SITE PLAN REVIEW CALCULATION** An application for Site Plan Review may be required for projects that meet any of the Site Plan Review thresholds as outlined in LAMC Section 16.05.C. unless otherwise exempted per Section 16.05.D. For Transit Oriented Communities projects involving bonus units, please use the formula provided below to determine if the project meets the Site Plan Review threshold for unit count. If project meets the threshold(s) but qualifies under the exemption criteria per Section 16.05.D please confirm exemption with Department of City Planning's DSC Housing Unit.

8 units allowed by right (permitted by LAMC) – 2 existing units = 6 units

- ☐ YES, Site Plan Review is required, if proposed by right units minus existing units is equal to or greater than 50⁷
☒ NO, Site Plan Review is not required, if Base Density units minus existing units is less than 50
☐ Exempt (please specify): _____

10. INCENTIVES

A. Base Incentives (Please check all that apply)

- ☒ (1) Floor Area Ratio⁸:

	FAR (whichever is greater)
Tier 1	40% or 2.75:1 in commercial zone
Tier 2	45% or 3.25:1 in commercial zone
Tier 3	50% or 3.75:1 in commercial zone
Tier 4	55% or 4.25:1 in commercial zone
RD Zones or Specific Plans/Overlay Districts that Regulate FAR	45%, unless Tier 1
If Base FAR < 1.25:1	2.75:1
Greater Downtown Housing Incentive Area⁹	40%

Final Floor Area Ratio¹⁰

Required (per LAMC)
3.0:1

Proposed (per TOC)
2.65:1

- ☒ (2) Parking Reductions Allowed

Minimum Parking Requirements		
	Residential	Ground Floor Commercial
Tier 1	0.5 spaces per bedroom	10% Reduction
Tier 2	1 space per unit	20% Reduction
Tier 3	0.5 space per unit	30% Reduction
Tier 4	No parking requirements	40% Reduction
100% Affordable Housing	No parking requirements	

Total number of bedrooms _____
 Total number of residential units _____
 Non-residential Parking per code _____

Required (per LAMC)
23

Proposed (per TOC)
6

Final Residential Parking _____
 Final Non-Residential Parking _____

Other Parking Notes: _____

⁷ Site Plan Review may also be required if other characteristics of the project exceeds the thresholds listed in Sec. 16.05 of the LAMC.

⁸ Refer to TOC Guidelines Section VI.1.b. for exceptions

⁹ Calculated per LAMC 12.22 A.29(c)(1)

¹⁰ Refer to TOC Guidelines Section VI.1.b. for exceptions

B. Qualification for Additional Incentives: *(Please check only one)*

Minimum Required Restricted Affordable Housing Units, calculated as a percentage of the base density allowed on the date of the application.

Incentives	% Extremely Low Income	% Very Low Income	% Low Income
One	<input type="checkbox"/> 4%	<input type="checkbox"/> 5%	<input type="checkbox"/> 10%
Two	<input type="checkbox"/> 7%	<input checked="" type="checkbox"/> 10%	<input type="checkbox"/> 20%
Three	<input type="checkbox"/> 11%	<input type="checkbox"/> 15%	<input type="checkbox"/> 30%

C. Additional Incentives *(Please check selected incentives as qualified according to Section 9B)***Required (per LAMC)****Proposed (per TOC)**

- ☒ (1) Yard/Setback *(each yard counts as 1 incentive in Tiers 1 and 2; two yards count as 1 in Tiers 3 and 4)*
- ☐ RAS 3 Yards (only for commercial zones – please specify numbers below, but only check this box)
- ☐ Front _____
- ☐ Rear _____
- ☒ Side (1) 6'-0" 4'-8"
- ☒ Side (2) 6'-0" 5'-0"

	Side and Rear Yards
Tier 1	25%
Tier 2	30%
Tier 3	30% or depth of two yards
Tier 4	35% or depth of two yards
When Abutting R1 or More Restrictive Zones	No Reductions Allowed

- ☐ (2) Lot Coverage _____
- ☐ (3) Lot Width _____
- ☒ (4) Height/ # of Stories 45' - 0" 49' - 9 215/256"

	Height
Tier 1	11 feet for one story
Tier 2	11 feet for one story
Tier 3	22 feet for two stories
Tier 4	33 feet for three stories
Lots with Height Limits of 45 feet or less	Second and third additional stories must be stepped-back at least 15 feet from any frontage

Transitional Height (check one): ☐ Per LAMC

☐ Per TOC Guidelines¹¹

☐ Not Applicable

- ☐ (5) Open Space _____
- ☐ (6) Density Calculation _____
- ☐ (7) Averaging *(all count as 1 incentive – mark as many as needed)*
- FAR ☐
- Density ☐
- Parking ☐
- Open Space ☐
- Vehicular Access ☐
- ☐ (8) Public Facility Zone _____

TOTAL # of Additional Incentives Requested: 2

Other Incentive Notes: _____

¹¹ Please provide elevations that show the 45 degree angle as allowed by the TOC guidelines to determine the allowed height.

11. COVENANT:

All Transit Oriented Communities projects are required to prepare and record an Affordability Covenant to the satisfaction of the Los Angeles Housing and Community Investment Department's Occupancy Monitoring Unit before a building permit can be issued. Please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org

12. REPLACEMENT UNITS:

AB 2222, as amended by AB 2556, requires that density bonus eligible projects replace any pre-existing affordable housing units on the project site. Replacement units include the following: *(Answer the following with "yes" if any of these items apply to what is **currently existing** on the site or "no" if they do not. Write in N/A if the item is not applicable to your project)*

- A. Units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income? NO
- B. Units occupied by lower or very low income households below 80% AMI per California Department of Housing and Community Development Department levels not already listed above? NO
- C. Units subject to the Rent Stabilization Ordinance not already listed above? no yes
- D. Units that have been vacated or demolished in the last 5 years? NO
- E. Per AB 2556, are the number of replacement units and number of bedrooms equivalent to that being demolished (as shown on Existing Development Table on page 2 above)? no yes

Disclaimer: This review is based on the information and plans provided by the applicant at the time of submittal of this form. Applicants are advised to verify any zoning issues such as height, parking, setback, and any other applicable zoning requirements with Building and Safety.