LOS ANGELES CITY PLANNING COMMISSION

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

LETTER OF DETERMINATION

MAILING DATE: JAN 05 2021

Case No. CPC-2019-7685-DB-CU-WDI Council District: 10 – Wesson
CEQA: ENV-2008-478-EIR (Addendum)
Plan Area: West Adams – Baldwin Hills – Leimert

Project Site: 5773 West Adams Boulevard

Applicant: 5775 W. Adams, LLC
Representative: Dave Rand, Armbruster, Goldsmith & Delvac, LLP

At its meeting of **December 3, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Redevelop the Project Site by replacing the existing vacant automobile service and repair station with an approximately 60,569 square foot mixed-use building, containing 65 residential units (including 10 units reserved for Very Low Income households) and approximately 2,300 square feet of ground-floor commercial retail uses. The Project would contain seven stories and would have a maximum height of 79 feet four inches (93.5 feet with the elevator penthouse). The Project would include one level of subterranean parking with 25 parking spaces and 17 spaces at grade level that are wrapped by the commercial space on the West Adams Boulevard frontage and the residential lobby and leasing area on the Genesee Avenue frontage, for a total of 41 vehicle parking spaces. The Project would also include approximately 61 bicycle parking spaces (including 53 long-term bicycle parking spaces and eight short-term bicycle parking spaces). Finally, the Project would provide approximately 6,975 square feet of open space, including a 4,925 square foot sky deck and 2,050 square feet of private balconies.

1. **Found**, that based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the previously certified Environmental Impact Report No. ENV-2008-478-EIR, certified on June 29, 2016; and pursuant to CEQA Guidelines, Section 15164 and the Addendum, dated August 2020, that no major revisions to the EIR are required and no subsequent EIR, or negative declaration is required for approval of the Project;
2. **Approved**, pursuant Section 12.22 A.25(g)(3) of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review, for a project totaling 65 dwelling units, including 10 dwelling units for Very Low Income Household occupancy for a period of 55 years, with the following three Off-Menu Incentives and two Waiver of Development Standards:
   a. An Off-Menu Incentive permitting a height of 75 feet to the rooftop (79 feet, four inches to the parapet) in lieu of 55 feet otherwise permitted in Section III-2.A.1.a of the West Adams CPIO and a height of 93.5 feet to the rooftop elevator shaft as permitted by CPIO Section III-2.A.1.e and LAMC Section 12.21.1.B;
   b. An Off-Menu Incentive to permit a 4.35:1 floor area ratio in lieu of 2.0:1 permitted by CPIO Section III-2.B.2.b;
   c. An Off-Menu Incentive to permit 0.50 space per residential unit in lieu of the required parking in LAMC Section 12.21 A.4(a) and Density Bonus parking option 1;
   d. A Waiver of Development Standard to provide eight commercial parking spaces for a restaurant use in lieu of 23 spaces required by LAMC Section 12.21 A.4.C(3);

e. A Waiver of Development Standard to waive the West Adams CPIO's Transition to Residential height step back as otherwise required in CPIO Section III-2.A.2.B;

3. **Approved**, pursuant to LAMC Section 12.24 U.26, a Conditional Use Permit for a 70 percent Density Bonus to permit 65 units in lieu of 38 units with 10 units reserved for Very Low Income households (25 percent of the base density);
4. **Approved**, pursuant to LAMC Section 12.37 I.3, a Waiver of Dedication and Improvement for a five foot dedication on Genesee Avenue;
5. **Adopted** the attached Modified Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved:	Khorsand
Second:	Millman
Ayes:	Ambroz, Choe, López-Ledesma, Mack, Perlman
Absent:	Leung, Relan

Vote: **7 – 0**

Cecilia Lamas (Electronic Signature due to COVID-19)
Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission related to the Density Bonus Off-Menu Incentives is not appealable. All remaining actions are appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: JAN 20 2021

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure, Appeal Facts Sheet

c: Faisal Roble, Principal City Planner
Michelle Singh, Senior City Planner
Sergio Ibarra, City Planner
Rafael, Fontes, Planning Assistant

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on December 3, 2020)

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, dated July 9, 2020, and stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, 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 65 residential units including Density Bonus Units.

3. **Affordable Units.** A minimum of 10 units, that is 25% of the 38 base dwelling units, shall be reserved as affordable units for a period of 55 years as follows: 10 units shall be reserved as affordable units for Very Low Income household occupancy, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2) as determined by the California Department of Housing and Community Development ("HCD");

4. **Changes in Restricted Units**. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (a-d) and State Density Bonus Law (Government Code Section 65915).

5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 10 units available to Very Low Income Households as determined by HCD, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA.

6. **Transitional Height.** Transitional height requirements of CPIO Section III-2.A.2.B shall not apply.

7. **Residential Parking.** Based upon the number of dwelling units proposed, the project shall provide a minimum of 33 parking spaces (.5 spaces per unit).

8. **Commercial Parking.** The project shall provide a minimum of 8 commercial parking spaces.

9. **Height.** The project shall be limited to seven (7) stories and 79 feet, 4 inches in height per Exhibit "A".

10. **Floor Area Ratio.** The project shall be limited to a maximum floor area ratio ("FAR") of 4.35:1.

11. **Community Plan Implementation Overlay**. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the West Adams – Baldwin Hills – Leimert Community Plan Implementation Overlay ("CPIO") pursuant to Ordinance No. 184,794 and demonstrate that the project meets the definition of a Mixed-Income Project.

12. **Automobile Parking Waiver**. The project shall provide a minimum of 41 parking spaces (33 residential and 8 commercial) for the proposed mixed use project.

    a. Electric Vehicle Parking. All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

    b. Any parking spaces provided above LAMC requirements shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas.

    c. Unbundled Parking. Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for Restricted Affordable Units.

13. **Adjustment of Parking**. In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.

14. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

15. **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.

16. **Facade Design.** The project shall comply with the following:

    a. The project shall include varied exterior materials and articulation as presented in Exhibit "A" (Elevations, Material Board, and Renderings), including corrugated metal panels, smooth black metal panels, grey exterior cement plaster with sand finish, and board formed concrete. The building color and materials (design theme) shall be included on each elevation.

    b. The facade shall include the articulation shown as presented in Exhibit "A" (Floor Plan, Elevations, and Renderings) which includes open space covered and uncovered deck areas. The percentage and layout of façade square footage devoted to fenestration shall be built and detailed exactly as depicted in Exhibit "A"

17. **Blank Wall along Alley**. The Blank Wall along the Alley shall be treated with a mural or artwork with a preference for a theme related to the history of the area to the satisfaction of the Director of Planning.

18. **Open Space.** The project shall provide a minimum of 6,975 square feet of usable open space per LAMC 12.21.G.2, see Exhibit "A".

19. **Street Trees.** Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by 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.

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

    Or: Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction. (WL)

21. **Solar-ready Buildings.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

22. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

23. **Articulation.** All exterior building walls shall provide a break in the plane, or a change in material, at least every 20 feet in horizontal length and every 15 feeet in vertical length, created by an articulation or architectural detail.

24. **Security Devices.** Exterior roll-down doors shall be no less than 75 percent transparent.

25. **Bureau of Engineering**. No Dedication shall be required along Genesee Avenue per the Waiver of Dedication to maintain an existing 10 foot sidewalk. Alley – A 2.5-foot wide strip of land along the property frontage shall be dedicated to complete a 10-foot half right-of-way in accordance to Alley standards.

Environmental Conditions

26. **AE2** Ensure that all lighting be directed and/or shielded to minimize lighting spillover effects onto adjacent and nearby properties.

27. **AE3** Ensure that glare effects be limited by using non-reflective building and construction materials, such as concrete, wood, and stucco. This shall include, but not be limited to, art installations, fencing material, and recreational equipment.

28. **AQ1** Ensure that all contractors include the following best management practices in contract specifications:

    - Use properly tuned and maintained equipment.
    - Contractors shall enforce the idling limit of five minutes as set forth in the California Code of Regulations.
    - Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible.
    - Use heavy-duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is ready available and feasible.

- Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible.

- Maintain construction equipment in good operating condition to minimize air pollutants.

- All off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technologies devices certified by the California Air Resources Board (CARB). Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- Construction contractors shall use electricity from power poles rather than temporary gasoline or diesel power generators, as feasible.

- Use building materials, paints, sealants, mechanical equipment, and other materials that yield low air pollutants and are nontoxic.

- Construction contractors shall utilize super-compliant architectural coatings as defined by the South Coast Air Quality Management District (VOC standard of less than ten grams per liter).

- Construction contractors shall utilize materials that do not require painting, as feasible.

- Construction contractors shall use pre-painted construction materials, as feasible.

- Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.

- Construction contractors shall provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site as feasible.

- Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas as feasible.

- Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.

29. **BR1** Ensure that in order to prevent the disturbance of nesting native and/or migratory bird species, all clearing of a project site should take place between September 1 and February 14. If construction is scheduled or ongoing during bird nesting season (February 15 to August 31), qualified biologists shall survey the area within 200 feet (or up to 300 feet,

depending on topography or other factors, and 500 feet for raptors) of the construction activity to determine if construction would disturb nesting birds. If nesting activity is being compromised, construction shall be suspended in the vicinity of the nest until fledging is complete. This mitigation measure shall be implemented by a qualified biologist under contract with the project applicant(s). The project biologist should prepare a report detailing the results of the construction monitoring efforts. The report should be submitted to the California Department of Fish and Wildlife (CDFW) within two months of the completion of the monitoring activities.

30. Prior to excavation and construction on a proposed project site, the project applicant shall perform a cultural resources literature and records search by an institution recognized and approved by the City of Los Angeles Planning Department to assess the potential for the proposed project site to contain sensitive protected cultural resources.

31. **CR5** Ensure that prior to excavation and construction on a proposed project site, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the proposed project site.

32. **CR6** Ensure that if during any phase of project construction any cultural materials are encountered, construction activities within a 50-meter radius shall be halted immediately, and the project applicant shall notify the City. A qualified prehistoric archaeologist (as approved by the City) shall be retained by the project applicant and shall be allowed to conduct a more detailed inspection and examination of the exposed cultural materials. During this time, excavation and construction would not be allowed in the immediate vicinity of the find. However, those activities could continue in other areas of the project site.

33. **CR7** Ensure that if any find were determined to be significant by the archaeologist, the City and the archaeologist would meet to determine the appropriate course of action.

34. **CR8** Ensure that all cultural materials recovered from the site would be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.

35. **CR10** Ensure that if human remains are unearthed at a project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of Los Angeles Public Works Department and County coroner shall be immediately notified. No further disturbance shall occur until the Los Angeles County Coroner has made the necessary findings as to origin and disposition in accordance with California Health and Safety Code Section 7050.5. If the remains are determined to be those of a Native American, the Native American Heritage Commission (NAHC) in Sacramento shall be contacted before the remains are removed in accordance with Section 21083.2 of the California Public Resources Code.

36. **CR9** Ensure that during excavation and grading, if paleontological resources are uncovered, all work in that area shall cease and be diverted so as to allow for a determination of the value of the resource. Construction activities in that area may commence once the uncovered resources are collected by a paleontologist and properly processed. Any

paleontological remains and/or reports and surveys shall be submitted to the Los Angeles County Natural History Museum.

37. **GHG1** Ensure that the following greenhouse gas reduction measures are incorporated into the project design:

    - Install energy efficient lighting (e.g., light emitting diodes), heating and cooling systems, appliances, equipment, and control systems).
    - Install light colored “cool” roofs and cool pavements.
    - Create water-efficient landscapes.
    - Install water-efficient fixtures and appliances.

38. **HM1** Ensure that a Phase I Environmental Site Assessment (ESA) is prepared. The assessment shall be prepared by a Registered Environmental Assessor (REA) in accordance with State standards/guidelines to evaluate whether the site or the surrounding area is contaminated with hazardous substances from the potential past and current uses including storage, transport, generation, and disposal of toxic and hazardous waste or materials. Depending on the results of this study, further investigation and remediation may be required in accordance with local, State, and federal regulations and policies. Any further study found necessary by an REA or relevant federal, state or local agency shall be performed prior to project approval and any remediation found necessary by the REA or any relevant federal, state or local agency shall be performed prior to project approval or made a condition on the project if that is found to be adequate for remediation by an REA or the relevant federal, state or local agency.

39. **N1** Ensure that all contractors include the following best management practices in contract specifications:
    - Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
    - The construction contractor shall locate construction staging areas away from sensitive uses.
    - When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (e.g., temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
    - Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.
    - Construction equipment shall be equipped with mufflers that comply with manufacturers’ requirements.

- The construction contractor shall use on-site electrical sources to power equipment rather than diesel generators where feasible.

40. **N2** Prior to any approval of a Discretionary project that is adjacent to buildings listed or determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources, designated as a Historic-Cultural Monument by the City of Los Angeles, or within a Historic Preservation Overlay Zone ("historic buildings"), the City shall ensure all of the following requirements are or will be met:
    - Historic buildings adjacent to the project's construction zones are identified.
    - A Vibration Control Plan is prepared and approved by the City.
    - The Vibration Control Plan shall be completed by a qualified structural engineer.
    - The Vibration Control Plan shall include a pre-construction survey letter establishing baseline conditions at potentially affected buildings. The survey letter shall provide a shoring design to protect the identified land uses from potential damage. The structural engineer may recommend alternative procedures that produce lower vibration levels such as sonic pile driving or caisson drilling instead of impact pile driving.

    At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-on letter describing damage, if any, to impacted buildings. The letter shall include recommendations for any repair, as may be necessary, in conformance with the Secretary of the Interior Standards. Repairs shall be undertaken and completed in conformance with all applicable codes including the California Historical Building Code (Part 8 of Title 24).

41. **PS1** Discretionary projects in the CPIO or the Crenshaw Corridor Specific Plan shall be reviewed at the discretion of the Los Angeles Police Department (LAPD). Per department standards, the LAPD will determine if any additional crime prevention and security features would be available that are consistent with the development standards as applied to the design of the project. Any additional design features identified by the LAPD shall be incorporated into the project's final design and to the satisfaction of LAPD, prior to issuance of a Certificate of Occupancy for the project.

42. **CR10** Ensure that if human remains are unearthed at a project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of Los Angeles Public Works Department and County coroner shall be immediately notified. No further disturbance shall occur until the Los Angeles County Coroner has made the necessary findings as to origin and disposition in accordance with California Health and Safety Code Section 7050.5. If the remains are determined to be those of a Native American, the Native American Heritage Commission (NAHC) in Sacramento shall be contacted before the remains are removed in accordance with Section 21083.2 of the California Public Resources Code.

Administrative Conditions

43. **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.

44. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

45. **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.

46. **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.

47. **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.

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

49. **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 <u>any</u> federal, state or local law.

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

FINDINGS

DENSITY BONUS / AFFORDABLE HOUSING INCENTIVES/Waivers FINDINGS

1. Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission shall approve a density bonus and requested incentive(s) unless the Commission finds that:

a. The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

FAR Increase: The subject site is zoned C2-2D-O-CPIO and has a lot area of approximately 13,924 square feet. The "D" Limitation relating to the West Adams – Baldwin Hills – Leimert Implementation Overlay (CPIO) Section III-2.B.2(b) limits the maximum FAR to 2.0:1 which would permit 27,848 square feet of floor area. The applicant has requested an Off-Menu Incentive to allow a 4.35:1 FAR in lieu of the otherwise permitted 2.0:1 FAR, to permit 60,569 square feet of floor area, as set forth in the following table:

	FAR	*Lot Area (sf)*	*Total Floor Area (sf)*
By-right	*2.0:1*	*13,924*	*27,848*
Requested	*4.35:1*	*13,924*	*60,569*
		Net Increase	*32,721*

The project proposes to construct 65 units, with 10 units reserved for Very Low Income households. The project would provide a greater share of affordable housing (25 percent of base density) than would otherwise be required to qualify for the incentives.

The additional FAR allows a larger building envelope and provides an additional 32,721 square feet of income generating residential floor area (27 units) than would otherwise be permitted. This additional floor area would enable the project to construct additional market-rate units, of a larger size, which would reduce the marginal cost of constructing the project's considerable share of affordable units.

Of the 65 proposed units, there would be 6 studios, 40 one-bedroom units, and 19 two-bedroom units. As set forth on Sheet T-1.03 of the project plans, the project's upper residential levels (levels 3 through 7) would each have a floor plate of approximately 9,500 square feet. These large floor plates would not be achievable under the 2.0:1 base FAR and enable the project to construct the unit mix specified above. Without the incentive to permit additional floor area, the average unit size and bedroom count would have to be significantly smaller to construct the number of units that the requested density bonus allows. The ability to develop larger units will increase the revenues from the market-rate units, which will lower the marginal cost of developing the affordable units. Therefore, the FAR incentive would result in identifiable and actual cost reductions to provide for the project's affordable housing costs.

Height Increase: The subject site is zoned C2-2D-CPIO. Height District No. 2 ordinarily permits unlimited building height, however the "D" Limitation relating to CPIO Section III-2.A.1(a) restricts building height to a maximum of 55 feet. In addition, parapet walls utilized to enclose roof uses, such as terraces, gardens or green roofs, shall be permitted to exceed the maximum allowable building height by up to 42 inches or as required by the Building Code and rooftop equipment, structures, and improvements may exceed the maximum building height when authorized pursuant to LAMC Section 12.21.1.B.3(a) so long as it is screened from public view using nonreflective materials or otherwise made compatible with the overall design of the building. The applicant has requested an Incentive with respect to the CPIO building height limitation to permit a height of 75 feet from Grade to the main roofline and 79 feet, 4 inches to the parapet which encloses a rooftop deck.

Denying the requested height incentive would prevent construction of the project at the proposed density (with 70% density bonus above R4 base density) and with the requested incentives and concessions (that allow an FAR up to 4.35:1). As discussed above, the requested FAR incentive would reduce the marginal cost of building affordable housing at the project's proposed density. The requested height waiver is necessary to physically accommodate the project with the increased FAR. Based on the lot size, without the waiver of the CPIO height standard, it would not physically be possible to fully construct the project as proposed.

The proposed building would be seven stories tall to accommodate the proposed density bonus and increased FAR. By contrast, if the CPIO height limitation applied, it would only be possible to construct a five-story building (assuming a typical 12-foot ground level and four 10-foot residential levels). As noted above, each of the upper residential levels has an average floor plate of approximately 9,566 square feet. Therefore, the loss of two residential levels would reduce the Project's floor area by approximately 19,132 square feet.

The loss of floor area would, in turn, directly limit the project's ability to construct residential dwelling units (including affordable units) which are of a sufficient size. As proposed, the additional height will physically allow construction of the project at the proposed density and with the requested FAR incentive by expanding the allowable building envelope.

Residential Parking: The project proposes 65 units comprised of 6 studios, 40 one-bedroom units, and 19 two-bedroom units, which would require a total of 114 parking spaces under LAMC Section 12.21.A.4. The applicant has requested an Off-Menu Incentive to permit 0.5 spaces per residential unit, for a total of 33 residential parking spaces. The requested incentive would reduce the amount of required residential

parking by 81 spaces. As shown on Sheets A-2.02 and A-2.03 of the project plans, the project would include one level of subterranean parking with 25 parking spaces and 16 spaces at grade level that are wrapped along the street frontages. Without the requested incentive, the project would have to construct approximately three additional subterranean levels dedicated to parking. At an average cost of approximately $40,000 per parking space, the 81-space reduction would result in cost savings of approximately $3,240,000. Therefore, the requested residential parking incentive results in identifiable and actual cost reductions to provide for the project's affordable housing costs. This incentive supports the applicant's decision to set aside the specified number of dwelling units for Very Low Income Households for 55 years.

b. **The incentive(s) 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 (Government Code Section 65915(d)(1)(B) and 65589.5(d)).**

There is no substantial evidence in the record that the proposed incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. Therefore, there is no substantial evidence that the proposed incentive(s) will have a specific adverse impact on public health and safety. Analysis of the proposed Project determined that pursuant to California Environmental Quality("CEQA") Guidelines Sections 15164, in consideration of the whole of the administrative record, that the project was assessed in the previously certified Environmental Impact Report No. ENV-2008-478-EIR, certified on June 29, 2016. 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 incentive.

c. The incentive(s) <u>are contrary</u> to state or federal law.

There is no evidence in the record that the proposed incentives are contrary to state or federal law.

Following is a delineation of the findings related to the request for two (2) Waivers of Development Standards, pursuant to Government Code Section 65915.

2. Government Code Section 65915 and LAMC Section 12.22 A.25(c) state that the Commission <u>shall approve</u> a density bonus and requested Waiver of Development Standard(s) unless the Commission finds that:

a. The waiver(s) or reduction(s) of development standard(s) <u>are contrary</u> to state or federal law.

There is no evidence in the record that the proposed waivers is contrary to state or federal law.

A project that provides 25 percent of base units for Very Low Income Households qualifies for three (3) Incentives, and may request other "waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]" (Government Code Section 65915(e)(1)).

Therefore, the requests below are recommended as a Waivers of Development Standards. Without the below Waivers, the existing development standards would preclude development of the proposed density bonus units and project amenities:

Commercial Parking: The project proposes 2,300 square feet of commercial space on the ground floor anticipated for restaurant use, which would require a total of 23 parking spaces under LAMC Section 12.21.A.4. The applicant has requested a Waiver of Development Standard to permit 8 spaces for the commercial uses. The requested waiver would reduce the amount of required commercial parking by 15 spaces. As shown on Sheet A-2.02 of the project plans, the project's commercial parking would be provided at grade level and would be wrapped along the street frontages. Without the requested waiver, some of the commercial parking and additional residential parking would have to be constructed underground; the project would therefore have to construct one additional subterranean level dedicated to parking. At an average cost of approximately $40,000 per parking space, the 15-space reduction would result in cost savings of approximately $600,000. Therefore, the requested commercial parking waiver eliminates the need to construct additional parking, which results in identifiable and actual cost reductions to provide for the project's affordable housing costs. This waiver supports the applicant's decision to set aside the specified number of dwelling units for Very Low Income Households for 55 years.

Transitional Height: The West Adams – Baldwin Hills – Leimert Implementation Overlay (CPIO) Section III-2.A.2 requires the project to comply with transitional height requirements due to the site's adjacency (containing a rear property line that is separated by a 15-foot wide alley) to a residential lot. Specifically, the CPIO requires the project the entire building to be set back, or individual floors stepped back, one horizontal foot for every one vertical foot in building height as measured from grade at the residential property line. The applicant has requested a Waiver of the transitional height requirements of the CPIO. Strict compliance with the CPIO transitional height requirements would physically preclude construction of the project at the permitted density bonus and with the permitted FAR incentive.

In particular, denial of the requested wavier would require the removal of dwelling units on the upper floors in order to provide sufficient step backs from the residential lot across the alley, thus physically impending construction of the full requested 70 percent density bonus and additional 2.35:1 FAR increase (from 2:1 to 4.35:1). The proposed building section from West Adams Boulevard to the rear alley is shown on Sheet A-3.01 of the project plans. For comparison, the project architects prepared a study (attached as an exhibit to these findings) showing the floor plans and building section that would be

required if the CPIO transitional height requirement applied to the proposed project. As shown in the building section on page 5 of the study, applying the transitional height requirement would eliminate the top two levels of the proposed building. As shown on pages 3 and 4 of the study, applying the transitional height requirement to the proposed building would also significantly shrink the floor plates of the three remaining upper-most levels; reduce the project's total unit count to 51; and reduce the project's FAR to 2.9 to

Therefore, denial of the requested waiver and application of the rear alley transitional height requirement would physically preclude construction of the project at the permitted density and with the requested FAR incentive, resulting in the loss of 14 units and approximately 1.45:1 of FAR.

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

There is no substantial evidence in the record that the proposed incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22 A.25(b)). As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. The project does not involve the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of the application. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

CONDITIONAL USE PERMIT

3. Describe how the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.

The project site is relatively flat and consists of eight contiguous lots fronting West Adams Boulevard on the south and Genesee Avenue on the west. An east-west alley abuts the site to the north. Fairfax Avenue is located 150 feet west of the Site and Metro's Expo Station at Jefferson and La Cienega Boulevards is located 0.45 miles south of the Site which qualifies the site as Tier 3 under the Transit Oriented Communities (TOC) Guidelines.

The subject property totals approximately 13,124 square feet (15,118 square feet including ½ half the area of the abutting alley) area, with a width of approximately 147 feet and a depth of 100 feet. Currently, the site is developed with a vacant one-story automobile service and repair station built in 1965 which is proposed to be demolished as part of the project. The project utilizes the State Density Bonus Law (California Government Code Section 65915) and the

City's Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25, to increase the maximum density from 38 to 65 dwelling units, 10 of which will be set aside for Very Low Income Households.

The subject site is zoned C2-2D-CPIO and located within the West Adams-Baldwin Hills-Leimert Community Design Implementation Overlay (CPIO) and Major Intersection Nodes district which identifies key commercial intersection sites for neighborhood serving commercial and mixed-use development. Purposes of the CPIO include "To foster revitalization of properties along the commercial corridors and at major intersection nodes throughout the Community Plan Area" and "To promote and facilitate revitalization of properties that can capitalize upon close proximity to the La Brea, Farmdale, La Cienega and Culver City stations along the Mid-City Exposition Light Rail Transit Corridor (Expo Line)."

The proposed project involves the construction, use, and maintenance of a seven-story,75-foot, high, (93.5 feet to the top of the rooftop elevator penthouse) mixed-use building with 65 dwelling units and 2,300 square feet of ground floor commercial uses with 60,569 square feet of floor area. Of the proposed residential units, the project will set aside ten (10) units for Very Low Income households, while the remaining 55 units will be rented at market rate. Residences will be comprised of a mix of studios, one- and two-bedroom units.

The project enhances the built environment by adding 65 dwelling units to the neighborhood's housing stock. The project will replace a vacant automobile use with a higher density and modernized mixed use building in close proximity to the major transit intersection of Fairfax and West Adams and Metro's Expo Line. The existing structure on the property is not utilizing the site's full potential and the project will perform an essential function by adding dwelling units to the City's housing stock within a Transit Priority Area. In addition, the project includes 2,300 square feet of ground floor neighborhood serving commercial uses that will create a commercial focal point for the neighborhood and enliven the pedestrian experience and streetscape environment.

The applicant seeks an additional 35 percent density bonus through the Conditional Use beyond the 35 percent permitted through a by-right density bonus. In exchange, the project will set aside 25 percent of the base density, or ten units for Very Low Income Households for a minimum of 55 years. In reserving ten units for Very Low Income Households, the project will perform a function – the allocation of affordable housing for a minimum of 55 years – that is essential and beneficial to the city and the region. For the reasons stated above, the project will enhance the built environment and perform a function that is essential and beneficial to the community, City, and region.

4. Explain why the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.

The proposed project consists of the construction of a new seven-story mixed-use multi-family building with 65 residential units and 2,300 square feet of ground floor commercial uses. The project site is currently developed with a vacant one-story automobile service and repair station which is proposed to be demolished as part of the project. The project site is located in an urbanized area surrounded primarily by commercial uses along West Adams Boulevard in the C2 zone with a mix of single and multi-family residential uses on properties zoned RD1.5

located to the north commercial corridor. Therefore the project's uses and operations are compatible with the adjacent properties and surrounding neighborhood.

The project's significant features, including the proposed building's use is allowed by the underlying zone and the building's density, height, FAR and parking are allowed per provisions of the Density Bonus law. The project has been thoughtfully designed and includes ground floor commercial space with street entrances and storefront glazing that is architectural differentiated from the residential upper floors. The project will enhance the streetscape which is currently degraded with landscaping, improved sidewalks, and street trees.

Given the proposed project's location in the CPIO Major Intersection Nodes subarea and close proximity to Metro's Expo Station along with the existing development in the immediate vicinity of the subject property, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

5. Explain why project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

General Plan:
The Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The General Plan is a long-range document determining how a community will grow, reflecting community priorities and values while shaping the future. Policies and programs set forth in the General Plan are subjective in nature, as the General Plan serves as a constitution for development and foundation for land use decisions. The project substantially conforms with the following purposes and objectives of the General Plan Elements: Framework Element, Housing Element, Mobility Element, and the Land Use Element (West Adams – Baldwin Hills – Leimert Community Plan).

Framework Element:
The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The primary objectives of the policies in the Framework Element's Land Use Chapter are to support the viability of the City's residential neighborhoods and commercial districts, and when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations.

Community Centers differ from Neighborhood Districts in their size and intensity of business and social activity. In addition, Community Centers are often served by small shuttles, local and rapid buses, or subway stops. The Framework envisions Community Centers as "a mixed-use center that encourages the development of housing in concert with the multi-use commercial uses."

The proposed project involves the construction of a 7-story, mixed-use residential development containing 65 dwelling units on a site designated for Community Commercial

land uses and zoned C4-2D-O-CPIO. The project site is located near the intersection of West Adams Boulevard and Fairfax Boulevard, and one block south of the Washington Fairfax Transit Hub. Buses includes Los Angeles County Metropolitan Transit Authority (Metro) bus lines 1, 105, 217, 534, Metro Rapid 705, Metro Rapid 780, 14/37, 35/38 and LADOT Commuter bus. In addition, the site is located 0.45 miles from Metro's Expo Station located at Jefferson and La Cienega Boulevards. As such, the project is in conformance with the purpose of the Framework Element.

Housing Element:
The City's Housing Element for 2013-2021 was adopted by City Council on December 3, 2013. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population.

GOAL 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1 Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

1.1.2 Expand affordable rental housing for all income groups that need assistance.

1.1.3 Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

The City faces a well-documented housing shortage. The Project would facilitate the development of 65 multi-family residential units, including 10 Very Low Income affordable units. Consistent with Goal 1 of the Housing Element, the Project would encourage production of additional housing units of various types in the Community Plan area in close proximity to transit services that would help support the housing needs of members of the community at various income levels.

Mobility Element:
The proposed mixed-use building is a pedestrian-oriented development that provides 65 multi-family units including 10 Very Low income affordable units in proximity to several transit options. The project site is located near the intersection of Fairfax Boulevard and West Adams Boulevard and one block south of the Washington Fairfax Transit Hub. Buses includes Los Angeles County Metropolitan Transit Authority (Metro) bus lines 1, 105, 217, 534, Metro Rapid 705, Metro Rapid 780, 14/37, 35/38 and LADOT Commuter bus. In addition, the site is located 0.45 miles from Metro's Expo Station located at Jefferson and La Cienega Boulevards.

These transit stations provide access to employment centers and jobs, local and regional destinations, and other neighborhood services for project residents. The proposed project will also allow for the reduction of vehicle trips by placing a high density residential development within proximity to public transit. The availability of many transit options creates a lesser need for the use of personal vehicles. Additionally, the project will provide a total of 61 bicycle parking stalls, including 53 long-term and 8 short-term bicycle parking stalls on site where

they are easily accessible to the street. As such, the project conforms to the purpose of the Mobility Element of the General Plan.

Community Plan:
The West Adams – Baldwin Hills – Leimert Community Plan was adopted by the City Council in March 2017, with related zoning ordinances effective on April 19, 2017. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC.

The West Adams – Baldwin Hills – Leimert Community Plan designates the site for Community Commercial land uses and Figure 1-3 identifies West Adams as a Mixed-Use Boulevard. The project site is zoned C2-2D-CPIO, which is consistent with the corresponding zones of CR, C1.5, C2, C4, R3, R4, RAS3, and RAS4 in the Community Plan. The project site containing 15,118 square feet (including the abutting half-alley) is permitted a base density of 38 dwelling units under the CPIO. The project utilizes the State Density Bonus Law (California Government Code Section 65915) and the City's Ordinance No. 179,681 (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25, and Ordinance No. 185,373 (Value Capture Ordinance), codified in LAMC Section 12.24 U.26 (Conditional Use Section of LAMC) to increase the maximum density from 38 to 65 dwelling units, of which 10 units will be set aside for Very Low Income Households. The project will contribute to the West Adams – Baldwin Hills – Leimert area as a medium- to high-density residential development that provides housing and employment services. As set forth below such, the project conforms to the of the West Adams – Baldwin Hills – Leimert Community Plan land use goals and polices.

Urban Form

Goal LU14: A community that conserves, enhances and regenerates its distinctive "main street" character by promoting continued pedestrian orientation of commercial areas.

LU14-1 Pedestrian Orientation. Foster preservation, conservation, maintenance and enhancement of existing pedestrian orientation along commercial and mixed-use boulevards. (P197)

LU14-2 Activate First Floor Frontages. Encourage the first floor street frontage of buildings, including parking structures, to incorporate commercial or other active public uses. (P32)

The project site is located along West Adams which is identified in Figure 1-3 of the Community Plan as a Mixed-use Boulevard. The project proposes 2,300 square feet of ground floor commercial space oriented along the West Adams frontage that wraps the corner of Genesee Avenue that includes pedestrian entrances spaced along West Adams. Adjacent to the commercial space on Genesee, the project proposes a residential lobby with direct pedestrian access from the street into the building.

Goal LU15: A community that prioritizes mixed-use projects within community commercial nodes, centers and transit-oriented development areas.

LU15-1 Prioritize New Infill Development Close to Transit. Prioritize new infill development that is in close proximity to mass transit centers, stations and platform portals. (P60)

LU15-2 Parking Reductions Near Transit Stations. Strive to reduce parking requirements for developments that locate near major bus centers and mass transit stations and that provide pedestrian, bicycle, and exceptional ADA facilities. (P56, P260)

The project is a mixed-use development with provides 65 multi-family units including 10 Very Low income affordable units and ground floor commercial uses on a site located proximate to several transit options. The project site is located near the intersection of Fairfax Boulevard and West Adams Boulevard and one block south of the Washington Fairfax Transit Hub. Buses includes Los Angeles County Metropolitan Transit Authority (Metro) bus lines 1, 105, 217, 534, Metro Rapid 705, Metro Rapid 780, 14/37, 35/38 and LADOT Commuter bus. In addition, the site is located 0.45 miles from Metro's Expo Station located at Jefferson and La Cienega Boulevards. Given the project site location in a transit rich area, the project requests Density Bonus incentives to reduce required residential and commercial parking, consistent with Policy LU15-2.

Neighborhood Context

Goal LU16: A competitive commercial sector that is strengthened to best serve the needs of the community while preserving and conserving the enduring, often historic and cultural character of distinct commercial areas.

LU16-1 Protect Commercial Land. Protect commercially planned and zoned land from excessive encroachment by low intensity residential only development. (P65)

LU16-2 Create Feasible Development Sites. Consolidate and deepen shallow commercial boulevard lots in a manner that is compatible with prevailing urban form as a means to stimulate existing businesses and create feasible opportunities for new development that is appropriate in terms of scale and character. (P38, P42, P172)

The project site is zoned C-2 which permits higher intensity residential and commercial uses. The project includes eight adjoining lots along West Adams, a significant commercial corner, thus consolidated sufficient land to create a feasible development site with a concentration of housing and commercial uses.

Quality of Life

Goal LU18: A community where a diversity of uses which contribute to safe, pedestrian – friendly commercial environments are encouraged, and which enhance the health and welfare of the community by limiting certain uses and expanding opportunities for others.

LU18-6 Limit Automotive Uses. Strive to limit the over-concentration and further proliferation of automotive uses and in particular, automotive repair uses within commercial areas. (P37, P78, P236, P237)

The project site is currently developed with a vacant, dilapidated auto repair and service station that would be demolished for the proposed mixed-use project. Thus, the project advances Goal LU18 and policy LU 18-6 by eliminating an automobile use no longer desired by the Community Plan.

Goal LU20: A Community where residents will be able to access their daily needs by walking, biking or using other sustainable modes of transportation.

LU20-1 Streetscapes. Encourage enhancement of the public realm by facilitating the planting of street trees and installation of street lighting, street furniture, public art as well as median plantings within commercial areas especially where pedestrian character prevails. (P10, P254)

LU20-3 Community Character. Strive to preserve community character, scale and architectural diversity. (P26, P11)

LU20-4 Parking Area Safety and Aesthetics. Strive to improve safety and aesthetics of parking areas in commercial areas. (P27, P28)

The street frontage of the project site is not currently pedestrian friendly with a metal fence enclosing the property, no street trees, and three large curb cuts. The project will enhance the streetscape which is currently degraded with new landscaping, improved sidewalks, and street trees along West Adams and Genesee. Parking for project will be located in a subterranean parking and at grade which is buffered from public view by the commercial uses and residential lobby and accessed from the alley to the rear. The existing curb cuts would be removed thus creating a uniform pedestrian sidewalk experience along West Adams and Genesee.

Economic and Community Development

Goal LU23: A community where neighborhood serving uses which strengthen and diversify the economic base are attracted by expanding market opportunities for both traditional existing businesses and emerging new businesses.

Goal LU24: A community that facilitates increasing and improving the economic activity of existing commercial areas through revitalization of the physical environment.

The project advances Goals LU23 and LU24 and would improve economic activity in the West Adams – Fairfax commercial node by replacing a vacant auto repair and service station with a mixed-use development that includes ground floor commercial uses.

Sustainability

Goal LU28: A Community where residents will be able to access their daily needs by walking, biking or using other sustainable modes of transportation.

LU28-1 Density/Intensity Minimums. Adopt sufficient density minimums in addition to density maximums for residential, commercial, and retail development to ensure development that supports transit and walkable environments, as well as reinforces traditional neighborhood development patterns. (P2)

LU28-2 Jobs/Housing Balance. Balance commercial and residential development (jobs and housing) within community commercial nodes, centers and transit-oriented development areas to reduce the number of people who must commute long distances to work. (P50)

LU28-3 Mix of Uses. Ensure a mix of residential, commercial, office and light industrial, where appropriate, to encourage economic sustainability and encourage walkability. (P49)

The project supports the transit and walkable environments desired in policy LU28-1 by creating an infusion of housing, including ten affordable units and neighborhood serving commercial on the project site consistent with the densities permitted under the Community Plan CPIO and City's Density Bonus ordinance.

The project site includes a mix of multi-family residential and commercial uses which supports policy LU28-3 and located along the West Adams Mixed-Use Boulevard and approximate to the Washington Fairfax Transit Hub and 0.45 miles from Expo Station at Jefferson and La Cienega which helps the City achieve the jobs/housing balance in policy LU28-2

Mixed-Use Districts

Goal LU33: A competitive commercial sector that is strengthened to best serve the needs of the community while preserving and conserving the enduring, often historic and cultural character of distinct commercial areas.

LU33-1 Reuse Existing Structures. New commercial uses shall be encouraged to locate along existing, established commercial and mixed-use boulevards and adaptively reuse existing structures that reinforce desirable neighborhood character. (P12, P24)

The project includes ground floor commercial uses along West Adams, an established commercial corner that is identified in the Community Plan as a Mixed-Use Boulevard and will reinforce the historic commercial pattern along West Adams.

Goal LU37: A community that conserves, enhances and regenerates its distinctive "main street" character by promoting continued pedestrian orientation along commercial and mixed-use boulevards.

LU37-1 Pedestrian Activity. Promote developments that enhance existing pedestrian activity within the public realm. (P12, P23, P58, P192)

LU37-2 Off-street Parking at the Rear. Recommend that new developments along commercial corridors locate required parking at the rear of the property or facilitate the creation of nearby shared satellite parking facilities in order to strengthen the pedestrian experience by continuing to orient buildings toward the sidewalk thereby enhancing the public realm. (P28)

The street frontage of the project site is not currently pedestrian friendly with a metal fence enclosing the property, no street trees, and three large curb cuts. The project will enhance the streetscape which is currently degraded with new landscaping, improved sidewalks, and street trees along West Adams and Genesee. Parking for project will be located in a subterranean parking and at grade and is buffered from public view by the commercial uses

and residential lobby and accessed from the alley to the rear. The existing curb cuts would be removed thus creating a uniform pedestrian sidewalk experience along West Adams and Genesee with the building oriented toward the sidewalk, enhancing and generating the corridor's "main street' character..

Goal LU38: A community that promotes context sensitive projects, including mixed-use projects along commercial corridors.

LU38-1 Prioritize New Development Close to Transit. Prioritize new infill development at locations well served by or in close proximity to major bus centers and mass transit stations. (P14)

LU38-2 Activate First Floor Frontages. Require that the first floor street frontage of structures, including mixed-use projects and parking structures, located along commercial corridors incorporate retail or other active public uses. (P20, P12, P287)

The project is a mixed-use development with provides 65 multi-family units including 10 Very Low Income affordable units and ground floor commercial uses on a site located proximate to several transit options. The project site is located near the intersection of Fairfax Boulevard and West Adams Boulevard and one block south of the Washington Fairfax Transit Hub. Buses includes Los Angeles County Metropolitan Transit Authority (Metro) bus lines 1, 105, 217, 534, Metro Rapid 705, Metro Rapid 780, 14/37, 35/38 and LADOT Commuter bus. In addition, the site is located 0.45 miles from Metro's Expo Station located at Jefferson and La Cienega Boulevards.

West Adams-Baldwin Hills-Leimert CPIO

The West Adams-Baldwin Hills-Leimert CPIO District is a zoning tool intended to provide supplemental development and use regulations tailored to the Community Plan Area. It targets individual neighborhoods and corridors, and may help address concerns about the scale, size, and character of development based on a community's specific needs. The CPIO District offers streamlined approval procedures, ensuring that the Community Plan policies and programs can be implemented swiftly and in a way that incentivizes projects to comply with regulations outright.

The West Adams-Baldwin Hills-Leimert CPIO District is comprised of seven CPIO subareas and the project site is located within the Major Intersection Nodes subarea which identifies key commercial intersection sites for neighborhood serving commercial and mixed-use development included West Adams and Fairfax. Overall purposes of the CPIO include "To foster revitalization of properties along the commercial corridors and at major intersection nodes throughout the Community Plan Area" and "To promote and facilitate revitalization of properties that can capitalize upon close proximity to the La Brea, Farmdale, La Cienega and Culver City stations along the Mid-City Exposition Light Rail Transit Corridor (Expo Line)." The Major Intersection Nodes subarea set forth design and development standards for building heights, intensity, site planning, and parking and encourage attractive, quality development projects that complement and enhance the Community Plan Area's existing character.

The project requests approval of a Conditional Use Permit pursuant to LAMC Section 12.24.U.26 for a 70 percent Density Bonus to permit 65 units in lieu of 38 units with 10 units reserved for Very Low Income households (25 percent of the base density). In addition to the density increase, the project requests Density Bonus incentives for increased floor area and

height, reduced parking, and relief from the CPIO height stepback in order to accommodate the project's ten Very Low Income affordable units. The requests for increased density, floor area ratio, and height, reduced parking, and relief from the CPIO building stepback are permitted by the provisions of Density Bonus law in exchange for providing a requisite number of affordable housing units. The project will comply with all other provisions of the CPIO. The project complies with the CPIO's building disposition standards by exceeding the required minimum lot coverage, the building design standards by locating the building along the sidewalk, meeting the pedestrian-oriented ground standards by siting commercial uses and residential lobby along with West Adams and Genesee frontages, and providing the required amount of clear non-reflective storefront glazing along the street ground floor façade.

Additional Findings required per 12.24.U26 (Density Bonus over 35 percent)

6. The project consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.

The City's Housing Element for 2013-2021 was adopted by the City Council on December 3, 2013. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The proposed Project would be in conformance with the following goals of the Housing Element as described below:

GOAL 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1 Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.2 Expand affordable rental housing for all income groups that need assistance.

Policy 1.1.3 Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households

As discussed above (in Finding No. 3), the City faces a well-documented housing shortage. The Project would facilitate the development of 65 multi-family residential units, including 10 Very Low Income affordable units. Consistent with Goal 1 of the Housing Element, the Project would encourage production of additional housing units of various types in the Community Plan area in close proximity to transit services that would help support the housing needs of members of the community at various income levels.

7. The project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:

a. 11% Very-Low Income Units for a 35% density increase; or
b. 20% Low Income Units for a 35% density increase; or
c. 40% Moderate Income Units for a 35% density increase in for-sale projects.

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

a. For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or
b. For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or
c. For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or
d. In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

The subject property is zoned C2-2D-CPIO and within the West Adams Community Design Implementation Overlay (CPIO). Assembly Bill 2501 clarifies that density calculations that result in a fractional number are to be rounded up to the next whole number. This applies to base density, number of bonus units, and number of affordable units required to be eligible for the density bonus.

CPIO Section III.2.B.a permits R3 zone density of one unit per 800 square feet of lot area, including ½ the area of the abutting alley per LAMC Section 12.22.C.16, which would permit 19 residential units on the Site. However, a project that meets the definition of an Affordable Housing Incentive Project which is defined in CPIO Section 4 as “A Project that includes the number of restricted affordable units sufficient to qualify for a 35 percent density bonus, pursuant to LAMC Section 12.22.A.25” is permitted to utilize the density of the underlying zone (i.e. C2 zone) of one unit per 400 square feet of lot area which permits 38 residential units on the Site (fractions rounded up for affordable housing projects). Without the CUP, the CPIO would permit 38 residential units.

Under LAMC 12.22.A.25, the project would require 11 percent of the permitted base density set aside as Very Low Income Units or 20 percent as Low Income Units to quality for a 35 percent density bonus. The Project requests approval of a Conditional Use Permit pursuant to LAMC Section 12.24.U.26 for a 70 percent Density Bonus to permit 65 units in lieu of 38 units with 10 units reserved for Very Low Income households (25 percent of the base density). Thus, the Project qualifies as an Affordable Housing Incentive Project per the CPIO.

In instances where a project is seeking a density bonus increase that is more than 35 percent, the amount of required units that are set aside as affordable shall vary depending on the requested amount of density bonus. Therefore, it is appropriate that any project that requests a density bonus increase beyond 35 percent would extend the existing set-aside charts located in Section 12.22-A,25 of the LAMC.

LAMC Section 12.24-U,26 states that based on the base density, as a Conditional Use a project may be granted additional density increases beyond the 35 percent maximum by providing additional affordable housing units. Per this code section, the table below illustrates how the maximum allowable Density Bonus increases by 2.5 percent for every additional one percent of Very Low Income units provided, based on the base density and the chart prescribed in Section 12.22-A,25 of the LAMC.

Density Bonus Percentages

Very Low Income Units (Percentage of Base Density)	Maximum Density Bonus Permitted (Based on Base Density)
5 %*	**20 %**
6 %*	**22.5 %**
7 %*	**25 %**
8 %*	**27.5 %**
9 %*	**30 %**
10 %*	**32.5 %**
11 %*	**35 %**
12 %	**37.5 %**
13 %	**40 %**
14 %	**42.5 %**
15 %	**45 %**
16 %	**47.5 %**
17 %	**50 %**
18 %	**52.5 %**
19 %	**55 %**
20 %	**57.5 %**
21%	**60 %**
22 %	**62.5 %**
23 %	**65 %**
24 %	**67.5 %**
25 %	**70 %**
**Existing set-aside chart as listed in Section 12.22-A,25 of the LAMC*	

A 35 percent by-right density bonus would allow for 52 units (equal to an increase of 14 units beyond the 38 units permitted by the underlying zone) to be constructed on the project site. As illustrated in the table above, in order to qualify for the 35 percent by-right density bonus, the project would be required to set aside 11 percent of the base density, or five units for Very Low Income Households. The applicant is seeking an additional 35 percent density bonus through a Conditional Use to allow for a total of 65 dwelling units, representing an increase of 13 units beyond what would otherwise be permitted through the by-right 35 percent density bonus. In order to obtain the 35 percent density bonus and the conditional use approval for the additional 35 percent density bonus, the project must set aside at least 25 percent of the base density, equal to 10 units, for Very Low Income Households. The project proposes to set aside 10 units for Very Low Income Households in exchange for the requested Density Bonus. Therefore, the project contains the requisite number of Restricted Affordable Units based on the number of units permitted by the maximum allowable density on the date of application (the base density).

8. The project meets any applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

The project proposes the demolition of automobile service and repair station and there are no existing residential units. Therefore, the Project is not required to provide replacement housing per AB 2556 and California Government Code Section 65915(c)(3).

9. The project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.

The proposed project will be conditioned to record a covenant for affordability restriction of the 10 Very Low Income units of a period of 55 years from the issuance of the Certificate of Occupancy, to the satisfaction of the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the LAMC.

10. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

The City Planning Commission approved the Affordable Housing Incentives Guidelines (under Case No. CPC-2005-1101-CA) on June 9, 2005. The Guidelines were subsequently approved by the City Council on February 20, 2008, as a component of the City of Los Angeles Density Bonus Ordinance. The Guidelines describe the density bonus provisions and qualifying criteria, incentives available, design standards, and the procedures through which projects may apply for a density bonus and incentives. HCIDLA utilizes these Guidelines in the preparation of Housing Covenants for Affordable Housing Projects. The Guidelines prescribe that the design and location of affordable units be comparable to the market rate units, the equal distribution of amenities, HCIDLA monitoring requirements, affordability levels, and procedures for obtaining HCIDLA sign-offs for building permits.

The project will result in 65 new dwelling units, of which 10 will be reserved for Very Low Income Household occupancy and the remainder will be offered as market rate units. All residents of the proposed project will have access to all common and open space amenities within the building. The restricted units will comply with affordability requirements in the Guidelines set forth by HCIDLA in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of HCIDLA who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

WAIVER OF DEDICATION AND IMPROVEMENT

11. Pursuant to LAMC Sections 12.37-I,2(b) and 12.37-I,3, the Director may waive, reduce or modify the required dedication or improvement as appropriate after making any of the following findings, based on substantial evidence in the record:

a. *The dedication or improvement requirement does not bear a reasonable relationship to any project impact;*

b. *The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established; or*

c. *The dedication or improvement requirement is physically impractical.*

The decision maker approves the waiver and finds, based on substantial evidence in the record that:

a. *The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established.*

The subject property is located at the southwest corner of Genesee Avenge and West Adams. Genesee Avenue is designated as a Local Street which requires a 30-foot half right-of-way width (18-foot half roadway and 12-foot sidewalk) where the street abuts the subject property. Genesee Avenue is presently improved with a 25-foot half right-of-way width with an approximately 15-foot half roadway and 10-foot sidewalk. In accordance with the Mobility Plan 2035, the applicant would be required to dedicate five additional feet of land and improve with three additional feet of roadway and two additional feet of sidewalk. In accordance with LAMC Section 12.37-I,3, the applicant requested a Waiver of Dedication and Improvement for the portion of Genesee Avenue adjoining the project site's street frontage. The waiver would eliminate the requirement for a five-foot dedication and widening and to maintain the existing right-of-way in conjunction with the proposed development.

The dedication and improvement are not necessary to meet the City's mobility needs for the next 20 years. Genesee Avenue is a short local road segment approximately 700 feet in length located between Washington Boulevard on the north and West Adams Boulevard on the south. Abutting Genesee Avenue on its west side is PF zoned land that is an LADWP right-of-way developed with high-voltage transmission power lines that will not be developed and widened. Abutting Genesee Avenue on its east side and adjacent to the project site to the north are properties zoned RD1.5 and developed with single and multi-family residential. Pursuant to LAMC Section 12.37.A, RD1.5 zoned land located on a Local Street does not require dedication and widenings. Thus, the remaining private land along Genesee Avenue north of the site will not be dedicated and improved in the future. Therefore, a five foot dedication and improvement on the subject site would not result in additional travel lanes, or increased capacity along Genesee Avenue. Requiring the dedication and improvement would create an inconsistent sidewalk and roadway configuration for only a small fraction of the project site and would need to be designed to return to the existing configuration located north of the site. Furthermore, the project will be utilizing the existing alley along Genessee Avenue for vehicular access. The project will be complying with the Bureau of Engineering's requirement to provide a 2.5 foot dedication along the alley to complete a standard 10 foot ½ alley as the alley on project side is currently substandard at 7.5 feet, allowing for safe ingress and egress of vehicles utilizing the alley for parking. Furthermore, Per BOE's conditions, the intersection of the alley and Genesee Avenue would be reconstructed based on the required 2.5 foot widening so the curbed radius would be realigned for safe vehicular access.

For the reasons stated above, the sidewalk dedication and improvement are not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established.

COVID-19 UPDATE

Interim Appeal Filing Procedures

March 27, 2020

Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email **planning.figcounter@lacity.org** with the subject line: "**Request to File Appeal**." In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles ($109.47 for an aggrieved party, not the Project Applicant.)

Mail the appeal application to:
Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

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

FACT SHEET

Planning Entitlement Appeals

Summary

Discretionary planning decisions in Los Angeles can be appealed, at times, to one of the eight City Commissions that oversee planning-related issues and, in some instances, directly to the City Council. These appeals provide members of the public with an opportunity to challenge certain planning decisions, exercising their rights in accordance with the Los Angeles Municipal Code (LAMC). City Planning has developed an informational fact sheet, complete with frequently asked questions, to inform the public of their rights and opportunities for filing project appeals.

Background

The LAMC outlines a process to allow members of the public to appeal land use decisions that are issued by the City. Appeals are intended to challenge the merits of the decision, specifically to contend that a decision maker erred or abused their discretion. To allow community members the ability to appeal qualifying planning decisions at a minimal personal cost, City Planning has consistently (and significantly) subsidized non-applicant appeal fees. This has allowed individuals to be part of a fair and equitable process, one which has provided the public with the opportunity to question certain decisions.

The Department has developed a fact sheet to further clarify the process for filing project-related appeals. This document will be updated periodically, as needed. For additional information, please contact the planning staff located at the Figueroa Plaza (Downtown), Marvin Braude (Van Nuys), or West Los Angeles Development Services Centers preferably via email at planning.figcounter@lacity.org.

Frequently Asked Questions

Where are project appeals filed?

Appeals can be filed at any of the three Development Services Centers (DSCs)—Downtown, Van Nuys, and West Los Angeles—where planning staff is located. A physical drop off area has been set up at each location to allow applicants to submit their applications, without having to file an initial appointment or enter the premises. As an additional option, the Department has also created an online portal for electronic appeal applications. Click this link to access the online forms and submit the relevant information electronically.

How long do applicants have to submit a project-related appeal?

An appeal must be filed within a specified period of time as established by the LAMC—varying in length from 10 to 15 days of the issuance of the Letter of Determination (LOD), depending on the planning entitlements being appealed. As a point of reference, deadlines for filing appeals are noted in the Los Angeles Municipal Code (LAMC) and typically also identified within the LOD.

Where can applicants access the appeal form and corresponding instructions?

The appeal form and instructions can be found here. Both an applicant and "aggrieved party" (a community member opposing the decision) may choose to file an appeal. All appeals will be processed at the same time. Each appeal form represents one appeal, regardless of the number of individuals who have signed the appeal form. For certain planning entitlements, such as determinations for projects that file under the Density Bonus and Transit Oriented Communities Incentive Programs, appeals are limited to adjacent and abutting owners of property or occupants, as specified in the implementing State and/or local statute. Neighborhood Councils and/or City-appointed decision-making bodies may not file an appeal.

Who decides the outcome of project appeals?

Letters of Determination are issued by the Director of Planning (DIR), Associate Zoning Administrator (AZA), Deputy Advisory Agency (DAA), Area Planning Commission

(APC), or City Planning Commission (CPC). Depending on the initial decision-maker, there are three appellate bodies for planning cases in Los Angeles: the Area Planning Commissions, the City Planning Commission, and the City Council. The LAMC establishes appeal procedures including which types of decisions are eligible for a first- and second-level appeal (meaning that in some cases, the project can be appealed again to a higher decision maker).

How long does the City have to consider the appeal of a land use decision?

According to the LAMC, the City must process appeals under strict time limits. Depending on the planning entitlements, the date that an appeal hearing must be scheduled varies between 30 days from appeal submittal up to 75 days from the last day of the appeal period. These time periods may be extended if there is mutual agreement between the applicant and the City. The LAMC does not, however, allow a non-applicant to request an extension beyond this allotted time period for project appeals.

How (and when) are notifications sent notifying the appellant of their hearing date?

The LAMC specifies the timelines by which appeal hearings must be held. In general, appellants receive notice of their upcoming hearing at least 10 days prior to the hearing date. Notices for some appeal hearings may be published in a local newspaper. If unavailable to attend the date of the hearing, the appellant can submit written comments to the decision-maker or appoint a representative to provide public testimony on their behalf at the public hearing.

Who from City Planning can provide assistance, should there be any questions?

Planning staff at the DSCs serve as a main point of contact for general inquiries. Once a project appeal has been submitted, questions can be directed to the assigned planner, who will process the appeal and take it to the hearing. The contact information for the assigned planner may be found on the Department's Planning Case Tracking System (PCTS).

When can documents be sent to the appellate decision maker who will hear the appeal?

In addition to the appeal application, the appellant may submit documents for the official public record at the time the appeal is filed. If there is a need to provide additional documents after the appeal has been filed, the appellant can send them to the planner assigned to the appeal. Information submitted after a staff recommendation report has been drafted will be included in the public record, but it will not have been considered at the time of the writing of the staff report.

City Planning's Commission Office requires that supplemental information be provided more than 48 hours in advance of the hearing, and meet the criteria as outlined below.

REQUIREMENTS FOR COMMISSION SUBMISSION OF MATERIALS

Regular Submissions: Initial Submissions, not limited as to volume must be received no later than by 4:00 pm on the Monday of the week prior to the week of the Commission meeting. Materials must be emailed to the assigned staff and Commission identified on the project's public hearing notice.

Rebuttal Submissions: Secondary Submissions in response to a Staff Recommendation Report and/or additional comments must be received electronically no later than 48 hours prior to the Commission meeting. For the Central, South Los Angeles and Harbor Area Planning Commissions, materials must be received no later than by 3:00 pm, Thursday of the week prior to the Commission meeting. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on this announcement.

Day of Hearing Submissions: Submissions less than 48 hours prior to, and including the day of the hearing, must not exceed two (2) written pages, including exhibits, and must be submitted electronically to the staff and Commission identified on the project's public hearing notice. Photographs do not count toward the page limitation.

Non-Complying Submissions: Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission." Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission and will not be included in the official administrative record for the item at issue.

Commission email addresses:

City Planning Commission: cpc@lacity.org

Central Los Angeles Area Planning Commission: apccentral@lacity.org

East Los Angeles Area Planning Commission: apceastla@lacity.org

Harbor Area Planning Commission: apcharbor@lacity.org

North Valley Area Planning Commission: apcnorthvalley@lacity.org

South Valley Area Planning Commission: apcsouthvalley@lacity.org

South Los Angeles Area Planning Commission: apcsouthla@lacity.org

West Los Angeles Area Planning Commission: apcwestla@lacity.org

Are appellants required to sit through the entire meeting when there are multiple items on the agenda?

The answer is no; however, the agenda items can be taken out of order. Therefore, it is in the interest of each appellant to attend the full meeting at the scheduled start time, until their item is taken up for consideration. Depending on how many items are on the agenda, and the agenda order, your item could be heard very quickly or you may have to wait through several items which could take a few hours. As a point of reference, commission meetings for Area Planning Commissions and City Planning Commission generally start at 4:30 PM and 8:30 AM, respectively. For additional details, please consult the "Events Calendar" on City Planning's website. For City Council and Council Committee meetings, please consult the Meeting Calendar page for City Council and Committees.

Will the appellant have an opportunity to speak during the hearing?

Following the presentation by the planner assigned to the appeal case, the appellant can present their case. After the appellant's presentation, the project applicant will be given an equal amount of time to provide a rebuttal to the appellant's presentation. There is often time for an additional rebuttal by the applicant or appellant. While there are exceptions to the rule, the appellate body may invite the appellant to respond to

questions. It is important to note that the appellate body will not engage in a back and forth conversation with either the applicant or appellant. This is done to be both fair and consistent in the amount of time allocated to each party.

What is the format and structure of a typical hearing for a project appeal?

Each appellate body follows a slightly different set of procedures when hearing project appeals. That said, there are a number of common features that apply regardless of whether the appellate body is the Area Planning Commission, Cultural Heritage Commission, City Planning Commission, or City Council. A formal public meeting structure is always maintained in order to ensure a fair and predictable process—one where all sides are heard, and the meeting is conducted in an orderly manner. In the case when a planning commission is the appellate body, there are additional steps, such as: a presentation from the Department, an opportunity for the appellant to testify, a forum for the applicant to offer their rebuttal, and time reserved for public testimony. This would take place leading up to any formal action on the part of the commissioners, as it relates to a project appeal.

To slow the spread of COVID-19, City Planning has implemented new procedures for public hearings and outreach meetings in order to practice proper physical distancing protocols. Until notified otherwise, commission meetings will be conducted virtually to allow applicants and the public to participate using a webcam or by telephone. For more information, consult the City Planning's website with detailed instructions.

How much time does the appellant have to present their argument?

The time allocated to the appellant for the purposes of their presentation varies. It is ultimately determined by the appellate body and communicated at the start of the meeting. More often than not, appellants are allocated five to 10 minutes to make their presentation. Project appeals that are heard by City Council follow slightly different procedures, which the assigned planner can explain.

Is there a need for the appellant to submit a PowerPoint presentation?

Appellants can prepare a PowerPoint presentation, in addition to making verbal remarks when it is their turn to speak. If a PowerPoint is being prepared, the appellant should

submit the document to City Planning no less than 72 hours in advance of the meeting. The assigned planner will coordinate the submission for the appellant.

What role does the planner assigned to this project play during the appeal process?

The role of the assigned planner is to ensure that an appellant is notified of the appeal hearing as an interested party, to provide them with a courtesy copy of the staff report if prepared, and to make sure that all parties are informed of the outcome or final decision of the appeal. The assigned planner will analyze the appeal points and prepare a staff recommendation report responding to each of the points raised by the appellant. At the hearing, the assigned planner will make a presentation to the decision maker. All information about the case is available for public view in the case file, and the Planner can assist in making an appointment to review it. The planner can also ensure that translation and special accommodations for individuals with disabilities can be provided at the public hearing, if requested.

What happens after the Appellate Body issues a formal decision, one way or another?

After the Commission takes a vote, a formal Letter of Determination is issued. If the decision is not further appealable, this concludes the appeal process. Under the LAMC and City Charter, only certain Commission-level appellate decisions are further appealable to City Council.

When can a CEQA appeal be filed?

Generally, a standalone CEQA appeal to the City Council may only be filed if a project's land use determination is not further appealable to the City Council (with some exceptions). If a determination made by an Area Planning Commission or City Planning Commission is further appealable to the City Council, the City Council will consider CEQA related appeal points made by an appellant when considering the entire appeal of the project.

When should appellants fill out the CEQA Appeal Form?

The CEQA Appeal form shall only be used if the Area Planning Commission or City Planning Commission issues a determination for a project that is not further appealable. In these situations, an individual may file an appeal of a project's CEQA clearance to the City Council. Forms and procedures for the appeal of CEQA documents can be found here listed under "CEQA Appeal Application."