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**DIRECTOR'S DETERMINATION
TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM
AND SITE PLAN REVIEW**

October 5, 2021

Applicant

John Shaw
Alliant Strategic Development, LLC
26050 Mureau Road, #101
Calabasas, CA 91302

Case No. DIR-2020-7090-TOC-SPR-HCA

CEQA: ENV-2020-7091-SCPE

Location: 7322-7340 North Topanga
Canyon Boulevard

Council District: 3 – Bob Blumenfield

Neighborhood Council: Canoga Park

Community Plan Area: Canoga Park – Winnetka –
Woodland Hills – West Hills

Land Use Designation: General Commercial

Zone: [Q]CR-1VL

Legal Description: Lots FR3, FR4, and FR5, Block
50, of the Owensmouth Tract

Owner

Edward Lorin
7334 Topanga, LP
21600 Oxnard Street, #1200
Woodland Hills, CA 91367

Representative

Heather Waldstein
Rosenheim & Associates, Inc.
21600 Oxnard Street, #630
Woodland Hills, CA 91367

Last Day to File an Appeal: October 20, 2021

DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program

Pursuant to the Los Angeles Municipal Code (LAMC) Sections 12.22-A,31, and 16.05, I have reviewed the proposed project and as the designee of the Director of City Planning, I hereby:

1. The City of Los Angeles City Council determined at its September 29, 2021 meeting that based on the whole of the administrative record, the Project is statutorily exempt from CEQA as a Sustainable Communities Project ("SCP") pursuant to PRC 21155.1;
2. **Approve with Conditions** a 50 percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following two (2) incentives for a Tier 1 project totaling 149 dwelling units, reserving 12 units for Extremely Low Income (ELI) Household occupancy for a period of 55 years;

- a. **Height.** A maximum increase of 11 feet in building height to permit a maximum building height of 56 feet in lieu of the maximum 45 feet otherwise permitted; and
 - b. **Yard/Setback.** Utilization of all yard requirements of the RAS3 Zone for a project in a commercial zone;
3. **Approve with Conditions** a Site Plan Review for the construction, use, and maintenance of a new residential development that results in an increase of 50 or more residential dwelling units; and
4. **Adopt** the attached Findings and Conditions of Approval.

CONDITIONS OF APPROVAL

Pursuant to LAMC Sections 12.22-A,31, and 16.05, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **On-site Restricted Affordable Units.** 12 units, or equal to 8 percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
3. **Changes in On-site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.
4. **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 8 percent of the total number of dwelling units available to Extremely Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination. Additionally, the project shall comply with any other requirements stated in project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination Letter, dated September 14, 2020, including but not

limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.

5. **Base Incentives.**

- a. **Residential Density.** The project shall be limited to a maximum density of 149 residential dwelling units, (equal to a maximum density increase of 50 percent), including On-Site Restricted Affordable Units.
- b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 2.75:1 for a Tier 1 project in the [Q]CR-1VL Zone.
- c. **Parking.**
 - i. **Automotive Parking.** Automobile parking shall be provided consistent with the Transit Oriented Communities Guidelines under LAMC Section 12.22-A,31. The proposed development, a Tier 1 project, shall not be required to exceed 0.5 automobile parking spaces per bedroom. A greater number of parking spaces may be provided at the applicant's discretion.
 - ii. **Bicycle parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A,16.
 - iii. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
 - iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

6. **Additional Incentives.**

- a. **Height.** The project shall be permitted an increase of 11 feet in building height, equal to a maximum building height of 56 feet, with limited additional height permitted for roof structures, stairwells, elevator shafts, etc. as permitted by the LAMC; and
- b. **Yards/Setbacks.** The project shall be permitted to utilize all yard requirements of the RAS3 Zone for a project in a commercial zone;

Design Conformance Conditions

7. **Landscaping.** 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. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
8. **Entrance.** The pedestrian entrance to the residential lobby on Topanga Canyon Boulevard shall be recessed as shown in "Exhibit A."
9. **Window Treatments.** Architectural window framing elements that project or recess shall be at a minimum of 3-inches from the exterior façade on 75 percent of the windows of each elevation of the structure. The architectural window framing element projection or recess may exceed the 3-inch minimum as permitted by the LAMC.
10. **Building Materials.** Each façade of the building shall incorporate a minimum of three (3) different building materials. Windows, doors, balcony/deck railings, and fixtures (such as lighting, signs, etc.) shall not count towards this requirement.

Site Plan Review Conditions

11. **Parking.** With the exception of vehicle and pedestrian entrances and/or fresh air intake grilles, all vehicle parking shall be completely enclosed along all sides of the building.
12. **Parking / Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Department of Transportation for approval.
13. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above skies.
14. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping consistent with LADWP access requirements.
15. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
16. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
17. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Administrative Conditions

18. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and

approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

19. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
20. **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.
21. **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.
22. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the LAMC, Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
23. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, 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.
24. **Department of Transportation and LAUSD's Transportation Branch.** A construction work site traffic control plan shall be submitted to the Department of Transportation's Citywide Temporary Traffic Control Office and LAUSD's Transportation Branch for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties.
25. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
26. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

27. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
28. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
29. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably

cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

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

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

PROJECT BACKGROUND

The project site is a level, rectangular-shaped parcel of land comprised of three (3) contiguous lots, encompassing approximately 37,251 square feet of lot area (approximately 0.86 acres). The subject property has a street frontage of approximately 225 feet along the easterly side of Topanga Canyon Boulevard and has 225 feet of frontage along the westerly side of a public alley. The subject property is zoned [Q]CR-1VL. The project site is located within the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan Area which designates the subject property for General Commercial land uses corresponding to the C1.5, C2, C4, RAS3, and RAS4 zones. The project site is located within a Transit Priority Area in the City of Los Angeles (ZI-2452), and an Urban Agriculture Incentive Zone. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance. The project site is subject to permanent Qualified "Q" Condition established under Ordinance No. 173518 which limits development to a maximum floor area ratio of 0.5:1.

The project site is located within a Tier 1 Transit Oriented Communities Affordable Housing Incentive Area, qualified by its proximity to the intersection of a Major Transit Stop. The project is site is located within one-half mile of an intersection having two Regular Bus Lines. The project site is located within one-half mile of the Metro 162/163 and the LADOT DASH Canoga Park bus lines, which qualifies as a Major Transit Stop. As such, the project meets the eligibility requirements for a TOC Housing Development to be located within one-half mile of a Major Transit Stop.

The subject property is currently developed with a two-story, 34,884 square-foot commercial office building with a subterranean parking garage and surface parking lot. The existing office building was issued a Certificate of Occupancy by the Los Angeles Department of Building and Safety (LADBS) on June 9, 1981. The Housing and Community Investment Department (HCID) SB 330

Determination Letter dated September 14, 2020, determined that since August 2015, the subject property has been and continues to be, used commercially. As such, the proposed housing development does not require the demolition of any prohibited types of housing. Further, the provisions of SB 330 do not apply to commercial properties, therefore no SB 330 replacement affordable units are required. According to a Tree Report dated August 3, 2020, prepared by Harmony Gardens, there are a total of 17 trees on the subject site, none of which have been identified as protected tree species as defined under City Ordinance No. 177,404. The Tree Report further determined that there are no trees located within the public right-of-way.

The proposed project involves the demolition and removal of the existing commercial office building, associated parking, and 17 non-protected trees from the project site, and the construction, use, and maintenance of a new five-story, 90,715 square-foot residential building having a floor area ratio (FAR) of approximately 2.75:1, and a maximum height of 56 feet. The 100 percent affordable residential building will contain a total of 149 dwelling units, including 12 dwelling units (or 8 percent of the total number of dwelling units) reserved for Extremely Low Income Households. The proposed residential development will have four (4) residential levels above one (1) level of ground floor parking. The building will contain 23 studio units, 117 one-bedroom units, and nine (9) two-bedroom units. The project will provide 79 vehicular parking spaces and a total of 110 bicycle parking stalls, including 10 short-term and 100 long-term parking stalls. The project will provide a total of 15,371 square feet of open space, consisting of private balconies, a podium courtyard, two (2) recreation rooms, and a roof terrace. Additionally, the development will contain 3,058 square feet of landscaped area.

Vehicular ingress and egress for the residential building's parking garage will be provided via one (1) common access driveway from the west-adjacent Topanga Canyon Boulevard, and three (3) common access driveways from the east-adjacent public alley. Pedestrian access from Topanga Canyon Boulevard will be provided through a residential lobby located at the center frontage of the building. The project will maintain a (5) five-foot setback for the front yard, (6) six-foot setbacks for the side yards, and a 15-foot setback for the rear yard, in accordance with the RAS3 Zone.

The project meets all eligibility requirements for the TOC Affordable Housing Incentive Program. As such, the project is eligible for Base Incentives and up to two (2) Additional Incentives. As base incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 50 percent, (2) increase the maximum allowable FAR by 40 percent or to 2.75:1 if the maximum percentage increase results in a FAR of less than 2.75:1 for a project in a commercial zone, and (3) provide automobile parking at a ratio of 0.5 spaces per bedroom. The project is seeking a 50 percent density increase to 149 units, an increase in FAR to 2.75:1, and will provide at least the minimum number of parking spaces required. As Additional Incentives, the project is requesting (1) a maximum increase of 11 feet in building height, and (2) utilization of all yard requirements of the RAS3 Zone for a project in a commercial zone. The project meets the TOC Guideline requirements of providing at least seven (7) percent of the base units for Extremely Low Income Households in exchange for being granted the additional incentives. The project is setting aside 12 units for Extremely Low Income Households, which equates to 12 percent of the 99 base units permitted through the underlying zoning of the site.

SURROUNDING PROPERTIES

Properties surrounding the project site are zoned [Q]CR-1VL, RD1.5-1, PF-1XL, and [Q]RD2-1 having commercial, residential, and school uses. These properties are developed with buildings ranging from one- to three-stories in height. Adjoining the project site to the north is an RD1.5-1 zoned lot improved with a two-story residential condominium building. Abutting the project site to the northeast is a PF-1XL zoned property improved with a with an early education center (Canoga

Park Early Education Center). Further north, across Valerio Street, is a [Q]PF-1XL zoned property developed with a school (Canoga Park Elementary School). Abutting the project site to the east is a [Q]RD2-1 zoned parcel of land improved with a residential complex containing two-story townhomes. Adjoining the subject site to the south is a [Q]CR-1VL zoned parcel developed with a two-story, multi-tenant medical office building. Abutting the project site to the west, across Topanga Canyon Boulevard, are [Q]CR-1VL zoned properties developed with a three-story office building, and a two-story dental office building.

STREETS

Topanga Canyon Boulevard, adjoining the subject property to the west, is a designated Boulevard II, dedicated to a right-of-way width of 110 feet and a roadway width of 80 feet and is improved with asphalt roadway, concrete curb, and sidewalk.

A public alley adjoins the subject property to the east and is dedicated to a width of approximately 20 feet and improved with paved asphalt.

HOUSING REPLACEMENT

Pursuant to LAMC Section 12.22-A,31(b)(1), a Housing Development located within a Transit Oriented Communities (TOC) Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets any applicable replacement requirements of California Government Code Section 65915(c)(3) (California State Density Bonus Law).

Assembly Bill 2222 (AB 2222) amended the State Density Bonus Law to require applicants of density bonus projects filed as of January 1, 2015 to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households.

On September 28, 2016, the Governor signed Assembly Bill 2556 (AB 2556) which further amended the State Density Bonus Law. The amendments took effect on January 1, 2017. AB 2556 clarifies the implementation of the required replacement of affordable units in Density Bonus projects, first introduced by AB 2222. AB 2556 further defines “equivalent size” to mean that as a whole, the new units must contain at least the same total number of bedrooms as the units being replaced.

In addition to the requirements of California State Density Bonus Law, on October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330). SB 330 creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2025. During the duration of the statewide housing emergency, SB 330, among other things, creates new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant “Protected Units” unless the proposed housing development project replaces those units. The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination Letter, dated September 14, 2020, and attached to the subject case file, that since August 2015, the subject property has been and continues to be a commercial use. As such, the proposed housing development does

not require the demolition of any prohibited types of housing. Further, the provisions of SB 330 do not apply to commercial properties, therefore no SB 330 replacement affordable units are required.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which the request herein does:

1. ***On-Site Restricted Affordable Units.*** *In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.*
 - a. *Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, 11% of the total number of dwelling units shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.*
 - b. *Tier 2 - 9% ELI, 12% VL or 21% Lower.*
 - c. *Tier 3 - 10% ELI, 14% VL or 23% Lower.*
 - d. *Tier 4 - 11% ELI, 15% VL or 25% Lower.*

The project site is located within a Tier 1 TOC Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve eight (8) percent of the total number of on-site dwelling units for Extremely Low Income Households. The project will reserve a total of 12 on-site dwelling units for Extremely Low Income Households, which complies with the required eight (8) percent of the 149 total dwelling units proposed as part of the Housing Development. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

2. ***Major Transit Stop.*** *A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet (one-half mile) of a Major Transit Stop, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.*

As defined in the TOC Guidelines, a Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). The project site is located within one-half mile of the Metro 162/163 and the LADOT DASH Canoga Park bus lines, which qualifies as a Major Transit Stop. As such, the project meets the eligibility requirements for a TOC Housing Development to be located within one-half mile of a Major Transit Stop.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.*

The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) (TOC) Replacement Unit Determination, dated September 14, 2020 and attached to the subject case file, that since August 2015, the subject property has been and continues to be a commercial use. As such, the proposed housing development does not require the demolition of any prohibited types of housing. Further, the provisions of SB 330 do not apply to commercial properties, therefore no SB 330 replacement affordable units are required. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

4. **Other Density or Development Bonus Provisions.** *A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.*

The project is not seeking any additional density or development bonuses under the provisions of the State Density Bonus Law or any other State or local program that provides development bonuses, including, but not limited to, a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Implementation Overlay (CPIO), Specific Plan, or overlay district. Therefore, the project meets this eligibility requirement.

5. **Base Incentives and Additional Incentives.** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below “base units” refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Eligibility Requirement No. 1 above (except Moderate Income units).*
 - a. *One (1) Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
 - b. *Two (2) Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*

- c. *Three (3) Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.*

As an Eligible Housing Development, the project is eligible to receive the Base Incentives listed in the TOC Guidelines. The project is seeking two (2) Additional Incentives: 1) A maximum increase of 11 feet in building height; and 2) the utilization of all yard requirements of the RAS3 Zone for a project in a commercial zone. The project may be granted two (2) Additional Incentives for reserving at least seven (7) percent of the base units for Extremely Low Income Households. The project is setting aside 12 units for Extremely Low Income Households, which equates to 12 percent of the 99 base units permitted through the underlying zoning of the site. As such, the project meets the eligibility requirements for both on-site restricted affordable units and Base and Additional Incentives.

6. ***Projects Adhering to Labor Standards.*** *Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).*

The project is not seeking additional incentives beyond the two (2) permitted in exchange for reserving at least seven (7) percent of the base units for Extremely Low Income Households. The project is setting aside 12 units for Extremely Low Income Households, which equates to 12 percent of the 99 base units permitted through the underlying zoning of the site. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11, and this eligibility requirement does not apply.

7. ***Multiple Lots.*** *A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.*

The subject property consists of three (3) contiguous lots, all of which are located within a Tier 1 TOC Affordable Housing Incentive Area. Therefore, this eligibility requirement does not apply.

8. ***Request for a Lower Tier.*** *Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.*

The applicant has not selected a Lower Tier and is not providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier. As such, this eligibility requirement does not apply.

9. ***100% Affordable Housing Projects.*** *Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.*

The project does consist of 100 percent On-Site Restricted Affordable units. The project however, is utilizing Tier 1 project incentives and is not requesting an increase to Tier 2. As such, this eligibility requirement does not apply.

10. **Design Conformance.** *Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to construct the building with the residential density permitted by Section VI.*

The project seeks two (2) Additional Incentives and has demonstrated conformance to the Citywide Design Guidelines. The proposed development has been conditioned to ensure a well-designed project and compliance with the Citywide Design Guidelines. The project has been conditioned to provide a pedestrian-friendly environment through the provision of landscaping, a prominent pedestrian entryway, and screening of any mechanical equipment from the public right-of-way. The project has also been conditioned to incorporate a variety of building materials and to either wrap or enclose all visible automobile parking in order to create visually interesting building façades and minimize impacts on surrounding properties.

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

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

1. **Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the Director 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 Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of Additional Incentives in the Transit Oriented Communities (TOC) Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Height. The requested incentive for an increase in building height is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that results in building design or construction efficiencies that facilitate the creation of affordable housing. Specifically, a Tier 1 project is permitted a maximum increase of one (1) additional story and up to 11 additional feet in building height, resulting in a total

maximum building height of 56 feet in lieu of the maximum 45 feet otherwise permitted by the underlying [Q]CR-1VL Zone. This requested incentive will allow the developer to increase the height of the structure to allow the units reserved for affordable housing to be constructed and increase the overall space dedicated to residential uses. The incentive supports the applicant's decision to reserve 12 units for affordable housing and facilitates the creation of affordable housing units.

Yards/Setbacks. The requested incentive to utilize setback requirements of the RAS3 Zone for a project in a commercial zone is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. In this case, the applicant has requested to utilize all yard requirements of the RAS3 Zone. The requested incentive allows the developer to expand the building footprint and allow for the construction of more units, including affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve 12 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Therefore, the two (2) Additional Incentives are necessary to provide for affordable housing costs.

- b. *The Incentives 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 methods to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to low-income 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)(B) and 65589.5(d)).*

There is no evidence that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. According to ZIMAS, the project is not located in a Hillside area or a Very High Fire Hazard Severity Zone. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

- c. *The incentives are contrary to state or federal law.*

There is no substantial evidence in the record indicating that the requested incentives are contrary to any state or federal law.

SITE PLAN REVIEW FINDINGS

2. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are 12 elements of the General Plan. The majority of the policies derived from these elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the General Plan is divided into 35 Community Plans. The subject property is located within the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan, which designates the site for General Commercial land uses corresponding to the C1.5, C2, C4, RAS3, and RAS4 zones. While the CR Zone is not a corresponding zone to the General Commercial land use designation, the CR Zone is more restrictive than the C1.5, C2, and C4 zones. For each land use category, the Community Plan permits all identified corresponding zones, as well as those zones that are more restrictive, as referenced in LAMC Section 12.23. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The proposed project is consistent with the following goals, objectives, and policies of the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan:

GOAL 1: A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE CANOGA-PARK-WINNETKA-WOODLAND HILLS-WEST HILLS COMMUNITY PLAN AREA.

Objective 1-1: Achieve and maintain a housing supply sufficient to meet the diverse economic needs of current and projected population to the year 2010.

Policy 1-1.1: Maintain an adequate supply and distribution of multi-family housing opportunities in the Community Plan Area.

Policy 1-1.4: Protect the quality of the residential environment through attention to the physical appearance of communities.

Objective 1-2: Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services, and facilities.

Policy 1-2.1: Locate higher residential densities near commercial centers and major bus routes where public service facilities, utilities and topography will accommodate this development.

Policy 1-2.2: Encourage multiple residential development in commercial zones.

Objective 1-4: Provide a diversity of housing opportunities capable of accommodating all persons regardless of income, age or ethnic background.

Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.

Policy 1-4.3: Ensure new housing opportunities minimize displacement of the residents.

The proposed project is a five-story, 100 percent affordable apartment building, which includes a total of 149 residential units (including 12 units reserved for Extremely Low Income Households), located in the [Q]CR-1VL Zone. The project includes a variety of unit types, including studio, one-bedroom, and two-bedroom units. By providing a range of housing opportunities, the project accommodates an adequate supply of housing units by type and cost. The new, in-fill development has been well-conditioned to ensure high quality design and architecture which will enhance the existing neighborhood, consisting of a variety of residential, commercial, and institutional uses. The project features attractive and quality landscaping in addition to a variety of amenities available for all residents of the project.

The project is within close proximity to public transit stops, including Metro and DASH bus stops on Topanga Canyon Boulevard and Sherman Way. The resulting development will thus be located in a manner that has the potential to reduce vehicular trips. Furthermore, the subject property is developed with a commercial building and does not contain any residential uses. Thus, the project will not cause displacement of housing or loss of any existing residential units.

The project is not subject to any specific plans or overlays and conforms to the zoning of the site as permitted by the request herein. Therefore, the project is in substantial conformance with the purposes, intent and provisions of the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan and does not conflict with any applicable regulations or standards.

- 3. That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on neighboring properties.**

The arrangement of the proposed development is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan fronting along the easterly side of Topanga Canyon Boulevard. Adjoining the project site to the north is an RD1.5-1 zoned lot improved with a two-story residential condominium building. Abutting the project site to the northeast is a PF-1XL zoned property improved with a with an early education center (Canoga Park Early Education Center). Further north, across Valerio Street, is a [Q]PF-1XL zoned property developed with a school (Canoga Park Elementary School). Abutting the project site to the east, across the a public alleyway, is a [Q]RD2-1 zoned parcel of land improved with a residential complex containing two-story townhomes. Adjoining the subject site to the south is a [Q]CR-1VL zoned parcel developed with a two-story, multi-tenant medical office building. Abutting the project site to the west, across Topanga Canyon Boulevard, are [Q]CR-1VL zoned properties developed with a three-story office building, and a two-story dental office building.

The proposed project involves the construction, use, and maintenance of a new five-story, 90,715 square-foot residential building having a floor area ratio (FAR) of approximately 2.75:1, and a maximum height of 56 feet. The 100 percent affordable residential building will contain a total of 149 dwelling units, including 12 dwelling units (or 8 percent of the total number of dwelling units) reserved for Extremely Low Income Households. The proposed residential development will have four (4) residential levels above one (1) level of ground floor parking. The project will provide 79 vehicular parking spaces and a total of 110 bicycle parking stalls. The project will provide a total of 15,371 square feet of open space, consisting of private balconies, a podium courtyard, two (2) recreation rooms, and a roof terrace. Additionally, the development will contain 3,058 square feet of landscaped area.

Height, Bulk and Setbacks

The proposed building is five (5) stories, reaching a maximum height of 56 feet as permitted by the additional height incentive per the TOC Guidelines. The subject property is zoned [Q]CR-1VL, subject to a permanent Qualified "Q" Condition established under Ordinance No. 173518 which limits development to maximum floor area ratio of 0.5:1; however, as permitted through the TOC Incentive Program and LAMC Section 12.22-A,31, Housing Developments in Tier 1-designated commercial zones may qualify for a FAR increase of up to 2.75:1 in exchange for setting aside a portion of the proposed residential units toward affordable housing. As such, the project is proposing a total floor area of 90,715 square feet, equating to an approximate floor area ratio of 2.75:1.

As an Eligible Housing Development, the project qualifies for an Additional Incentive through the TOC Incentive Program to utilize any or all of the yard requirements for the RAS3 Zone. As such, the proposed development will maintain a (5) five-foot setback for the front yard, (6) six-foot setbacks for the side yards, and a 15-foot setback for the rear yard, in accordance with the RAS3 Zone.

In order to temper the bulk and massing of the proposed building, the project has been designed with a podium-level courtyard at the center of the development that will be open to the sky. The project includes a variety of building materials and articulation across every face of the building so that there are no swaths of blank walls. Additionally, the project incorporates balconies on all sides of the building, a number of roof and window overhangs, and breaks in the façade (both horizontally and vertically) to reduce the bulk and massing of the building. The building façade includes various wall treatments, including glass, metal, and cement plaster which are integrated into the overall architectural style of the building. Landscaping is utilized in a thoughtful manner to create an attractive landscape at the podium courtyard, on the roof deck, as well as across the exterior walls of the building and as a buffer between the public right-of-way. The height, bulk, and setbacks of the project are thus consistent with the existing development in the immediate surrounding area and with the underlying CR Zone. Therefore, the project will be compatible with the existing and future developments in the neighborhood.

Off-Street Parking Facilities

The project includes a total of 79 vehicular parking spaces and 110 bicycle parking stalls for residential uses, consistent with the requirements of the LAMC and TOC Guidelines. Vehicular ingress and egress for the residential building's parking garage will be provided via one (1) common access driveway from the west-adjacent Topanga Canyon Boulevard, and three (3) common access driveways from the east-adjacent public alley. All four (4) driveways will provide access to the building's ground floor parking level. The three (3) driveway placements

along the alleyway and single driveway placement along Topanga Canyon Boulevard will minimize disruptions to traffic flow and will enhance pedestrian safety. All parking will be screened and not be visible from the public right-of-way. Therefore, for the reasons stated above, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide a total of approximately 15,371 square feet of open space, of which, approximately 3,058 square feet will be landscaped area. The project proposes the planting of 38 new trees, including seven (7) street trees in the parkway along Topanga Canyon Boulevard. Proposed landscaped area will be dispersed amongst the ground level, podium courtyard, and roof deck of the residential building. In addition, the project has been conditioned to require that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks be attractively landscaped. Furthermore, planting of required street trees will be selected and installed per the Bureau of Engineering, Urban Forestry Division's requirements. Therefore, as designed and conditioned, the on-site landscaping of the proposed project will be compatible with the existing and future developments in the neighborhood.

Loading/Trash Collection

The development is not required to provide a loading area pursuant to LAMC Section 12.21-C, 6, however resident loading will be provided within the at-grade parking level with access from the public alley. The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within a single trash/recycle room located at the south end of the ground floor parking level. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above, the project consists, of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighboring properties.

4. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

The project provides several recreational amenities for the residents of the project. Pursuant to Section 12.21-G,2 of the LAMC, there shall be 100 square feet of open space provided for each residential unit having less than three habitable rooms; 125 square feet of open space provided for each residential unit consisting of three habitable rooms; and 175 square feet of

open space provided for each residential unit containing more than three habitable rooms. The project is a residential development consisting of 149 apartment units. Whereas approximately 15,125 square feet of open space is required by the LAMC, the project will provide approximately 15,371 square feet of open space that is inclusive of common open areas as well as private (balcony) open space areas. The project will provide several amenities for residents, including, a lounge area, fitness room, and recreation room, all of which will be located on the fifth floor. For transit-dependent residents, the subject property is located within on-half mile of a Major Transit Stop. Therefore, the project contains adequate recreational amenities and is within close proximity to transit services which will contribute to the habitability of the residents of the 149 dwelling units and minimize the impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
6. Pursuant to Senate Bill (SB) 375 and Public Resources Code (PRC) Section 21155.1, a project that qualifies as a Transit Priority Project and is declared by a legislative body to be a Sustainable Communities Project is statutorily exempt from the California Environmental Quality Act (CEQA). These SB 375 clearances are intended to meet the goals of the Sustainable Communities Strategy to encourage higher density, infill development located near transit.

In order to qualify as a Transit Priority Project, the project must be consistent with general land use policies of an adopted Sustainable Communities Strategy per PRC Section 21155(a) and meet the criteria in PRC Section 21155(b) related to minimum density, residential uses, and distance from a major transit stop or high-quality transit corridor. In order to qualify as a Sustainable Communities Project, the project must meet all environmental criteria in PRC Section 21155.1 (a), all land use criteria in PRC Section 21155.1 (b), and one public benefit criteria in PRC Section 21155.1 (c). A public hearing must be held by City Council prior to declaring a project to be a Sustainable Communities Project and the City Council is required to find the necessary criteria are met in Subsections (a), (b) and (c) of PRC Section 21155.1. Unlike other CEQA clearances, the SCP Exemption must be approved by the City Council, even if the initial decisionmaker or appellate body is a lower decision-making body or officer. The City Council determined at its September 29, 2021 meeting that the project is exempt from CEQA pursuant to PRC 21155.1 as a Transit Priority Project and Sustainable Communities Project.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit; a project in closer proximity to significant rail stops or the intersection of major bus rapid transit lines is rated a higher tier. The largest bonuses are reserved for those projects in the highest tiers. Required percentages of affordable housing are also increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

TIME LIMIT – OBSERVANCE OF CONDITIONS

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

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

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles, the Marvin Braude Constituent Service Center in the Valley, or the West Los Angeles Development Services Center in West Los Angeles. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, (310) 231-2901, or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

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

TRANSFERABILITY

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

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective after **October 20, 2021** unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077
Planning.figcounter@lacity.org

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard,
Suite 251
Van Nuys, CA 91401
(818) 374-5050
Planning.mbc2@lacity.org

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2901
Planning.westla@lacity.org

Pursuant to LAMC Section 12.22-A.25(g)(2)(i)(f), only an applicant, abutting property owners, and abutting tenants can appeal this Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits, increase in FAR, and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Sections 12.22-A,25 and 12.22-A,31 of the LAMC, appeals of Transit Oriented Communities Affordable Housing Incentive Program cases are heard by the City Planning Commission.

The applicant or any person aggrieved by the Site Plan Review may appeal the decision to the City Planning Commission.

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

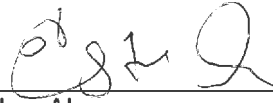
Note of Instruction Regarding the Notice of Exemption: Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the issuance of this letter. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, **and the possibility of a CEQA appeal**, being extended to 180 days.

VINCENT P. BERTONI, AICP
Director of Planning
Approved by:



Heather Bleemers
Senior City Planner

Reviewed by:



Esther Ahn
City Planner

Prepared by:



Trevor Martin
Planning Assistant

Attachments:
Exhibit A: Architectural Plans and Landscape Plans