



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: JULY 25, 2024

Case No.: DIR-2023-3859-TOC-SPR-HCA-1A

Council District: 10 – Hutt

CEQA: ENV-2023-3860-CE

Plan Area: Wilshire

Related Case: VTT-83914-CN-HCA-1A

Project Site: 3100 West Wilshire Boulevard; 3100 – 3108 West Wilshire Boulevard,
659 – 663 South Westmoreland Avenue

Applicant: 3100 Wilshire, LLC
Representative: Benjamin J. Hanelin, Latham & Watkins LLP

Appellant: CREED LA c/o Aidan P. Marshall, Adams, Broadwell, Joseph & Cardozo

The Los Angeles City Planning Commission (CPC) and the Applicant failed to mutually agree to extend the time for the appellate body to act beyond the specified 75 days pursuant to the Los Angeles Municipal Code Section 13A.2.8.F. Pursuant to LAMC Section 13A.2.8.F.2, the failure for the Commission to “render a timely decision shall result in the denial of the appeal.”

As such, the appeal to the CPC, filed on February 12, 2024, is denied, and the determination of the Director of Planning, dated January 26, 2024, is final. The Planning Director’s determination approved a Transit Oriented Communities (TOC) Affordable Housing Incentive Program housing development and Site Plan Review pursuant to Los Angeles Municipal Code Sections 12.22 A.31 and 16.05, respectively, for a project with an 80 percent increase in density and up to a 55 percent increase in Floor Area Ratio, along with two (2) Additional Incentives to: 1) utilize of any/all of the yard/setback requirements of the RAS3 Zone for a project in a commercial zone; and 2) a maximum reduction of 25 percent in the required amount of open space, for a qualifying Tier 4 project totaling 297 dwelling units, reserving a minimum of 33 units for Extremely Low Income (ELI) Household occupancy for a period of 55 years.

Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

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: Director of Planning Determination dated January 26, 2024, Appeal Filing Procedures (CEQA)

cc: Heather Bleemers, Senior City Planner
Michelle Carter, City Planner

VACANT
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DEPUTY DIRECTOR

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

January 26, 2024

Applicant / Owner

3100 Wilshire, LLC
8 10th Street
San Francisco, CA 94103

Representative

Katherine Casey
Psomas
555 South Flower Street, #4300
Los Angeles, CA 90071

Case No. DIR-2023-3859-TOC-SPR-
HCA

CEQA: ENV-2023-3860-CE

Location: 3100-3108 West Wilshire
Boulevard, 659-663 South
Westmoreland Avenue

Council District: 10 – Hutt

Neighborhood Council: Wilshire Center – Koreatown

Community Plan Area: Wilshire

Land Use Designation: Regional Center Commercial

Zones: C4-2, C2-2

Legal Description: Lots 1, 3, and 5, Calvin W.
Brown's Tract

Last Day to File an Appeal: February 12, 2024

**DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program and
Site Plan Review**

Pursuant to 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 Planning, I hereby:

- 1. Determine**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
- 2. Approve with Conditions** up to a 80 percent increase in density and up to a 55 percent increase in FAR, consistent with the provisions of the Transit

Oriented Communities (TOC) Affordable Housing Incentive Program, along with the following two (2) Additional Incentives for a qualifying Tier 4 project totaling 297 dwelling units, reserving a minimum of 33 units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:

- a. **Yards / Setbacks.** Utilization of any/all of the yard/setback requirements of the RAS3 Zone for a project in a commercial zone;
 - b. **Open Space.** A maximum reduction of 25 percent in the required amount of open space;
3. **Approve** a Site Plan Review for a development creating 50 or more residential dwelling units; and
4. **Adopt** the attached Findings.

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22 A.31 and 16.05 of the LAMC, 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 Planning. Each change shall be identified and justified in writing.
2. **On-site Restricted Affordable Units.** 33 units, or equal to a minimum of 11 percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing Department (LAHD) 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 LAHD to make 11 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 LAHD 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 LAMC Section 12.22 A.31, to the satisfaction of LAHD, and in consideration of the project's SB 8 or SB 330 Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD.

5. Base Incentives:

- a. **Residential Density.** The project shall be limited to a maximum density of 297 residential dwelling units (equal to a density increase of 80 percent), including On-site Restricted Affordable Units.
- b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 9.3:1 (equal to a FAR increase of 55 percent).
- c. **Parking:**
 - i. **Automotive Parking.** The project shall not be required to provide any minimum vehicle parking, consistent with AB 2097. The applicant may choose to provide a greater amount of vehicle parking.
 - ii. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 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 by the Department of Building and Safety consistent with LAMC Section 12.21 A.16.
 - iii. **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 LAHD.

6. Additional Incentives:

- a. **Yards.** The project shall be permitted to utilize any/all of the yard setback requirements of the RAS3 Zone for a project in a commercial zone.
- b. **Open Space.** The project shall be permitted a maximum reduction of 25 percent in the required amount of open space.

Design Conformance Conditions

7. **Building Facades:** The project shall utilize a minimum of two different materials on all building facades. Windows, doors, balcony railings, and decorative features (such as light fixtures, planters, etc.) shall not count towards this requirement.
8. **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.
9. **Parking.** With the exception of vehicle and pedestrian entrances and air grilles, any ground-level vehicle parking shall be shielded along all sides of the building with a high-quality

decorative material (concrete and stucco shall not meet this requirement) such that vehicle lights originating from inside the parking levels are not visible from off-property.

Site Plan Review Conditions

10. **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 on all exposed sides (those not adjacent to a building wall).
11. **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 night skies.
12. **Maintenance.** The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines, shall be maintained in an attractive condition and shall be kept free of trash and debris.
13. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
14. **Sustainability:**
 - a. The project shall comply with Section 99.05.211.1 of the LAMC regarding solar energy infrastructure.
 - b. 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 the LAMC.
15. **Historic Preservation.** The project shall maintain the existing commercial building to remain such that it retains sufficient integrity to remain eligible for inclusion on the National Register of Historic Places and/or the California Register of Historical Resources.

Administrative Conditions

16. **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.
17. **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.
18. **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.

19. **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.
20. **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.
21. **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.
22. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
23. **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.
24. **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.
25. **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 subject property consists of three contiguous lots encompassing a total of approximately 32,857 square feet (approximately 0.75 acres) of lot area. The property is rectangular-shaped and is located at the southwestern corner of the intersection of Wilshire Boulevard and Westmoreland Avenue, with street frontages of approximately 150 feet along the southern side of Wilshire Boulevard and approximately 220 feet along the western side of Westmoreland

Avenue. The project site is located within the Wilshire Community Plan, which designates the subject property for Regional Center Commercial land uses. The property is split-zoned, with the northern two lots fronting Wilshire Boulevard zoned C4-2, while the southern lot fronting Westmoreland Avenue is zoned C2-2. The project site is also located within a Transit Priority Area within the City of Los Angeles. The property is not within the boundaries of any other specific plan or interim control ordinance.

The subject property is currently developed with an existing three-story commercial building and surface parking lot. The proposed project involves the maintenance and reuse of the majority of the existing building and the demolition of a small back portion of the building and the surface parking areas for the construction of a new 34-story, approximately 393 feet-high residential tower with 297 residential units and approximately 7,110 square feet of commercial space. The proposed building will encompass approximately 305,784 square feet in total building area, resulting in a Floor Area Ratio (FAR) of approximately 9.3:1. Of the 297 proposed residential units, 33 units will be set aside for Extremely Low Income households to satisfy the TOC program requirements. Although pursuant to the provisions of Assembly Bill (AB) 2097 the project is not required to provide any vehicle parking, the applicant nevertheless proposes to provide 410 automobile parking spaces, including 400 residential parking spaces and 10 commercial parking spaces, in six subterranean parking levels and seven above-grade parking levels. The project will also provide 153 long-term bicycle parking spaces and 18 short-term bicycle parking spaces. The project proposes to provide at least 24,244 square feet of open space to meet the requirements of the TOC program and the LAMC, divided between outdoor pool and amenity decks and various interior amenity spaces and common rooms. The project will maintain a front yard and easterly side yard of zero feet along Wilshire Boulevard and Westmoreland Avenue, respectively, as permissible by LAMC Section 12.22 A.18(c)(3) for mixed-use residential and commercial projects fronting a street; the project proposes to utilize the yard requirements of the RAS3 Zone for a project in a commercial zone, as permissible by the TOC Guidelines, for the westerly side yard and southerly rear yard.

Streets

Wilshire Boulevard, adjoining the subject property to the north, is a designated Avenue I, with a designated right-of-way width of 100 feet. At the subject property's street frontage, Wilshire Boulevard is currently dedicated to a total right-of-way width of 100 feet and improved with curb, gutter, and sidewalk.

Westmoreland Avenue, adjoining the subject property to the east, is a Standard Local Street, with a designated right-of-way width of 60 feet. At the subject property's street frontage, Westmoreland Avenue is currently dedicated to a total right-of-way width of 60 feet and improved with curb, gutter, and sidewalk.

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 1/2 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.

The subject property is located within a Tier 4 TOC Affordable Housing Incentive Area, qualified by its proximity to the intersection of a Major Transit Stop. The project site is located at the intersection of Wilshire Boulevard and Westmoreland Avenue, approximately 300 feet southeast of the Wilshire/Vermont Station on the Metro B and D subway lines, and approximately 500 feet east of the intersection Wilshire Boulevard and Vermont Avenue, where the Wilshire/Vermont Station intersects with the Metro 18 bus line, classified as a NextGen Tier 1 Rapid bus line. As such, the project meets the eligibility requirement for a TOC Housing Development to be located within 2,640 feet of a Major Transit Stop and the eligibility requirement for a Tier 4 project to be located within 750 feet of the intersection of a rail station and a rapid bus line with an average service interval frequency of less than 15 minutes during peak times.

The project meets all eligibility requirements for the TOC Affordable Housing Incentive Program. As an eligible Housing Development and pursuant to the TOC Guidelines, the project is eligible for Base Incentives and up to three Additional Incentives. As base incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 80 percent; and (2) provide zero automobile parking (which may also be permissible by State law). The project is seeking an 80 percent density increase and proposes to provide more vehicle parking than required. The project is also requesting two Additional Incentives, for the utilization of any/all of the yard setback requirements of the RAS3 Zone for a project in a Commercial Zone, and a maximum reduction of 25 percent in the required amount of open space. The project meets the TOC Guideline requirements of providing at least seven percent of the base units for Extremely Low Income Households in exchange for being granted the two requested Additional Incentives. The project is setting aside 33 units for Extremely Low Income Households, which equates to approximately 20 percent of the 165 base units permitted through the underlying zoning of the site.

HOUSING REPLACEMENT BACKGROUND

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, Governor Brown 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, and as amended by SB 8), which 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 (and as amended by SB 8) creates, among other things, 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 project shall provide at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the property within the past 5 years. Additionally, the project must also replace all existing or demolished “Protected Units”.

The subject property is currently developed entirely with commercial uses and associated surface vehicle parking. LAHD has determined, per the SB 8 Replacement Unit Determination letter dated September 15, 2022, that the property has been entirely developed with commercial uses during the applicable review period and therefore no replacement units are required. The project will comply with any additional applicable requirements of LAHD. The Determination made by LAHD provides additional information.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS AND APPLICATION AND APPROVALS

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 4 TOC Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve a minimum of 11 percent of the total number of on-site dwelling units for Extremely Low Income Households. The project will reserve a total of 33 on-site dwelling units for Extremely Low Income Households, which equates to 11 percent of the 297 total dwelling units proposed as part of the Housing Development, and thus 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 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 means a site with an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The project site is located at the intersection of Wilshire Boulevard and Westmoreland Avenue, approximately 300 feet southeast of the Wilshire/Vermont Station on the Metro B and D subway lines, and approximately 500 feet east of the intersection Wilshire Boulevard and Vermont Avenue, where the Wilshire/Vermont Station intersects with the Metro 18 bus line, classified as a NextGen Tier 1 Rapid bus line. As such, the project meets the eligibility requirement for a TOC Housing Development to be located within 2,640 feet of a Major Transit Stop and the eligibility requirement for a Tier 4 project to be located within 750 feet of the intersection of a rail station and a rapid bus line with an average service interval frequency of less than 15 minutes during peak times.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by LAHD 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.*

Pursuant to the Determination made by LAHD dated September 15, 2022 and attached to the subject case file, the property has been entirely developed with commercial uses during the applicable review period and therefore no replacement units are required. The project will comply with any additional applicable requirements of LAHD. The Determination made by LAHD provides additional information. 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. As such, 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 the Eligibility Requirement No. 1 above (except Moderate Income units).*
- a. *One 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 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 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 also requesting two Additional Incentives, for the utilization of any/all of the yard setback requirements of the RAS3 Zone for a project in a Commercial Zone, and a maximum reduction of 25 percent in the required amount of open space. The project meets the TOC Guideline requirements of providing at least seven percent of the base units for Extremely Low Income Households in exchange for being granted the two requested Additional Incentives. The project is setting aside 33 units for Extremely Low Income Households, which equates to approximately 20 percent of the 165 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 any Additional Incentives beyond the one permitted in exchange for reserving at least seven percent of the base units for Extremely Low Income Households. The project is setting aside 33 units for Extremely Low Income Households, which equates to approximately 20 percent of the 165 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 3 contiguous lots, all of which are within 750 feet of the intersection of a rail station and a rapid bus lines with an average service frequency interval of less than 15 minutes during peak times. As such, the subject property is entirely located within a Tier 4 eligibility area.

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 is not seeking eligibility for an increase in one Tier than otherwise would be provided.

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 of the TOC Guidelines.*

The project seeks two (2) Additional Incentives. The proposed development conforms to the Citywide Design Guidelines and has been conditioned to ensure a well-designed development and compliance with the Design Guidelines. The project has been designed to incorporate visually interesting variations in building material and massing. Additionally, the project has been conditioned to provide glazing and transparent surfaces along the street frontages as well as landscaping and buffers around all utilities such as transformers and to completely enclose any visible automobile parking to minimize impacts on surrounding properties. These design features do not preclude the provision of the permitted density of residential units. Thus, the project conforms to the applicable design guidelines and conditions have been imposed accordingly.

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

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

1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

- a. *The incentives 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 do not result in identifiable and actual 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 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, allow for design efficiencies, and accommodate the construction of floor area to support the operational costs and construction of the affordable housing units.

Yards/Setbacks. The requested incentive to reduce any of the required yard setback requirements by utilizing the yard setback requirements of the RAS3 Zone for a project in a commercial zone is expressed in the Menu of Incentives in the TOC 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 the rear and side yard setback requirements of the RAS3 Zone, to permit setbacks of five feet in lieu of the otherwise required amount. 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 provision of additional housing units at higher income levels offsets costs associated with providing affordable housing units at the Extremely Low Income level and enables the provision of additional units set aside for Extremely Low Income households. Therefore, the incentive further supports the applicant's decision to reserve 33 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Open Space. The requested incentive to reduce the required amount of open space is expressed in the Menu of Incentives in the TOC 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 reduce the amount of open space by 25 percent. The requested incentive allows the developer to expand the building footprint and enables the provision of additional floor area and more residential units, including affordable units, while remaining in compliance with all other applicable zoning regulations. The provision of additional housing units at higher income levels offsets costs associated with providing

affordable housing units at the Extremely Low Income level and enables the provision of additional units set aside for Extremely Low Income households. Therefore, the incentive further supports the applicant's decision to reserve 33 units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Therefore, both Additional Incentives results in identifiable and actual cost reductions to provide for affordable housing.

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

There is no evidence that the proposed 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. There is an existing building on the subject property which is eligible for inclusion on the National Register of Historic Places and is therefore a recognized historic resource. Although the project involves the demolition of a small unoriginal addition in the rear of the building, the rest of the building will remain and be reutilized and will remain entirely eligible for historic designation. Accordingly, the project will not have a significant impact on any historic resources.

The project site is located within a Methane Buffer Zone and thus will be required to comply with all applicable regulatory measures governing construction in such areas, which will prevent any significant impacts. The property is not located in a Liquefaction zone, on a substandard street in a Hillside area, in a Very High Fire Hazard Severity Zone, or in any other special hazard area. The project is required to comply with all other pertinent regulations including those governing construction, use, and maintenance, and will not create any significant direct impacts on public health and safety. 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 laws.

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 project site is located within the Wilshire Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Regional Center Commercial land uses corresponding to the CR, C1.5, C2, C4, P, PB, R3, R4, R5, RAS3, and RAS4 zones. The subject property is zoned C4-2 and C2-2, and is thus consistent with the land use designation on the site. The project site is also located within the Wilshire Center / Koreatown Redevelopment Project Area, a Transit Priority Area in the City of Los Angeles, and the Los Angeles State Enterprise Zone. There are no specific plans or any other overlays pertaining to the project site.

The project site is located within the Wilshire Center / Koreatown Redevelopment Project Area; accordingly, the project has been reviewed for consistency and compliance with the Wilshire Center / Koreatown Redevelopment Plan. The project is consistent with the goals of the Redevelopment Plan, which seeks to enhance the physical appearance of the area and encourage the development and provision of housing, among other goals. The project proposes to redevelop an underutilized portion of the project site with a new modern residential building with interesting architectural features and materials, thereby enhancing the appearance of a major arterial corridor while providing much-needed new high-quality housing. The project will entirely maintain in-place an existing historic building, thereby preserving existing historic resources and commercial service space in the densely developed core of the Wilshire corridor. Therefore, the project is substantially consistent with and will not conflict with the Wilshire Center / Koreatown Redevelopment Plan.

With the exception of the requests herein, which enable the provision of affordable housing units, the proposed project is otherwise consistent with the requirements of the underlying zone. The project proposes a new mixed-use residential and commercial development on a site designated for such uses. The requested Incentives are permissible by the provisions of the TOC program and the project will comply with all other applicable provisions of the zoning code.

The project is also consistent with the following goals and objectives of the Wilshire Community Plan:

GOAL 1: "PROVIDE A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE WILSHIRE COMMUNITY."

Objective 1-1: "Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010."

Objective 1-2: "Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops."

Objective 1-4: “Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.”

The project is further consistent with other elements of the General Plan, including the Framework Element, the Housing Element, and the Mobility Element. The Framework Element was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The project supports the following goals and objectives of the Framework Element:

GOAL 4A: “AN EQUITABLE DISTRIBUTION OF HOUSING OPPORTUNITIES BY TYPE AND COST ACCESSIBLE TO ALL RESIDENTS OF THE CITY.”

Objective 4.1: “Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City sub-region to meet the projected housing needs by income level of the future population...”

The Housing Element of the General Plan provides land use policies and programs that encourage development of affordable housing across the City. The project also supports the following goals and objectives of the Housing Element:

GOAL 1: “HOUSING PRODUCTION AND PRESERVATION.”

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

GOAL 2: “SAFE, LIVEABLE, AND SUSTAINABLE NEIGHBORHOODS.”

Objective 2.2: “Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.”

Objective 2.5: “Promote a more equitable distribution of affordable housing opportunities throughout the City.”

The Mobility Element of the General Plan, also known as Mobility Plan 2035, provides policies with the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

Policy 3.3: “Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.”

Policy 5.2: “Support ways to reduce vehicle miles traveled (VMT) per capita.”

Policy 5.4: “Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.”

The project proposes the development of a new multi-family development that will provide much-needed housing, including affordable housing. Accordingly, the project fulfills the Community Plan, Framework Element, and Housing Element goals and objectives of providing quality housing for all persons in the community, including those at all income levels. The project utilizes development incentives to provide a higher number of residential units than would otherwise be permitted, thereby facilitating the creation of a higher number of affordable units and addressing the need for affordable housing in the City.

The project is located on Wilshire Boulevard, a major arterial roadway designated in the Community Plan as a desired “mixed-use boulevard”; as such, the project fulfills this goal with the exact type of development envisioned and desired for this location. Additionally, the project is located in central Los Angeles in a heavily urbanized and bustling neighborhood developed with extensive jobs, services, and transit, and less than one block from a subway station. Thus, by locating higher-density development along major transit corridors, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT. The project will further promote mobility and sustainable environments by providing active and transparent building facades, amenities such as outdoor open space, and incorporating new and additional landscaping, all of which will significantly improve pedestrian movement and the quality of the streetscape in the area. The proposed improvements represent a significant improvement over the existing site conditions which consist of a surface parking lot and help realize the City’s goals.

In addition, the project has been conditioned to include sustainability features in conformance with current building code requirements, such as alternative energy and electric vehicle infrastructure. Together, these conditions further support applicable policies in the Health and Wellness Element, Air Quality Element, and Mobility Element of the General Plan by reducing the level of pollution/greenhouse gas emissions, ensuring new development is compatible with alternative fuel vehicles, and encouraging the adoption of low emission fuel sources and supporting infrastructure. These conditions also support good planning practice by promoting overall sustainability and providing additional benefits and conveniences for residents, workers, and visitors.

The project contributes to and furthers the relevant goals, objectives, and policies of the plans that govern land use and development in the City. In addition, the project does not substantially conflict with any applicable plan or other regulation. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable Community Plan, and the applicable redevelopment plan.

3. 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 subject property consists of three contiguous lots encompassing a total of approximately 32,857 square feet of lot area. The property is rectangular-shaped and is located at the southwestern corner of the intersection of Wilshire Boulevard and Westmoreland Avenue.

The subject property is currently developed with an existing three-story commercial building and surface parking lot. The proposed project involves the maintenance and

reuse of the majority of the existing building and the demolition of a small back portion of the building and the surface parking areas for the construction of a new 34-story, approximately 393 feet-high residential tower with 297 residential units and approximately 7,110 square feet of commercial space. The proposed building will encompass approximately 305,784 square feet in total building area, resulting in a Floor Area Ratio (FAR) of approximately 9.3:1. Of the 297 proposed residential units, 33 units will be set aside for Extremely Low Income households to satisfy the TOC program requirements. Although pursuant to the provisions of Assembly Bill (AB) 2097 the project is not required to provide any vehicle parking, the applicant nevertheless proposes to provide 410 automobile parking spaces, including 400 residential parking spaces and 10 commercial parking spaces, in six subterranean parking levels and seven above-grade parking levels. The project will also provide 153 long-term bicycle parking spaces and 18 short-term bicycle parking spaces. The project proposes to provide at least 24,244 square feet of open space to meet the requirements of the TOC program and the LAMC, divided between outdoor pool and amenity decks and various interior amenity spaces and common rooms. The project will maintain a front yard and easterly side yard of zero feet along Wilshire Boulevard and Westmoreland Avenue, respectively, as permissible by LAMC Section 12.22 A.18(c)(3) for mixed-use residential and commercial projects fronting a street; the project proposes to utilize the yard requirements of the RAS3 Zone for a project in a commercial zone, as permissible by the TOC Guidelines, for the westerly side yard and southerly rear yard.

The project and all of its pertinent improvements will be compatible with neighboring properties. The project is a desirable mixed-use residential and commercial development in a location and neighborhood zoned and designated for such uses. The project site is located in a heavily developed area in close proximity to high-quality transit options. The project will provide much-needed affordable housing and will not preclude any future development on the subject property or on any adjacent property. Accordingly, the project has been designed such that its significant features and improvements will be compatible with the surrounding area, as follows:

Height, Bulk, Setbacks

As depicted in Exhibit "A", the proposed project consists of the construction of a new 34-story mixed-use building. The proposed building will encompass approximately 305,784 square feet in total building area and will rise to a height of approximately 393 feet (with limited exceptions for roof structures, per the LAMC).

The City's zoning regulations, specifically those that govern building height, mass, and location on a property, are intended to ensure that a development is compatible with its surroundings and is appropriate for its location. The underlying C4-2 and C2-2 Zones limit the project to a maximum FAR of 6:1, although it does not prescribe any building height limits. However, as a TOC development the project is eligible for Incentives to increase the FAR; accordingly, the project is seeking Incentives to permit the maximum FAR as proposed. As there is no underlying height limit, the project is entirely consistent with the underlying zone with regards to building height.

LAMC Section 12.22 A.18(c)(3) states in pertinent part that "No yard requirements shall apply to the residential portions of buildings located on lots in the CR, C1, C1.5, C2, C4, and C5 Zones used for combined commercial and residential uses, if such portions are used exclusively for residential uses, abut a street, private street or alley, and the first floor of such buildings at ground level is used for commercial uses or for access to the

residential portions of such buildings”. As the project meets the provisions of this section, no yard requirements apply to the northerly and easterly yards, where zero-foot yards are proposed. The project proposes to utilize the yard setback requirements of the RAS3 Zone for the westerly and southerly yards, as permitted by an Additional Incentive pursuant to the TOC Guidelines.

The proposed building height, mass, and setbacks are all consistent/permissible with all applicable zoning regulations and the TOC Guidelines, and as a result will be compatible with adjacent properties. The project will complement many existing multi-family, commercial, and mixed-use high-rise developments in the area. The proposed building’s active and transparent façade along Wilshire Boulevard and Westmoreland Avenue will enhance and contribute to the vibrancy of a heavily developed commercial corridor. Additionally, as the project site is located near a Major Transit Stop, the project will enhance and encourage pedestrian mobility and access. The project further varies building mass with the existing historic building to remain at the street intersection and the proposed tower to the rear, and provides interesting architectural features such as glazing and shielding treatments along the street frontages. Furthermore, the project meets all required setback requirements. Therefore, the project’s height, mass, and setbacks will be compatible with adjacent properties.

Site Layout – Parking, Trash Collection, Landscaping, and Lighting

At the ground floor, the project proposes commercial tenant spaces and a residential lobby prominently located along the Westmoreland Avenue street frontage. Vehicle parking will be provided in the remainder of the ground floor, with vehicular access, loading, and trash collection also located off of Westmoreland Avenue.

The proposed site layout is thoughtful and will minimize any potential impacts to the project’s surroundings. The main street frontages along Wilshire Boulevard and Westmoreland Avenue as well as the street intersection are all activated with transparent semi-public and commercial uses activating the existing historic building to remain. Furthermore, the project features a variety of unique building façade materials and architectural features; these design elements will enhance the project’s surroundings, encourage pedestrian activity along the street, and facilitate movement and access along a major arterial commercial corridor.

Short-term bicycle parking is proposed along the street frontage at the ground level, while long-term bicycle parking is stored in dedicated enclosures at the rear of the second level; both locations maximize convenience and enable residents and guests to safely and easily access an alternative mode of transportation. The proposed trash collection location is also easily accessible yet fully enclosed within the building footprint, thereby shielding the trash enclosures from view by adjacent properties.

The project includes several prominent open space areas, including open recreation and pool decks at the eighth and thirty-third levels. These areas will be landscaped with planters and provide valuable outdoor recreation and amenity space. As such, the project will both enhance the surrounding area and be compatible with other improvements on the subject property and abutting properties.

Furthermore, appropriate lighting and additional landscaping have been conditioned and will be provided in accordance with the requirements of the LAMC. The project has been designed to provide adequate lighting for operation and safety and to meet all regulations

while limiting potential impacts. Additional landscaping such as street trees will be provided throughout the property per the requirements of the applicable City agencies. Therefore, for all of these reasons, the project will significantly improve the physical appearance of the property and will be compatible with existing and future development on the subject property and on surrounding properties.

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

The project proposes to provide at least 24,244 square feet of open space to meet the requirements of the TOC program and the LAMC, divided between outdoor spaces on the eighth floor and the thirty-third floors, interior amenity spaces and common rooms on the third floor, and private balconies accessible through various individual units. In practice the project proposes an additional approximately 24,000 square feet of exterior and interior open space that is not counted towards LAMC requirements.

The project will provide a wide array of high-quality recreational and service amenities for residents of the development. The outdoor decks will provide landscaping, seating, casual dining, pools, and other amenities for residents and guests. Various indoor fitness center and lounge spaces will provide further unique and valuable amenities for residents and guests. The project will also provide private outdoor spaces in the form of balconies accessible through various individual units, thereby adding quality and value to individual residences. Therefore, the project provides many different recreational and service amenities which will improve habitability for residents, and will minimize impacts on neighboring properties.

ENVIRONMENTAL 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 outside of a flood zone.

OBSERVANCE OF CONDITIONS – TIME LIMIT – LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. 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.

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.

VIOLATION OF THESE CONDITIONS, A MISDEMEANOR

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.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

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

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

Metro DSC
(213) 482-7077
201 North Figueroa Street,
4th Floor

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard,
Suite 251

West Los Angeles DSC
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard,

Los Angeles, CA 90012
Planning.figcounter@lacity.org

Van Nuys, CA 91401
Planning.mbc2@lacity.org

2nd Floor
Los Angeles, CA 90025
Planning.westla@lacity.org

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

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to Online
Appeal Filing



QR Code to Forms for
In-Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

Pursuant to LAMC Section 12.22 A.25(g)(2)(i)(f), only an applicant, abutting property owners, and abutting tenants can appeal the TOC portion of this Determination. Pursuant to LAMC Section 16.05, any party can appeal the Site Plan Review portion of this Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits, 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.

Note of Instruction Regarding the Notice of Exception: Applicant is hereby advised to file the Notice of Exception for the associated Class 32 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

Prepared by:



More Song
City Planner

Attachments:

Exhibit A: Architectural Plans



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

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

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

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

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1828 Sawtelle Boulevard

West Los Angeles, CA 90025

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

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



QR Code to Online Appeal Filing



QR Code to Forms for In-Person Filing