



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: AUG 16 2019

Case No. **CPC-2019-1010-CU-DB**
CEQA: ENV-2016-4283-MND-REC1
Plan Area: Van Nuys – North Sherman Oaks

Council District: 4 – Ryu

Project Site: 14534-14536 West Burbank Boulevard

Applicant: Erika Villablanca, Mercy Housing
Representative: Jim Ries, Craig Lawson & Co., LLC

At its meeting of **August 8, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing three-unit multi-family residence and accessory structures and the construction, use, and maintenance of a new 100 percent affordable (exclusive of one manager's unit) four-story 46-foot high residential building consisting of 55 dwelling units, of which 17 will be set aside for Very Low Income households, 37 for Low Income households, and one reserved as a manager's unit. The development will house formerly homeless seniors over the age of 62. The Project will provide 17 automobile parking spaces in one subterranean parking level.

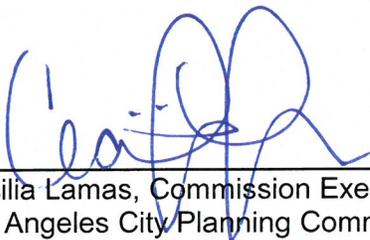
1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in Mitigated Negative Declaration No. ENV-2016-4283-MND adopted on May 8, 2017; and pursuant to CEQA Guidelines Sections 15162 and 15164, as supported by the addendum dated June 24, 2019, no major revisions are required to the Mitigated Negative Declaration; and no subsequent EIR or negative declaration is required for approval of the project;
2. **Approved**, pursuant to Section 12.24 U.26 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit to allow a Density Bonus for a housing development project in which the density increase is greater than otherwise permitted by LAMC Section 12.22 A.25;
3. **Approved**, pursuant to LAMC Section 12.22 A.25, a Density Bonus Compliance Review to permit a housing development project consisting of 55 dwelling units, of which 17 will be set aside for Very Low Income households, 37 for Low Income households, and one reserved as a manager's unit, with vehicular parking provided pursuant to AB 744, and with the following Incentives and waiver of development standards:
 - a. An On-Menu Incentive to allow a maximum Floor Area Ratio (FAR) of 3.5 to 1 in lieu of the otherwise permitted 3.0 to 1 FAR pursuant to LAMC Section 12.21.1 A;
 - b. An On-Menu Incentive to allow a maximum height of 46 feet in lieu of the otherwise permitted 35 feet pursuant to Ordinance No. 167,939 (with up to 10 additional feet in height permitted for mechanical equipment, stairways, elevator towers, etc. as permitted by LAMC Section 12.21.1 B.3);
 - c. An Off-Menu Incentive to allow 3,920 square feet of open space in lieu of the otherwise required 5,500 square feet of open space, pursuant to LAMC Section 12.21 G; and

- d. An Off-Menu waiver to allow a 20-foot front yard before street dedications in lieu of the otherwise required 28-foot building line required before street dedications, pursuant to Ordinance No. 98921;
- 4. **Adopted** the attached Modified Conditions of Approval; and
- 5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman
 Second: Ambroz
 Ayes: Khorsand, Leung, Millman, Mitchell
 Nay: Mack
 Absent: Choe, Padilla-Campos

Vote: 6 – 1



Cecilia Lamas, Commission Executive Assistant
 Los Angeles City Planning Commission

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

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

FINAL APPEAL DATE: SEP 03 2019

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

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

Attachments: Modified Conditions of Approval, Findings

- c: Nicholas Hendricks, Senior City Planner
- Courtney Shum, City Planner
- More Song, Planning Assistant

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission on August 8, 2019)

In a letter dated May 14, 2019, the Sherman Oaks Neighborhood Council (SONC) stated their conditional support for the project, with a list of six conditions. These regard the inclusion of an on-site live-in property manager, periodic report-backs and check-ins to the SONC by the applicant, the provision of a proposed second driveway along the front façade of the building, and shielding of mechanical equipment. Some of these conditions have been included hereafter as Conditions of Approval for the project; however, some conditions have not been included. The requests herein have been approved without the provision of the second driveway. For the remaining conditions requested by the SONC that have not been included hereafter as Conditions of Approval, while they are not to be considered Conditions of Approval, it has been noted on the record that the applicant has nonetheless agreed to enter into a private agreement with the SONC agreeing to those conditions.

Pursuant to Sections 12.22-A,25 and 12.24-U,26 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, landscape plan, renderings, and materials submitted by the applicant, stamped "Exhibit A", and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 55 dwelling units.
3. **Affordable Units:**
 - a. 54 units shall be reserved as affordable. A minimum of 17 units, equal to 127 percent of the base density of 13 units, shall be reserved as Very Low Income units, as defined by State Density Bonus Law per California Government Code Section 65915(c)(2). The remaining units shall be reserved as Low Income units as defined by the United States Department of Housing and Urban Development (HUD).
 - b. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of HCIDLA to make 127 percent of the site's base density units available to Very Low Income households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of HCIDLA, and in consideration of the project's AB 2556 Determination Letter, dated July 17, 2019. 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 HCIDLA.
5. **Incentives and Waiver of Development Standards:**

- a. Floor Area Ratio. The project is permitted a FAR of 3.5 to 1 in lieu of the otherwise permitted 3.0 to 1 FAR.
 - b. Height. The project is permitted a maximum building height of 46 feet in lieu of the otherwise permitted 35 feet. The measured height of the building may exclude roof structures and equipment, pursuant to LAMC Section 12.21.1, and to the satisfaction of the Los Angeles Department of Building and Safety.
 - c. Open Space. The project is permitted to provide 3,920 square feet of open space (as calculated per Section 12.21-G of the LAMC) in lieu of the otherwise required 5,500 square feet of open space. To utilize this reduction, the project shall provide sufficient landscaping to qualify for a minimum of 110 percent of the number of landscape points otherwise required by Section 12.40 of the LAMC and Landscape Ordinance Guidelines "O".
 - d. Front Yard. The project is permitted a 20-foot front yard setback before street dedications in lieu of the otherwise required 28-foot front yard setback before street dedications.
6. **Design:**
- a. All building facades shall utilize a minimum of two different materials. Windows, doors, balcony railings, and decorative features (such as light fixtures, planters, etc.) are excluded from meeting this requirement.
 - b. All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer shall be screened with landscaping on all exposed sides (those not adjacent to a building wall).
7. **Amenities:**
- a. The project shall provide an interior community/common room of a minimum of 1,460 square feet, as depicted on the plans in Exhibit A.
 - b. The project shall provide a 615 square-foot landscaped patio in the front yard, as depicted on the plans in Exhibit A.
8. **Streetscape.** Doors, windows, and/or other transparent glazing along the building's ground floor façade facing Burbank Boulevard shall total no less than 35 feet in width, as depicted in Exhibit A.
9. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval. The project shall minimize the number of curb cuts on the subject property, to the satisfaction of LADOT.
10. **Parking:**
- a. Minimum residential automobile parking requirements shall be provided consistent with California Government Code Section 65915(p). The project may utilize this code section to provide 0.3 on-site parking spaces per unit for a special needs housing development, as defined in Section 51312 of the Health and Safety Code, so long as

the project meets all applicable requirements to qualify as a special needs housing development.

- b. Tenants of the market rate manager's unit shall have the option to lease parking spaces separately from the residential dwelling units.
- c. Adjustment of Parking. In the event that the composition of residential changes (i.e. the number of bedrooms), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
- d. Bicycle Parking. Residential bicycle parking shall be provided consistent with LAMC 12.21-A,16.
- e. All vehicular parking shall be provided underground and shall not be visible from any public right-of-way.

11. **Landscaping:**

- a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
- b. A landscape buffer consisting of a planter wall and trees shall be located along the southern property line abutting RD1.5-zoned properties to the rear of the subject property, as depicted on the plans in Exhibit A.
- c. Prior to the issuance of a certificate of occupancy, a minimum six-foot high wall made of slumpstone, decorative masonry, or other similar screening material shall be constructed along the southern property line, if no such wall already exists.

12. **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.

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. A minimum of 15 percent of the total available roof area shall be reserved for the installation of solar panels. The solar panels shall be installed prior to the issuance of a certificate of occupancy. The lowest point of any solar panel may not be more than five feet above the roof line.
- b. The project shall include at least 20 percent of the total number of automobile parking spaces provided as capable of supporting future electric vehicle supply equipment (EVSE). The project shall equip at least five percent of the total number of automobile parking spaces provided with electric vehicle charging stations to immediately

- accommodate electric vehicles within the parking area. Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics, and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. The number of parking spaces shall be rounded up when the application of the 20 percent and the five percent results in a fraction. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
15. **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.
 16. **Community Liaison.** The project shall designate a community liaison responsible for responding to any concerns regarding the building's operations. Signage shall be posted on the site with the phone number and contact information of the liaison. Any inquiries shall be responded to within 24 hours of placement of the inquiry.

Environmental Conditions (Project Design Features)

17. **PDF I-1 Glass Glare Minimization.** Glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare (e.g., minimize the use of glass with mirror coatings). Consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended, glass with coatings required to meet the Energy Code requirements shall be permitted.
18. **PDF XIII-1 Construction Noise Minimization.** Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project Site. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. Equipment shall be shut off and not left to idle when not in use. Efforts shall be made to bring construction noise as far from residences as possible.
19. **PDF XIII-2 Construction Sound Barrier.** During demolition, grading, building construction, and paving, a temporary sound barrier of at least 8-feet tall on the eastern, western, and southern property boundaries shall be installed. In addition, a temporary sound barrier of at least 8-feet tall along as much of the northern property line as is feasible during paving activities shall be installed. The noise control barriers shall be engineered to reduce construction-related noise levels at the adjacent structures by at least 11 dBA on the east and west, 9 dBA on the south, and 1 dBA on the north. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all activities on the Project Site are complete.
20. **PDF XIII-3 Sound Blanket.** If pneumatic equipment is to be utilized during building construction of the second through fourth floors, silencers shall be used and/or sound blankets hung from the framework of the proposed building, to block the line of sight between the tools and the adjacent buildings. Sound blankets can be removed when walls and windows have been installed.

21. **PDF XIII-4 Vibratory Minimization.** Vibrator rollers and/or any other equivalent vibratory equipment shall not be utilized within 22 feet and bulldozers shall not be utilized within 13 feet of the adjacent residential buildings to the east, west, and south. Small bulldozers (less than 125 horsepower) may be utilized along the property line.
22. **PDF XV-1 Access Control.** The Project shall include access controls in the forms of a closed-circuit security camera system, keycard entry for the building, and gated access to the parking garage.
23. **PDF XV-2 Crime Prevention Unit Consultation.** Prior to the issuance of a building permit, the Project Applicant or its successor shall consult with LAPD's Crime Prevention Unit regarding the incorporation of any crime prevention features appropriate for the design of the Project.
24. **PDF XV-3 Property Diagram Submittal.** Upon completion of the Revised Project, the Project Applicant or its successor shall submit a diagram of the property to the Van Nuys Community Commanding Officer. The diagram shall include access routes and any additional information that may facilitate police response to the Project Site.
25. **PDF XVII-1 Construction Staging and Traffic Management Plan.** A Construction Staging and Traffic Management Plan shall be developed by the Applicant and approved by the Los Angeles Department of Transportation. The Construction Staging and Traffic Management Plan shall facilitate traffic and pedestrian movement and minimize the potential conflicts between construction activities, street traffic, bicyclists and pedestrians. The Construction Staging and Traffic Management Plan shall include, but not be limited to, the following:
 - a. Prohibition of construction worker parking on nearby residential streets.
 - b. Worker parking would be provided on-site or in designated offsite public parking areas.
 - c. Temporary traffic control during all construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flag men).
 - d. Scheduling of construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible, to reduce the effect on traffic flow on surrounding streets.
 - e. Construction-related vehicles shall not park on surrounding public streets.
 - f. Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers as appropriate.
 - g. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
 - h. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging.
 - i. In the event of a lane or sidewalk closure, traffic and/or pedestrians shall be routed around any such lane or sidewalk closures.

- j. Identify the locations of the offsite truck staging, which shall be in a legal area, and shall detail measures to ensure that trucks use a specified haul route along either Burbank Boulevard or Van Nuys Boulevard, and do not travel through nearby residential neighborhoods.
- k. Schedule vehicle movements to ensure that there are no vehicles waiting offsite and impeding public traffic flow on the surrounding streets.

Environmental Conditions (Mitigation Measures)

26. **MM I-1 Outdoor Lighting.** Outdoor lighting shall 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.
27. **MM IV-1 Tree Removal.** Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the Site and within the adjacent public right(s)-of-way. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the Site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirement.
28. **MM V-1 Tribal Cultural Resources Monitoring.** During the course of any ground disturbance activities, the Applicant, or their agent, shall retain a professional Native American monitor(s). Ground disturbance activities shall include the following: excavation, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity. Monitoring of the Project Site during ground during ground disturbance activities shall comply with the following:
 - a. The Applicant, or their agent, shall obtain a professional Native American monitor, or monitors, by contacting the Fernandeano Tataviam Band of Mission Indians. Prior to the issuance of a grading permit, evidence shall be provided to the Department of City Planning that monitor(s) have been obtained;
 - b. A monitor shall be secured for each grading unit. In the event that there are simultaneous grading units operating at the same time, there shall be one monitor per grading unit;
 - c. In the event that subsurface archaeological resources, human remains, or other tribal cultural resources are encountered during the course of ground disturbance activities, all such activities shall temporarily cease on the Project Site until the archaeological or other tribal cultural resources are assessed and subsequent recommendations are determined by a qualified archaeologist. In the event that human remains are discovered, there shall be no disposition of such remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, including the required notification to the County Coroner and the Native American Heritage Commission;

- d. In the event that subsurface resources are encountered during the course of ground disturbance activities, the qualified archaeologist on the Site shall specify a radius around where resources were encountered to protect such resources until the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 have been fulfilled. Project activities may continue outside of the designated radius area

Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the natures of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC).

29. **XV-1 Construction Site Fencing.** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

Administrative Conditions

30. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
31. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
32. **Notations on Plans.** Plans submitted to the Department of Building and Safety for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
33. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of city Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
34. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
35. **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.

36. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
37. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
38. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
39. **Expedited Processing Section.** 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.
40. **Indemnification and Reimbursement of Litigation Costs**

Applicant shall do all of the following:

- a. 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. 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).
- d. 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).

- e. 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 include 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.

FINDINGS

Density Bonus / Affordable Housing Incentives Findings for Requested Incentives

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 of Planning finds that¹:
 - a. *The Incentive does 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 cost reductions 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.

Based on the set-aside of 15 percent of the base density for Very Low Income households, the applicant is entitled to three Incentives under both Government Code Section 65915 and the LAMC. Accordingly, the requested two On-Menu Incentives for an increase in FAR and height and single Off-Menu Incentive for a reduction in open space qualify as Incentives. The additional request for a reduction in the front yard setback is processed as a Waiver of Development Standards (with separate findings, per Finding No. 2 below). The three requested Incentives provide cost reductions that provide for affordable housing costs because the incentives by their nature increase the scale of the project, which facilitates the creation of more affordable housing units.

FAR

The subject property is zoned [Q]R3-1; residential developments in this zone are limited to a maximum FAR of 3.0 to 1. Per the LAMC, the project is permitted a maximum increase of 35 percent in FAR as an on-menu Incentive. The applicant is requesting a 17 percent increase in FAR, to 3.5 to 1. This increase permits the project to expand the building envelope and provide an additional 4,095 square feet of building floor area, which enables the provision of additional living space and residential units. The increase in overall space that is dedicated to residential uses facilitates the creation of more residential units and enables the applicant to reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside 17 dwelling units for Very Low Income households and 37 dwelling units for Low Income households. In addition, this request is included in the list of On-Menu Incentives in the LAMC, which were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Department of City Planning will always arrive at the conclusion that the density bonus On-Menu Incentives provide actual and identifiable cost reductions that provide for affordable housing costs because the incentives, by their nature, increase the building envelope of the project so that additional residential units can be provided.

¹ Pursuant to LAMC Section 12.22-A,25(g)(3), the City Planning Commission is considered the decision-maker for off-menu density bonus requests. The findings referenced in LAMC Section 12.22-A,25(g)(2)(i)(c) apply to off-menu requests.

Height

The subject property is zoned [Q]R3-1, with Qualified "Q" Conditions which limit building height to a maximum of 35 feet. Per the LAMC, the project is permitted a maximum increase of 11 feet in building height as an on-menu Incentive. The applicant is requesting an increase in building height of 11 feet, for a maximum building height of 46 feet. This increase enables the project to expand the building envelope and provide an additional building level, thus enabling the provision of more dwelling units. The creation of more residential units enables the applicant to reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside 17 dwelling units for Very Low Income households and 37 dwelling units for Low Income households. In addition, this request is included in the list of On-Menu Incentives in the LAMC, which were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Department of City Planning will always arrive at the conclusion that the density bonus On-Menu Incentives are required to provide for affordable housing costs because the incentives, by their nature, increase the size of the project.

Open Space

Per the LAMC, with 55 proposed dwelling units, the project is required to provide 5,500 square feet of open space. The applicant is requesting a reduction in the required amount of open space. The reduction enables the project to provide additional dwelling units by increasing the amount of space that can be used for units. The creation of more residential units enables the applicant to reserve more residential units for lower income levels. Therefore, the incentive supports the applicant's decision to set aside 17 dwelling units for Very Low Income households and 37 dwelling units for Low Income households.

- b. *The Incentive 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 and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific adverse impact upon the public health or safety.***

There is no substantial evidence in the record that any of the three 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. The property is not located on a substandard street in a Hillside area and is not located in a Methane Zone, a Special Grading Area, a Very High Fire Hazard Severity Zone, or any other special hazard area. 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. Based on the above, there is no basis to deny the requested Incentives.

c. The Incentives are contrary to State/federal law.

There is no substantial evidence in the record indicating that the requested Incentives are contrary to any State or federal laws.

Density Bonus / Affordable Housing Incentives Findings for Requested Waiver of Development Standards

2. Pursuant to Section 12.22-A,25(g)(3)(ii)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director shall approve a waiver or modification of any development standard(s) unless the Director of Planning finds that²:

- a. *The Waiver or Modification of Development Standards 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 and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific adverse impact upon the public health or safety.***

A project that provides 15 percent of the base density for Very Low Income households is entitled to three Incentives under both Government Code Section 65915 and the LAMC and may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria” as outlined by State Density Bonus law. The applicant proposes to set aside 17 units for Very Low Income households, equal to approximately 131 percent of the base density. Accordingly, the requested two On-Menu Incentives for an increase in FAR and height and single Off-Menu Incentive for a reduction in open space qualify as Incentives. The additional request for a reduction in the front yard setback is processed as a Waiver of Development Standards. This Waiver is necessary to provide for affordable housing costs because the Waiver by its nature increases the scale of the project, which facilitates the creation of more affordable housing units.

Front Yard Setback

The project proposes a reduction in the required front yard setback to 20 feet before street dedications; it would otherwise be required to provide a 28-foot setback before street dedications pursuant to the Building Line on the subject property established under Ordinance No. 98921. Without the Waiver, the otherwise required 28-foot setback would limit the building footprint and building area, thereby physically precluding the development of the proposed project with 17 units set aside for Very Low Income households. Therefore, the requested Waiver is necessary to enable the development of the proposed project.

There is no substantial evidence in the record that the proposed Waiver 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

² Pursuant to LAMC Section 12.22-A,25(g)(3), the City Planning Commission is considered the decision-maker for off-menu density bonus requests. The findings referenced in LAMC Section 12.22-A,25(g)(2)(i)(c) apply to off-menu requests.

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. The property is not located on a substandard street in a Hillside area and is not located in a Methane Zone, a Special Grading Area, a Very High Fire Hazard Severity Zone, or any other special hazard area. The project will comply with all other pertinent regulations 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 Waiver, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource. Based on the above, there is no basis to deny the requested Waiver.

b. The Waivers are contrary to State/federal law.

There is no substantial evidence in the record indicating that the requested Waiver of Development Standards is contrary to any State or federal laws.

Conditional Use Findings

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

The proposed project consists of the construction of a new four-story multi-family building with 55 residential units. The project site is currently developed with three multi-family units and accessory structures, dating to the 1920s; these will be demolished through the development of the proposed project. The project site fronts Burbank Boulevard, a major arterial roadway lined with a variety of multi-family buildings and complexes. The subject property is surrounded by a two-story multi-family building to the east and three-story multi-family complexes to the north and west. With three multi-family units, the project site is underdeveloped and underutilized for a site designated for medium-density residential uses. The project will redevelop the aging buildings and construct a modern building that will be in keeping with existing surrounding multi-family developments and that will enhance the physical appearance of the Burbank Boulevard corridor.

The applicant is Mercy Housing, a national nonprofit affordable housing organization which develops and manages affordable housing projects across the nation. The proposed project will provide permanent, stable, and affordable housing for formerly homeless seniors over the age of 62. Space will also be provided on-site for supportive service providers on an as-needed basis; these may include case managers, healthcare providers, and other organizations providing transitional/relocation services. The project will enable Mercy Housing to provide much-needed housing for a needy population and will help towards reducing the homeless population in the region. Therefore, the project will provide an essential beneficial service to the region.

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

The proposed project consists of the construction of a new four-story 46-foot tall multi-family building with 55 residential units. The project site is currently developed with three multi-family units and accessory structures, dating to the 1920s; these will be demolished through the development of the proposed project.

The project is a desirable use in a location designated for such developments and will be compatible with surrounding properties and the surrounding area. The subject property is designated for Medium Residential land uses corresponding to the R3 Zone. The project site is zoned [Q]R3-1 and is thus consistent with the existing land use designation. As a multi-family residential use, the project is a continuation of residential uses that have existed on the subject property since the 1920s. The project site is also surrounded by similar uses and developments. The subject property is located in a long-developed neighborhood and is bordered by a variety of three-story multi-family buildings and complexes; accordingly, as a similar use, the project will be compatible with adjacent properties and the surrounding neighborhood.

With the exception of the requests herein, the proposed project is otherwise entirely consistent with the requirements of the underlying zone. The project's significant features, including the proposed building's density, height, and FAR, are permitted by the underlying zone and the provisions of Density Bonus law. The project has been thoughtfully designed to include landscaping and underground on-site parking and will observe the required setbacks from adjoining properties to the sides and rear, which will provide buffers between the project and adjacent properties and minimize potential negative impacts. Therefore, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

The project site is located within the Van Nuys – North Sherman Oaks 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 Medium Residential land uses corresponding to the R3 Zone. The project site is zoned [Q]R3-1 and is thus consistent with the existing land use designation. The Qualified “Q” Conditions on the subject property, established under Ordinance No. 167,939 and effective on June 28, 1992, limit density to one unit per 1,000 square feet of lot area and limit building height to a maximum of 35 feet³. There is also a 28-foot building line on the subject property, established under Ordinance No. 98921; the ordinance prescribes building lines of various setback requirements across all residential properties fronting Burbank Boulevard for approximately five miles, from Sepulveda Boulevard to the west to Lankershim Boulevard to the east. The subject property is not located within the boundaries of and is not subject to any other specific plan or community design overlay.

With the exception of the requests herein, the proposed project is entirely consistent with the underlying zoning and land use designation. The project proposes a multi-family development on a site designated for such uses. The requests for additional height and FAR and reductions in open space and front yard setback requirements are permitted by the provisions of Density Bonus law. The project will comply with all other provisions of the zoning code.

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

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

³ With limited additional height permitted for roof structures, stairwells, elevator shafts, etc. as permitted by the LAMC.

Objective 1-1: “To provide for...the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area...”

Objective 1-2: “To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.”

Objective 1-5: “To promote and ensure the provision of adequate housing for all persons regardless of income, age, or ethnic background.”

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 goal and objective 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.”

GOAL 4: “ENDING AND PREVENTING HOMELESSNESS.”

Objective 4.1: “Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness.”

Objective 4.2: “Promote outreach and education to: homeless populations; residents; community stakeholders; health, social service and housing providers and funders; criminal justice system agencies; and, communities in which facilities and services may be located.”

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 a new multi-family development that will house formerly homeless seniors over the age of 62. 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 who otherwise might not be housed. 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 will also provide flexible space on-site for supportive services, thereby promoting and facilitating outreach and providing housing suitable to the needs of a marginalized demographic. Additionally, the project is a Density Bonus development located near the intersection of Burbank Boulevard and Van Nuys Boulevard, two major arterial roadways that are well-served by transit. Thus, the project will contribute towards the creation of sustainable neighborhoods and a reduction in vehicle trips and VMT. The provided flexible space on-site for supportive services will further reduce the need to commute. The project will also be further consistent with the Mobility Element and will implement any street dedications and improvements as required.

In addition, the project has been conditioned to include automobile parking spaces both ready for immediate use by electric vehicles (e.g. with electric vehicle chargers installed) and capable of supporting electric vehicles in the future. The project has also been conditioned to provide solar 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 several applicable goals, objectives, and policies of the plans that govern land use and development in the City. Therefore, the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable Community Plan, and any applicable specific plan.

In addition to the above findings set forth in Section 12.24-E of the LAMC, the City Planning Commission shall find that:

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

The City's Housing Element for 2013-2021 was adopted by the City Council on December 3, 2013 and is the City's blueprint for meeting housing and growth challenges. The Housing Element identifies the City's housing conditions and needs, reiterates goals, objectives, and

policies that are the foundation of the City's housing and growth strategy, and provides the array of City programs to create sustainable, mixed- income neighborhoods across the City. The project 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."

GOAL 4: "ENDING AND PREVENTING HOMELESSNESS."

Objective 4.1: "Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness."

Objective 4.2: "Promote outreach and education to: homeless populations; residents; community stakeholders; health, social service and housing providers and funders; criminal justice system agencies; and, communities in which facilities and services may be located."

The project proposes a new multi-family development that will house formerly homeless seniors over the age of 62. All but one of the 55 proposed units will be set aside as affordable; one manager's unit will be market rate. Accordingly, the project fulfills the Housing Element goal of providing quality housing for all persons in the community. 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 will also provide flexible space on-site for supportive services, thereby providing housing suitable to the needs of a particular demographic. By providing affordable housing for formerly homeless seniors, the project directly supports the goals, objectives, and policies of the Housing Element that relate to the provision of affordable housing. Therefore, the project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan.

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

The subject property is zoned [Q]R3-1, with Qualified "Q" Conditions which limit density to one unit per 1,000 square feet of lot area. The subject property has a total lot area of 12,592 square feet, and as such, pursuant to LAMC Section 12.22-A,25 the permitted base density on the subject property is 13 units. The project proposes 55 units, equal to an increase of 42 units and a 323 percent increase in density.

Pursuant to the LAMC and Government Code Section 65915, a Housing Development Project that sets aside a certain percentage of the total number of units as affordable, either in rental or for-sale units, shall be granted a corresponding density bonus, up to a maximum of 35 percent. While these provisions are limited to 35 percent, Government Code Section 65915(f)

states that “the amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds percentage established.” As such, in instances where a project is seeking a density bonus increase that is more than 35 percent, the amount of required units that are set aside as affordable shall vary depending on the requested amount of density bonus. Therefore, it is appropriate that any project that requests a density bonus increase beyond 35 percent would extend the existing set-aside charts located in Section 12.22-A,25 of the LAMC. LAMC Section 12.24-U,26 states that based on the base density, as a Conditional Use a project may be granted additional density increases beyond the 35 percent maximum by providing additional affordable housing units. Per this code section, Table 2 below illustrates how the maximum allowable Density Bonus increases by 2.5 percent for every additional one percent of Very Low Income units provided, based on the base density and the chart prescribed in Section 12.22-A,25 of the LAMC.

Table 2: Density Bonus Percentages

Very Low Income Units (Percentage of Base Density)	Maximum Density Bonus Permitted (Based on Base Density)
5 %*	20 %*
6 %*	22.5 %*
7 %*	25 %*
8 %*	27.5 %*
9 %*	30 %*
10 %*	32.5 %*
11 %*	35 %*
Existing set-aside chart as listed in Section 12.22-A,25 of the LAMC	
123 %	315 %
124 %	317.5%
125 %	320 %
126 %	322.5 %
127 %	325 %
128 %	327.5 %
129 %	330 %

*Existing set-aside chart as listed in Section 12.22-A,25 of the LAMC

Therefore, in order to obtain a 323 percent Density Bonus, equal to 42 units over the otherwise by-right permitted 13 units, the proposed project must set aside at least 127 percent of the base density, equal to 17 units, for Very Low Income households. The project proposes to set aside 17 units for Very Low Income households in exchange for the requested Density Bonus. Therefore, the project contains the requisite number of Restricted Affordable Units based on the number of units permitted by the maximum allowable density on the date of application (the base density).

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

The project proposes the demolition of an existing three-unit multi-family residence and accessory structures. Per the AB 2556 Determination Letter dated July 17, 2019, three units

with a total of six bedrooms are subject to replacement. The project will fulfill this requirement with six one-bedroom units, to the satisfaction of HCIDLA. Therefore, the project will meet any applicable dwelling unit replacement requirements of the California Government Code Section 65915(c)(3).

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

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

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

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

The project will result in 55 new dwelling units, with all but one unit set aside as affordable units (one manager's unit will be market-rate). Of the affordable units, a minimum of 17 units will be reserved for Very-Low Income households, with the remainder reserved for Low Income households. All residents of the proposed project will have access to all common and open space amenities within the building. The restricted units will comply with affordability requirements in the Guidelines set for the by HCIDLA in conformance with US Department of Housing and Urban Development (HUD). Additionally, as part of the building permit process, the applicant will execute a covenant to the satisfaction of HCIDLA who will ensure compliance with the Guidelines. Therefore, the project will address the policies and standards contained in the Guidelines.

Environmental Findings

- 11. Environmental Finding.** A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program, were prepared under Case No. ENV-2016-4283-MND for the previously approved Eldercare project on the subject property (under Case No. ZA-2016-4282-ELD-SPR), in compliance with CEQA. Although the project was revised for the requests herein, it was determined that the revised project was substantially similar to the approved project and would not have any additional significant environmental impacts. Accordingly, an Addendum to the MND was prepared for the revised project, dated June 24, 2019. The Addendum concluded that the revised project would not be expected to have any significant additional impacts over the approved project and that no recirculation of the MND would be necessary.

Therefore, I find, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration No. ENV-2016-4283-MND, adopted on May 8, 2017; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the addendum dated June 24, 2019, no major revisions are required to the Mitigated Declaration, and no subsequent EIR or negative declaration is required for approval of the project.

- 12. Flood Insurance.** 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.