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

March 19, 2020

**Applicant / Owner**

Albert Ganjian  
Hoover 719, LLC  
512 North Palm Drive  
Beverly Hills, CA 90027

**Case No.** DIR-2019-4090-TOC  
**CEQA:** ENV-2019-4093-CE  
**Location:** 719 South Hoover Street  
& 2801 West Leeward  
Avenue

**Representative**

Gary Benjamin  
Alchemy Planning & Land Use  
4470 West Sunset Boulevard, #110  
Los Angeles, CA 90027

**Council District:** 1 – Cedillo  
**Neighborhood Council:** MacArthur Park  
**Community Plan Area:** Wilshire  
**Land Use Designation:** Medium Residential  
**Zone:** C2-1  
**Legal Description:** Lot 72, Fulmer Tract

**Last Day to File an Appeal: April 03, 2020**

**DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program**

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22-A,31, 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** a 70 percent increase in density, consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following two (2) incentives for a qualifying Tier 3 project totaling 38 dwelling units, reserving four (4) units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:
  - a. **Yards/Setback.** Utilization of the side and rear yard setback requirements of the RAS3 Zone for a project in a commercial zone; and



- i. **Automotive Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22-A.31. Required parking for a Tier 3 Project shall not exceed 0.5 space per unit; a greater number may be provided at the applicant's discretion.
- ii. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16. The additional options to further reduce automobile parking through bicycle parking replacement pursuant to LAMC Section 12.21-A,4 shall not apply. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A,16.
- iii. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

#### 6. **Additional Incentives.**

- a. **Yards/Setbacks.** The project shall be permitted to utilize the side and rear 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. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, walkways, common open space and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
  - a. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
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% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
9. **Building Orientation.** The project's street frontage entrances shall be constructed with a porch, stoop, and/or canopy so as to orient housing towards the street and promote active and interesting neighborhood streetscapes.
10. **Building Materials.** The proposed structure's building façades shall include at least three (3) different materials.
11. **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 or a green wall.

12. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public-right-of-way.
  - a. Trash receptacles shall be enclosed and/or covered at all times.
  - b. Trash/recycling containers shall be locked when not in use.
13. **Utilities.** The project shall place utilities such as gas, electric, and water meters in side yard setbacks or in landscaped areas and out of the line-of-sight from crosswalks or sidewalks.
14. **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.

### **Administrative Conditions**

15. **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.
16. **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.
17. **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.
18. **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.
19. **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.
20. **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.

21. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
22. **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.
23. **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.
24. **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 is a relatively flat, rectangular-shaped corner parcel of land comprised of one legal lot consisting of approximately 9,282 square feet of lot area having a frontage of 155 feet along the west side of Hoover Street and 60 feet along the north side of Leeward Avenue. The subject property is zoned C2-1 within the Wilshire Community Plan Area with a General Commercial land use designation. The subject site has a Height District 1 designation that restricts any the floor area ratio of the development to a maximum of one and a half to one (1.5:1). The subject property is also located within the Transit Priority Area in the City of Los Angeles (ZI-2452) and Los Angeles State Enterprise Zone (ZI-2129).

Surrounding uses are within the (T)(Q)RAS4-1, R4-2, and C2-1 Zones and are generally developed with multi-family residential buildings and commercial buildings. The property abutting the subject property to the north is zoned C2-1 and is developed with a one-story commercial building. Properties abutting the subject property to the east, across Hoover Street, are zoned C2-1 and developed with a three-story multi-family residential apartment building and a two-story commercial building. The properties abutting the subject property to the south, across Leeward Avenue, are zoned C2-1 and developed with a three-story multi-family residential buildings. The property abutting the subject property to the west is zoned C2-1 and developed with a one-story commercial building. Properties further to the west, along Leeward Avenue, are zoned R4-2 and developed with multi-family residential apartment buildings.

The subject property is located within a Tier 3 TOC Affordable Housing Incentive Area, qualified by its proximity to the intersection of a Major Transit Stop. The project site is located approximately 2,200 feet south of the Wilshire/Vermont Subway Station. 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 3 Project to be located within 2,640 feet of a light rail or subway station.

The subject property is currently developed with a one-story commercial building, which will be demolished through development of the proposed project. The proposed project involves the construction of a new six-story, 73-foot high mixed-use building with 38 residential units located above 1,110 square feet of ground floor retail space. The proposed building will encompass approximately 28,302 square feet in total building area, resulting in a Floor Area Ratio (FAR) of approximately 3.25:1. The project proposes to provide 21 automobile parking spaces on one subterranean level and one ground floor level. The project will also provide 37 long-term bicycle parking spaces and five short-term bicycle parking spaces. A total of 2,925 square feet of open space will be provided, divided between a sixth floor common area and private balconies. The project will maintain a zero-foot front yard and eastern side yard, as permitted by the underlying C2-1 Zone, and a five-foot setback for the rear yard at the ground level and a five-foot setback for the western side yard starting at the second level, in accordance with the requirements of the RAS3 Zone.

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 70 percent; (2) increase the maximum allowable FAR by 50 percent or to 3.75:1 if the maximum percentage increase results in a FAR of less than 3.75:1 for a project in a commercial zone; and (3) provide automobile parking at a ratio of 0.5 spaces per unit. The project is seeking a 70 percent density increase and an increase in FAR to 3.25:1 and will provide at least the minimum number of parking spaces required. The project is also requesting two Additional Incentives: 1) the utilization of the side and rear 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. The project meets the TOC Guideline requirements of providing at least 11 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 four units for Extremely Low Income Households, which equates to approximately 17 percent of the 22 base units permitted through the underlying zoning of the site.

## **HOUSING REPLACEMENT**

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

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

On September 28, 2016, 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.

The Department of Housing and Community Investment (HCIDLA) has determined, per the HCIDLA AB2556 Determination, dated August 27, 2018 and attached to the subject case file, that, within the past five (5) years, zero (0) units subject to the Rent Stabilization Ordinance existed on the subject property. Therefore, zero (0) units need to be replaced. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination for 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 subject property is located in Tier 3 of the Transit Oriented Communities Affordable Housing Incentive Program. The project is requesting to utilize the incentives permitted in Tier 3. As part of the proposed Tier 3 development, the project is required to reserve nine (9) percent of the total number of on-site dwelling units for Extremely Low Income Households. The project will reserve four (4) dwelling unit for Extremely Low Income Households, which equates to approximately 10 percent of the 38 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 or proposed 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 subject property is located within a Tier 3 TOC Affordable Housing Incentive Area, qualified by its proximity to the Wilshire/Vermont Subway Station. As such, the project meets the eligibility requirement for a Tier 3 Housing Development to be located within 2,640 feet of a major transit stop.

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

The Department of Housing and Community Investment (HCIDLA) has determined, per the HCIDLA AB2556 Determination, dated August 27, 2018 and attached to the subject case file, that, within the past five (5) years, zero (0) units subject to the Rent Stabilization Ordinance existed on the subject property. Therefore, zero (0) units need to be replaced. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination for additional information. 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 seeking two Additional Incentives: 1) the utilization of the side and rear 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. The project may be granted two Additional Incentives for reserving at least seven (7) percent of the base units for Extremely Low Income Households. The project is setting aside four units for Extremely Low Income Households, which equates to approximately 18 percent of the 22 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 two permitted in exchange for reserving at least seven (7) percent of the base units for Extremely Low Income Households. The project is setting aside four (4) units for Extremely Low Income Households, which equates to approximately 18 percent of the 22 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 one lot, which is located within a Tier 3 TOC Affordable Housing Incentive Area. The project is requesting Tier 3 Incentives which is the highest Tier permitted.

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

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

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

The project does not consist of 100% On-Site Restricted Affordable units, and thus it is not eligible for or seeking an increase in Tier. As such, this eligibility requirement does not apply.

10. **Design Conformance.** *Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines, and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to construct the building with the residential density permitted by Section VI 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 conditioned, at minimum, to maintain the site attractive at all times (free of trash, debris, and graffiti), provide sufficient landscaping on site, ensuring the building orientation is clear with a prominent street frontage entrance and the building facades include three different materials, screening off all mechanical equipment, and the provision of outdoor lighting with shielding such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.

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

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

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

- a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 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.

**Yards.** The requested incentive to utilize the side and rear 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 side and rear yard setback requirements of the RAS3 Zone. The RAS3 Zone permits smaller yard setbacks on the sides and rear of the building than what would otherwise be required for a residential project in a commercial zone. The requested incentive allows the developer to expand the building footprint and allow for the construction of more units, including affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve four units for Extremely Low Income Households and facilitates the creation of affordable housing units.

**Open Space.** The requested incentive for a reduction in 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. The requested incentive allows the developer to utilize more of the total building square footage for residential units, which facilitates the creation of more affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve four units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Therefore, both Additional Incentives are necessary to provide for affordable housing costs.

- 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. The property is not located on a substandard street in a Hillside area, a Very High Fire Hazard Severity Zone, or 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.

## **ADDITIONAL MANDATORY FINDINGS**

2. 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, which is categorized as an area of minimal flooding.
3. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, 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.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed below.

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

The project site is located within the adopted Wilshire Community Plan, which is one of 35 Community Plans that make up the Land Use Element of the General Plan. The Community Plan designates the subject property with a land use designation of General Commercial, corresponding to the C2 Zone. The subject property is zoned C2-1, and is thus consistent with the existing land use designation. The 1 Height District does limit the height of structures in the C2 Zone. The project site is not within the boundaries of any specific plan or interim control ordinance.

The project meets the 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 a Tier 3 development, the project is eligible for Base Incentives, including (1) an increase in the maximum allowable number of dwelling units permitted by 70 percent; (2) an increase in the maximum allowable FAR by 50 percent; and (3) to provide automobile parking at a ratio of a half (0.5) space per unit. The project is seeking a 70 percent density increase and will provide at least the minimum number of parking spaces required. The proposed FAR is approximately 4.35:1, which is allowed under the TOD Guidelines. The project is also requesting two Additional Incentives: 1) the utilization of the side and rear 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. The project may be granted two Additional Incentives for reserving at least seven (7) percent of the base units for Extremely Low Income Households. The project is setting aside four units for Extremely Low Income Households, which equates to

approximately 18 percent of the 22 base units permitted through the underlying zoning of the site.

Therefore, through the approval of the request herein, the project would be in conformance with the TOC Guidelines, as well as all applicable zoning designations and development standards of the Los Angeles Municipal Code (LAMC). Additionally, no zone changes are proposed, and the project complies with all other regulations and requirements of the underlying zone. Therefore, the project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations.

**(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:**

The project site is located in the Wilshire Community Plan area within Los Angeles city limits. The project site encompasses approximately 9,289 square feet of lot area (approximately 0.2 acres). The site is currently developed with one-story commercial building and is located in a long-developed area surrounded by a variety of low-rise and mid-rise residential buildings primarily built in the early and mid-20th century. The surrounding neighborhood is heavily urbanized, and the project site is located along Hoover Street, an arterial roadway lined with a variety of commercial uses and multi-family residential uses. Therefore, the project will occur within city limits on a project site of no more than five acres substantially surrounded by urban uses.

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

The project site is located in an urbanized area within the Wilshire Community Plan area. The project site is in an established neighborhood that has long been developed. The existing structures on the site date back to 1922; therefore, the site is unlikely to have any value as natural habitat. The project site also is not within or near any listed significant ecological areas, and there are no protected species of trees on the property. Therefore, the project site has no value as habitat for endangered, rare, or threatened species.

**(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:**

**Traffic.** A significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The project is the construction of a six-story mixed-use building with 38 multi-family residential units located above 1,110 square feet of ground floor retail space on an existing site presently developed with a commercial building. According to an email from the Los Angeles Department of Transportation dated October 2, 2018, the project will not generate enough trips to require a traffic study or generate a significant impact.

**Noise.** The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances which prohibit the emission

or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e. post-construction), as well as any noise impact during construction. Section 41.40 of the LAMC regulates noise from demolition and construction activities and prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturdays and holidays; all such activities are also prohibited on Sundays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As referenced in the Noise Impact Analysis prepared by DKA Planning dated February 2019 and attached to the subject environmental case file, as the project is required to comply with all applicable ordinances and regulations, it will not result in any significant noise impacts. Any noise arising from the construction of the project would be temporary in nature, would cease upon project completion; based on the temporary duration and compliance with regulatory requirements governing construction hours and equipment, the project's construction would not result in a significant effect on the environment. Compliance with the applicable City ordinances and regulations will further limit the impacts of temporary construction noise to the extent feasible.

The project will not generate permanent significant operational noise impacts. As the project is a residential development, the project is not expected to generate significant permanent operational noise impacts. The project will not include any square footage of non-residential uses, and will not introduce a stationary noise source. In addition, the project's proposed 38 residential units and 1,110 square feet of ground floor retail space would not be expected to generate a substantial number of vehicle trips which could in turn generate additional noise. As noted in the above-referenced analysis, the project is expected to generate a negligible increase in ambient noise from operation. Thus, overall, the project will not result in any significant permanent effects relating to noise.

**Air Quality.** The South Coast Air Quality Management District (SCAQMD) is the agency primarily responsible for comprehensive air pollution control in the South Coast Air Basin and reducing emissions from area and point stationary, mobile, and indirect sources. SCAQMD prepared the 2012 Air Quality Management Plan (AQMP) to meet federal and state ambient air quality standards. A significant air quality impact may occur if a project is inconsistent with the AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. The proposed project will result in the construction of 38 residential units and 1,110 square feet of ground floor retail space and will not conflict with or obstruct the implementation of the AQMP and SCAQMD rules. Furthermore, the project is expected to be far below the thresholds considered by SCAQMD to be potentially significant under CEQA guidelines. The applicant has estimated the project's impact on air quality, using the CalEEMod 2016.3.2 model provided by SCAQMD, by comparing the estimated levels of criteria pollutants to significance thresholds provided by SCAQMD. As referenced in the Air Quality Study prepared by DKA Planning dated February 2019 and attached to the subject environmental case file, the levels of emissions from the project are all projected to be far below the thresholds considered by SCAQMD to be potentially significant

under CEQA guidelines (the report provides the full analysis and the CalEEMod output report dated October 30, 2018 and attached to the subject environmental case file provides the air quality modeling results). Potential impacts related to air quality from such a project will be less than significant.

The building construction phase includes the construction of the proposed building on the subject property, which includes export of approximately 3,800 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the Project Site) would primarily generate NOX emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

During construction, appropriate dust control measures would be implemented as part of the proposed project, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

By implementing Best Management Practices, all construction-related impacts will be less than significant and temporary in nature. No permanent significant impacts are anticipated to occur from construction.

**Water Quality.** The project is not adjacent to any water sources and construction of the project will not impact water quality. The project is located in a long-established and heavily developed neighborhood and thus would not be expected to impact water quality. As a residential development, the project also will not generate, store, or dispose of substantial quantities of hazardous materials that could affect water quality. Construction activities would not involve any significant excavation near an identified water source. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70. Best



Management Practices would also be required during general operation of the project to ensure that stormwater runoff meets the established water quality standards and waste discharge requirements. Therefore, development of the proposed project would not degrade the quality of stormwater runoff from the site and would not result in any significant effects relating to water quality.

**(e) The site can be adequately served by all required utilities and public services:**

The site is currently developed with a one-story commercial building in a highly urbanized area served by existing public utilities and services. The surrounding area has long been developed and consists of a variety of multi-family residences and commercial uses, all of which have been and will continue to be served by all required utilities and public services. The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. The site is also serviced by the LAPD's West Bureau, Olympic Division, and the Central Bureau Fire Department. These utilities and public services have continuously served the neighborhood for several decades.

The project consists of the new construction of 38 apartment units and 1,110 square feet of commercial area. As the project is located in an established and urbanized area of the city, the site can be adequately served by all required utilities and public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, and LED lighting. As a result, the proposed project can be adequately served by all required utilities and public services.

### **EXCEPTIONS TO CATEGORICAL EXEMPTIONS**

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed ordinance listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project.

**(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

As the proposed Project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is non-applicable. The Project site in an urbanized area in the City of Los Angeles. The project site is not located in a particularly sensitive environment and is not located on a site containing wetlands, endangered species, or wildlife habitats; therefore, this exception is not applicable.

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

This exception does not apply to the proposed project. The project involves the construction of residential units and commercial area in an area previously developed and surrounded by residential and commercial uses. The project is entirely consistent with the existing General Plan designation and zoning, which accounts for the impacts of developments which are within their parameters, and as permitted by the TOC Guidelines. Any successive projects of the same type and nature would reflect a development that is consistent with the underlying land use designation and the LAMC, and thus would be subject to the same regulations and requirements, including development standards and environmental impacts. The impacts of each subsequent project will be mitigated if necessary, and thus will not result in a cumulative impact. Therefore, impacts under this category will be less than significant.

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

This exception does not apply to the proposed project. The project site is comprised of approximately 9,289 square feet of lot area located in an urbanized area within the City of Los Angeles. The project consists of residential uses and operations that are compatible with the surrounding urban development and consistent with the underlying zone. The project site is in a long-established neighborhood and is surrounded by a variety of other multi-family and commercial buildings. The site does not demonstrate any unusual circumstances, and the project will not generate significant impacts regarding traffic, air quality, water quality, or noise. There are no unusual circumstances that indicate this project would reasonably result in a significant effect on the environment.

- (d) **Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

This exception does not apply to the proposed project. According to the California Scenic Highway Mapping System, the project site is not located on or near a portion of a highway that is either eligible or officially designated as a state scenic highway.

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

This exception does not apply to the proposed project. The project site is not listed as a hazardous waste site on EnviroStor, California's data management system for tracking hazardous waste sites. There are also no listed sites within the immediate vicinity of the project site. The subject property has long been

developed with existing structures; hazardous waste and materials would not be expected to pose a significant constraint on sites long developed with such uses.

Additionally, the project site is not located within a Methane Zone or Methane Buffer Zone, nor is it located in a Hazardous Waste/Border Zone Properties area as designated by the City of Los Angeles. The surrounding neighborhood is primarily residential and neighborhood oriented commercial, and oils, elevators, in-ground hydrologic systems, monitoring or water supply wells, or above- or below-ground storage tanks, or potentially fluid-filled electrical equipment would not be expected on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation. Therefore, this exception for a Class 32 Categorical Exemption does not apply to this project.

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

In addition to State and Federal databases of historic resources, SurveyLA has conducted a comprehensive survey of historic resources in the area of the project. No structures on the subject property or immediately adjacent to the project site have been identified as a historic resource. The subject property is currently developed with a 9,200 square-foot commercial building constructed in 1922; however, this structures are not listed on any database of historic resources.

Additionally, the project site is not located in a designated Historic Preservation Overlay Zone. The neighborhood surrounding the project site was primarily developed in the early-20th century and has undergone significant redevelopment, with a variety of commercial uses. As a result, the area is unlikely to possess any significant value as a potential historic district. For these reasons, construction of the proposed project would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA, and this exception does not apply to the proposed project.

## **CONCLUSION**

The proposed project involves the construction of a new six-story, 73-foot high, 38-unit mixed-use building with 1,110 square feet of ground floor retail space on an existing lot encompassing approximately 8,710 square feet of lot area after dedications. The project is consistent with the surrounding developments (which consists of established residential and commercial uses), is permitted by the TOC Guidelines, and is entirely consistent with the existing General Plan designation, zoning, and requirements of the LAMC. The project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, environmental habitat, noise, air quality, or water quality. The project is located in an urbanized and long-developed area, and thus will be adequately served by all required public utilities and services.

In addition, as the project is in an urbanized area, it is not in a particularly sensitive environment, and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The project will not result in any significant impacts and, therefore, will not make a cumulatively considerable contribution to any significant impacts that are not

already accounted for by the General Plan and future environmental clearances. The project is consistent with the surrounding developments, including established residential and commercial uses, does not present any unusual circumstances that would result in a significant impact on the environment, and would not constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible exceptions to Categorical Exemptions, found in Section 15300.2 Exceptions, apply to this project, and as such, the project qualifies for a Class 32 Categorical Exemption.

## **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.

## **TIME LIMIT – OBSERVANCE OF CONDITIONS**

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

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

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

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any

provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

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

## **TRANSFERABILITY**

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

## **APPEAL PERIOD - EFFECTIVE DATE**

**The Determination in this matter will become effective after April 03, 2020** unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at [www.cityplanning.lacity.org](http://www.cityplanning.lacity.org).

Planning Department public offices are located at:

*Figueroa Plaza  
201 North Figueroa Street,  
4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077*

*Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Suite  
251  
Van Nuys, CA 91401  
(818) 374-5050*

*West Los Angeles  
Development Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2901*

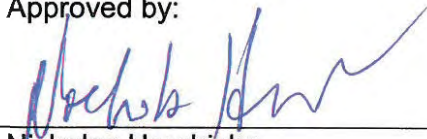
**Pursuant to LAMC Section 12.22-A.25(g)(2)(i)(f), only an applicant, abutting property owners, and abutting tenants can appeal this Determination.** Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits, increase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

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

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

VINCENT P. BERTONI, AICP  
Director of Planning

Approved by:



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Nicholas Hendricks  
Senior City Planner

Prepared By:



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Nicholas Ayars  
City Planner

Attachments:  
Exhibit A: Architectural Plans