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January 30, 2025

Applicant

Bedrock Properties Group, LLC
dba Uncommon Developers
c/o Leon Benrimon
9220 Winnetka Ave.
Chatsworth, CA 91311

Owner

8217 Winnetka LLC
c/o Jason Larian
9220 Winnetka Ave.
Chatsworth, CA 91311

Representative

Dave Rand and Olivia Joncich
Rand Paster & Nelson LLP
633 W. Fifth St., 64th Floor
Los Angeles, CA 90071

Case No.: ADM-2023-4274-DB-VHCA-ED1

Related Cases: PAR-2023-924-AHRF
PAR-2023-1802-VHCA-ED1
CF 23-0908

CEQA: N/A

Location: 8217 N. Winnetka Ave.

Council District: 3 - Blumenfield

Community Plan: Canoga Park-Winnetka-Woodland Hills-

Area: West Hills

Land Use: Low Medium II Residential

Designation:

Zone: RA-1, RD2-1

Legal Description: Lot 1 TR 22430; Lot PT 811 TR 1000

LETTER OF COMPLIANCE – MINISTERIAL ON- AND OFF-MENU AND WAIVER OF DEVELOPMENT STANDARD DENSITY BONUS

Pursuant to the California Government Code Section 65915, and the Los Angeles Municipal Code (LAMC) Section 12.22 A.25, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

DETERMINE, that the project qualifies as a ministerial review, pursuant to Resolution (CF 22-1545) relative to the Declaration of Local Emergency by the Mayor, dated December 12, 2022, concerning homelessness in the City of Los Angeles, pursuant to the provisions of the Los Angeles Administrative Code (LAAC) Section 8.27, adopted by the City Council on December 13, 2022 and Executive Directive 1 dated December 16, 2022.

APPROVE a Density Bonus Compliance Review for a 100% Affordable Housing Development (as defined in CA Government Code Section 65915(b)(1)(G)), for a project totaling 360 dwelling units, reserving one Manager's Unit, 72 units set aside for Moderate Income Household occupancy, and 287 units set aside for Low Income Household occupancy for a period of 55 years. As the project has requested a waiver from maximum controls on density, the project is allowed and granted the following incentives and waivers pursuant to CA Government Code Section 65915(e):

1. **Averaging of Floor Area Ratio (FAR), Density, Parking, Open Space, and permitting Vehicular Access (On-Menu Incentive).** Averaging of FAR, density, parking, open space, and allowing vehicular access across the RD2-1 and RA-1 Zones (vehicular access from a less restrictive to a more restrictive zone).
2. **Side Yard (On-Menu Incentive).** An up to 20 percent reduction in the south side yard to permit a minimum side yard of 8 feet in the RA-1 Zone in lieu of the otherwise required minimum 10 feet.
3. **Front Yard (Off-Menu Incentive).** (a) an up to 40 percent reduction in the required front yard to permit a minimum front yard of 9 feet in the RD2-1 Zone in lieu of the otherwise required minimum of 15 feet; and (b) an up to 27 percent reduction in the required front yard to permit a minimum front yard of 18 feet 4 inches in the RA-1 Zone in lieu of the otherwise required minimum of 25 feet (as required by the RA Zone and Ordinance No. 108,814).
4. **Long-Term Bicycle Parking (Off-Menu Incentive).** An up to 30 percent reduction in the required long-term bicycle parking spaces for a minimum of 117 long-term bicycle parking spaces in lieu of the otherwise required 165 long-term bicycle parking spaces.
5. **Rear Yard (Off-Menu Incentive).** An up to 40 percent reduction in the required rear yard to permit a minimum rear yard of 15 feet in the RA-1 Zone in lieu of the otherwise required minimum 25 feet.
6. **Height (Waiver).** An increase in total height to allow a maximum 80 foot 3 inch building height in lieu of the otherwise allowable 75 feet in the RD2-1 Zone (base height of 45 feet in the RD2-1 Zone plus 33 feet allowed under AB 1763) and 63 feet in the RA-1 Zone (base height of 30 feet in the RA-1 Zone plus 33 feet allowed under AB 1763).
7. **Floor Area Ratio (FAR)/Residential Floor Area Ratio (RFAR) (Waiver).** A maximum floor area of 236,383 square feet across the entire site.
8. **Open Space (Waiver).** An up to 73.2 percent reduction in required open space to provide 10,030 square feet of open space in lieu of the otherwise required 37,425 square feet of open space.
9. **Tree Planting (Waiver).** An up to 77 percent reduction in the number of trees required to be planted to allow 20 trees in lieu of the otherwise required 90 trees.

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped “**Exhibit A,**” and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Valley Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 360 multi-family residential dwelling units per “**Exhibit A.**” Pursuant to California Government Code Sections 65915(f)(3)(D)(ii) the project is located within one-half mile of a major transit stop, and the project is allowed unlimited density.
3. **On-Site Restricted Affordable Units.** Seventy-two units shall be reserved for Moderate Income Household occupancy and 287 units shall be reserved for Low Income Household occupancy as defined by the California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to reserve 72 units available for Moderate Income households and 287 units available to Low Income Households or equal to 100 percent of the project’s total proposed residential density allowed, exclusive of one Manager’s Unit, for sale or rental, as determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The Applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and any monitoring requirements established by the LAHD.

Unless otherwise required by state or federal law, the project shall provide an onsite building manager’s unit, which the owner shall designate in the covenant. The Owner may not use an affordable restricted unit for the manager’s unit.

5. **100% Affordable Housing Project (ED1).** If the project changes at any time during the review or construction process such that it no longer meets ED 1 eligibility criteria pursuant to Executive Directive 1 dated December 16, 2022, the project is disqualified from ED1 streamlining and all prior determinations on the project become inapplicable. For projects requiring a City Planning application, if a project changes at any point during the City Planning review or post-approval process such that the project would no longer qualify for ED 1 (dated December 16, 2022), a new application for the revised project must be filed.
6. **Density Bonus Incentives.**
 - a. **Averaging of Floor Area Ratio (FAR), Density, Parking, Open Space, and permitting Vehicular Access (On-Menu Incentive).** The project shall average FAR, density, parking, open space, and shall provide vehicular access across the RD2-1

and RA-1 Zones (vehicular access from a less restrictive to a more restrictive zone) as shown on “**Exhibit A.**”

- b. **Side Yard (On-Menu Incentive).** The project shall provide a minimum side yard of 8 feet in the RA-1 Zone as shown on “**Exhibit A.**”
 - c. **Front Yard (Off-Menu Incentive).** The project shall provide a minimum 9 foot front yard in the RD2-1 Zone and a minimum of 18 foot 4 inch front yard in the RA-1 Zone as shown on “**Exhibit A.**”
 - d. **Long-Term Bicycle Parking (Off-Menu Incentive).** The project shall provide a minimum of 117 long-term bicycle parking spaces as shown on “**Exhibit A.**”
 - e. **Rear Yard (Off-Menu Incentive).** As shown on “**Exhibit A,**” the project shall provide a minimum rear yard of 15 feet in the RA-1 Zone.
 - f. **Height (Waiver).** The project shall provide a maximum height of 80 feet 3 inches as shown on “**Exhibit A.**”
 - g. **Floor Area Ratio (FAR)/Residential Floor Area Ratio (RFAR) (Waiver).** The project shall be limited to a total floor area of 236,383 square feet. As shown on “**Exhibit A,**” the project is limited to 94,549 square feet (FAR of 3.5:1) on the RD2-1 zoned portion of the site and 141,834 square feet (RFAR of 22:1) on the RA-1 zoned portion of the site.)
 - h. **Open Space (Waiver).** The project shall provide a minimum of 10,030 square feet of open space as shown on “**Exhibit A.**”
 - i. **Tree Planting (Waiver).** The project shall provide a minimum of 20 trees (minimum 24-inch box size) as shown on “**Exhibit A.**”
7. **Automobile Parking.** Pursuant to Pursuant to California Government Code 65915(p)(3)(A) and 65863.2 (AB2097), no parking requirements shall apply for 100 percent affordable housing projects located within one-half mile of public transit. The project is providing 261 automobile parking spaces as shown on “**Exhibit A.**”
8. **Short-Term Bicycle Parking.** The project shall provide a minimum of 17 short-term bicycle parking spaces as shown on “**Exhibit A**” and as required pursuant to LAMC Section 12.21 A.16.
9. **Street Trees.** Street Trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements.
10. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the project as required by LAMC 12.40 and Landscape Ordinance Guidelines “O”. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan

shall be in substantial conformance with the submitted Landscape Plan, “**Exhibit A,**” and shall incorporate any modifications required as a result of this grant.

- 11. SB 8 Replacement Units (Government Code Section 66300).** Pursuant to the Replacement Unit Determination (RUD) letter dated March 30, 2023, no units are subject to replacement pursuant to the requirements of the Housing Crisis Act of 2019 (SB 8).

Administrative Conditions

- 12. Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff “Plans Approved”. A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
- 13. 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.
- 14. 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.
- 15. Code Compliance.** Use, area, height, open space, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
- 16. Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
- 17. Recording Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder’s Office. The agreement (standard covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder’s number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.

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

19. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do 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 (b).
- 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 (b).
- 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 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

Subject Property

The rectangular-shaped subject site is comprised of two contiguous lots totaling approximately 63,766.9 square feet on the west side of Winnetka Avenue in the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan area. The north lot is zoned RD2-1, and the south lot is zoned RA-1. Both lots are designated for Low Medium II Residential land use under the Community Plan adopted on August 17, 1999. The two lots are tied together through Affidavit 43299 recorded on March 24, 1977.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.07, the RA Zone, or Suburban Zone, permits single-family dwellings on lots with a minimum area of 17,500 square feet per dwelling unit. As an exception, two-family dwellings are permitted in the RA Zone when the side lot line adjoins a lot in a commercial or industrial zone and specific lot area and distance criteria are met. On this particular site, there is not an abutting commercial or industrial zone, and therefore, two-family dwellings are not permitted by-right. Other uses permitted in the RA Zone include parks, playgrounds, and community centers; golf courses; truck gardening and nurseries; equine and small animal (e.g., rabbits, poultry) keeping; residential and equinekeeping accessory buildings; home occupations, some conditional uses as authorized by the Zoning Administrator or City Planning Commission; and backyard bee keeping. Height District No.1 in the RA Zone limits height to 30 feet with a maximum of 36 feet depending on the roof pitch.

Pursuant to LAMC Section 12.09.1, the RD2 Zone, or Restricted Density Multiple Dwelling Zone, permits one- and two-family dwellings, multiple or group dwellings, and apartments with a minimum lot area of 2,000 square feet per dwelling unit or guest room. The RD2 Zone also allows government owned and operated parks, playgrounds, and community centers; equine keeping for non-commercial use; accessory buildings (private garages, accessory living quarters, servants quarters, recreation rooms, or private stables); some conditional uses as authorized by the Zoning Administrator or City Planning Commission; accessory uses and home occupations; signage; and required automobile parking spaces. Height District No.1 in the RD2 Zone limits height to 45 feet.

Under the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, the subject site's Low Medium II Residential land use designation corresponds to the RD1.5 and RD2 Zones (Restricted Density Multiple Dwelling Zone), RW2 (Residential Waterways Zone), and RZ2.5 Zone (Residential Zero Side Yard Zone). The RA Zone is more restrictive than the zones corresponding to the Low Medium II land use designation based on the list of most to least restrictive zones in Los Angeles Municipal Code Sections 12.04 and 12.23, and therefore, the zoning on the subject site is consistent with the land use designation based on Footnote 9 of this Community Plan's General Plan Land Use Map.

The approximately 63,766.9 square foot, rectangular-shaped site extends along Winnetka Avenue for approximately 216 linear feet. The lot depth is approximately 295 linear feet. ZIMAS records show that the subject site is designated under ZI 2452 Transit Priority Area in the City of Los Angeles, which is an area within one-half mile of a major transit stop. For the purposes of CEQA analysis, aesthetic and parking impacts shall not be considered significant for infill residential projects within a transit priority area. ZIMAS records also show that the subject site is designated as a Very Low VMT area, which means that under State Density Bonus Law (Government Code Section 65915 et seq.), development concessions are

provided for 100 percent affordable housing developments in locations defined as a very low vehicle travel area. A very low vehicle travel area is an urbanized area, as designated by the U.S. Census Bureau, where the existing residential development generates vehicle miles traveled (VMT) per capita that is below 85 percent of either regional VMT per capita or city VMT per capita (Government Code Section 65915(o)(9)). Eligible housing development projects located in a Very Low VMT area are not required to adhere to zoning controls on allowable density and are granted an additional three stories, or 33 feet in height, as well as incentives or concessions. Further, ZIMAS records show the subject site is designated under Government Code Section 65915 for Reduced Parking Areas, meaning that the City is prohibited from imposing or enforcing minimum parking requirements on any residential development project (excluding event centers, hotels and similar transient lodging) that are within a one-half mile radius of a Major Transit Stop. The site is within one-half mile of a major transit stop based on the bus routes identified in the Affordable Housing Referral Form No. CP-4043 submitted for the project (Case No. PAR-2023-924-AHRF revised by Planning staff on January 24, 2024) and the Transit Verification Form No. CP-4065 (signed by Planning staff on January 30, 2023).

The subject site is not located within a community plan implementation overlay zone, geographic specific plan area, or community design overlay zone. The site is not designated historic. The site is not within an Airport Hazard area, Coastal Zone, Santa Monica Mountains Zone, Very High Fire Hazard Severity Zone, Flood Zone, Watercourse, Special Grading Area, Hazardous Waste/Border Zone, or Methane Hazard Site. There are no known oil wells on site. The site is designated for Urban and Built-up Land and is located within an Urban Agriculture Incentive Zone. According to ZIMAS records, the subject site is located approximately 9.3 km from the nearest fault (Santa Susana), and is not located within the Alquist-Priolo Fault Zone or an area designated as Landslide, Preliminary Fault Rupture Study, or Tsunami Inundation. ZIMAS records show the site is located within a Liquefaction area. The subject site is within 500 feet of a school (Winnetka Avenue Elementary).

A 25 foot building line established under Ordinance No. 108,814 extends along the Winnetka Avenue frontage of the RA-1 zoned parcel to the south. ZIMAS records show that the RA-1 Zoned parcel to the south is also designated under ZI-2438 Equinekeeping in the City of Los Angeles, which regulates distances between equine uses and habitable rooms unless otherwise permitted by a Zoning Administrator pursuant to LAMC Section 12.24 X.5. Compliance with ZI-2438 is regulated by the (Los Angeles Department of Building and Safety) LADBS during plan check.

City ZIMAS records show that on February 16, 2024, LADBS finalized a permit to demolish structures at the subject site that were used as an elementary school. According to information provided by the applicant, four separate buildings on site were previously used as an elementary school and day care, and the use is no longer active. City records also show that a one-story, approximately 4,696 square foot institutional use private school was built on the subject site in 1960, and a one-story, approximately 2,568 square foot institutional use private school was built on the subject site in 1950. City records show that on January 16, 1958, a Certificate of Occupancy was issued for an addition to an existing one-story, single-family dwelling and attached garage located on the south parcel (Document No. 1957VN48590). On December 27, 1960, a Certificate of Occupancy was issued for a use of land for a one-story day nursery with a maximum occupancy of 24 and associated parking on the south parcel (Document No. 1960VN59473). On November 9, 1979, a Certificate of Occupancy was issued with no description regarding the scope of work (Record ID No. 2723628). On February 5, 1981, a Certificate of Occupancy was issued for the south parcel

with no description regarding the scope of work (Record ID No. 2723629). Further, Case No. ZA 19884 was approved to construct two one-story additions to an existing classroom building and to increase the maximum number of children to 100 with no side yard required and permission to maintain an existing board fence in lieu of the required masonry wall on the south parcel.

According to a Certification letter prepared by McKinley and Associates dated February 4, 2023, there are 30 existing trees on site which will require removal to construct the proposed project. None of the existing trees are native, protected species. Further, no native, protected trees will be impacted on neighboring sites. According to the Tree Disclosure Statement Form No. CP-4067 completed by McKinley and Associates, there are no street trees in the adjacent public right-of-way.

Surrounding Properties

Surrounding sites are primarily developed with residential, commercial, and institutional uses. To the north, at the southwest corner of Roscoe Boulevard and Winnetka Avenue, sites are zoned [Q]C1.5-1VL, [Q]C1-1VL, and P-1VL and designated for Neighborhood Office Commercial. These sites are improved with an automobile service station and convenience store, one-story bank and associated surface parking lot, three-story hotel, and automotive repair. To the northwest, sites are zoned [Q]C2-1VL and [Q]C4-1VL and are designed for Neighborhood Office Commercial. These sites are improved with one-story commercial uses (bar, hair and nail salon) and a plant nursery. Further to the northwest, sites are zoned (Q)R3-1 (with an underlying zone of RA-1) and R3-1 and designated for Medium Residential land use. These sites are improved with two- and three-story multi-family uses. To the immediate south, the abutting site is zoned (Q)RD1.5-1 (with an underlying zone of RA-1) and designated for Low Medium II Residential land use. This site is improved with a two-story multi-family use. Further south, sites are zoned R1-1 and (T)R1-1 (with an underlying zone of RA-1) and designated for Low Residential land use. These sites are improved with one- and two-story single-family dwellings. Across Winnetka Avenue to the east, an approximately 6 acre site is zoned [Q]PF-1XL, designed for Public Facilities, and is improved with Winnetka Avenue Elementary School. To the southeast, across Winnetka Avenue, sites are zoned (T)R1-1 (with an underlying zone of RA-1) and R1-1, designated for Low Residential, and improved with one- and two-story single-family dwellings. To the west, sites are zoned (Q)RD1.5-1 (with an underlying zone of RA-1) and designated for Low Medium II Residential. These sites are improved with three-story multi-family residential uses. To the southwest, sites are zoned R1-1 and designated for Low Residential land use. These sites are improved with one- and two-story single-family dwellings.

Winnetka Avenue is designated a Boulevard II by the Mobility Plan 2035 with a designated right-of-way width of 110 feet and a designated roadway width of 80 feet. Winnetka Avenue is improved with a curb, gutter, and sidewalk. Roscoe Boulevard, which lies approximately 295 feet to the north of the subject site, is designated a Boulevard II by the Mobility Plan 2035 with a designated right-of-way width of 110 feet and a designated roadway width of 80 feet. Roscoe Boulevard is improved with a curb, gutter, and sidewalk. Lanark Street, which lies approximately 200 feet to the south of the subject site, is designated a Local Street – Standard by the Mobility Plan 2035 with a designated right-of-way width of 60 feet and a designated roadway width of 36 feet. Lanark Street is improved with a curb, gutter, and sidewalk. Cantara Street, which ends in a cul-de-sac approximately 32 feet to the west of the subject site's rear property line, is designated a Local Street – Standard by the Mobility Plan 2035 with a

designated right-of-way width of 60 feet and a designated roadway width of 36 feet. Cantara Street is also improved with a curb, gutter, and sidewalk.

Project Description

As shown on “**Exhibit A**,” the applicant is proposing the construction, use, and maintenance of a 100 percent affordable (exclusive of the Manager’s unit), 360 unit multi-family development. The 360 units will include 72 units (20 percent) set aside for Moderate Income Housing occupancy, and 287 units (80 percent) set aside for Low Income Household occupancy. One Manager’s Unit will be provided at Market Rate. Of the 360 units, 80 units will be studios, 243 units will be one-bedroom units, 27 units will be two-bedroom units, and 10 units will be three-bedroom units. The project is proposed to be 7 stories in height with a maximum height of 80 feet 3 inches, and 236,383 square feet in floor area. The project is providing 261 automobile parking spaces, 165 long-term bicycle parking spaces, and 17 short-term bicycle parking spaces. A total of 10,030 square feet of open space will be provided. The project will provide 20 trees (minimum 24-inch box size). As conditioned herein, street trees will be provided as required by the Urban Forestry Division, and the 20 trees required herein may include street trees.

Ministerial Review

Following the Mayor’s Declaration of Local Emergency dated December 12, 2022, Executive Directive 1 (ED1) went into effect on December 16, 2022 to facilitate the expeditious processing of shelters and 100 percent affordable housing projects to address the homelessness crisis in the City of Los Angeles. A 100 percent Affordable Housing Project is defined as “A project with at least 5 units that has at least two-thirds residential square footage, with all units affordable at 80 percent of Area Median Income (HUD) levels, OR affordable at mixed income with up to 20 percent of units at 120 percent AMI (HCD rents) and the balance at 80 percent AMI or lower (HUD rents) as technically described here: A housing development project defined in Government Code Section 65589.5 that includes 100 percent restricted affordable units (excluding any manager’s units) for which rental or mortgage amounts are limited so as to be affordable to and occupied by, Lower Income households, as defined by CA Health and Safety Code 50079.5, or that meets the definition of a 100 percent affordable housing development in CA Gov. Code 65925(b)(1)(G)2, as determined by the Los Angeles Housing Department (LAHD)”.

On March 22, 2023, the applicant’s project vested under vesting Preliminary Application Case No. PAR-2023-1802-VHCA-ED1. The application for the proposed project was filed with City Planning under Case No. ADM-2023-4274-DB-VHCA-ED1 on June 23, 2023. On July 6, 2023, Planning issued a letter to the applicant stating that the project was not eligible for ED1 per the revised ED1 issued by the Mayor on June 12, 2023, which clarified that sites located in single-family or more restrictive zones cannot use the ED1 Ministerial Approval Process. On August 4, 2023, the applicant’s case number was changed from ADM-2023-4274-DB-VHCA-ED1 to CPC-2023-4274-DB-PHP-VHCA. Following an appeal by the applicant/owner (CF 23-0908) and litigation, the subject case reverted back to the ED1 Ministerial Approval Process under Case No. ADM-2023-4274-DB-VHCA-ED1 (and vesting status under Case No. PAR-2023-1802-VHCA-ED1). As such, the project is vested subject to the Directive issued on December 12, 2022 (effective December 16, 2022).

Housing Replacement

Pursuant to California Government Code Section 66300 et seq. (Housing Crisis Act of 2019 (HCA), as amended by Senate Bill 8 and Assembly Bill 1218), any proposed development project that requires the demolition of existing residential dwelling units or occupied or vacant Protected Units, or is located on a site where Protected Units were demolished in the previous 5 years, is subject to replacement. Pursuant to the Senate Bill 8 (SB 8) Replacement Unit Determination letter issued by the Los Angeles Housing Department (LAHD) dated March 30, 2024, no units are subject to replacement pursuant to the requirements of the Housing Crisis Act of 2019.

Density Bonus Incentives and Waiver

Pursuant to State Density Bonus Law under Government Code Section 65915(d)(2)(D), which was modified under AB 1763 and AB 2345, a project located within one-half mile of a Major Transit Stop may receive a waiver from any maximum controls on density, a height increase of up to three additional stories or up to 33 additional feet, and an applicant may request that the city not impose any minimum vehicular parking requirement for 100 percent affordable housing projects. The applicant is utilizing an automobile parking reduction offered under AB 2345 under Government Code Sections 65915(p)(3) and 65863.2 (AB 2097) as the site is located within one-half mile of a Major Transit Stop located at Roscoe Boulevard and Winnetka Avenue. As a 100 percent affordable housing project within one-half mile of a major transit stop, the project is not required to provide residential parking spaces. However, the project plans (see “**Exhibit A**”) show the project is providing 261 parking spaces.

Additionally, 100% Affordable Housing Developments are entitled to request unlimited density if the project is within a one-half mile of a major transit stop or within a very low vehicle travel area (Government Code Section 65915(f)(3)(D)(ii)). Lastly, the Housing Development that receives a waiver from any maximum controls on density shall be eligible for one waiver unless the City agrees to additional waivers or reductions of development standards (Government Code Section 65915(e)(3)).

LAMC Section 12.22 A.25 and State Density Bonus Law (Government Code Section 65915) outline types of relief that minimize restrictions on the size of the project. In exchange for meeting the minimum set-aside requirements, the project may receive a set of incentives, concessions, and waivers to deviate from development standards in order to facilitate the provision of affordable housing at the site. The approved incentives and waivers allow the developer to expand the building envelope so the additional affordable units can be constructed, provide for design efficiencies, and allow the overall space dedicated to residential uses to be increased.

Given that the applicant is providing 100 percent of dwelling units to be affordable at Low Income and Moderate Income Household occupancy for a period of 55 years, and meets the criteria outlined in Government Code Section 65915(d)(2)(D), the project is eligible for the base incentives and up to five incentives and one waiver per California Government Code Section 65915(d)(2)(D). However, the City is agreeing to four waivers. The applicant has been approved for the following incentives and waivers:

- **Density (Base Incentive).** An unlimited increase in density to allow 360 units in lieu of the otherwise allowed 43 base units under the Low Medium II Residential land use

designation corresponding to the RD1.5 density (which requires a minimum area of 1,500 square feet per dwelling unit).

- **Parking (Base Incentive).** A reduction to 0 parking spaces. The applicant's request for a waiver to provide 65 percent compact stalls is not needed pursuant to Government Code Section 65863.2 (AB 2097). No parking is required herein.
- **Averaging of Floor Area Ratio (FAR), Density, Parking, Open Space, and permitting Vehicular Access (On-Menu Incentive).** Averaging of FAR, density, parking, open space, and vehicular access across the RD2-1 and RA-1 Zones (vehicular access from a less restrictive to a more restrictive zone).
- **Side Yard (On-Menu Incentive).** An up to 20 percent reduction in the south side yard to permit a minimum side yard of 8 feet in the RA-1 Zone in lieu of the otherwise required minimum 10 feet (LAMC Section 12.07 C.2).
- **Front Yard (Off-Menu Incentive).** (1) an up to 40 percent reduction in the required front yard to permit a minimum front yard of 9 feet in the RD2-1 Zone in lieu of the otherwise required minimum of 15 feet (LAMC Section 12.09.1 B.1); and (2) an up to 27 percent reduction in the required front yard to permit a minimum front yard of 18 feet 4 inches in the RA-1 Zone in lieu of the otherwise required minimum of 25 feet (as required by the RA Zone pursuant to LAMC Section 12.07 C.1 and Ordinance No. 108,814 which imposes a 25 foot building line at the site frontage). According to information provided by the applicant, the setback is larger in the RA-1 Zone to accommodate the electrical transformer as required by LADWP.
- **Long-Term Bicycle Parking (Off-Menu Incentive).** An up to 30 percent reduction in the required long-term bicycle parking spaces for a minimum of 117 long-term bicycle parking spaces in lieu of the otherwise required 165 long-term bicycle parking spaces (LAMC Section 12.21 A.16).
- **Rear Yard (Off-Menu Incentive).** An up to 40 percent reduction in the required rear yard to permit a minimum rear yard of 15 feet in the RA-1 Zone in lieu of the otherwise required minimum 25 feet (LAMC Section 12.07 C.3).
- **Height (Waiver).** An increase in total height to allow a maximum 80 foot 3 inch building height in lieu of the otherwise allowable 75 feet in the RD2-1 Zone (base height of 45 feet in the RD2-1 Zone pursuant to LAMC Section 12.21.1 plus 33 feet allowed under AB 1763) and 63 feet in the RA-1 Zone (base height of 30 feet in the RA-1 Zone pursuant to LAMC Section 12.21.1 plus 33 feet allowed under AB 1763).
- **Floor Area Ratio (FAR)/Residential Floor Area Ratio (RFAR) (Waiver).** A maximum floor area of 236,383 square feet to allow a floor area of 94,549 square feet on the RD2-1 zoned portion of the site (FAR of 3.5:1) and a floor area of 141,834 square feet on the RA-1 zoned portion of the site (RFAR of 22:1).
- **Open Space (Waiver).** An up to 73.2 percent reduction in required open space to provide 10,030 square feet of open space in lieu of the otherwise required 37,425 square feet of open space pursuant to LAMC Section 12.21 G.

- **Tree Planting (Waiver).** An up to 77 percent reduction in the number of trees required to be planted to allow 20 trees in lieu of the otherwise required 90 trees pursuant to LAMC Section 12.21 G.3.

The record does not contain substantial evidence that would allow the decision maker to make a finding that the approved incentives do not result in identifiable and actual cost reduction to provide for affordable housing costs per State Law. The California Health and Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for 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 a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

Pursuant to LAMC Section 12.22 A.25 and as shown on “**Exhibit A,**” the project is designed with vertical and horizontal breaks in plane along the Winnetka Avenue frontage. Windows are provided on every level at the Winnetka Avenue frontage. Further, the project is oriented to the Winnetka Avenue frontage. As shown on “**Exhibit A,**” primary pedestrian, vehicular, and bicyclist access is from Winnetka Avenue.

There is no evidence in the record that the approved incentives and waivers would have a specific adverse impact. A “specific adverse impact” is defined as “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” per 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 project is not located on a substandard street in a Hillside area or in a Very High Fire Hazard Severity Zone. There is no evidence in the record which identifies a written objective health and safety standard that has been exceeded or violated. Based on the above, there is no basis to deny the incentives.

The Density Bonus Incentives result in identifiable and actual cost reductions to provide for affordable housing costs because the incentives by their nature increase the scale of the project and thus facilitates the provision of affordable housing units. The project includes five On- and Off-Menu Incentives, which further expand the building envelope and allows for identifiable cost reductions in providing for the affordable units.

The requested incentives to allow averaging of FAR, density, parking open space, and permitting vehicular access across the RA and RD2 Zones; reduction in yard setbacks; and reduction in bicycle parking permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentives allow the developer to expand the building envelope so the additional units can be constructed, and the overall space dedicated to residential uses is increased.

The project is granted four waivers for height, FAR/RFAR, open space, and tree planting. Strict compliance with the height, FAR/RFAR, open space, and tree planting requirements would reduce the building envelope for new development and physically preclude the number and range of units that could be developed.

CONCLUSION

As a Density Bonus Housing Project that satisfies all the objective planning standards of LAMC Section 12.22 A.25(g)(3) and California Government Code Section 65915 and a 100 percent affordable housing project consistent with ED1 streamlined approval, the project is considered to be a ministerial project.

Additionally, in accordance with Government Code Section 65915, the project as shown in “**Exhibit “A”**” and as conditioned herein, is deemed to satisfy the objective planning standards and shall comply with the attached planning standards as Conditions of Approval.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director’s Letter of Compliance shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within three years after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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 Municipal Code, or the approval may be revoked.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles, the Marvin Braude Building in the Valley, or the South Los Angeles Development Services Center. 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 through the Department of City Planning website at [Home | Los Angeles City Planning \(lacity.gov\)](http://Home | Los Angeles City Planning (lacity.gov)) or by calling (213) 482-7077 (Downtown) or (818) 374-5050 (Valley DSC). The applicant is further advised to notify any consultant representing you of this requirement as well.

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.

Effective Date/Appeals: The decision of this Letter of Compliance is final and effective upon the mailing of this letter and not appealable.

Writ of Mandate: The City is taking actions in compliance with the Writ of Mandate issued in *Yes in My Back Yard v. City of Los Angeles* LASC Case No. 24STCP00070).

VINCENT P. BERTONI, AICP
Director of Planning

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