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

September 7, 2023

Applicant/Owner

Shahram Shamsian
EL Investment, LLC
18375 West Ventura Boulevard,
Ste. 155
Tarzana, CA 91356

Representative

Behrouz Bozorgnia
Mobbil, Inc.
11675 West Picturesque Drive
Los Angeles, CA 91604

Case No. DIR-2022-7885-SPR-HCA

CEQA: ENV-2022-7886-CE

Location: 957-967 South Arapahoe
Street

Council District: 1 – Eunisses Hernandez

Neighborhood Council: MacArthur Park

Community Plan Area: Wilshire

Land Use Designation: High Medium Residential

Zone: R4-1

Legal Description: Lots 42 – 44 of the Clark and
Bryan's Westmoreland Tract

Last Day to File an Appeal: September 22, 2023

DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program

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

- 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, Section 15332, Article 19 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
- Approve with Conditions** a 70 percent increase in density, an increase in the maximum allowable FAR by 50 percent, and minimum of zero (0) parking spaces consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a Tier 3 development project totaling 109 dwelling units, reserving 15 units for Very Low Income (VLI) Households, and one (1) unit for Extremely Low Income (ELI) Households for a period of 55 years;

3. **Adopt** the attached Findings and Conditions of Approval.

DETERMINATION – Site Plan Review

Pursuant to the LAMC Section 16.05, I have reviewed the proposed project and as the designee of the Director of City Planning, I hereby:

1. **Approve with Conditions** a Site Plan Review for the construction of a new residential development resulting in a net increase of 50 or more dwelling units; and
2. **Adopt** the attached Findings and Conditions of Approval.

CONDITIONS OF APPROVAL

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

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit “A,” and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.
2. **On-site Restricted Affordable Units.** 15 units shall be reserved for Very Low Income (VLI) Households, and one (1) unit shall be reserved for Extremely Low Income (ELI) Households as defined by the Los Angeles Housing Department (LAHD) and California Government Code Section 65915(c)(2).
3. **Changes in On-site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,31.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to designate 15 units for Very Low Income Households, and one (1) unit for Extremely Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of LAHD, and in consideration of the project’s Housing Crisis Act of 2019 (as amended by SB 8) Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. Refer to the Density Bonus Legislation Background section of this determination. Additionally, the project shall comply with any other requirements stated in project’s Housing Crisis Act of 2019 (SB

8) Replacement Unit Determination Letter, dated June 23, 2022, including but not limited to replacement unit requirements and requirements regarding relocation, right of return, and right to remain for occupants of protected units.

5. **Base Incentives.**

- a. **Residential Density.** The project shall be limited to a maximum density of 109 residential dwelling units, (equal to a maximum density increase of 70 percent), including On-Site Restricted Affordable Units.
- b. **Floor Area Ratio (FAR).** The project shall be permitted a maximum FAR of 3.46, or a total floor area of 66,040 square feet.
- c. **Parking.**
 - i. **Automobile Parking.** Pursuant to California Government Code Section 65915(p)(3) and AB 2097, the project shall be allowed to provide a minimum of zero (0) parking spaces.
 - ii. **Bicycle parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A,16.
 - iii. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by LAHD.

Site Plan Review

6. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
 - a. **Tree Requirement.** The project shall provide at least the minimum number of trees on-site to comply with the landscape requirement (LAMC Section 12.21 G(a)(3)). Pursuant to Ordinance No. 170,978, required trees shall not be palm trees.
 - b. **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 pursuant to LAMC Article Section 12.21 G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).

7. **Window Treatments.** Architectural window framing elements that project or recess shall be at a minimum of 3-inches from the exterior façade on 75 percent of the windows of each elevation of the structure. The architectural window framing element projection or recess may exceed the 3-inch minimum as permitted by the LAMC.
8. **Building Materials.** Each façade of the building shall incorporate a minimum of three (3) different building materials. Windows, doors, balcony/deck railings, and fixtures (such as lighting, signs, etc.) shall not count towards this requirement.
9. **Parking Screening.** With the exception of vehicle and pedestrian entrances and/or fresh air intake grilles, all vehicle parking shall be completely enclosed along all sides of the building.
10. **Parking / Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Department of Transportation for approval.
11. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above skies.
12. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping consistent with LADWP access requirements.
13. **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.
14. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way. Trash and recycle receptacles shall be stored within a fully enclosed portion of the building at all times.
15. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
16. **Sustainability.**
 - a. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of the LAMC.
 - b. **Solar Panels.** The project shall comply with Section 99.05.211.1 of the LAMC.

Administrative Conditions

17. **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.

18. **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.
19. **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.
20. **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.
21. **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.
22. **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.
23. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
24. **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.
25. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

26. **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.

27. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

PROJECT BACKGROUND

The project site is a level, rectangular-shaped parcel of land comprised of three (3) contiguous lots, encompassing 25,658 square feet (approximately 0.59 acres) of lot area. The subject property has 180 feet of street frontage along the west side of Arapahoe Street. The subject property is zoned R4-1 and is located within the Wilshire Community Plan area. The Community Plan Area Map designates the subject property for High Medium Residential land uses corresponding to the R4 Zone. The project site is located within a Transit Priority Area in the City of Los Angeles (ZI-2452), a Los Angeles State Enterprise Zone (ZI-2374), and an Urban Agriculture Incentive Zone. The project site is subject to a 20-foot Building Line along the westerly side of Arapahoe Street established under Ordinance No. 93218. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The project site is located within a Tier 3 Transit Oriented Communities Affordable Housing Incentive Area, qualified by its proximity to the intersection of a Major Transit Stop. The project site is located within one-half mile of Metro Route 28 and Metro Local 603 bus lines, which qualify as a Major Transit Stop. As such, the project meets the eligibility requirements for a TOC Housing Development to be located within one-half mile of a Major Transit Stop.

The subject property currently consists of a vacant lot, a two-story single-family dwelling, and a two-story four-unit apartment building. The Los Angeles Department of Building and Safety (LADBS) database indicates that a Demolition Permit was issued for 957 South Arapahoe Street on January 7, 2019 (Permit No. 19019-20000-00054) and that the Owner has applied for a Building Permit (Application No. 22010-10000-00745), which has not been issued. The Los Angeles Housing Department (LAHD) SB 8 Replacement Unit Determination (RUD) Letter dated June 23, 2022, determined that two (2) units need to be replaced with equivalent type, with one (1) units restricted to Very Low Income Households, and one (1) restricted to Extremely Low Income Households. The project proposes a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households.

The project involves the demolition of the two-story single-family dwelling and two-story apartment building, and the construction, use, and maintenance of a new five-story residential building, 60 feet in height, containing a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households. The proposed development will contain approximately 66,040 square feet of floor area, equating to a

total floor area ratio (FAR) of approximately 3.46:1. The proposed building's residential units will consist of one (1) studio unit, 102 one-bedroom units, four (4) two-bedroom units, and two (2) four-bedroom units. The project will provide a total of 11,150 square feet of open space comprised of private balconies, a fitness center, courtyard, multipurpose room, and two (2) roof decks. The project will have one (1) subterranean level that will contain a total of 60 vehicle parking stalls and will provide a total of 88 bicycle parking stalls including, 80 long-term, and eight (8) short-term parking stalls.

Vehicular ingress and egress for the building's parking garage will be provided via single driveway located at the northeast corner of the project site. Pedestrian access to the residential lobby of the building will be at the center of the property on Arapahoe Street. The project will observe an easterly front yard setback of 20 feet along Arapahoe Street, northerly and southerly side yard setbacks of 8 feet, and westerly rear yard setback of 17 feet.

The project meets all eligibility requirements for the TOC Affordable Housing Incentive Program. As such, the project is eligible for Base Incentives and up to three (3) 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 a minimum of zero (0) parking spaces. The project is seeking a 70 percent density increase to 109 units, an increase in FAR to 3.46:1, and will provide at least the minimum number of parking spaces required. The project is not utilizing any Additional Incentives, but rather utilizing only Base Incentives to facilitate the development of the proposed project. As previously stated, the project is setting aside 15 units for Very Low Income Households, and one (1) unit for Extremely Low Income Households, which equates to 25 percent of the 65 base units permitted through the underlying zoning of the site.

SURROUNDING PROPERTIES

Properties within the vicinity of the project site are zoned R4-1 and are designated for High Medium Residential land uses. The surrounding properties are developed with single- and multi-family residential buildings ranging from two to six stories in height. Adjoining the project site to the north is a two-story apartment building. Abutting the subject site to the east, are properties developed with a surface parking lot, and a two-story single-family dwelling. Adjoining the project site to the south, is a three-story apartment building. Properties adjoining the subject site to the west are developed with three-story apartment buildings.

STREETS

Arapahoe Street, adjoining the subject property to the east, is a Local Street - Standard, dedicated to a right-of-way width of 70 feet and a roadway width of 36 feet, and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

PUBLIC HEARING AND TESTIMONY

A public hearing for Case No. DIR-2022-7885-SPR-HCA held on Tuesday, June 27, 2023 via Zoom teleconference. The purpose of the hearing was to receive public testimony on behalf of the Director of Planning as the decision maker on the case.

The hearing was attended by approximately 15 individuals. Five members of the public spoke in opposition to the proposed project. Opponents of the project cited concerns with the proposed development further exacerbating the problem of a current lack of parking for residents in the

neighborhood, as well as the project contributing to traffic congestion. Some speakers argued the project will contribute to increased rent prices in the neighborhood, which will cause residents to be pushed out of their community. One individual stated that the project does not provide enough low-income housing. Other members of the public argued that the project is out of scale with the surrounding neighborhood. Another individual stated that there was a lack of community outreach from the applicant, and expressed concerns that some residents may not have been properly informed of the proposed project.

HOUSING REPLACEMENT

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

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

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

In addition to the requirements of California State Density Bonus Law, on October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (SB 330, and as amended by SB 8), which creates new state laws regarding the production, preservation and planning for housing, and establishes a statewide housing emergency until January 1, 2025. During the duration of the statewide housing emergency, SB 330 (and as amended by SB 8) creates, among other things, new housing replacement requirements for Housing Development Projects by prohibiting the approval of any proposed housing development project on a site that will require the demolition of existing residential dwelling units or occupied or vacant “Protected Units” unless the proposed housing development project replaces those units. The project shall provide at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the property within the past 5 years. Additionally, the project must also replace all existing or demolished “Protected Units”.

The subject property currently consists of a vacant lot, a two-story single-family dwelling, and a two-story four-unit apartment building. The Los Angeles Housing Department (LAHD) SB 8 Replacement Unit Determination (RUD) Letter dated March 3, 2022, determined that four (4) of the existing dwelling units need to be replaced with equivalent type, with one (1) unit restricted to Low Income Households, two (2) units restricted to Very Low Income Households, and one (1) unit restricted to Extremely Low Income Households. The project will reserve 15 dwelling units for Very Low Income Households, and one (1) dwelling unit for Extremely Low Income Households.

As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

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

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

The project site is located within a Tier 3 TOC Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve 14 percent of the total number of on-site dwelling units for Very Low Income Households. The project will reserve 15 on-site dwelling units for Very Low Income Households and will reserve one (1) on-site dwelling unit for Extremely Low Income Households, which complies with the required 14 percent of the 109 total dwelling units proposed as part of the Housing Development. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

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

As defined in the TOC Guidelines, a Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). The project site is located within one-half mile of the Metro Route 28 and Metro Local 603 bus lines, which qualifies as a Major Transit Stop. As such, the project meets the eligibility requirements for a TOC Housing Development to be located within one-half mile of a Major Transit Stop.

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

The Los Angeles Housing Department (LAHD) SB 8 Replacement Unit Determination (RUD) Letter dated June 23, 2022, determined that two (2) units need to be replaced with equivalent type, with one (1) units restricted to Very Low Income Households, and one (1) restricted to Extremely Low Income Households. The project proposes a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

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

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

5. **Base Incentives and Additional Incentives.** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below “base units” refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Eligibility Requirement No. 1 above (except Moderate Income units).*

- a. *One (1) Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.*
- b. *Two (2) Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.*

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

As an Eligible Housing Development, the project is eligible to receive the Base Incentives listed in the TOC Guidelines. The project meets the TOC Guideline requirements of providing at least 15 percent of the base units for Very Low Income Households in exchange for being granted the up to three (3) additional incentives. The project is setting aside 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households, which equates to 25 percent of the base units permitted through the underlying zoning of the site. The project however, is not requesting any Additional Incentives. 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. The project is setting aside 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households, which equates to 25 percent of the base units permitted through the underlying zoning of the site. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11, and this eligibility requirement does not apply.

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

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

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

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

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

The project does not consist of 100 percent On-Site Restricted Affordable units. 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.*

The project is not seeking any Additional Incentives. The project, however, is requesting Site Plan Review for a residential development resulting in a net increase of 50 or more dwelling units. As such, the project shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and has demonstrated conformance to said guidelines. The proposed development has been conditioned to ensure a well-designed project and in compliance with the Citywide Design Guidelines. The project has been conditioned to provide a pedestrian-friendly environment through the provision of landscaping, prominent pedestrian entryways, and screening of any mechanical equipment from the public right-of-way. The project has also been conditioned to incorporate a variety of building materials and to either wrap or enclose all visible vehicular parking in order to create visually interesting building façades and minimize impacts on surrounding properties.

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

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

1. **Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(e) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the Director finds that:**

- a. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

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

The project is not utilizing any Additional Incentives, but rather utilizing only Base Incentives to facilitate the development of the proposed project. As a Tier 3 TOC

development project, the project is granted a 70 percent increase in density, an increase in the maximum allowable FAR by 50 percent, and a minimum of zero (0) parking spaces. The project shall be permitted a maximum density of 109 residential dwelling units, (equal to a maximum density increase of 70 percent), including On-Site Restricted Affordable Units.

- b. *The Incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible methods to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to low-income and moderate-income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(B) and 65589.5(d)).*

There is no evidence that the proposed incentives will have a specific adverse impact upon public health and safety or the physical environment, or any real property that is listed in the California Register of Historical Resources. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. According to ZIMAS, the project site does not fall within a Methane Hazard Site, an Alquist-Priolo Fault Zone, a Preliminary Fault Rupture Study Area, Flood Zone, Landslide Area, Liquefaction Area, Tsunami Inundation Zone, a Very High Fire Hazard Severity Zone, Hillside Area, or BOE Special Grading Area. The project site is located within the Puente Hills Blind Thrust fault zone. Therefore, there is no substantial evidence that the proposed project, and thus the requested incentives, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

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

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

SITE PLAN REVIEW FINDINGS

2. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are 12 elements of the General Plan. The majority of the policies derived from these elements are in the form of code requirements of the Los Angeles Municipal Code. Except for those entitlements requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the General Plan is divided into 35 Community Plans.

The subject property is located within the Wilshire Community Plan area which is one of the 35 Community Plans that make up the Land Use Element of the General Plan. The Wilshire

Community Plan Area Map designates the subject property for High Medium Residential land uses corresponding to the R4 Zone. The subject property's R4 zoning is thus consistent with the General Plan's land use designation for the site. The property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The proposed project is consistent with, and meets the goals, objectives, and policies of the Wilshire Community Plan. The proposed residential development will result in a net increase of 104 dwelling units on the subject property, adding new desirable multi-family housing to the region and contribute to the City's affordable housing stock. The project meets the intent of the following goals, objectives, and policies of the Wilshire Community Plan:

Goal 1: Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire community.

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

Policy 1-1.3: Provide for adequate Multiple Family residential development.

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

Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.

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

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

The project makes a both practical and efficient use of the subject property by locating new, higher density residential development near transit lines and neighborhood services. The resulting development will thus be located in a manner that has the potential to reduce vehicular trips. The project will also provide a mix of market rate and affordable units, thereby promoting the provision of adequate housing for all persons relative to income. The project meets all applicable design guidelines and standards, and is a residential development with an appropriate, context-sensitive scale. The project will be conditioned and designed to contribute towards a pedestrian-friendly environment that is safe for all modes of transportation. Furthermore, the project is located within one-half mile of the Metro Route 28 and Metro Local 603 bus lines. The provision of well-designed multi-family housing, which includes restricted affordable units, ensures a project that will complement the existing neighborhood while also providing valuable housing stock to current and future residents.

The proposed project is consistent with the objectives, and policies, of the **General Plan's Housing Element 2021 – 2029** adopted in November 2021 as described below:

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2-1: Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3-1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

The project will redevelop a presently underutilized site consisting of a single-family dwelling and a four-unit apartment building with a new five-story residential building, containing a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households. In addition, the residential development would accommodate a variety of household sizes with a mix of studio units, one-bedroom units, two-bedroom units, and four-bedroom units. The project site is located in long established residential neighborhood, that is fully built out with a variety of housing types. The project site is also located within one-half mile of Metro Route 28 and Metro Local 603 bus lines. The project's proximity to public transit would allow individuals to connect to essential services and centers, including employment centers, schools, and grocery markets. As such, the proposed project would complement the surrounding community while expanding housing opportunities along a transit-rich area.

The proposed project is also consistent with the policies, of the **General Plan's Mobility Element**, also known as Mobility Plan 2035, which seek to meet the ultimate goal of developing a balanced transportation network for all users. The project supports the following policies of the Mobility Element:

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

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

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

The project site is located within a Tier 3 Transit Oriented Communities area, located within 500 feet of the intersection of Olympic Boulevard and Hoover Street where the Metro Route 28 and Metro Local 603 bus lines provide intersecting service at peak headways of 15 minutes or less. In addition, the project will provide a total of 88 bicycle parking stalls including, 80 long-term, and eight (8) short-term parking stalls. Bicycle parking will be located in areas that are easily accessible by both residents and visitors. Long-term bicycle parking will be housed in a bike room located on the ground floor at the northeast corner of the residential building, while short-term bike parking will be located in the front yard, north of the main pedestrian entrance facing Arapahoe Street. The project's proximity to multiple public transit lines and ample provision of bicycle parking provides residents access to various modes of transportation. The nearby public transit lines and provision of bicycle parking enable residents to access work centers, destinations, and other neighborhood services across Los Angeles. Furthermore, of the total parking number of vehicle parking stalls provided, 30 percent will be EV capable, which will further support and encourage the adoption of low and zero emission vehicles. Therefore, the project supports the reduction of VMT per capita, connecting individuals to public transportation infrastructure, and encourages the adoption of low and zero emission fuel sources.

As detailed above, the proposed project is in substantial conformance with the purposes, intent and provisions of the Wilshire Community Plan and General Plan. The project is consistent with the applicable general plan designation and policies as well as with applicable zoning designation and regulations.

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

The arrangement of the proposed development is consistent and compatible with existing and future development within the surrounding properties. The subject property is located within the Wilshire Community Plan area, with street frontage along Arapahoe Street. The project site is located mid-block between San Marino Street to the north, and Olympic Boulevard to the south.

The project will redevelop the subject site consisting of a single-family dwelling and a four-unit apartment building with a new five-story residential building, 60 feet in height, containing a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households.

Properties within the vicinity of the project site are zoned R4-1 and are designated for High Medium Residential land uses. The surrounding properties are developed with single- and multi-family residential buildings ranging from two to six stories in height. Adjoining the project site to the north is a two-story apartment building. Abutting the subject site to the east, are properties developed with a surface parking lot, and a two-story single-family dwelling. Adjoining the project site to the south, is a three-story apartment building. Properties adjoining the subject site to the west are developed with three-story apartment buildings.

The proposed project, reaching a maximum height of 60 feet, containing five stories, and one level of subterranean parking, is within relative scale of the existing surrounding buildings, particularly those fronting along Hoover Street to the east, and Olympic Boulevard to the

south. In addition, all vehicle parking will be located underground and will not be visible to the public right-of-way. Furthermore, the project meets minimum required setbacks, and provides a sufficient number of trees and landscaping that will help to maintain compatibility with neighboring properties.

Height, Bulk, and Setbacks

The subject property is zoned R4-1 and is designated for High Medium Residential land uses. The subject site's 1 Height District allows for unlimited building height and permits an unlimited number of stories. The project, therefore, is not requesting any height relief from the site's underlying zoning and proposes a maximum building height of 60 feet.

The R4-1 zoning of the site typically allows for a maximum Floor Area Ratio (FAR) of 3:1; however, as permitted through the Transit Oriented Communities (TOC) Affordable Housing Incentive Program and LAMC Section 12.22 A.25, Housing Developments may qualify for a FAR increase in exchange for setting aside a portion of the proposed residential units toward affordable housing. The project is therefore requesting a Base Incentive to permit an increase in the maximum allowable FAR by 50 percent. The project proposes an FAR of 3.46:1, equating to a total floor area of 66,040 square feet, in lieu of the otherwise permitted FAR of 3:1. The requested TOC Base Incentive to allow for an increased FAR is intended to 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 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households, and facilitates the creation of affordable housing units.

The project will meet all minimum setback requirements of the subject site's underlying R4-1 zoning. The project will observe an easterly front yard setback of 20 feet along Arapahoe Street, northerly and southerly side yard setbacks of 8 feet, and a westerly rear yard setback of 17 feet. The project is not seeking any Additional Incentives for deviations in required setbacks.

To minimize the bulk and massing of the proposed building, the project includes variations in building materials and the exterior walls of the building are also articulated, incorporating street-facing balconies and windows. The ground floor consists of a variation in wall treatments, including fiber cement vertical sliding, and smooth stucco integrated into the overall architectural style of the building. In addition, trees and landscaping are utilized to create an attractive buffer between the easterly exterior wall and the public right-of-way. The project design employs various architecture methods to establish a distinguishable and attractive building design. A variety of building materials and finishes, as well as landscape and hardscape materials, will result in a design that is complementary to the neighborhood.

Parking

The project proposes a total of 60 vehicle parking stalls and a total of 88 bicycle parking stalls including, 80 long-term, and eight (8) short-term parking stalls. Vehicle parking will be located within a single subterranean parking level and will not be visible from the public right-of-way or adjacent properties. Vehicular access to the project's subterranean parking level is provided by a single two-way driveway located at the northeast corner of the building adjoining Arapahoe Street. The project would reduce the number of curb cuts at the site, by removing one existing driveway on Arapahoe Street. By consolidating the two existing driveways into a single driveway at the northeast corner of the project site, the project will help to create a more

pedestrian-friendly environment. Bicycle parking will be located in areas that are easily accessible by both residents and visitors. Long-term bicycle parking will be housed in a bike room located on the ground floor at the northeast corner of the residential building, while short-term bike parking will be located in the front yard, north of the main pedestrian entrance facing Arapahoe Street. The proposed locations of the bicycle parking will ensure easy bike access for residents and visitors and support alternative modes of transportation. Therefore, for the reasons stated above, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Lighting

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

Landscaping

The project will provide 2,877 square feet of landscaped area throughout the interior and along the perimeter of the subject property. The planting palette consists of a variety of shrubs, perennials, and trees that are intended to provide shading where needed, reduce surface temperatures, as well as maintain compatibility with adjacent residential uses. The project will provide a total of 28 trees inclusive of six (6) existing street trees located along the westerly side of Arapahoe Street. In addition, the project has been conditioned to require that all areas not used for buildings, driveways, or amenities will consist of landscaping. Therefore, as designed and conditioned, the on-site landscaping of the proposed project will be compatible with the existing and future developments in the neighborhood.

Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. Trash collection will occur within two separate trash/recycle rooms located at the ground floor of the building. The project includes trash and recycling chutes throughout the building to encourage recycling and keep trash and recycling hidden from the view of residents and neighbors. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

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

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

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

provided for each residential unit consisting of three habitable rooms; and 175 square feet of open space provided for each residential unit containing more than three habitable rooms. The project proposes a five-story residential building containing a total of 109 dwelling units with 15 units reserved for Very Low Income Households, and one (1) dwelling unit reserved for Extremely Low Income Households. The proposed building's residential units will consist of one (1) studio unit, 102 one-bedroom units, four (4) two-bedroom units, and two (2) four-bedroom units. Whereas 11,150 square feet of open space is required by the LAMC, the project will provide approximately 11,703 square feet of open space that is comprised of private balconies, a fitness center, courtyard, multipurpose room, and roof decks. These amenities would provide residents with spaces for gathering, socialization, recreation, and relaxation. The project will provide 2,877 square feet of landscaped area throughout the interior and along the perimeter of the subject property. All of the outdoor spaces will be landscaped and planted with a variety of trees and other plants, which will provide shade and greenery for residents, enhance the physical environment, reduce surface temperatures, and reduce potential impacts on adjacent properties. For transit-dependent residents, the subject property is located approximately 500 feet from the Metro Route 28 and Metro Local 603 bus lines that provide intersecting service at peak headways of 15 minutes or less. Lastly, the project will provide a total of 88 bicycle parking stalls that will be located in areas that are easily accessible by both residents and visitors. Therefore, the project provides many different recreational and service amenities which will improve habitability for residents and will minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas minimal flooding.
6. 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 five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document attached to the subject case file provides the full analysis and justification for project conformance with the definition of 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 ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit;

a project in closer proximity to significant rail stops or the intersection of major bus rapid transit lines is rated a higher tier. The largest bonuses are reserved for those projects in the highest tiers. Required percentages of affordable housing are also increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

OBSERVANCE OF CONDITIONS – TIME LIMIT – LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATION OF THESE CONDITIONS, A MISDEMEANOR

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

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

APPEAL PERIOD - EFFECTIVE DATE

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

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

An appeal may be filed utilizing the following options:

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

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

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

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

*Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard,
Suite 251
Van Nuys, CA 91401
Planning.mbc2@lacity.org*

*West Los Angeles DSC
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
Planning.westla@lacity.org*

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

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

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



*QR Code to Online
Appeal Filing*



*QR Code to Forms for
In-Person Appeal Filing*



*QR Code to BuildLA
Appointment Portal for
Condition Clearance*

Pursuant to LAMC Section 16.05, any party can appeal the Site Plan Review portion of this Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits, increase in FAR, and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Sections 12.22 A.25 and 12.22 A.31 of the LAMC, appeals of Transit Oriented Communities Affordable Housing Incentive Program cases are heard by the City Planning Commission.

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

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



Heather Bleemers
Senior City Planner

Reviewed by:



Esther Ahn
City Planner

Prepared by:



Trevor Martin
City Planning Associate

Attachments:

Exhibit A: Architectural Plans and Landscape Plans