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200 N. SPRING STREET, ROOM 525 LOS ANGELES, CA 90012-4801 (213) 978-1271

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DIRECTOR'S DETERMINATION TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

August 27, 2021

Applicant / Owner

506 N Larchmont Blvd LLC

c/o Yair Ben Moshe

500 North Larchmont Boulevard

Los Angeles, CA 90004

Representative

Matthew Hayden Hayden Planning

10100 Venice Boulevard Los Angeles, CA 90232 Case No. DIR-2021-559-TOC-HCA

CEQA: ENV-2021-560-CE

Location: 500-506 North Larchmont Boulevard and 5267 West

Rosewood Avenue

Council District: 4 - Raman

Neighborhood Greater Wilshire

Council:

Community Plan Area: Wilshire

Land Use Designation: Neighborhood Office

Commercial

Zone: [Q]C2-1VL

Legal Description: Los 185 & 186, Larchmont

Heights Tract

Last Day to File an

Appeal:

September 13, 2021

DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program

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

- 1. Determine based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies:
- 2. Approve with Conditions a 50 percent increase in density, consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program along with the following three incentives for a qualifying Tier 1 project totaling 21 dwelling units, reserving two units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:

- a. RAS3 Setbacks. Utilization of the side yard setback requirements of the RAS3 Zone for a project in a commercial zone;
- b. Increased Height and Transitional Height. A maximum height increase of one additional story up to 11 additional feet and utilization of Tier 1 Transitional Height requirements in which the project's building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 15 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive residential zone; and
- **c. Open Space.** A maximum reduction of 20 percent in the required amount of open space; and
- 3. Adopt the attached Findings.

CONDITIONS OF APPROVAL

Pursuant to Section 12.22 A.31 of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

- 1. Site Development. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing.
- 2. On-site Restricted Affordable Units. Two units, or equal to eight percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) 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 HCIDLA to make eight (8) percent of the total number of dwelling units available to Extremely Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of HCIDLA, and in consideration of the project's Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.

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5. **Housing Replacement Requirements.** Pursuant to the Housing Crisis Act of 2019 and the HCIDLA SB 330 determination dated March 31, 2021, the project shall not be required to provide replacement units.

6. Base Incentives.

- a. **Residential Density**. The project shall be limited to a maximum density of 21 residential dwelling units (equal to a maximum density increase of 50 percent), including On-site Restricted Affordable Units.
- b. **Floor Area Ratio (FAR).** The project shall be permitted a FAR of 2.38:1 for a Tier 1 project in a commercial zone.

c. Parking.

- i. Automotive Parking. Automobile parking shall be provided consistent with LAMC Section 12.22 A.31. The proposed development, a Tier 1 project, shall not be required to exceed 0.5 automobile parking space per bedroom. A greater number may be provided at the applicant's discretion. The project may utilize up to a 10 percent reduction in the nonresidential automobile parking requirement for any ground-floor nonresidential use.
- ii. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21 A.16.
- iii. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

7. Additional Incentives.

- a. **RAS3 Setbacks.** The project shall be permitted to utilize the side yard setbacks requirements of the RAS3 Zone for a project in a commercial zone.
- b. Increased Height and Transitional Height. The project shall be permitted a maximum height increase of one additional story up to 11 additional feet and to utilize Tier 1 Transitional Height requirements in which the project's building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 15 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive residential zone.
- c. **Open Space.** The project shall be permitted a maximum reduction of 20 percent in the required amount of open space.

Design Conformance Conditions

8. **Entrances.** The pedestrian entrances to the residential lobby along Larchmont Boulevard shall be recessed as shown in "Exhibit A."

- 9. **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.
- 10. **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.
- 11. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer(s), if located at-grade and facing the public right-of-way, shall be screened with landscaping consistent with LADWP access requirements.
- 12. Landscaping. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
- 13. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
- 14. **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.
- 15. **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.
- 16. **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 Article 9. Chapter IX of the LAMC.
- 17. **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.
- 18. **Trash.** All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
- 19. **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.

Administrative Conditions

20. 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

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- Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
- 21. **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.
- 22. **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.
- 23. **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.
- 24. 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.
- 25. **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.
- 26. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
- 27. **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.
- 28. **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.
- 29. 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 <u>but not limited to</u>, 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, 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 <u>any</u> federal, state or local law

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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 located within the Wilshire Community Plan and consists of two lots totaling approximately 11,188square feet (0.26 acre), with 90 feet of frontage along Larchmont Boulevard to a depth of 112 feet. The Community Plan designates the subject property for Highway Oriented and Limited Commercial land uses, which accommodates the C2-1-CUGU zone designated for the subject property. The project site is not located within the boundaries of any specific plan or interim control ordinance.

The subject property is located within a Tier 1 TOC Affordable Housing Incentive Area, qualified by its proximity to a Major Transit Stop, involving the intersection of the Metro #10 plus LADOT DASH – Hollywood/Wilshire bus lines.

The proposed project includes the development of the two parcels at 500-506 North Larchmont Boulevard and 5267 West Rosewood Avenue involving the construction of a new, five-story residential building. The project will contain 21 multi-family dwelling units. Of the 21 units proposed, two will be set aside for Extremely Low Income Households. The proposed building will encompass approximately 26,648 square feet in total building area, resulting in a Floor Area Ratio of no more than 2.38 to 1. The project proposes to provide 21 automobile parking spaces, 24 bicycle parking spaces, and 1,960 square feet of open space, divided between a second-floor recreation room and private balconies. The project will reach a maximum height of 56 feet to the top of the building parapet, not inclusive of limited permitted exceptions for rooftop structures pursuant to LAMC Section 12.21.1-B.3. The project will maintain a one-foot front yard setback, 5-foot side yard setbacks, and a 17-foot rear yard setback.

The project meets all eligibility requirements for the TOC Affordable Housing Incentive Program. As an eligible Housing Development and pursuant to the TOC Guidelines, the project is eligible for Base Incentives and up to three Additional Incentives. The subject property is located in Tier 1 and requesting to utilize the incentives permitted in Tier 1. As a Tier 1 development, the project is eligible for Base Incentives, including to (1) increase the maximum allowable number of dwelling units permitted by 50 percent; (2) increase the maximum allowable FAR by 45 percent or to 2.75:1 if the maximum percentage increase results in a FAR of less than 2.75:1 for a project in a commercial zone; and (3) provide automobile parking at a ratio of 0.5 spaces per bedroom. The project is seeking a 50 percent density increase and an increase in FAR to 2.38:1 and will provide at least the minimum number of parking spaces required. The project is also requesting three Additional Incentives: 1) utilization of the side yard setback requirements of the RAS3 Zone for a project in a commercial zone; 2) a maximum height increase of one additional story up to 11 additional feet and the utilization of Tier 1 Transitional Height requirements in which the project's building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 15 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive residential zone; and 3) a maximum reduction of 20 percent in the required amount of open space.

The project meets the TOC Guideline requirements of providing at least eight percent of the base units for Extremely Low Income Households in exchange for being granted the three requested Additional Incentives. The project's two units set aside for Extremely Low Income Households equates to 14 percent of the 14 base units permitted through the underlying zoning of the site.

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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). SB 330 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, among other things, creates 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 Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated March 31, 2021, that there are two units subject to replacement pursuant to the requirements of the Housing Crisis Act of 2019 (SB 330), including one unit restricted to Extremely Low-Income Households and one unit restricted to Very Low Income Households. The two total units required by the SB 330 Determination are satisfied by the two units set aside for habitation by Extremely Low Income Households proposed through the Transit Oriented Communities Affordable Housing Incentive Project, and the project will further be required to comply with all applicable regulations set forth by HCIDLA.

As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Sections 65915(c)(3) (State Density Bonus Law) and 66300 (Housing Crisis Act of 2019).

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

To be an eligible Transit Oriented Communities (TOC) Housing Development, a project must meet the Eligibility criteria set forth in Section IV of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). A Housing Development located within

a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements, which the request herein does:

- 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 1 TOC Affordable Housing Incentive Area and is requesting to utilize the incentives permitted in Tier 1. As part of the proposed Tier 1 development, the project is required to reserve eight percent of the total number of on-site dwelling units for Extremely Low-Income Households. The project will reserve a total of two on-site dwelling units for Extremely Low-Income Households, which equates to eight percent of the 21 total dwelling units proposed as part of the Housing Development, and thus meets the eligibility requirement for On-Site Restricted Affordable Units.

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

As defined in the TOC Guidelines, a Major Transit Stop means a site with an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The subject property is located within a Tier 1 TOC Affordable Housing Incentive Area, qualified by its proximity to a Major Transit Stop, involving the intersection of the Metro Local #10 and LADOT DASH – Hollywood/Wilshire bus lines.

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

The Department of Housing and Community Investment (HCIDLA) has determined, per the Housing Crisis Act of 2019 (SB 330) Replacement Unit Determination, dated March 31, 2021, that there are two units subject to replacement pursuant to the requirements of the Housing Crisis Act of 2019 (SB 330), including one unit restricted to Extremely Low Income Households and one unit restricted to Very Low Income Households. The two total units required by the SB 330 Determination are satisfied by the two units set aside for habitation by Extremely Low Income Households proposed through the Transit Oriented Communities Affordable Housing Incentive Project, and the project will further be required

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to comply with all applicable regulations set forth by HCIDLA. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Sections 65915(c)(3) (State Density Bonus Law) and 66300 (Housing Crisis Act of 2019).

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

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

- 5. Base Incentives and Additional Incentives. All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below "base units" refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in the Eligibility Requirement No. 1 above (except Moderate Income units).
 - a. One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.
 - b. Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.
 - c. Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.

As an eligible housing development, the project is eligible to receive the Base Incentives listed in the TOC Guidelines. The project is also seeking three Additional Incentives: 1) utilization of the side yard setback requirements of the RAS3 Zone for a project in a

commercial zone; 2) a maximum height increase of one additional story up to 11 additional feet and the utilization of Tier 1 Transitional Height requirements in which the project's building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 15 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive residential zone; and 3) a maximum reduction of 20 percent in the required amount of open space. The project may be granted three Additional Incentives for reserving at least eight percent of the base units for Extremely Low Income Households. The project is setting aside two units for Extremely Low Income Households, which equates to approximately 14 percent of the 14 base units permitted through the underlying zoning of the site. As such, the project meets the eligibility requirements for both on-site restricted affordable units and Base and Additional Incentives.

6. **Projects Adhering to Labor Standards.** Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).

The project is not seeking any Additional Incentives beyond the three permitted in exchange for reserving at least eight percent of the base units for Extremely Low Income Households. The project is setting aside two units for Extremely Low Income Households, which equates to approximately 14 percent of the 14 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 four existing contiguous lots, all of which are located within a Tier 1 TOC Affordable Housing Incentive Area. As such, 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 project site is located within Tier 1 and is providing the percentage of On-Site Restricted Affordable Housing units required for Tier 1.

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

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

10. Design Conformance. Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines, and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to

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construct the building with the residential density permitted by Section VI of the TOC Guidelines.

The project seeks three Additional Incentives. The proposed development conforms to the Citywide Design Guidelines and has been conditioned to ensure a well-designed development and compliance with the Design Guidelines. The project has been conditioned to incorporate a variety of building materials and to provide a more pedestrian-friendly and oriented streetscape through the planting of new landscaping. Additionally, the project has been conditioned to provide buffers around rooftop mechanical equipment and to completely enclose any visible automobile parking to 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(3) 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 Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the Additional Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Yards/Setbacks. The requested incentive to utilize setback requirements of the RAS3 Zone for a project in a commercial zone is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. In this case, the applicant has requested to utilize the setback requirements of the RAS3 Zone for the northern and southern side yards of the proposed development. Utilizing this incentive, the proposed development would observe a northerly and southerly side yard setback of five (5) feet in lieu of the 8 feet

otherwise required per the subject site's underlying [Q]C2-1VL zoning. The requested incentive enables the developer to expand the building footprint and allow for the construction of more units, including affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve two dwelling units for Extremely Low Income Households and facilitates the creation of affordable housing units.

Height and Transitional Height. The requested incentive for an increase in building height is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that results in building design or construction efficiencies that facilitate the creation of affordable housing. Specifically, a Tier 1 project is permitted a maximum increase of one (1) story and 11 feet in building height. The applicant is requesting a total maximum building height of 56 feet and four stories in lieu of the maximum 45 feet and three stories otherwise permitted by the underlying [Q]C2-1VL Zone. This requested incentive provides for an additional level of dwelling units, increasing the overall space dedicated to residential uses and allowing some units to be reserved for affordable housing. This incentive supports the applicant's decision to reserve two units for affordable housing. The requested incentive for transitional height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. Per LAMC, projects developed in a commercial zone with portions of buildings within 50 – 99 feet of a RW1 or more restrictive Zone shall not exceed 33 feet in height. The project is adjoining an R1 zone, and therefore would be subject to this requirement. However, the applicant has requested to utilize the Transitional Height requirements for TOC projects in their qualified Tier. The applicant is electing to utilize Tier 1 Transitional Height requirements which allows the building height limit to be stepped-back at a 45 degree angle measured from the horizontal plane originating 15 feet above grade at the property line of the adjoining lot in the R1 Zone across State Street. The maximum proposed height of the project will be 56 feet, encompassing five stories, which is within the maximum height limit established by the transitional height incentive. This increase in transitional height supports the inclusion of units reserved for Extremely Low Income Households with the addition of residential levels. The incentive supports the applicant's proposal to reserve eight units for Extremely Low Income Households.

Open Space. The requested incentive for a 20 percent reduction in the required amount of open space is expressed in the Menu of Incentives in the TOC Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate the creation of affordable housing. The requested incentive allows the developer to utilize more of the total building square footage for residential units, which facilitates the creation of more affordable units, while remaining in compliance with all other applicable zoning regulations. The incentive further supports the applicant's decision to reserve two units for Extremely Low Income Households and facilitates the creation of affordable housing units.

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

b. The incentives would 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 is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development

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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 is not located on a substandard street in a Hillside area or 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 requested incentive. Therefore, there is no substantial evidence that the project's proposed incentives will have a specific adverse impact on the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources.

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.

ADDITIONAL MANDATORY FINDINGS

- 2. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside a 0.2% annual chance flood plain.
- 3. It has been determined based on the whole of the administrative record that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of "In-fill Projects". The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated August 16, 2021 and 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 1/2 mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit; a project in closer proximity to significant rail stops or the intersection of major bus rapid transit lines is rated a higher tier. The largest bonuses are reserved for those projects in the highest tiers. Required percentages of affordable housing are also increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

TIME LIMIT - OBSERVANCE OF CONDITIONS

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

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

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, (310) 231-2901, or through the Department of City Planning website at http://cityplanning.lacity.org. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

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

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them

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regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective after September 13, 2021 unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

Downtown

Figueroa Plaza
201 North Figueroa Street,
Fourth Floor
Los Angeles, CA 90012
(213) 482-7077
planning.figcounter@lacity.org

San Fernando Valley

Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 (818) 374-5050 planning.mbc2@lacity.org

West Los Angeles

West Los Angeles Development Services Center 1828 Sawtelle Boulevard, Second Floor Los Angeles, CA 90025 (310) 231-2598 planning.westla@lacity.org

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

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

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

VINCENT P. BERTONI, AICP Director of Planning

Approved by:

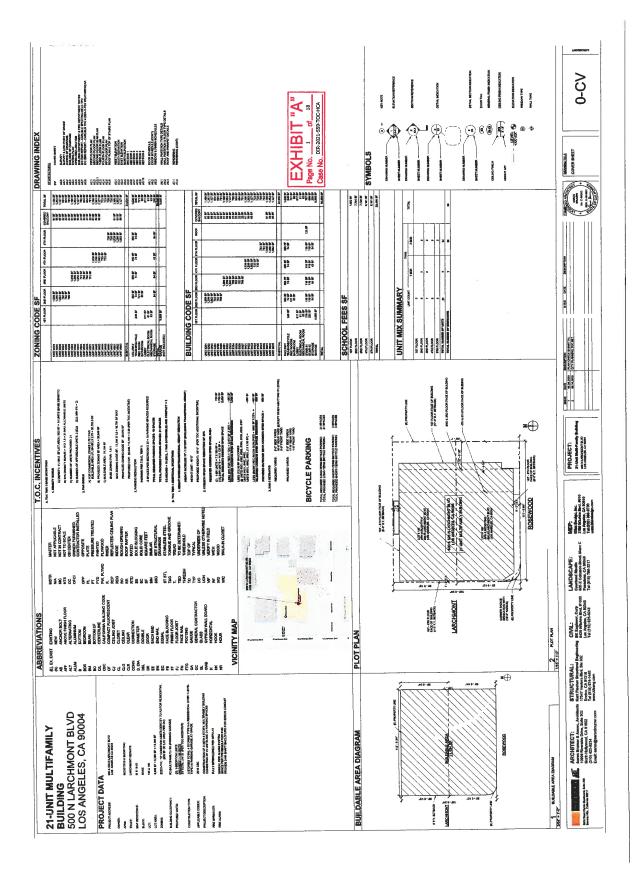
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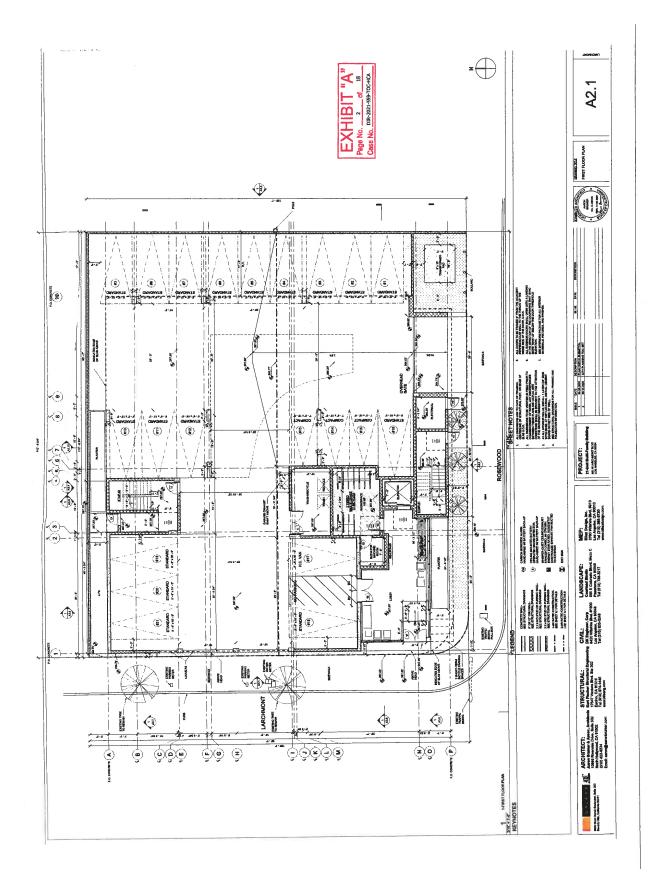
Heather Bleemers Senior City Planner Prepared by:

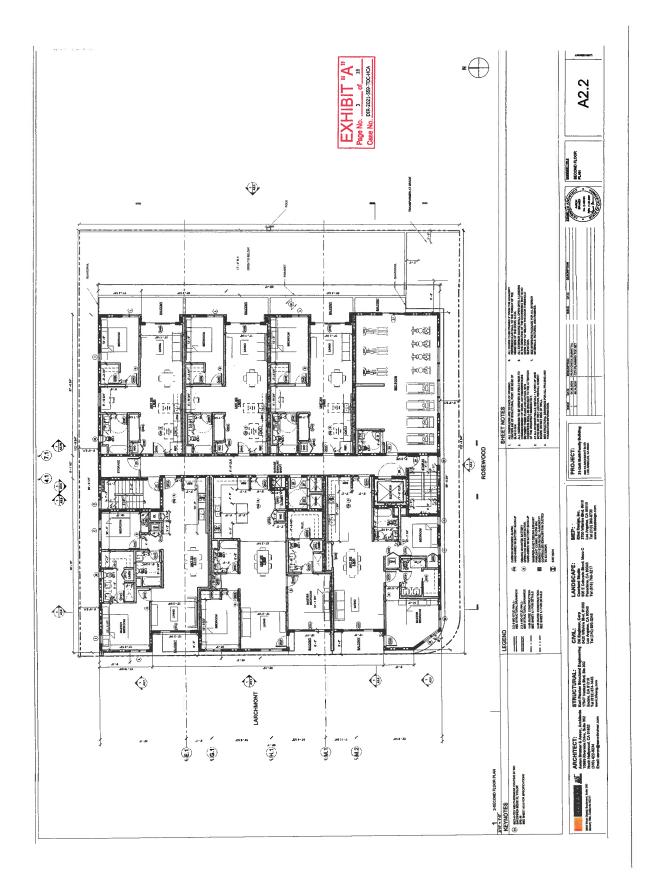
Lilian Rubio City Planner

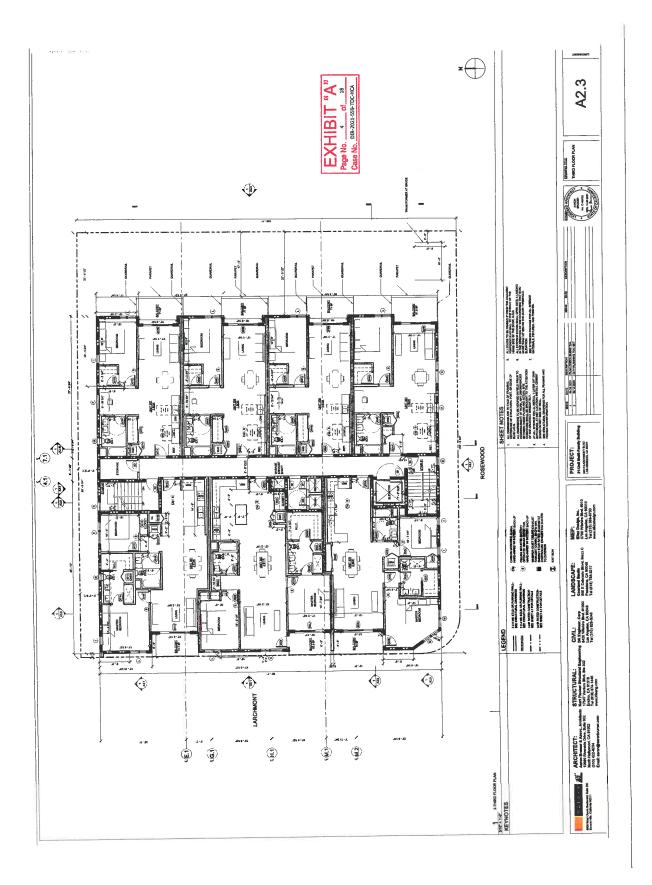
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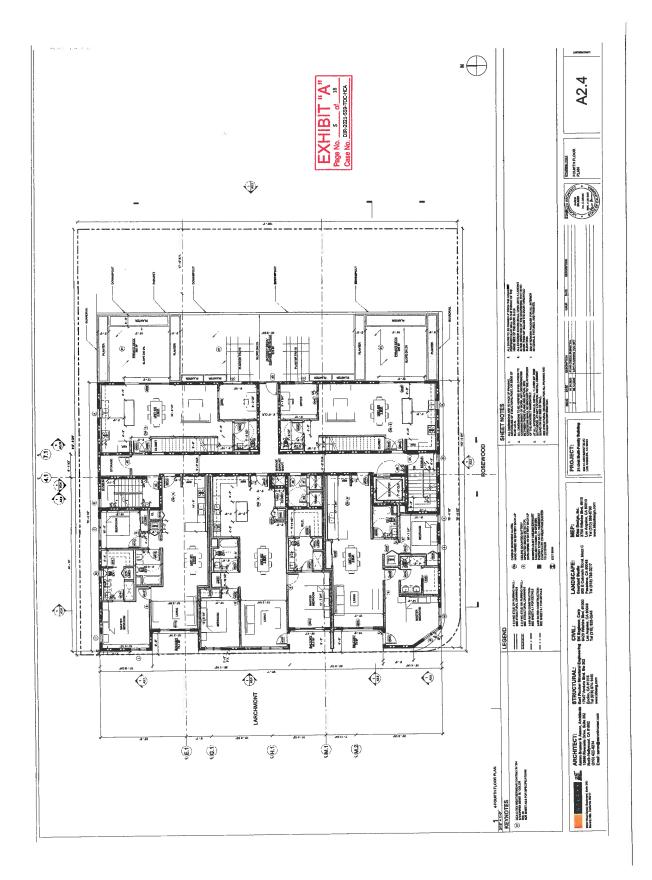
Exhibit A: Architectural Plans

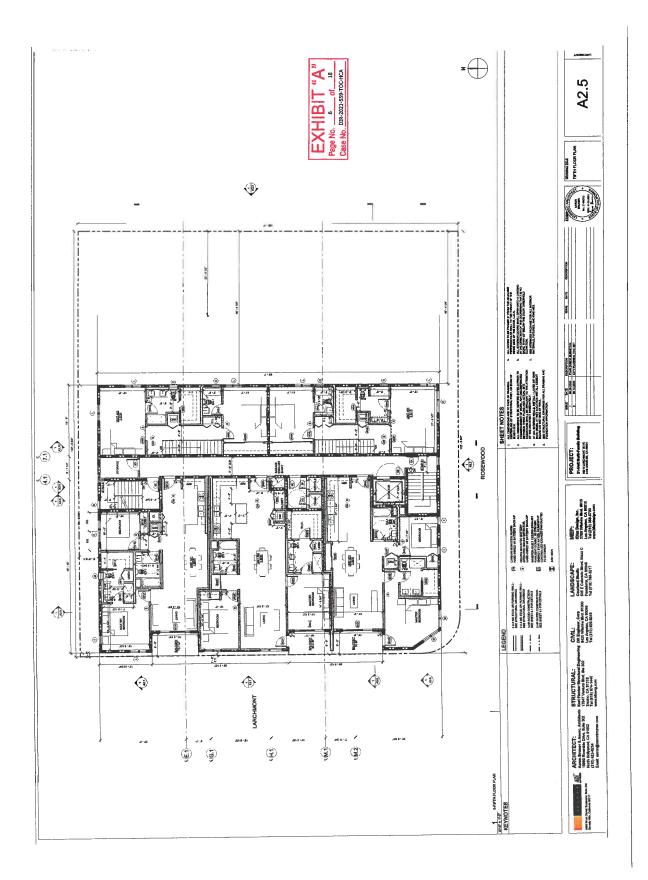


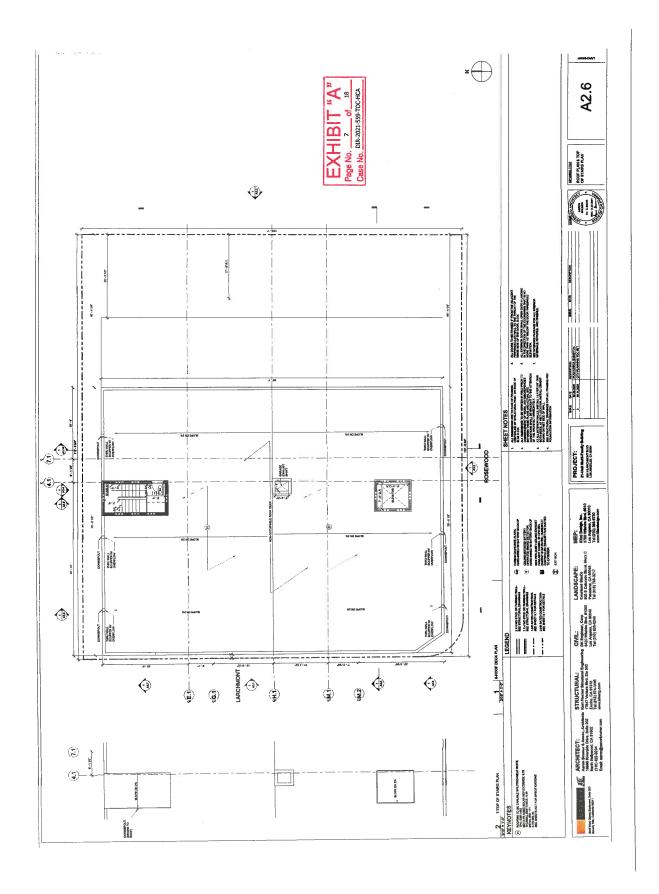








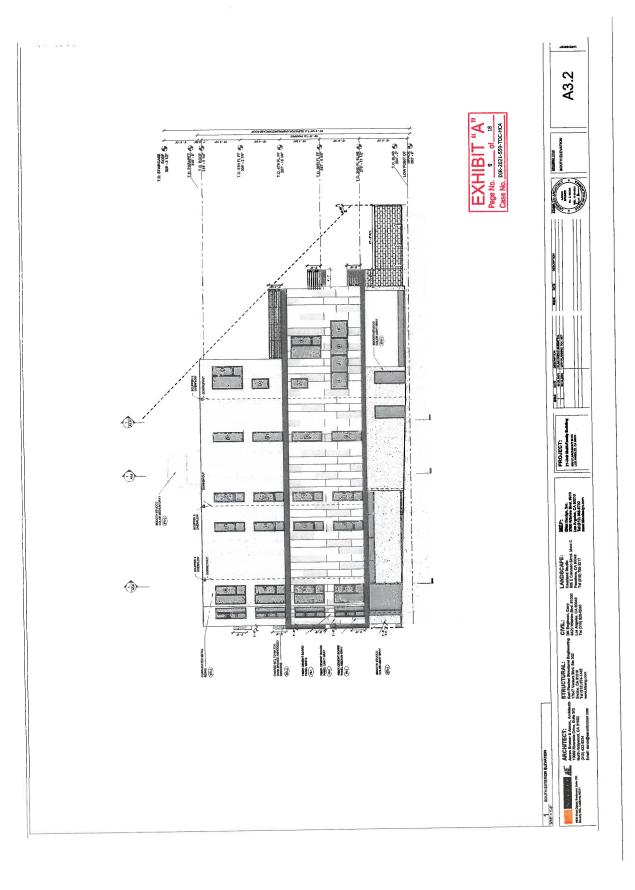


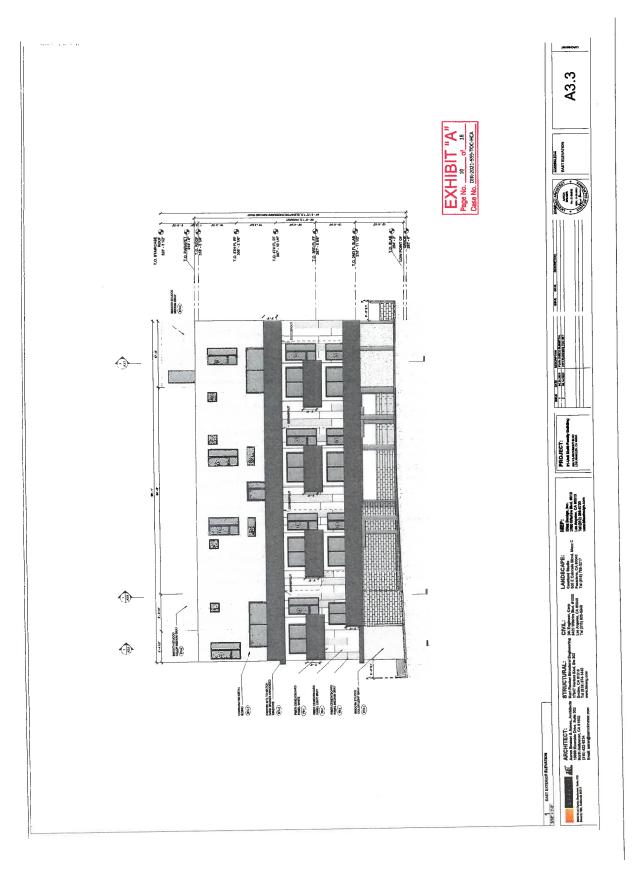


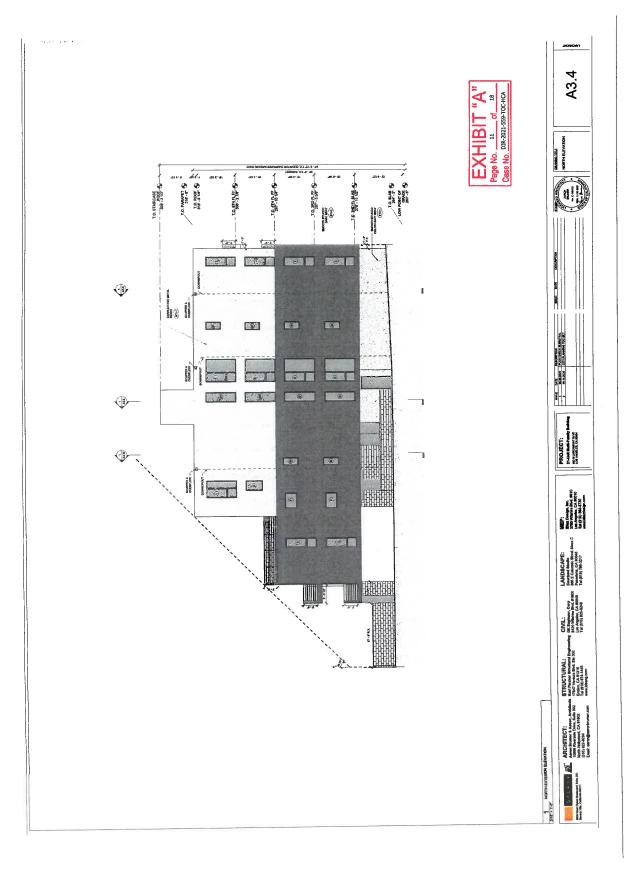
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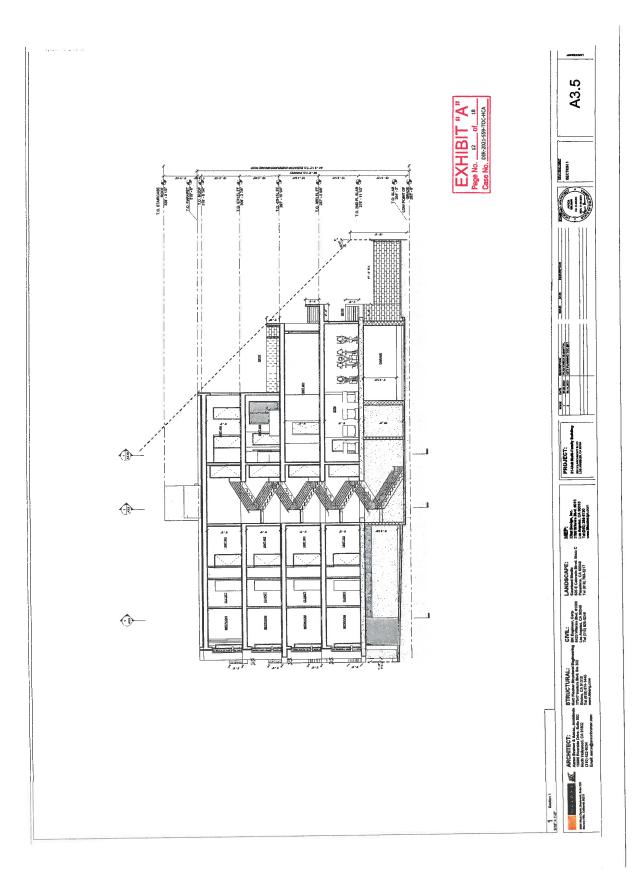
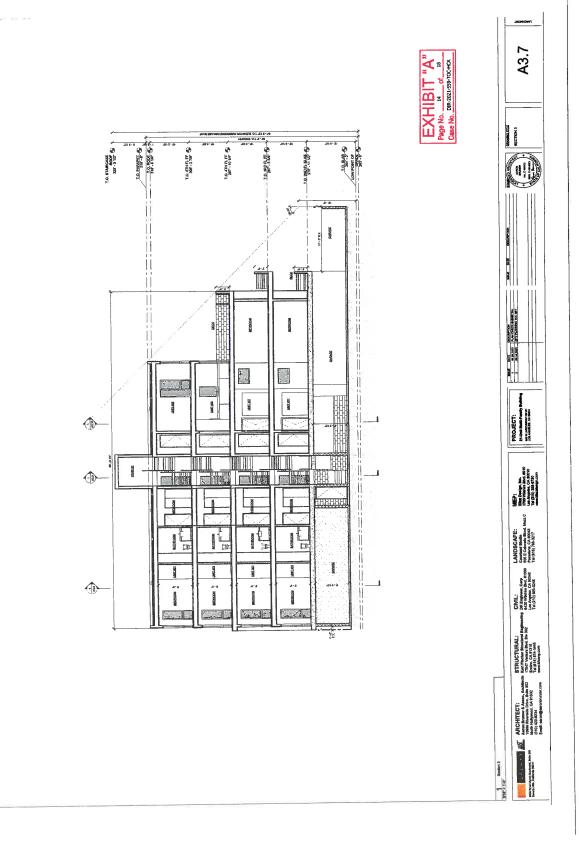


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Page No. 13 of 18
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EXHIBIT "A" Page No. 16 of 18 Case No. DIR-2021-SS9-TOC-HGA



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LANDSCAPE TYPE LEGEND

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Architect:
Aaron Brumer & Assoc.
10999 Riverside Dr. St. 302
North Hollywood, CA 91602

GREEN ROOF TRAYS

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REQUIRED LANDSCAPE AREA OF COMMON OPEN BPACE = 206 SF (25% OF OPEN SPACE) (1 TREE / 4 UNITS) REQUIRED = 21 UNITS / 4 = 5.25 TREES TREES PROVIDED = 6 (114%) FRONT YARD LANDSCAPE = 67 SF (1 TREE / 500 SF) REQUINED = 57 SF / 500 SF = 0.1 TREES TREES PROVIDED = 9

Project location: 500 N. Larchmont Blvd. Los Angeles, CA 90004

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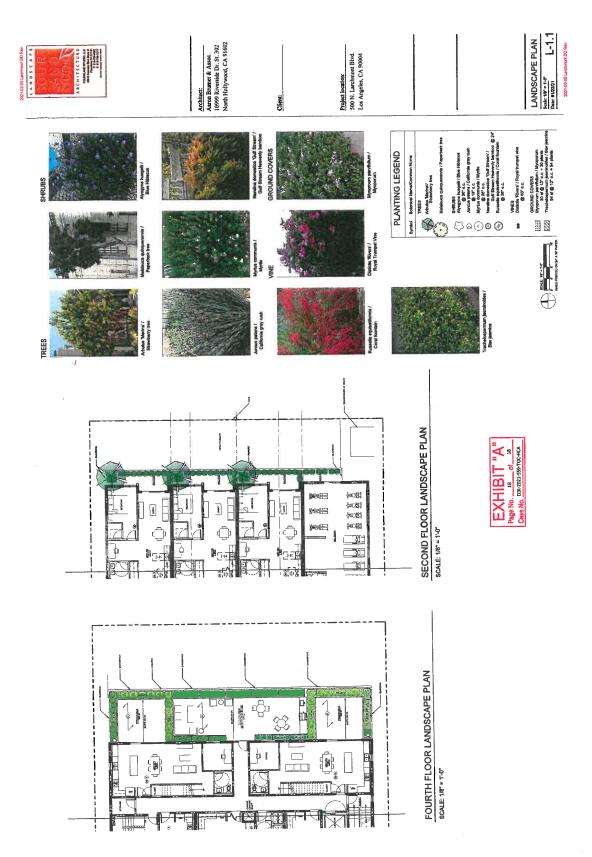
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COVID-19 UPDATE Interim Appeal Filing Procedures



Fall 2020

Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 Van Nuys DSC (818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 West Los Angeles DSC (310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/and or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment