DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT

City Planning Commission

Date: December 08, 2016
Time: After 8:30 a.m.*
Place: Los Angeles City Hall
Public Works Board Room
200 North Spring Street, Room 350
Los Angeles, CA 90012

Public Hearing: Required
Appeal Status: Not further appealable pursuant to
LAMC 12.22 A.25
Expiration Date: November 29, 2016
Multiple Approval: No

PROJECT LOCATION: 714-718 North Sweetzer Avenue

PROPOSED PROJECT: Density Bonus Compliance for a project totaling 26 dwelling units, reserving two (2) units, or 10 percent of the 19 total “base” dwelling units permitted on the site, for Very Low Income Household occupancy for a period of 55 years, with the following requested incentives:

a. Floor Area Ratio (FAR). A 32.5 percent increase in the allowable FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR.

b. Height. An 11-foot increase in the allowed Height, allowing 56 feet in Height in lieu of the otherwise permitted 45 feet.

APPLICANT: Afshin Etebar, ETCO Homes Inc.

APPELLANT: Solomon and Ingrid Solomon, abutting property owner
Eva Nathanson, abutting property owner

APPEAL: Appeal of the Director of Planning’s Approval of two on-menu Density Bonus Affordable Housing Incentives pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.25.

RECOMMENDED ACTIONS:
1. Approve in part and deny in part the Appeal of the Approval of two on-menu Affordable Housing Incentives;
2. Modify the Findings of the Determination of the Director of Planning related to the environmental clearance;
3. Sustain the remainder of the Determination of the Director of Planning in approving two on-menu Affordable Housing Incentives;
4. Find that the revised Class 32 Categorical Exemption is adequate environmental clearance pursuant to Section 21080 of the California Public Resources Code and Article III, Section 1, Class 32 of the City of Los Angeles CEQA Guidelines.
DIR-2014-4762-DB-1A
Appeal of the Density Bonus Compliance Review

VINCENT P. BERTONI, AICP
Director of Planning

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ADVICE TO PUBLIC: * The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretary, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission’s Office a week prior to the Commission’s meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the American Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request is no later than three working days (72 hours) prior to the meeting by calling the Commission Secretary at (213) 978-1300.
PROJECT ANALYSIS

APPELLATE DECISION BODY

Pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), appeals of on-menu Affordable Housing Incentive cases are heard by the City Planning Commission. The appellate decision of the City Planning Commission is final and effective as provided in Charter Section 245.

PROJECT SUMMARY

The proposed project involves the approval of two on-menu Density Bonus Incentives, per LAMC Section 12.22 A.25 (Affordable Housing Incentives-Density Bonus) in exchange for restricting two (2) units for Very Low Income Households within a new 26 unit multi-family building. The requested Incentives include:

a. **Floor Area Ratio (FAR).** A 32.5 percent increase in the allowable FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR.

b. **Height.** An 11-foot increase in the allowed Height, allowing 56 feet in Height in lieu of the otherwise permitted 45 feet.

PROJECT BACKGROUND

The proposed project includes the demolition of 14 residential dwelling units and the construction of a five (5)-story building with 26 residential units, including a minimum of two (2) units for Very Low Income Households and a minimum of 44 automobile parking spaces on two below grade parking levels. The total project size is approximately 42,460 square feet of floor area in the Hollywood Community Plan Area, zoned [Q]R3-1 with a General Plan Land Use designation of Medium Residential and subject to the Melrose Zone Change Permanent [Q] Conditions which contain regulations for height, setbacks, open space, landscaping, street trees, parking level screening, roof structures, articulation, balconies, massing, and building breaks.

In accordance with California State Law (including Senate Bill 1818, and Assembly Bills 2280 and 2222), the applicant is proposing to utilize Section 12.22 A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC), which permits a density bonus of 35 percent. This allows for 26 total dwelling units in lieu of the otherwise maximum density limit of 19 dwelling units on the property. A density bonus is automatically granted in exchange for the applicant setting aside a portion of dwelling units, in this case two (2), for habitation by Very Low Income Households for a period of 55 years. Consistent with the Density Bonus Ordinance, the Applicant is also automatically granted a reduction in required parking based on two Parking Options, or a reduction based on the Bicycle Parking Ordinance. The Applicant selected Parking Option 1, which requires a total of 44 automobile parking spaces.

As permitted by LAMC Section 12.22 A.25, the applicant is requesting two Incentives that will facilitate the provision of affordable housing at the site: 1) a 32.5 percent increase in the allowable FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR; and 2) an 11-foot increase in the allowed Height, allowing 56 feet in Height in lieu of the otherwise permitted 45 feet. The project site is subject to the Melrose Zone Change Permanent [Q] Conditions per Ordinance No. 178,884. Condition No. 5a of the Ordinance No. 178,884 states that no building or structure located on an R3 zoned property shall exceed 35 feet in height; however, a maximum building height of 45 feet shall be permitted provided that for buildings with less than 70 linear feet in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from any exterior face that is along a
street as well as those along the rear lot line. In conjunction with the Density Bonus on-menu Height Incentive, the proposed project is allowed an additional 11 feet above each respective height limitation per the [Q] Conditions.

REVISED FINDINGS

While the project approved under Case No. DIR-2014-4762-DB includes the demolition of 14 residential dwelling units and the construction of a 42,460 square foot, 26 unit building, the applicant is also proposing a by-right project at 728-748 North Sweetzer Avenue which includes the demolition of 26 residential dwelling units and the construction of a 96,390 square foot, 49 unit building located on the same block as the project approved in Case No. DIR-2014-4762-DB. While these two projects are not adjacent to each other, for the purposes of the California Environmental Quality Act (CEQA), these two un-related projects have been analyzed as one project in accordance with the City’s CEQA Guidelines and the City’s L.A. CEQA Thresholds Guide. Analysis of the proposed 26 unit building and 49 unit building has determined the projects to be Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the City of Los Angeles CEQA Guidelines. The analysis has been included in the Revised Findings found in Exhibit D.

APPEAL POINTS AND STAFF RESPONSE

The appeals of DIR-2014-4762-DB are directed at the concerns of the effect of the two (2) on-menu incentives granted, the effect of pile-driving under the abutting properties and the possibility of compromising the structural integrity of the abutting buildings, and the possible environmental effects of the construction of the adjacent 49 unit project located at 728-748 North Sweetzer Avenue in conjunction with the proposed construction of this proposed 26 unit building. The appeal points are as follows:

S. Solomon and Ingrid Solomon

**Appeal Point 1:** The appellant asserts that the applicant is representing the project as only involving two existing buildings that abut 715 North Harper Avenue and 719 North Harper Avenue, to the east of the project site. However, almost the entire 700 block of Sweetzer Avenue will be demolished in stages by the same applicant. Consequently, almost all properties abutting Harper Avenue to the east between Melrose Avenue and Waring Avenue are affected.

**Staff Response**

The proposed project under Case No. DIR-2014-4762-DB spans two (2) lots at 714-718 North Sweetzer Avenue and includes the demolition of 14 dwelling units and the construction of a five (5) story building with 26 dwelling units, including a minimum of two (2) dwelling units for Very Low Income Households. The applicant for this proposed project is also proposing a by-right multi-family project on the same block at 728-748 North Sweetzer Avenue which spans five (5) lots and includes the demolition of 10 structures containing a total of 26 dwelling units. The proposed by-right project includes the construction of a 49 dwelling unit, 96,390 square foot building. The subject property at 728-748 North Sweetzer is zoned [Q]R3-1 and therefore is allowed up to 52 dwelling units, however 49 are proposed to be built. Because this project is by-right and the applicant is not requesting any deviations from the Los Angeles Municipal Code (LAMC) or Melrose Zone Change Permanent [Q] Conditions, compliance with parking, yard, open space, design, massing, height, and landscaping requirements, will be verified by the Department of Building and Safety and the Planning Department at the time of building permit application during the Plan Check process. While the applicant for both proposed projects is the same, the owners are different and the structures will be completely separate and not adjacent to one another. There
is one lot (724 North Sweetzer Avenue) that separates the proposed 26-unit project and the by-right 49-unit project. For the purposes of CEQA, however, the Environmental Finding in the Letter of Determination (Exhibit D) for the Case No. DIR-2014-4762-DB has been revised to include the scope of work for both the 26- and 49-unit projects. These two un-related projects have been analyzed as one project in accordance with the City’s CEQA Guidelines and the City’s L.A. CEQA Thresholds Guide. Analysis of the proposed 26 unit building and the 49 unit building has determined the projects to be Categorically Exempt from environmental review pursuant to Article III, Section 1, and Class 32 of the City of Los Angeles CEQA Guidelines. The proposed projects located at 714-718 North Sweetzer Avenue and 728-748 North Sweetzer Avenue, qualify for a Categorical Exemption because they conform to the definition of “In-fill Projects” as explained further in Exhibit D.

**Appeal Point 2:** The appellant asserts that contrary to the Findings, impacts related to traffic and noise will negatively impact the neighborhood.

**Staff Response**

The proposed 26- and 49-unit projects have been analyzed in accordance with the City’s CEQA Guidelines and the City’s L.A. CEQA Thresholds Guide. The projects have been determined to be Categorically Exempt from environmental review pursuant to Article III, Section 1, and Class 32 of the City of Los Angeles CEQA Guidelines. The proposed projects located at 714-718 North Sweetzer Avenue and 728-748 North Sweetzer Avenue, qualify for a Categorical Exemption because they conform to the definition of "In-fill Projects." In order to qualify for this Exemption, the project must not result in any significant effects relating to traffic, noise, air quality, or water quality. As discussed in the revised Environmental Finding (Exhibit D), the proposed project at 714-718 North Sweetzer Avenue replaces 14 existing units, adding a net total of 12 dwelling units. The proposed project at 728-748 North Sweetzer Avenue replaces 26 existing units, adding a net total of 23 dwelling units. Both projects add 35 combined units to the community. Based upon the existing mobility and circulation networks in direct proximity to the proposed projects, the introduction of 35 additional units to the community will not result in traffic impacts. The net new 35 dwelling units are below the Department of Transportation threshold of 36 units for residential apartment projects that require a Traffic Study. In addition, the proposed projects must comply with the adopted City of Los Angeles Noise Ordinance No. 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. This Ordinance covers both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed projects will not result in any significant noise impacts.

**Appeal Point 3:** The appellant asserts that the Floor Area Ratio (FAR) and Height requested should be reduced and that the proposed Height will intrude on privacy and diminish the quality of life of the neighborhood.

**Staff Response**

In accordance with California State Law, the applicant is proposing to utilize Section 12.22 A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC), which permits a density bonus of 35 percent at the 714-718 North Sweetzer Avenue site. This allows for 26 total dwelling units in lieu of the otherwise maximum density limit of 19 dwelling units on the property. A density bonus is automatically granted in exchange for the applicant setting aside a portion of dwelling units, in this case two (2), for habitation by Very Low Income Households for a period of 55 years.

As permitted by LAMC Section 12.22 A.25, the applicant is requesting two Incentives that will facilitate the provision of affordable housing at the site: 1) a 32.5 percent increase in the allowable
FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR; and 2) an 11-foot increase in the allowed height, allowing 56 feet in height in lieu of the otherwise permitted 45 feet. The project site is also subject to the Melrose Zone Change Permanent [Q] Conditions per Ordinance No. 178,884. Condition No. 5a of the Ordinance states that no building or structure located on an R3 zoned property shall exceed 35 feet in height; however, a maximum building height of 45 feet shall be permitted provided that for buildings with less than 70 linear feet in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from any exterior face that is along a street as well as those along the rear lot line. In conjunction with the Density Bonus on-menu height Incentive, the proposed project is allowed an additional 11 feet above each respective height limitation per the [Q] Conditions.

Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project shall comply with the following criteria, which it does as described in the Letter of Determination: a) the façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface; b) all buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street facing elevation; c) the Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM); and d) the Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC. Therefore, because the project complies with the criteria, the project is eligible for the Incentives requested.

**Appeal Point 4:** The appellant asserts that the proposed project is inconsistent in scale with all other properties on the 700 block of Harper Avenue and Sweetzer Avenue.

**Staff Response**

The proposed project requested under Case No. DIR-2014-4762-DB is located at 714-718 North Sweetzer Avenue and is proposed to be five (5) stories tall. To the east and northeast of the project site are one- to two-story single family dwellings, duplexes, and multi-family residential buildings along Harper Avenue. To the south of the project site, are one- to three-story office and commercial buildings along Melrose Avenue. To the west and northwest of the project site are two- to three-story multi-family residential buildings. To the north of the project site, there are currently one- to two-story multi-family residential dwellings. These existing one- to two-story buildings to the north are proposed for demolition by the applicant of the project at 714-718 North Sweetzer Avenue. The applicant is proposing a by-right project which will include the demolition of 10 structures that contain a total of 26 dwelling units and the construction of a 96,390 square foot, four (4) story, multi-family residential development containing a total of 49 dwelling units. The 10 structures proposed for demolition span five (5) lots. The by-right project and the proposed project requested under Case No. DIR-2014-4762-DB are separated by one lot.

While none of the existing structures in the vicinity are built as tall as the proposed project approved under Case No. DIR-2014-4762-DB or the by-right project that is being proposed, Condition No. 5a of the [Q] Conditions per Ordinance No. 178,884, states that no building or structure located on an R3 zoned property shall exceed 35 feet in height; however, a maximum building height of 45 feet shall be permitted provided that for buildings with less than 70 linear feet in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from any exterior face that is along a street as well as those along the rear lot line. In conjunction with the Density Bonus on-menu Height Incentive, the project approved under Case No. DIR-2014-4762-DB is allowed an
additional 11 feet above each respective height limitation per the [Q] Conditions. The proposed project complies with all [Q] Conditions, therefore, while there may not be any other structure on these blocks existing at this height right now, the proposed project is allowed to build to this height. In addition, the by-right project will comply with the LAMC and Melrose Zone Change Permanent [Q] Conditions as verified by the Department of Building and Safety and the Planning Department at the time of building permit application during the Plan Check process.

**Appeal Point 5:** The appellant asserts that a project of this size, which spans almost the entire block, should not have been exempt from the oversight and review of the California Environmental Quality Act (CEQA) standards.

**Staff Response**

Refer to Staff Response of Appeal Point 2.

**Appeal Point 6:** The appellant asserts that the applicant is proposing invasive methods of placing tiebacks underneath the appellant’s property and is seeking an easement which will adversely impact property and diminish the value of the appellant’s property.

**Staff Response**

The proposed project would be designed and constructed in accordance with State and local Building Codes to reduce the potential for exposure of people or structures to seismic risks to the maximum extent possible. The proposed project would be required to comply with the California Department of Conservation, Division of Mines and Geology (CDMG), which provides guidance for the evaluation and mitigation of earthquake-related hazards, and with the seismic safety requirements in the Uniform Building Code (UBC) and the LAMC as enforced by the Department of Building and Safety (DBS). Compliance with such requirements would reduce seismic ground shaking impacts to the maximum extent practicable with current engineering practices. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on ground disturbance.

If tie-back anchors are utilized for shoring that extend beyond the property line of the proposed project, the Department of Building and Safety has imposed a Condition in their Geology and Soils Approval Letter dated March 23, 2016 which requires a notarized letter from all adjoining property owners allowing tie-back anchors on their property. Furthermore, with regard to the easement, the Los Angeles Department of City Planning does not have jurisdiction over agreements between private property owners.

**Eva Nathanson**

**Appeal Point 1:** The appellant asserts that there is no other building on Sweeter Avenue that is 56 feet tall.

**Staff Response**

The proposed project requested under Case No. DIR-2014-4762-DB is located at 714-718 North Sweeter Avenue and is proposed to be five (5) stories tall or 56 feet tall. To the east and northeast of the project site are one- to two-story single family dwellings, duplexes, and multi-family residential buildings along Harper Avenue. To the south of the project site, are one- to three-story office and commercial buildings along Melrose Avenue. To the west and northwest of the project site are two- to three-story multi-family residential buildings. To the north of the project site, there are currently one- to two-story multi-family residential dwellings. These existing one- to two-story buildings to the north are proposed for demolition by the applicant of the project at 714-718 North
Sweetzer Avenue. The applicant is proposing a by-right project which will include the demolition of 10 structures that contain a total of 26 dwelling units and the construction of a 96,390 square foot, four (4) story, multi-family residential development containing a total of 49 dwelling units. The 10 structures proposed for demolition span five (5) lots. The by-right project and the proposed project requested under Case No. DIR-2014-4762-DB are separated by one lot.

As permitted by LAMC Section 12.22 A.25, the applicant is requesting two Incentives that will facilitate the provision of affordable housing at the site: 1) a 32.5 percent increase in the allowable FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR; and 2) an 11-foot increase in the allowed height, allowing 56 feet in height in lieu of the otherwise permitted 45 feet. The project site is subject to the Melrose Zone Change Permanent [Q] Conditions per Ordinance No. 178,884. Condition No. 5a states that no building or structure located on an R3 zoned property shall exceed 35 feet in height; however, a maximum building height of 45 feet shall be permitted provided that for buildings with less than 70 linear feet in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from any exterior face that is along a street as well as those along the rear lot line. In conjunction with the Density Bonus on-menu Height Incentive, the proposed project is allowed an additional 11 feet above each respective height limitation per the [Q] Conditions.

Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu Incentives, a Housing Development Project shall comply with the following criteria, which it does as described in the determination letter: a) the façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface; b) all buildings must be oriented to the street by providing entrances, windows architectural features and/or balconies on the front and along any street facing elevation; c) the Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM); and d) the Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC. Therefore, because the project complies with the criteria, the project is eligible for the Incentives requested, including an increase in Height.

Appeal Point 2: The appellant asserts that the project will adversely impact the density of the neighborhood.

Staff Response

The proposed project is located in the [Q]R3-1 Zone and spans two lots which measure a total lot area of 15,828.55 square feet, including half of the alleyway. This Zone allows a density of 19 dwelling units on the two lots by-right. In accordance with California State Law (including Senate Bill 1818, and Assembly Bills 2280 and 2222), the applicant is proposing to utilize Section 12.22 A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC), which permits a density bonus of 35 percent. This allows for 26 total dwelling units in lieu of the otherwise maximum density limit of 19 dwelling units on the property.

Appeal Point 3: The appellant asserts that the proposed building would require tiebacks that the appellant was not aware of. The tiebacks would remain under the appellant’s property, making it difficult for any future development and will negatively affect the value of their property. It would also affect the structural integrity of the structures on the appellant’s property. The tiebacks would also damage the roots of trees that are fully grown at the rear of the property which abuts the proposed project site.
Staff Response

The proposed project would be designed and constructed in accordance with State and local Building Codes to reduce the potential for exposure of people or structures to seismic risks to the maximum extent possible. The proposed project would be required to comply with the California Department of Conservation, Division of Mines and Geology (CDMG), which provides guidance for the evaluation and mitigation of earthquake-related hazards, and with the seismic safety requirements in the Uniform Building Code (UBC) and the LAMC as enforced by the Department of Building and Safety (DBS). Compliance with such requirements would reduce seismic ground shaking impacts to the maximum extent practicable with current engineering practices. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on ground disturbance.

If tie-back anchors are utilized for shoring that extend beyond the property line of the proposed project, the Department of Building and Safety has imposed a Condition in their Geology and Soils Approval Letter dated March 23, 2016 which requires a notarized letter from all adjoining property owners allowing tie-back anchors on their property. Furthermore, the Los Angeles Department of City Planning does not have jurisdiction over agreements between private property owners.

Appeal Point 4: The appellant asserts that privacy will be diminished with a 56-foot tall building facing the appellant's property.

Staff Response

The California Environmental Quality Act (CEQA) does not regard privacy in a project's immediate vicinity as an environmental impact category.

Appeal Point 5: The appellant asserts that street parking will be adversely affected on Harper Avenue.

Staff Response

The proposed project located at 714-718 North Sweetzer Avenue includes the construction of two below grade parking levels. As conditioned, the proposed project is providing automobile parking consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. The proposed project includes eight (8)-one or fewer bedrooms and 18-two to three bedrooms. Therefore, the proposed project will provide a minimum of 44 automobile parking spaces for the 26 unit development. In addition, this project will also provide 26 long term and 3 short term bicycle parking spaces on-site. The parking spaces provided on-site for the proposed 26 units will help to alleviate street parking concerns for Sweetzer Avenue and surrounding streets.

Appeal Point 6: The appellant asserts that increased noise levels will adversely affect quality of life.

Staff Response

The proposed 26- and 49-unit projects have been analyzed in accordance with the City's CEQA Guidelines and the City's L.A. CEQA Thresholds Guide. The projects have been determined to be Categorically Exempt from environmental review pursuant to Article III, Section I, and Class
32 of the City of Los Angeles CEQA Guidelines. The proposed projects located at 714-718 North Sweetzer Avenue and 728-748 North Sweetzer Avenue, qualify for a Categorical Exemption because they conform to the definition of "In-fill Projects." In order to qualify for this Exemption, the project must not result in any significant effects relating to traffic, noise, air quality, or water quality. As discussed in the revised Environmental Finding (Exhibit D), the proposed project at 714-718 North Sweetzer Avenue replaces 14 existing units, adding a net total of 12 dwelling units. The proposed project at 728-748 North Sweetzer Avenue replaces 26 existing units, adding a net total of 23 dwelling units. Both projects add 35 combined units to the community. The proposed projects must comply with the adopted City of Los Angeles Noise Ordinance No. 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. This Ordinance covers both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed projects will not result in any significant noise impacts.

CONCLUSION

Staff recommends to approve in part and deny in part the Appeal of the Approval of two on-menu Affordable Housing Incentives, to modify the Findings of the Determination of the Director of Planning relating to the environmental clearance, to sustain the reminder of the determination of the Director of Planning in approving two on-menu Affordable Housing Incentives, and to Find that the revised Class 32 Categorical Exemption is adequate environmental clearance pursuant to Section 21080 of the California Public resources Code and Article III, Section 1, Class 32 of the City of Los Angeles CEQA Guidelines.

Under Government Code Sections 659159(a), 65915(d)(2)(C) and 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC). Section 12.22 A. 25 creates a procedure to waive or modify the zoning code standards which may prevent, preclude, or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width; 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for an "averaging" of FAR, density, parking and/or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section 65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all low and very low income units that qualified the applicant" for the density bonus.

Upon in-depth review and analysis of the issues raised by the appellants of the proposed project at 714-718 North Sweeter Avenue, no errors or abuse of discretion by the Director of Planning or
his/her designees were found. The appeal of the Director’s approval of Density Bonus Incentives for the construction of a new 26 unit multi-family complex with 24 market rate units and two (2) restricted affordable units, cannot be substantiated and therefore should be denied in part and approved in part with the revised Environmental Finding (Exhibit D).
This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. **APPELLANT BODY/CASE INFORMATION**

   Appellant Body:
   - [ ] Area Planning Commission
   - [x] City Planning Commission
   - [ ] City Council
   - [ ] Director of Planning

   Regarding Case Number: **DIR-2014-4762-DB**

   Project Address: **714-718 N. SWEETZER AVE, WEST HOLLYWOOD, LOTS 8 & 9 BUILD**

   Final Date to Appeal: **September 30th, 2016**

   Type of Appeal:
   - [x] Appeal by Applicant/Owner
   - [ ] Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
   - [ ] Appeal from a determination made by the Department of Building and Safety

2. **APPELLANT INFORMATION**

   Appellant’s name (print): **SOLOMON and INGRID SOLOMON**

   Company: **Owner of Property at 719-721½ N. Harper Avenue, Los Angeles, CA 90046**

   Mailing Address: **844 S. Haven Blvd.**

   City: **Los Angeles**  
   State: **CA**  
   Zip: **90036**

   Telephone: **(323) 549-9527**  
   E-mail: ________________

   - Is the appeal being filed on your behalf or on behalf of another party, organization or company?
     - [x] Self  
     - [ ] Other: ________________

   - Is the appeal being filed to support the original applicant’s position?
     - [ ] Yes  
     - [x] No

3. **REPRESENTATIVE/AGENT INFORMATION**

   Representative/Agent name (if applicable): ________________

   Company: ________________

   Mailing Address: ________________

   City: ________________  
   State: ________________  
   Zip: ________________

   Telephone: ________________  
   E-mail: ________________

CP-7769 appeal (revised 5/25/2016)
4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? □ Entire □ Part

Are specific conditions of approval being appealed? □ Yes □ No

If Yes, list the condition number(s) here:

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT’S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: [Signature] Date: September 26, 2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter

- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).

- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning’s mailing contractor (BTC) and submit a copy of the receipt.

- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning’s mailing contractor (BTC) and submit a copy of receipt.

- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).

- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code 1 21151 (c)].

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CP-7769 appeal (revised 5/25/2016)
The applicant Afshin Etebar of ETCO Homes Inc. (Property Owner-Sweetzer Development, LLC) is deceptively representing that the development affects only two buildings abutting the properties located on 715 N. Harper and 719 N. Harper Avenue. However, in fact, almost the ENTIRE 700 block of Sweetzer Avenue will be demolished (in stages) by ETCO Homes and consequently almost all the properties abutting on Harper Avenue, between Melrose Avenue and Waring Avenue, are affected.

Common sense indicates that this mammoth project, contrary to the findings noted on page 9, paragraph (d), which states ‘Approval of the project would not result in any significant effects relating to traffic or noise will definitely negatively impact the neighbourhood.

Reason for appeal: to have this mammoth project abutting the 700 block of Harper Avenue, scaled back (specifically the floor to area ratio and the height of the building).

Specifically the points at issue: I object to a 5 story building which will dwarf all structures abutting the entire block and which will contribute markedly to traffic and noise issues. In a neighborhood where properties are zoned R3-1, R2-1XL and C4-1XL this huge development is inconsistent in scale with all other properties in the entire 700 block of Harper or Sweetzer Avenue. I take issue with the FAR 32.5% increase and height increase from 45 feet to 56 feet.

I protest that a project of this magnitude (almost the entire block) has been rendered exempt from the oversight and review of the California Environmental Quality Act (CEQA) standards.

How we are aggrieved by the decision: It will affect my tenants with the enormous increase in noise and traffic. The height of the proposed structure is also going to intrude on their privacy and diminish their quality of life.

Applicant ETCO Homes, in proposing this development, is proposing invasive methods by placing tiebacks underneath my property and seeking an easement which will adversely impact my property’s structure and diminish the value of my property as a result of this large scale project.

Why you believe the decision-maker erred: I believe the decision maker erred in this because he/she has completely ignored the desires of the small Mom and Pop owners (THE BACK BONE OF THESE CHARming NEIGHBORHOODS) in favor of large deep-pocketed, greedy, developers.

How would the decision maker react if this colossal project were to appear in his/her backyard?

What good are residential zoning codes when they can be waived, modified and deviated from the established conforming City development standards.

The decision to allow for a 32.5% increase in FAR and an 11 foot increase in height to a 5th floor, increasing the height from 45 feet to 56 feet is a significant change, which I hope the City Planning Commission will please reconsider, review and scale back.

S Solomon
719-721½ N. Harper Ave

Heid Solomon
719-721½ N. Harper Ave
This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission  ☒ City Planning Commission  ☐ City Council  ☐ Director of Planning

Regarding Case Number: D1R-2014-4762-DB

Project Address: 714-718 N. SWEETZER AVENUE

Final Date to Appeal: SEPTEMBER 30, 2016

Type of Appeal:

☒ Appeal by Applicant/Owner

☐ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved

☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): EVA P. NATHANSON

Company: ________________________________

Mailing Address: 715½ N. HARPER AVENUE

City: LOS ANGELES  State: CA  Zip: 90046

Telephone: (323) 658-8377  E-mail: E.NATHANSON@ATT.NET

• Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self  ☐ Other: ________________________________

• Is the appeal being filed to support the original applicant's position?

☐ Yes  ☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): ________________________________

Company: ________________________________

Mailing Address: ________________________________

City: ________________________________  State: ________________________________  Zip: ________________________________

Telephone: ________________________________  E-mail: ________________________________

CP-7769 appeal (revised 5/25/2016)
4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? □ Entire  □ Part

Are specific conditions of approval being appealed? □ Yes  □ No

If Yes, list the condition number(s) here: 6(FAR), 7(HEIGHT)

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT’S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: ____________________________ Date: ____________

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

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<td>Receipt No:</td>
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<tr>
<td>□ Determination authority notified</td>
</tr>
</tbody>
</table>
Éva P. Nathanson, MBA.
715 ½ N. Harper Ave
Los Angeles, CA. 90046
e.nathanson@att.net
Ph 323 658 8377 cell 310 259 0820

REASONS FOR THE APPEAL:

The Determination letter, dated September 15, 2016, was delivered to me on September 19, 2016.

It is unreasonable to expect anyone to comply with the last date to file an appeal by September 30, 2016.

The decision maker erred in his decision to allow a 32.5% increase in FAR and an 11-foot increase in the allowed height, allowing 56 feet in height in lieu of the otherwise permitted 45 feet. There is no building on Sweetzer Avenue 56 feet high. This decision will adversely impact the density of the neighborhood.

I was not informed that a 56-foot high building will require tie-backs, therefore easement on my property, which I will not grant. The tie-backs will remain under my property, making it more difficult for any future contemplated development on my property. This will negatively affect the value of my property.

The applicant, Afshin Etebar, is pressuring me to sign a letter in which he is asking me to agree for tie-backs, therefore an easement under my property. It will adversely affect the structural integrity and future value of my property. I will not sign any request for Tie-backs and easement on my property!

I have 25 years ago planted expensive-beautiful trees close to the rear property line and inside the fence separating the applicant’s property from mine. These trees are fully grown now, and give me some privacy. With tie-backs the roots of those trees could be damaged and the trees killed!

With the 56-foot high building facing my property would diminish all my privacy! Street parking will be adversely affected on Harper Avenue.

The noise level will adversely affect my quality of life; I live in the guest house in the back of my property near the fence separating the two properties!

Respectfully,

Eva P. Nathanson

9/23/2016
DENSITY BONUS & AFFORDABLE HOUSING INCENTIVES

September 15, 2016

Applicant
Afshin Etebar
ETCO Homes Inc.
8447 Wilshire Blvd., #400
Beverly Hills, CA 90211

Property Owner
Sweetzer Development, LLC
8447 Wilshire Blvd., #400
Beverly Hills, CA 90211

Representative
Afshin Etebar
8447 Wilshire Blvd., #400
Beverly Hills, CA 90211

Case No.: DIR-2014-4762-DB
CEQA: ENV-2014-4763-CE
Location: 714-718 N. Sweetzer Avenue
Council District: 5 – Koretz
Neighborhood Council: Mid City West
Community Plan Area: Hollywood
Land Use Designation: Medium Residential
Zone: [Q] R3-1
Legal Description: Lots 8 & 9, Block E, TR 5763

Last Day to File an Appeal: September 30, 2016

DETERMINATION – Density Bonus/Affordable Housing Incentives Program

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

Approve the following two (2) Incentives requested by the applicant for a project totaling 26 dwelling units, reserving two (2) for Very Low Income Household occupancy for a period of 55 years, with the following requested Incentives:

1. Floor Area Ratio (FAR). A 32.5 percent increase in the allowable FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR.

2. Height. An 11-foot increase in the allowed Height, allowing 56 feet in Height in lieu of the otherwise permitted 45 feet.

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21068 of the California Public Resources Code, and Article III, Section 1, Class 32 of the City of Los Angeles CEQA Guidelines,

Adopt the attached Findings.
CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped “Exhibit A,” and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.

2. **Residential Density.** The project shall be limited to a maximum density of 26 residential units including Density Bonus Units.

3. **Affordable Units.** A minimum of two (2) units, that is 10 percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2).

4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make two (2) units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. 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 any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.

5. **Changes in 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.25 (9a-d).

6. **Floor Area Ratio (FAR).** The project qualifies for up to a 35 percent increase in the allowable FAR. The Applicant is requesting a 32.5 percent increase in the allowable FAR and shall therefore provide no more than 42,460 square feet of floor area or an FAR of 3.975:1.

7. **Height.** The proposed project is permitted a maximum height of 56 feet.

8. **Stepback.** Any portion of the proposed building that exceeds 45 feet shall be stepped back a minimum of 11 feet from any exterior face that is along a street, as well as those along the rear lot line per Ordinance No. 178,884 (5.a).

9. **Automobile Parking.** Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. Based upon the number and type of dwelling units proposed, at least 44 automobile parking spaces shall be provided for the project.

10. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the Applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
11. Bicycle Parking. Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Based upon the number of dwelling units, 26 long-term and 3 short-term bicycle parking spaces shall be provided onsite.

12. Plans. Prior to issuance of building permits, detailed development plans, including a complete landscape plan and irrigation plan shall be submitted to the satisfaction of the Planning department, in consultation with the council office.

13. [Q] Conditions Pursuant to Ordinance No. 178,884. The proposed project plans shall be in substantial conformance with plans stamped “Exhibit A”. Any deviations to “Exhibit A” shall be in conformance with conditions 7-19 of this Ordinance.

Administrative Conditions

14. Final Plans. Prior to the issuance of any building permits for the project by the Department of Building and Safety, the Applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff “Plans Approved”. A copy of the Approved Plans, supplied by the Applicant, shall be retained in the subject case file.

15. Notations on Plans. Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

16. 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.

17. 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.

18. Department of Building and Safety. The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

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

20. 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.


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, 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 $25,000. 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 notify 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 proposed project includes the demolition of 14 residential dwelling units, and the construction of a five-story building with 26 residential units, including a minimum of two (2) units for Very Low Income Households and a minimum of 44 automobile parking spaces on two below grade parking levels. The total project size is approximately 42,460 square feet of floor area in the Hollywood Community Plan Area, zoned [Q]R3-1 with a General Plan Designation of Medium Residential and subject to the Melrose Zone Change Permanent [Q] Conditions.

In accordance with California State Law (including Senate Bill 1818, and Assembly Bills 2280 and 2222), the applicant is proposing to utilize Section 12.22 A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC), which permits a density bonus of 35 percent. This allows for 26 total dwelling units in lieu of the otherwise maximum density limit of 19 dwelling units on the property. A density bonus is automatically granted in exchange for the applicant setting aside a portion of dwelling units, in this case two (2), for habitation by Very Low Income Households for a period of 55 years. Consistent with the Density Bonus Ordinance, the Applicant is also automatically granted a reduction in required parking based on two Parking Options, or a reduction based on the Bicycle Parking Ordinance. The Applicant selected Parking Option 1, which requires a total of 44 automobile parking spaces.

As permitted by LAMC Section 12.22 A.25, the applicant is requesting two Incentives that will facilitate the provision of affordable housing at the site: 1) a 32.5 percent increase in the allowable FAR allowing a total FAR of 3.975:1 in lieu of the otherwise permitted 3:1 FAR; and 2) an 11-foot increase in the allowed height, allowing 56 feet in height in lieu of the otherwise permitted 45 feet. The project site is subject to [Q] Conditions per Ordinance No. 178,884. Condition No. 5a states that no building or structure located on an R3 zoned property shall exceed 35 feet in height; however, a maximum building height of 45 feet shall be permitted provided that for buildings with less than 70 linear feet in width along the front street frontage, any additional height above 35 feet shall be stepped back one foot for each additional foot of height above 35 feet from any exterior face that is along a street as well as those along the rear lot line. In conjunction with the Density Bonus on-menu height incentive, the proposed project is allowed an additional 11 feet above each respective height limitation per the [Q] Conditions.

Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu Incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

a. The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.

The proposed building has one street facing frontage along Sweitzer Avenue to the west, while the southern façade faces an alley. As evident in "Exhibit A", attached to the case file, the street facing façade will have articulation in the form of: architectural elements such as trellises, recessed balconies, and projected balcony railings; various materials such as stucco, aluminum, plaster, metal, and glass; and various colors such as white, gray, and brown, all of which create sufficient breaks in plane and articulation.

b. All buildings must be oriented to the street by providing entrances, windows architectural features and/or balconies on the front and along any street facing elevation.

The proposed project has one street facing façade along Sweitzer Avenue to the west. There is a ground floor entrance to the residential units on the first floor of this street facing façade with planters, a seat wall, and a walkway to help delineate the main
entrance. There are also windows and balconies facing the street along this elevation, as evident in “Exhibit A”.

c. **The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM).**

The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

d. **The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.**

The project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

**DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS**

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

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

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

   The list of on-menu Incentives in 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu Incentives are required to provide for affordable housing costs because the Incentives by their nature increase the scale of the project.

   The requested Incentives, an increase in the FAR and an increase in the Height, are expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested Incentives allow the developer to expand the building envelope so the additional two (2) restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. These Incentives support the applicant’s decision to set aside two (2) Very Low Income dwelling units for 55 years.

   **Floor Area Ratio Increase:** The subject site is zoned [Q] R3-1 which allows 19 units on the 15,828.55 square foot site, including half of the alleyway, with a maximum 3.1 FAR and a maximum Height of 45 feet. The by-right FAR would allow a total of 32,045.1 square feet in floor area. The FAR Increase incentive permits a percentage increase in
the allowable FAR equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. While the proposed project qualifies for a maximum 4.05:1 FAR with the 35 percent increase, the proposed project is actually providing a maximum floor area of 42,460 square feet or a 3.975:1 FAR. The proposed 3.975:1 FAR is an approximate 32.5 percent increase and creates 10,414.9 additional square feet.

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<th>Buildable Lot Area (sf)*</th>
<th>Total Floor Area (sf)</th>
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<td>3:1</td>
<td>10,681.7</td>
<td>10,681.7 x 3 = 32,045.1</td>
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*Gross lot area less required yards/setbacks plus ½ alley

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<th>Additional Floor Area (sf)</th>
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<tr>
<td>+32.5%</td>
<td>10,681.7</td>
<td>10,681.7 x 3.975 = 42,460</td>
<td>42,460 - 32,045.1 = 10,414.9</td>
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Height Increase: The project is permitted a height limit of 45 feet by-right. The requested incentive allows for an 11-foot increase in the allowable Height. This results in a maximum Height limit of 56 feet. The proposed project, therefore, will measure a maximum of 56-feet in Height. This requested increase in the Height allows for an expanded building envelope.

b. The Incentive will have 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 unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific adverse impact upon the public health or safety.

The proposed incentives will not have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The proposed project and potential impacts were analyzed in accordance with the City’s Environmental Quality Act (CEQA) Guidelines and the City’s L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project determined that it is Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the City of Los Angeles CEQA Guidelines. The Class 32 exemption is intended to promote infill development within urbanized areas.

The proposed project qualifies for a Categorical Exemption because it conforms to the definition of "In-fill Projects" as follows:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:
The proposed project is located within the adopted Hollywood Community Plan area and is subject to the Melrose Zone Change Permanent [Q] Conditions area. The property is zoned [Q] R3-1 which is designated for Medium Residential land uses corresponding to the R3 Zone. The subject property is allowed up to 26 dwelling units on the site through the Density Bonus Ordinance. As proposed and conditioned, the project meets parking, yard, open space, design, massing and landscaping requirements, with modifications to increase Height and FAR.

Consistent with the Community Plan, the proposed 26-unit apartment development, which includes two (2) Very Low Income units, adds new, multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.

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

The subject property is located in a highly urbanized area, approximately eight (8) miles northwest of downtown Los Angeles. The subject property is comprised of two legal lots totaling approximately 14,612 square feet, or 0.33 acres, which is well within the five-acre threshold. The subject property is substantially surrounded by urban uses. The entire site is surrounded by [Q] R3-1, R2-1XL, and C4-1XL zoned properties that are improved with multi-family and single-family residential land uses and community commercial uses. The subject property is located approximately 133 feet from Melrose Avenue and approximately 0.3 miles from La Cienega Boulevard. Properties along Melrose Avenue are zoned C4-1XL and properties along La Cienega Boulevard are zoned C4-1VL. They are both improved with neighborhood serving commercial/retail uses and restaurants. There are multiple major bus routes running along Melrose Avenue, La Cienega Boulevard, and Waring Avenue.

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

The project is located within an established, fully developed, medium-density residential and commercial neighborhood adjacent to several commercial corridors, large boulevards and other large employment centers. Therefore, the project site has no value as a habitat for endangered, rare or threatened species.

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

The proposed project replaces 14 existing units, adding a net total of 12 dwelling units. Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 12 additional units to the community will not result in traffic impacts. The project will generate well under 500 daily trips, which is the established CEQA threshold.

The project does not involve the removal of healthy, mature, scenic trees because there are no trees being removed. The subject property has a slope of less than 10 percent and is not in a waterway, wetland, officially designated scenic areas, an officially mapped area of severe geologic hazard, or within an official Seismic Hazard Zone. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, and/or on property listed in the California Register of Historic Resources.

The project must comply with the adopted City of Los Angeles Noise Ordinance No. 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. This Ordinance covers both operational noise levels (i.e.,
post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed project will not result in any significant noise impacts.

The building construction phase includes the construction of the proposed building on the subject property, with grading of 14,500 cubic yards of soil and the importing/exporting of approximately 7,500 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the Subject Property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NOx emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

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

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

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

The project, a 42,460 square foot multi-family building, will replace an approximately 1,900 square foot duplex, an approximately 2,110 square foot duplex and an approximately 7,300 square foot multi-family residential building. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The proposed project will not exceed the SCAQMD's recommended threshold levels. Operational emission impacts will be at a less than significant level.

The development of the project would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.
(e) The site can be adequately served by all required utilities and public services:

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 12 dwelling units.

The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed above.

DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section §65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all low and very low income units that qualified the applicant" for the density bonus.

California State Assembly Bill 2222 went into effect January 1, 2015. It introduces rental dwelling unit replacement requirements, which pertain to cases filed (not issued) as of January 1, 2015. This determination letter does not reflect replacement requirements because the case application was submitted to the Department of City Planning on December 19, 2014, prior to the effective date of the amended Law. The new state law also increases covenant restrictions from 30 to 55 years for cases issued (not just filed) as of January 1, 2015. This determination letter does reflect 55 year covenant restrictions, given that the case decision, or approval, as noted on the front page, is being issued after January 1, 2015.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alleys dedications; and 8) allowing for "averaging" of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

Under Government Code Section § 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify zoning code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted,
including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City’s development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

FINANCIAL ANALYSIS/PRO-FORMA

Pursuant to the Affordable Housing Incentive Density Bonus provisions of the LAMC (Section 12.22 A.25) proposed projects that involve on-menu incentives are required to complete the Department’s Master Land Use Permit Application form, and no supplemental financial data is required. The City typically has the discretion to request additional information when it is needed to help make required findings. However, the City has determined that the level of detail provided in a pro forma is not necessary to make the findings for on-menu incentives. This is primarily because each of the City’s eight on-menu incentives provides additional buildable area, which, if requested by a developer, can be assumed to provide additional project income and therefore provide for affordable housing costs. When the menu of incentives was adopted by ordinance, the impacts of each were assessed in proportion to the benefits gained with a set-aside of affordable housing units. Therefore, a pro-forma illustrating construction costs and operating income and expenses is not a submittal requirement when filing a request for on-menu incentives. The City’s Density Bonus Ordinance requires "a pro forma or other documentation" with requests for off-menu incentives but has no such requirement for on-menu requests.
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 Municipal Code, or the approval may be revoked.

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

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

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

TRANSFERABILITY

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

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director’s Determination 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.planning.lacity.org.
Planning Department public offices are located at:

Downtown Office
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

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

Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal this Density Bonus Compliance Review 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 and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review 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.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

[Signature]
Blake Lamb, Senior City Planner

Reviewed by:

[Signature]
Mindy Nguyen, City Planner

Prepared by:

[Signature]
Nicole Sanchez, Planning Assistant
nicole.sanchez@lacity.org
(213)978-3034
# West LA Apartments

**Mid-Rise Development**

**Sweetzer Development LLC / ETCO Homes**

**Los Angeles, California**

---

## Project Team

<table>
<thead>
<tr>
<th>Owner</th>
<th>Structural Engineer</th>
<th>Landscape Architect</th>
<th>Job Title</th>
<th>Contact</th>
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| Sweetzer Development LLC | Sweetzer Development LLC | Sweetzer Development LLC | Tom pearce & Associates | Tom Pearce |}

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## Area Calculations

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<tr>
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## Parking Calculations

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## Project Information

**Code Information**

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<tr>
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<tr>
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<td>Residential</td>
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## Deferred Submittal

- **Document Number:** SWE-2014-4762-DB-1A
- **Revised Date:** 06/06/2016
- **City Planning:** Project Planning
- **Exhibit A:**
  - **Title:** "100% Privately Funded - No Tax Credit - Not Public Housing"
- **Mailing Address:**
  - Sweetzer Development LLC
  - 704 S. Sweetzer Ave.
  - Los Angeles, CA 90036

---

**NOTE:**

- The project is privately funded.
- No tax credit is involved.
- Not a public housing project.
GRADE PLANE

NATURAL GRADE WITHIN 5' OF BLDG

Address:
761 S. Sweitzer Ave., Los Angeles, Ca
Owner / Applicant
Sweitzer Development LLC

Glen Homer
1645 Wilshire Blvd., Suite 200
Beverly Hills, CA 90212. 310-859-9090
TITLE DESCRIPTION:
REAL PROPERTY IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
LOTS 8 & 9 IN BLOCK "F" OF TRACT 5761, AS PER MAP RECORDED IN BOOK 62 PAGE 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
APN: 5528-003-080

SITE PLAN

Site No. A
D-32.0

PLANNING SUBMITTAL

CASE NO. 016-010-012-069

IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

1. PROJECT NAME: WASHINGTON OAKS
2. PROJECT LOCATION: 700 S. WILSHIRE BLVD., LOS ANGELES, CA 90015
3. PROJECT SIZE: 160,000 SQ. FT.
4. PROJECT USE: MIXED USE
5. PROJECT COST: $100,000,000
6. PROJECT TEAM:
   - ARCHITECT: PUCILLA GROUP
   - ENGINEER: EFOC HOME
   - CONTRACTOR: WILSON BUILDING COMPANY

AN EXHIBIT OF THE SITE PLAN FOR THE ABOVE PROJECT IS ATTACHED.
1. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

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

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

The list of on-menu Incentives in 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

The requested Incentives, an increase in the FAR and an increase in the Height, are expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested Incentives allow the developer to expand the building envelope so the additional two (2) restricted affordable units can be constructed and the overall space dedicated to residential uses is increased. These Incentives support the applicant’s decision to set aside two (2) Very Low Income dwelling units for 55 years.

Floor Area Ratio Increase: The subject site is zoned [Q] R3-1 which allows 19 units on the 15,828.55 square foot site, including half of the alleyway, with a maximum 3:1 FAR and a maximum Height of 45 feet. The by-right FAR would allow a total of 32,045.1 square feet in floor area. The FAR Increase incentive permits a percentage increase in the allowable FAR equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. While the proposed project qualifies for a maximum 4.05:1 FAR with the 35 percent increase, the proposed project is actually providing a maximum floor area of 42,460 square feet or a 3.975:1 FAR. The proposed 3.975:1 FAR is an approximate 32.5 percent increase and creates 10,414.9 additional square feet.

<table>
<thead>
<tr>
<th>FAR</th>
<th>Buildable Lot Area (sf)*</th>
<th>Total Floor Area (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3:1</td>
<td>10,681.7</td>
<td>10,681.7 x 3 = 32,045.1</td>
</tr>
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*Gross lot area less required yards/setbacks plus ½ alley

<table>
<thead>
<tr>
<th>FAR</th>
<th>Buildable Lot Area (sf)*</th>
<th>Total Floor Area (sf)</th>
<th>Additional Floor Area (sf)</th>
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<tr>
<td>3.975:1</td>
<td>10,681.7</td>
<td>10,681.7 x 3.975 = 42,460</td>
<td>42,460 - 32,045.1 = 10,414.9</td>
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**Height Increase:** The project is permitted a height limit of 45 feet by-right. The requested Incentive allows for an 11-foot increase in the allowable Height. This results in a maximum Height limit of 56 feet. The proposed project, therefore, will measure a maximum of 56-feet in Height. This requested increase in the Height allows for an expanded building envelope.

a. **The Incentive will have 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 unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

The proposed Incentives will not have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds.

While the project discussed in this entitlement includes only the demolition of 14 residential dwelling units and the construction of a 42,460 square foot, 26 unit building, the applicant is also proposing a by-right project at 728-748 N. Sweetzer Avenue which includes the demolition of 26 residential dwelling units and the construction of a 96,390 square foot, 49 unit building located on the same block as the project discussed in this entitlement. For the purposes of CEQA, these two un-related projects have been analyzed as one project in accordance with the City's CEQA Guidelines and the City's L.A. CEQA Thresholds Guide. Analysis of the proposed 26 unit building and the 49 unit building has been determined to be Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 32 of the City of Los Angeles CEQA Guidelines.

The proposed projects located at 714-718 N. Sweetzer Avenue and 728-748 N. Sweetzer Avenue, hereafter referred to as the Proposed Project, qualify for a Categorical Exemption because it conforms to the definition of "In-fill Projects" as follows:

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

The proposed project is located within the adopted Hollywood Community Plan area and is subject to the Melrose Zone Change Permanent [Q] Conditions area. The properties are zoned [Q] R3-1 which is designated for Medium Residential land uses corresponding to the R3 Zone. The subject property at 714-718 N. Sweetzer is allowed up to 26 dwelling units on the site through the Density Bonus Ordinance. As proposed and conditioned, the project meets parking, yard, open space, design, massing and landscaping requirements, with modifications to increase Height and FAR. The subject property at 728-748 N. Sweetzer is allowed up to 52 dwelling units, however 49 are proposed to be
built. Because this project is by-right and the applicant is not requesting any deviations from the Los Angeles Municipal Code or Melrose Zone Change Permanent [Q] Conditions, compliance with parking, yard, open space, design, massing, height, and landscaping requirements, will be verified by the Department of Building and Safety and the Planning Department at the time of building permit application during the Plan Check process. Consistent with the Community Plan, the proposed 26-unit apartment development, which includes two (2) Very Low Income units, and the proposed 49-unit apartment development adds new multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.

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

The subject property is located in a highly urbanized area, approximately eight (8) miles northwest of downtown Los Angeles. The subject property at 714-718 N. Sweetzer Avenue is comprised of two legal lots totaling approximately 14,612 square feet, or 0.33 acres. The subject property at 728-748 N. Sweetzer Avenue is comprised of five contiguous lots totaling approximately 41,377.2 square feet, or 0.95 acres. Together these lots total 55,989.2 square feet, which is 1.3 acres and within the five-acre threshold. The subject properties are substantially surrounded by urban uses and are surrounded by [Q] R3-1, R2-1XL, and C4-1XL zoned properties that are improved with multi-family and single-family residential land uses and community commercial uses. The subject property at 714-718 N. Sweetzer Avenue is located approximately 133 feet from Melrose Avenue and approximately 0.3 miles from La Cienega Boulevard. The subject property at 728-748 N. Sweetzer Avenue is located approximately 264 feet from Melrose Avenue and approximately 0.35 miles from La Cienega Boulevard. Properties along Melrose Avenue are zoned C4-1XL and properties along La Cienega Boulevard are zoned C4-1VL. They are both improved with neighborhood serving commercial/retail uses and restaurants. There are multiple major bus routes running along Melrose Avenue, La Cienega Boulevard, and Waring Avenue.

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

The Proposed Project is located within an established, fully developed, medium-density residential and commercial neighborhood adjacent to several commercial corridors, large boulevards and other large employment centers. Therefore, the Proposed Project site has no value as a habitat for endangered, rare or threatened species.

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

The proposed project at 714-718 N. Sweetzer Avenue replaces 14 existing units, adding a net total of 12 dwelling units. The proposed project at 728-748 N. Sweetzer Avenue replaces 26 existing units, adding a net total of 23 dwelling units. Both projects add 35 combined units to the community. Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 35 additional units to the community will not result in traffic impacts. The net new 35 dwelling units are below the Department of Transportation threshold of 36 units for residential apartment projects that require a Traffic Study.

The Proposed Project does not involve the removal of healthy, mature, scenic, or Protected trees. The subject properties have a slope of less than 10 percent and are not in a waterway, wetland, officially designated scenic areas, an officially mapped area of severe geologic hazard, or within an official Seismic Hazard Zone. Therefore, there is no substantial evidence that the Proposed Project will have a specific adverse impact.
on the physical environment, on public health and safety, and/or on property listed in the California Register of Historic Resources.

The Proposed Project must comply with the adopted City of Los Angeles Noise Ordinance No. 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. This Ordinance covers both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the Proposed Project will not result in any significant noise impacts.

The building construction phase for the project at 714-718 N. Sweetzer Avenue includes the construction of the proposed building on the subject property, with grading of 14,500 cubic yards of soil and the importing/exporting of approximately 7,500 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. The building construction phase for the project located at 728-748 N. Sweetzer Avenue includes the construction of the proposed building on the subject property, with grading of 36,703 cubic yards of soil, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property.

These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NOx emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

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

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

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

The project at 714-718 N. Sweetzer Avenue, a 42,460 square foot multi-family building, will replace an approximately 1,900 square foot duplex, an approximately 2,110 square foot duplex and an approximately 7,300 square foot multi-family residential building. The project at 728-748 N. Sweetzer Avenue, a 96,390 square foot multi-family building, will replace 10 structures containing a total of 26 dwelling units. The structures proposed for demolition include five apartments measuring 504 square feet each, two (2) four-unit buildings measuring 4,641 square feet each, and two (2) six-unit buildings measuring
5,140 square feet each. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The Proposed Project will not exceed the SCAQMD’s recommended threshold levels. Operational emission impacts will be at a less than significant level.

The development of the Proposed Project would not result in any significant effects relating to water quality. The Proposed Project is not adjacent to any water sources and construction of the Proposed Project will not create any impact to water quality. Furthermore, the project will comply with the City’s stormwater management provisions per LAMC 64.70.

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

The site is currently and adequately served by the City’s Department of Water and Power, the City’s Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 35 dwelling units.

The Proposed Project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed above.