



DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

City Planning Commission

Date: February 14, 2019
Time: After 8:30 a.m.*
Place: City Hall, 200 N. Spring Street
Council Chambers, Room 340
Los Angeles, CA 90012

Public Hearing: Required
Appeal Status: Not further appealable
Expiration Date: February 25, 2019

Case No.: DIR-2018-5510-TOC-1A
CEQA No.: ENV-2018-5511-CE
Incidental Cases: None
Related Cases: None
Council No.: 5 - Koretz
Plan Area: West Los Angeles
Specific Plan: West Los Angeles
Transportation and
Mitigation
Certified NC: Westside
GPLU: Medium Residential
Zone: R3-1-O

Applicant: Edward Solis
NELA Homes
Representative: Warren Techentin, Warren
Techentin Architecture
[WTARCH]

Appellant: David Wang

PROJECT LOCATION: 1822 South Overland Avenue

PROPOSED PROJECT: The project is proposed for the construction of a 6-story, 16-unit residential building with a maximum height of approximately 67 feet and encompasses approximately 13,997 square feet of floor area. The project reserves two units for extremely low-income households. The project provides 16 parking spaces located in 2 subterranean levels, with both pedestrian and vehicular access off of Overland Avenue. The project also provides 16 long-term and 2 short-term bicycle parking spaces and will involve grading to accommodate the subterranean parking levels. The existing multi-family residential building on site is proposed to be demolished and two (2) significant 8" trunk diameter non-protected trees will be removed.

APPEAL ACTION:

1. Pursuant to Section 12.22-A,25(g) and 12.22-A,31 of the Los Angeles Municipal Code, an appeal of Condition Nos. 2,6,7, and 9 of the decision by the Director of Planning's Determination approving a Transit Oriented Communities Affordable Housing Incentive Program project allowing a 70% increase in density for a Tier 3 project totaling 18 dwelling units with two units set aside as affordable housing units for Extremely Low Income (ELI) Households for a period of 55 years along with the following three (3) incentives.
 - a. **Height.** A maximum height of 67 feet in lieu of the maximum permitted height of 45 feet; and
 - b. **Setbacks (Sides).** A 30% reduction in required side yards to allow 6-foot 4-inch side yard setbacks in lieu of the required 9-foot side yard setback; and

- c. **Open Space.** A 25 percent reduction in required open space, to allow 1,537.5 square feet in lieu of 2,050 square feet.

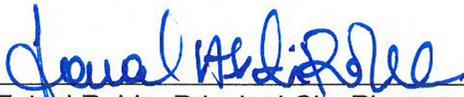
RECOMMENDED ACTIONS:

1. **Deny** the appeal;
2. **Determine**, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Urban In-Fill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statute and Guidelines, Section 15300.2 applies;
3. **Sustain** the Director of Planning’s Determination to conditionally approve the TOC Affordable Housing Incentive Program request to allow a 70-percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a qualifying Tier 3 project totaling 16 dwelling units, reserving 2 units for Extremely Low Income Household occupancy for a period of 55 years, with the following 3 Additional Incentives:
 - a. **Height.** A 22-foot increase in the building height, allowing 67 feet in lieu of the maximum 45 feet per the R3-1-O Zone;
 - b. **Yard/Setback.** A 30 percent decrease in the required depth of the side yards, allowing 6’4”-foot side yard setbacks in lieu of 9-foot side yard setbacks; and
 - c. **Open Space.** A 25 percent decrease from the open space requirement, allowing 1,537.5 square feet in lieu of 2,050 square feet.
4. **Adopt** the Director of Planning’s Conditions of Approval, Findings, and Exhibit “A,” as modified herein.

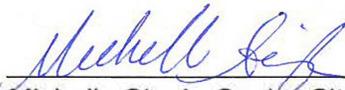
VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:



 Faisal Roble, Principal City Planner



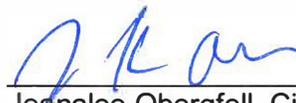
 Michelle Singh, Senior City Planner

Reviewed by:

Prepared by:



 Jason Chan, City Planner



 Jeanalee Obergfell, City Planning Associate

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 *Central Los Angeles Area Planning Commission Secretariat, 200 North Spring Street, Room 272, 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 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 this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with 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 no later than seven (7) working days prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

Project Summary

The proposed project is for the construction of a 6-story 16-unit residential building with a maximum height of approximately 67 feet and encompasses approximately 13,997 square feet of floor area. The project provides 16 parking spaces located in two (2) subterranean levels, with both pedestrian and vehicular access off of Overland Avenue. The project also provides sixteen (16) long-term and two (2) short-term bicycle parking spaces and will involve grading to accommodate the subterranean parking levels. The existing multi-family residential building on site is proposed to be demolished and two (2) significant 8" trunk diameter non-protected trees will be removed.

Background

The project site is located in the West Los Angeles Community Plan Area to the southeast of Santa Monica Boulevard near the northeast corner of Overland Avenue and Missouri Avenue. The Community Plan Map designates the site for Medium Residential land use with the corresponding zone of R3-1-O. The property is zoned R3-1-O with Height District No. 1 (allowing 45-foot building height) and is limited to a Floor Area Ratio (FAR) of 3:1. The property is located in the West Los Angeles Transportation Improvement and Mitigation Specific Plan, the City of Los Angeles Transit Priority Area, and the Transit Orientated Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines).

The project site consists of one lot totaling approximately 6,755.4 square feet, with approximately 50 feet of frontage along the east side of Overland Avenue. The site is currently developed with one multi-family building built in 1938 and totaling two (2) dwelling units. There are no known designated historic resources or cultural monuments on the subject site. Surrounding properties are zoned R3-1-O. Properties along the remainder of the block along Overland Avenue are zoned R3-1-O and developed with two-story, three-story, and four-story multi-family buildings.

The proposed project is a 6-story, 16-unit residential building with a maximum height of approximately 67 feet and encompasses approximately 13,702 square feet of floor area. The project provides 16 parking spaces (1 EV parking spot) located in 2 subterranean levels, with both pedestrian and vehicular access off of Overland Avenue. The project also provides 16 long-term and 2 short-term bicycle parking spaces. The existing multi-family residential buildings on site are proposed to be demolished.

On December 11, 2018, the Director of Planning determined that the project is exempt from CEQA pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Urban In-Fill Development), and conditionally approved the Transit Oriented Communities (TOC) Affordable Housing Incentive Program request including a 70-percent increase in density and three Additional Incentives for reduced side yard setbacks and open space, and increased building height under Case No. DIR-2018-5510-TOC (Exhibits A and B). On December 21, 2018, the Director's Determination was appealed by tenants of the adjacent building located at 1812 Overland Avenue. (Exhibit C).

On January 22, 2019, Stephen Brindle from Swedelson Gottlieb, the firm that represents the Century Westwood Homeowners' Association, which is located at 1812 South Overland Avenue, reached out to the Department of City Planning to express client's concern that the proposed property has the potential to block the bedroom windows of six residential units located at 1812 South Overland Avenue.

The Appeal/Staff Responses

The following is a summary of the appeal and staff responses to each appeal point. The appeal is attached for reference (Exhibit C).

Appeal Point 1: *A Tier 3 designation is defined as a property located at less than 1,500 feet from a Major Transit Stop, and the transit stop is defined as the intersection of two Rapid Bus Lines. The proposed project and the intersection of two Rapid Bus Lines are located 1,646 feet from each other according to Google Map (Exhibit C). The proposed project should be designated Tier 2 and the applicant shall revise the design based on Tier 2 incentives and bonus incentives.*

Staff Response: The proposed project is located within the Tier 3 Transit-Oriented Communities designation according to ZIMAS. The applicant provided documentation showing that the location qualifies as a Major Transit Stop and a radius map showing the distance to the Major Transit Stop. The establishment of the appropriate Tier took place at the time the application was accepted by the City. The subject site is located within 1,500 feet from the Metro Rapid 704 and Santa Monica R12 bus lines and the two lines intersect at Westwood Boulevard and Santa Monica Boulevard.

Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22 A.31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure required the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) for all Housing Developments located within a one-half mile radius of a Major Transit Stop. Each one-half mile radius around a Major Transit Stop shall constitute a unique Transit-Oriented Communities Affordable Housing Incentive Area. The TOC Guidelines state that each lot in a TOC Affordable Housing Incentive Area shall be determined to be in a specific Tier (1-4) based on the shortest distance between any point on the lot and a qualified Major Transit Stop, as shown in Chart 1.

Chart 1. TOC Affordable Housing Incentive Area Tiers

Type of Major Transit Stop	Tier 1 (Low)	Tier 2 (Medium)	Tier 3 (High)
	Distance to Major Transit Stop		
Two Regular Buses (intersection of 2 non Rapid Bus* lines, each w/ at least 15 min. average peak headways)	750 - 2640 ft.	< 750 ft.	-
Regular plus Rapid Bus* (intersection of a Regular Bus and Rapid Bus line)	1500 – 2640 ft.	750 – <1500 ft.	< 750 ft.
Two Rapid Buses* (intersection of two Rapid Bus lines)	-	1500-2640 ft.	< 1500 ft.

TOC Guidelines defines a Major Transit Stop as an intersection of two bus routes. An intersection of two bus lines is defined as the midpoint of the street intersection where two or more eligible bus routes meet or cross, and passengers have the direct ability to transfer on foot. Distance is measured from the closest point on any lot to the middle of the street intersection of two or more bus routes with a service interval of 15 minutes or less during morning or afternoon peak commute periods by measuring a straight line without any midpoint. Exhibit D shows the distance between the closest point on the lot located at 1822 Overland Avenue to the middle of the street intersection of Santa Monica Boulevard and Westwood Boulevard. The distance between the property located at 1822 Overland Avenue and the intersection of Santa Monica Boulevard and Westwood Boulevard is approximately 1,485 feet and falls within the Tier 3 TOC designation. (Exhibit F)

Staff Recommendation

In consideration of the foregoing, it is submitted that the Director of Planning acted reasonably in approving Case No. DIR-2018-5510-TOC. Staff recommends that the City Planning Commission deny the appeal and determine, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Urban In-Fill Development). There is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statute and Guidelines, Section 15300.2 applies. Staff recommends sustaining the Director of Planning’s Determination to conditionally approve the TOC Affordable Housing Incentive Program request to allow a 70-percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a qualifying Tier 3 project. The proposed project would create 16 dwelling units, reserving 2 units for Extremely Low Income Household occupancy for a period of 55 years, with the 3 Additional Incentives to reduce side yard setbacks and open space, and increase maximum building height. Staff recommends the adoption of the Director of Planning’s Conditions of Approval, Findings and Exhibit A.

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, West/South/Coastal 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 16 residential units per Exhibit "A".
3. **Affordable Units.** A minimum of 2 units, that is 10 percent On-Site Restricted Affordable Units, shall be reserved for Extremely Low-Income Households as defined in Section 50106 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
4. **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.31 and comply with the Transit Oriented Communities Affordable Housing Incentive Program Guidelines adopted by the City Planning Commission.
5. **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 2 units for Extremely Low-Income Households for 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 Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.
6. **Floor Area Ratio (FAR).** The project shall be limited to a floor area ratio of approximately 3.75:1 per Exhibit "A".
7. **Height.** The project shall be limited to six (6) stories and approximately 67 feet in height per Exhibit "A". Height increases over 11 feet shall be stepped back at least 15 feet from the exterior façade of the ground floor of the building located along any street frontage.
8. **Yard/Setback.** The project qualifies for a 30 percent reduction in the required width or depth of two individual yards or setbacks. The northerly and southerly side yard setbacks shall be no less than 6'4" feet per Exhibit "A".
9. **Open Space.** The project qualifies for a 25 percent reduction in the required amount of open space. The project shall provide a minimum of 1,556 square feet of open space per

Exhibit "A". The common open space shall meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety.

10. **Automobile Parking.** Based upon the number of dwelling units proposed, a minimum of fifteen (16) automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines, which requires parking for all residential units in an Eligible Housing Development for a Tier 3 project to not exceed one-half space per unit.
11. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
12. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

Administrative Conditions

13. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
14. **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.
15. **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.
16. **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.
17. **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.
18. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

General Plan Findings

The proposed project located at 1822 S. Overland Avenue is located within the West Los Angeles Community Plan area, that was adopted by City Council on July 27, 1999, and the West Los Angeles Transportation Improvement and Mitigation Specific Plan Update that was adopted by the City Council on January 17, 1997. The project site is located at 1822 S. Overland Avenue.

The subject site is located within 1,500 feet from the Metro Rapid 704 and Santa Monica R12 bus lines and intersects at Westwood Boulevard and Santa Monica Boulevard. The subject property is therefore located in Tier 3 of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines).

Housing Replacement

The TOC Guidelines require a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. California Government Code Section 65915(c)(3), as amended by Assembly Bill 2222 and 2556, requires applicants of Density Bonus projects to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low-Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 31, 2018, the proposed project is required to provide (1) Extremely Low-Income Unit and (1) Very Low-Income Unit. The project satisfies this requirement by providing two (2) units restricted to Extremely Low-Income households. This is reflected in the Conditions of Approval.

The proposed project meets TOC Guidelines and is aligned with the West Los Angeles Community Plan's vision of ensuring a high-quality residential environment for all segments of the community. The proposed project satisfies the objectives of the land use element listed below.

West Los Angeles Community Plan (Land Use Element)

Goal 1: A Safe, Secure, and High-Quality Residential Environment for All Economic, Age, and Ethnic Segments of the Community.

Objective 1-1.3: Provide for adequate multi-family residential development.

Objective 1-2: To reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities.

Objective 1-2.1: Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.

Objective 1-4: To promote adequate and affordable housing and increase its accessibility to more segments of the population, especially students and senior citizens.

ENTITLEMENT FINDINGS

Transit Oriented Communities Guidelines

Tier 3 Incentives would require On-Site Restricted Affordable Units at the rate of 10 percent Extremely Low Income, 14 percent Very Low Income, or 23 percent Lower Income of total units. The project is providing 10 percent Extremely Low-Income Units of total units and is therefore eligible for Base Incentives. Furthermore, up to three (3), additional incentives may be granted for projects that include at least 11 percent of the base units for Extremely Low Income, 15 percent for Very Low Income, and 30 percent for Lower Income. The project is providing 11 percent of the base units as Extremely Low-Income Units and is, therefore, eligible for three (3) Additional Incentives.

As Base Incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 70%, (2) increase the maximum allowable floor area ratio by 50% or up to 3.75:1, whichever is greater, and (3) provide one-half parking space per unit. The project is in request of three (3) Additional Incentives for (1) a 22-foot increase in the building height to approximately 67 feet in lieu of the otherwise maximum height of 45 feet per the R3-1-O Zone, (2) a 30 percent decrease in the required depth of the side yards, allowing 6'4"-foot side yard setbacks in lieu of 9-foot side yard setbacks, and (3) a 25 percent decrease from the open space requirement, **allowing** 1,537.5 square feet in lieu of 2,050 square feet.

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

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

- 1. Pursuant to Section 12.22 A.25(g) of the LAMC, the City Planning Commission 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 a predetermined percentage of income based on area median income thresholds dependent on affordability levels.

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

Increased Height: The proposed project requests an increase of 22 additional feet to allow for approximately 67 feet in building height, in lieu of the otherwise permitted 45

feet in building height in the R3-1-O Zone. Per the TOC Guidelines, the proposed project qualifies for the 22-foot height increase. The limitation on the height could limit the ability to construct the residential dwelling units permitted by-right and the Restricted Affordable Units which are of sufficient size. The building as proposed would have a maximum height of approximately 67 feet and would have a total of six stories. In accordance with TOC Guidelines, height increases over 11 feet over a height district limit of 45 feet shall be stepped back at least 15 feet from the exterior façade of the ground floor of the building located along any street frontage. As proposed, the additional height would allow for the construction of the affordable residential units.

Reduced Yard/Setback: The proposed project requests a 30 percent reduction in the northerly and southerly side yard setbacks, allowing 6'4"-foot setbacks in lieu of the 9-foot setbacks required per the R3-1-O Zone. The requested incentives allow the developer to reduce setback requirements so the affordable housing units can be constructed and the overall space dedicated to residential uses is increased.

Reduced Open Space: The proposed project requests a 25 percent reduction in the open space requirements of LAMC Section 12.21 G, allowing 1,537.5 square feet of open space in lieu of 2,050 square feet of open space. Common open space will be provided in the form of an outdoor lounge, courtyard, and rear yard per Exhibit "A", and is conditioned to meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety. The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Extremely Low-Income Households can be constructed and the overall space dedicated to residential uses increased.

- b. *The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there 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.***

There is no evidence in the record that the proposed incentive will 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 finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentive.

CEQA Findings

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project is for the construction of a 6-story 16-unit residential building with a maximum height of approximately 67 feet and encompasses approximately 13,997 square feet of floor area. The project provides 16 parking spaces located in 2 subterranean levels, with both pedestrian and vehicular access off of South Overland Avenue. The project also provides 16 long-term and 2 short-term bicycle parking spaces and will involve grading to accommodate the subterranean parking levels. The existing multi-family residential building on site is proposed to be demolished and two (2) significant 8" trunk diameter non-protected trees will be removed. As a multi-family residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

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

The Site consists of a 6,755.4 square foot lot zoned R3-1-O and located within the West LA Community Plan Area, West Los Angeles Transportation Improvement and Mitigation Specific Plan Area, Transit Priority Area, and located in a Tier 3 Transit Orientated Communities (TOC) zone with a Medium Residential land use designation. The project site is not located within a Liquefaction zone, Flood Zone, Landslide Area or Very High Fire Hazard Severity Zone but is located within a Methane Zone and fault zone. The new construction will be consistent with the applicable West Los Angeles Community Plan and West Los Angeles Transportation Improvement and Mitigation Specific Plan land use designation, policies and zoning designations. The maximum residential density per TOC Tier 3 guidelines increases the number of dwelling units by 70% and floor area ratio by 50%. The proposed residential floor area is 13,997 square feet, after consideration of the TOC guidelines per Code Section 12.22 A.31.

- (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 site is wholly within the City of Los Angeles, on a site that is approximately 0.155 acres. The existing site is improved with residential uses and asphalt paving. Lots adjacent to the subject site are developed as multi-family residential.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. There are no protected or non-protected trees on the site.

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

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent an excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-

bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include but are not limited to ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by the Los Angeles Department of Transportation (LADOT) for preparing a traffic study. A Traffic Study is required when the Development Project is likely to add 43 or more a.m. or p.m. peak hour vehicle trips. The proposed project contains 16 units and is projected to generate 11 peak hour trips, which is below the traffic study threshold. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on California Emissions Estimator Model (CalEEMod) runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

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

The Project Site will be adequately served by all public utilities and services given that the new construction will be proposed on a site that has continuously been occupied with a multi-family dwelling since 1938 and is adjacent to many multi-family dwellings of similar scale and the site can be served by all utilities including water, gas, power, sewer, and phone services. Therefore, it can be found that the Project meets the qualifications of the Class 32 Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

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

The project consists of the Demolition of an existing two-unit multi-family dwelling and garage and the construction of a new 16-unit apartment building, 6 stories high apartments over two stories of below-grade parking with 16 parking spots (1 EV parking spot included) featuring a total floor area of 13,997 square feet, a haul route for the export of approximately 6,325 cubic yards of earth, and the removal of 2 significant non-protected trees, on a 6,755.4 square foot lot. The proposed residential floor area consists of 13,997 square feet and 16 dwelling units which are the maximum amount after consideration of 70% density bonus per TOC guidelines which includes 2 extremely low-income units.

The proposed project is seeking various incentives as stated under TOC guidelines. These consist of: a) increasing the allowable number of dwelling units by 70%, b) increasing floor area ratio by 50% that totals 13,997 square feet, c) ensuring parking requirements do not exceed 0.5 stalls per units, d) reducing two individual side yards by 30% from 9 feet to

6'4" feet, e) decreasing 25% of open space that totals to 1,556 square feet, and d) increasing total height by two additional stories.

The proposed project is not unusual for the vicinity of the Subject Site and is similar in scope to other existing residential uses in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

According to NavigateLA, there is one open haul route for the grading, excavation, and export of approximately 7,200 cubic yards of earth for a project at 1906-1914 South Overland Avenue, for the time period between March 2018 and September 2020.

In addition, the haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction-related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. Furthermore, DBS staggers the haul route schedules so as to ensure that all of the haul routes do not occur simultaneously. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

As mentioned, the project proposes a multi-family residential building in an area zoned and designated for such development. All adjacent lots are developed with multi-family residential, automobile rental, and surface parking, and the subject site is of a similar size and slope to nearby residential properties. The project proposes a Floor Area Ratio (FAR) of 4.5:1 on a site that is permitted to have a maximum FAR of 4.5:1 through the Transit Oriented Communities Guidelines and pursuant to LAMC Section 12.22 A.31. The project size and height is not unusual for the vicinity of the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The Subject Site is approximately 15.4 miles away from the Topanga Canyon State Scenic Highway. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site nor any site in the vicinity, is identified as a hazardous waste site.

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

The Project Site is currently developed with a single-family dwelling that has not been identified as a historic resource by local or state agencies, and has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The proposed project involves the demolition of an existing two-unit multi-family dwelling constructed in 1938 but was not identified as a historic structure in Survey LA.

EXHIBIT A

APPROVED PROJECT PLANS

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Rev.	By	Check	Date	Description

OVERLAND APARTMENTS
1822 OVERLAND AVE.
LOS ANGELES, CA 90025

07 SEP 2018

P2 PARKING PLAN

A-3.0
AS NOTED

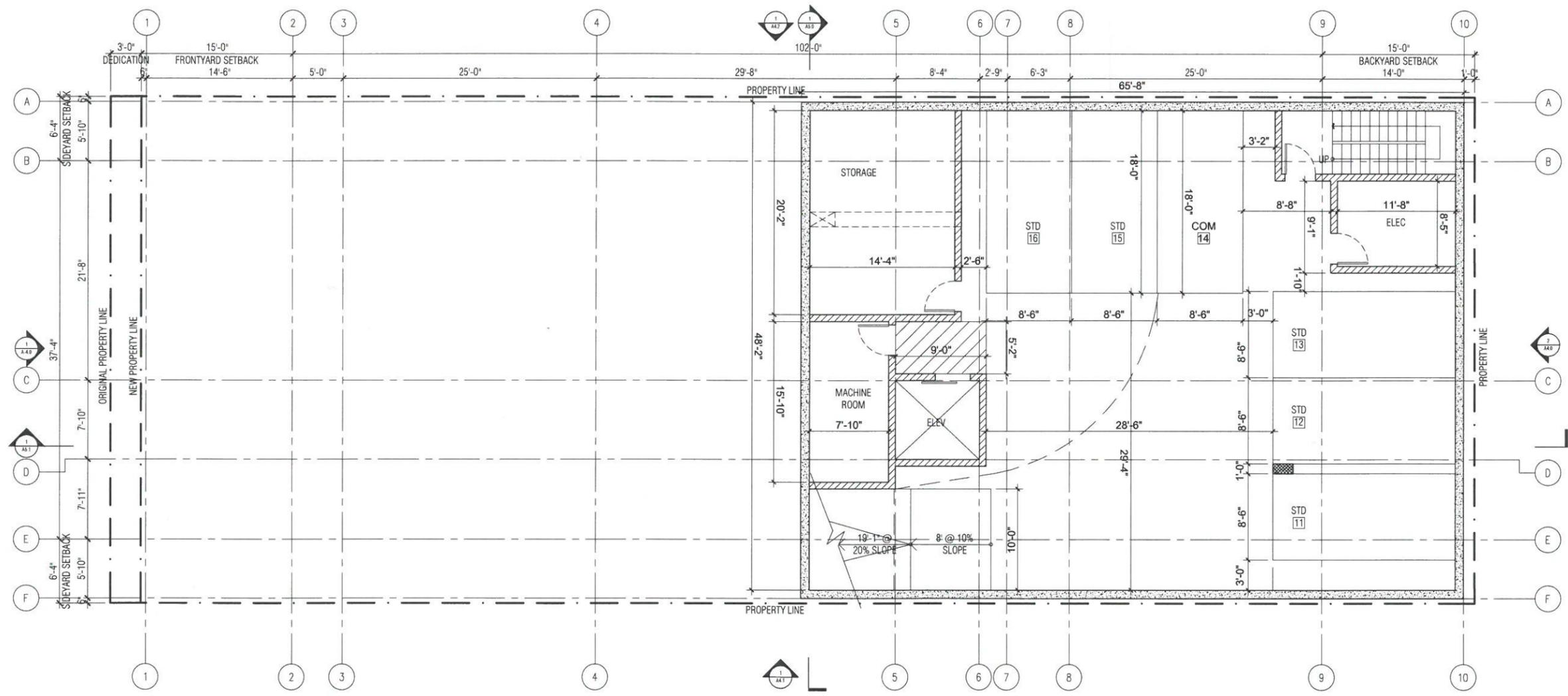
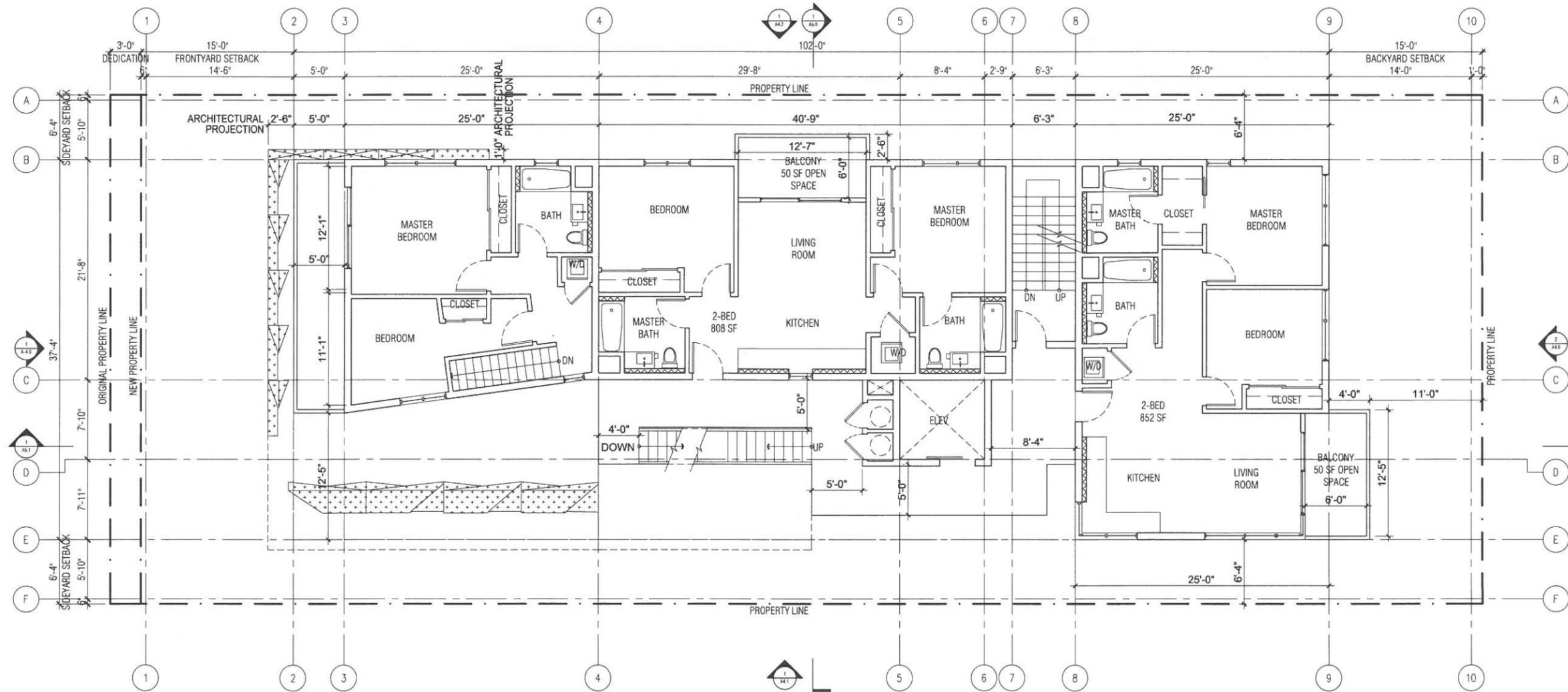


EXHIBIT "A"
Page No. 2 of 18
Case No. D18-2018-5110

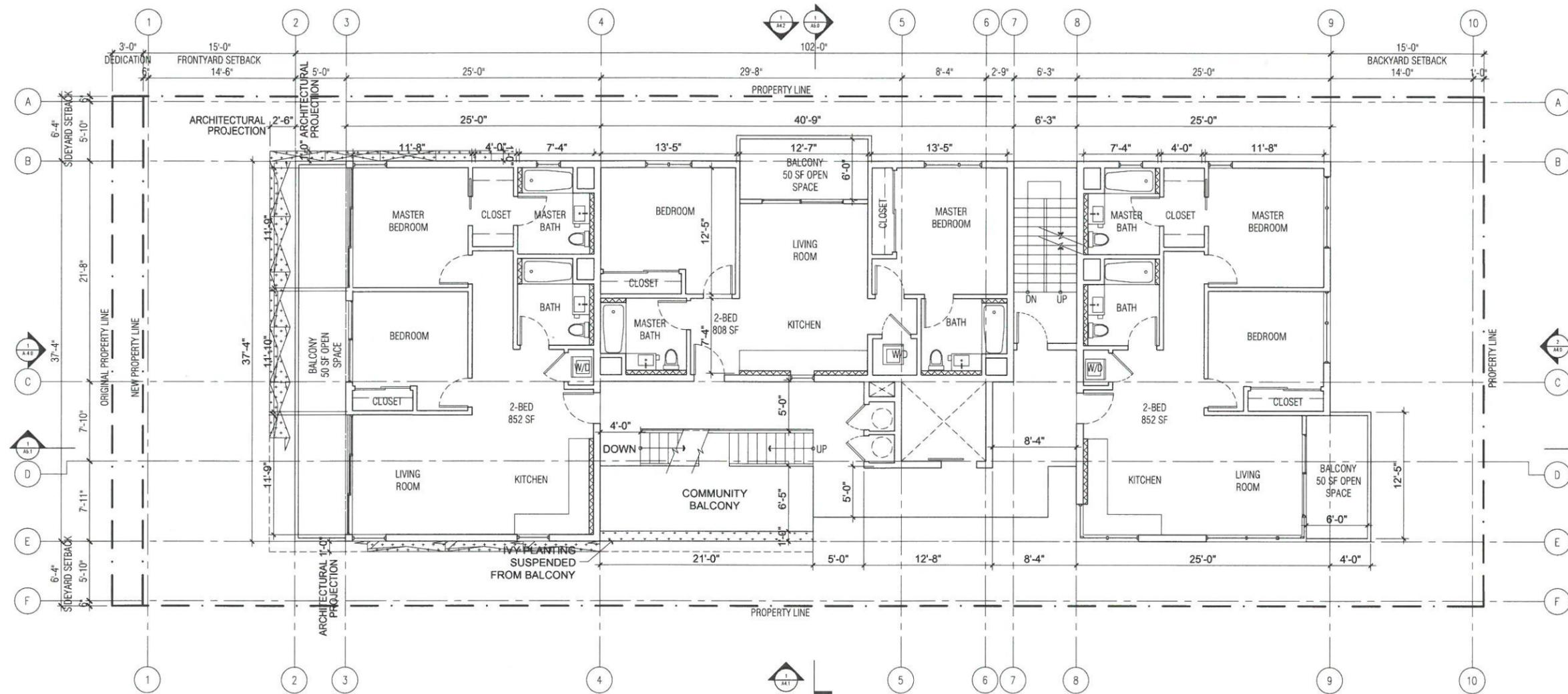


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DATE	REVISION	BY	CHKD

OVERLAND APARTMENTS
1822 OVERLAND AVE
LOS ANGELES, CA 90025

EXHIBIT "A"
Page No. 5 of 18
Case No. D12-2018-5510



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NO.	REVISION	DATE	BY	CHKD.

OVERLAND APARTMENTS
1822 OVERLAND AVE.
LOS ANGELES, CA 90025

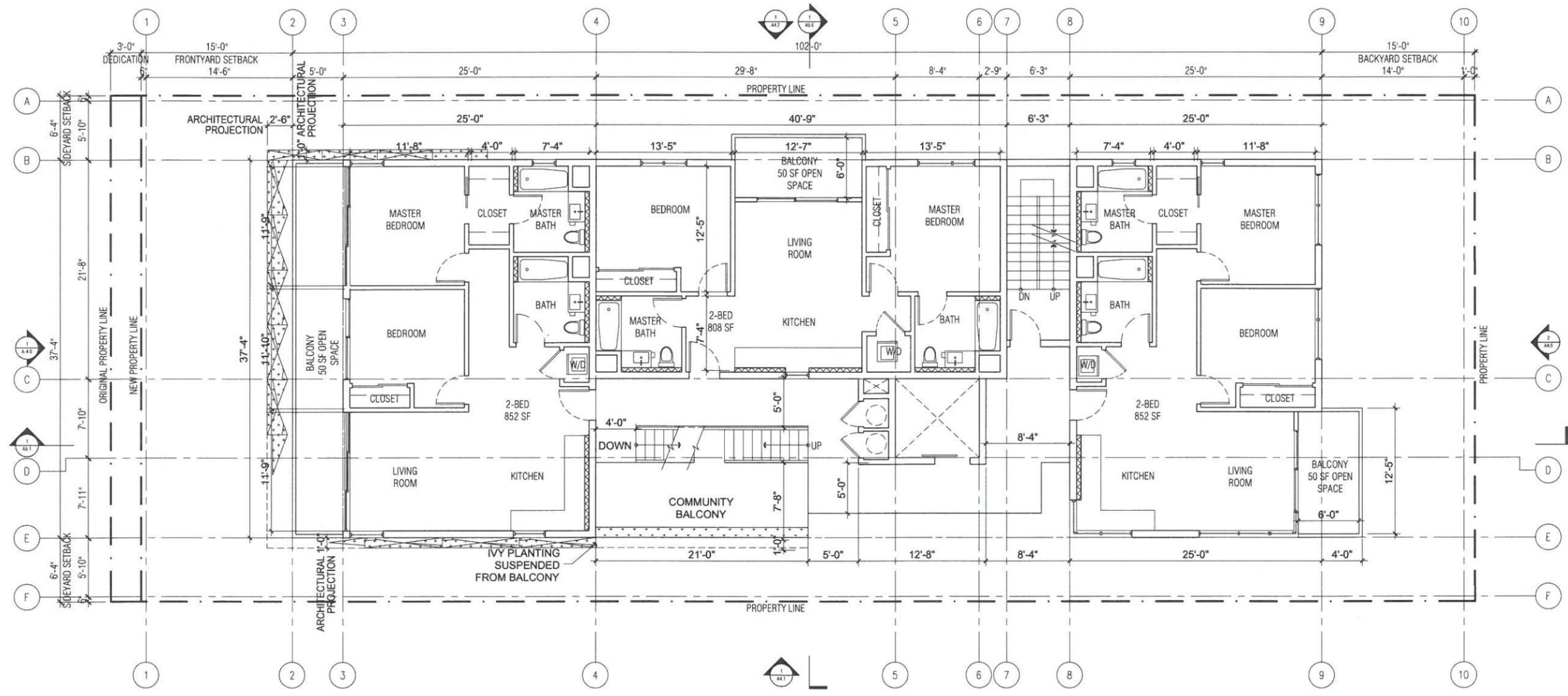
EXHIBIT "A"
Page No. 6 of 18
Case No. DIK-2018-5512

07 SEP 2018

THIRD FLOOR PLAN

A-3.4
AS NOTED





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NO.	REVISION	DATE	BY	CHKD.

OVERLAND APARTMENTS
1622 OVERLAND AVE.
LOS ANGELES, CA 90025

EXHIBIT "A"
Page No. 7 of 18
Case No. DR-2017-5310

07 SEP 2018

FOURTH FLOOR PLAN

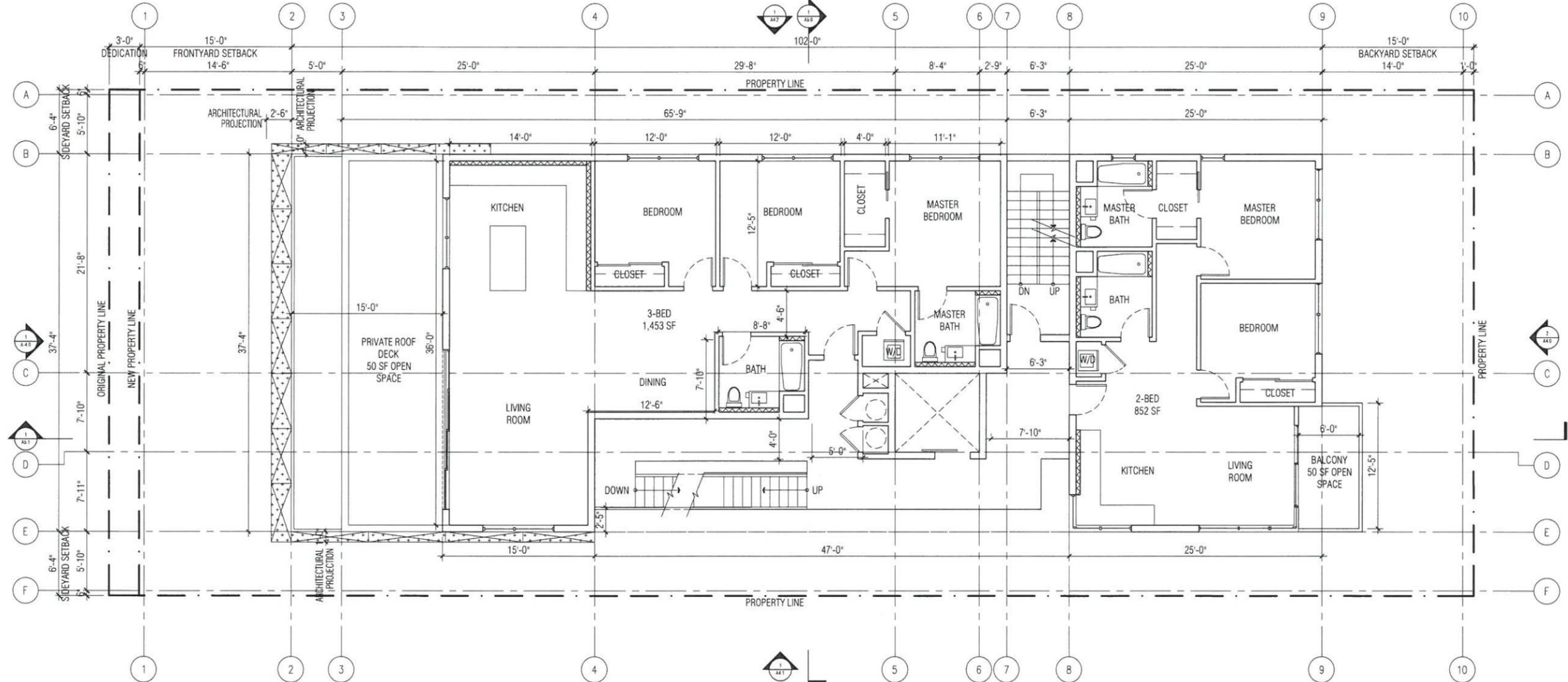
A-3.5
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DATE	REVISION	BY	CHKD

OVERLAND APARTMENTS
 1822 OVERLAND AVE.
 LOS ANGELES, CA 90025

07 SEP 2018
 SIXTH FLOOR PLAN
 A-3.7
 AS NOTED



1 SIXTH FLOOR PLAN

3/16" = 1'-0"

EXHIBIT "A"
 Page No. 9 of 18
 Case No. DIR-2018-5510

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NO.	REVISION	DATE	BY	CHECKED
1	ISSUE FOR PERMIT			
2	REVISION			
3	REVISION			
4	REVISION			
5	REVISION			
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9	REVISION			
10	REVISION			

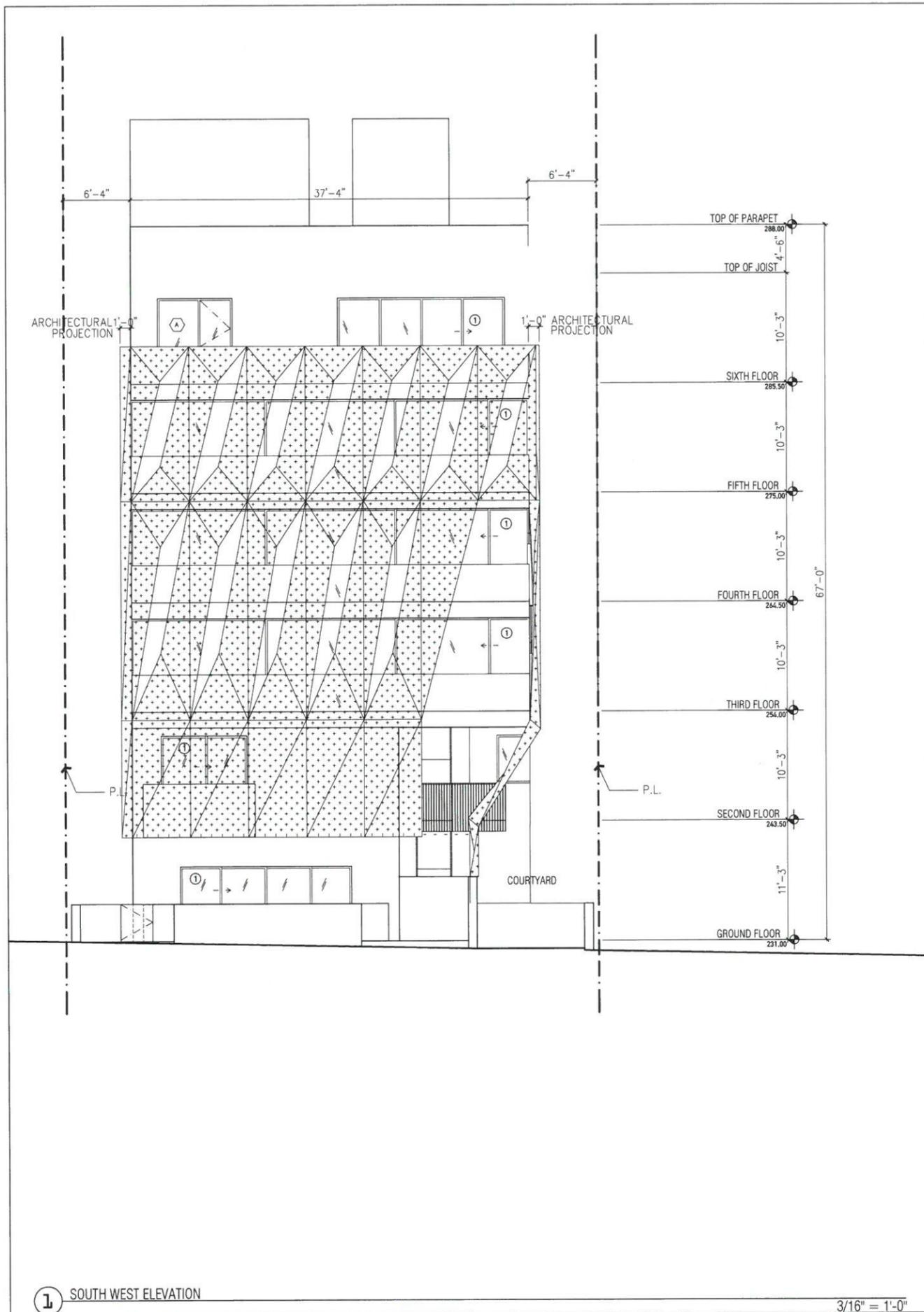
OVERLAND APARTMENTS
1822 OVERLAND AVE.
LOS ANGELES, CA 90025

07 SEP 2018

ELEVATIONS

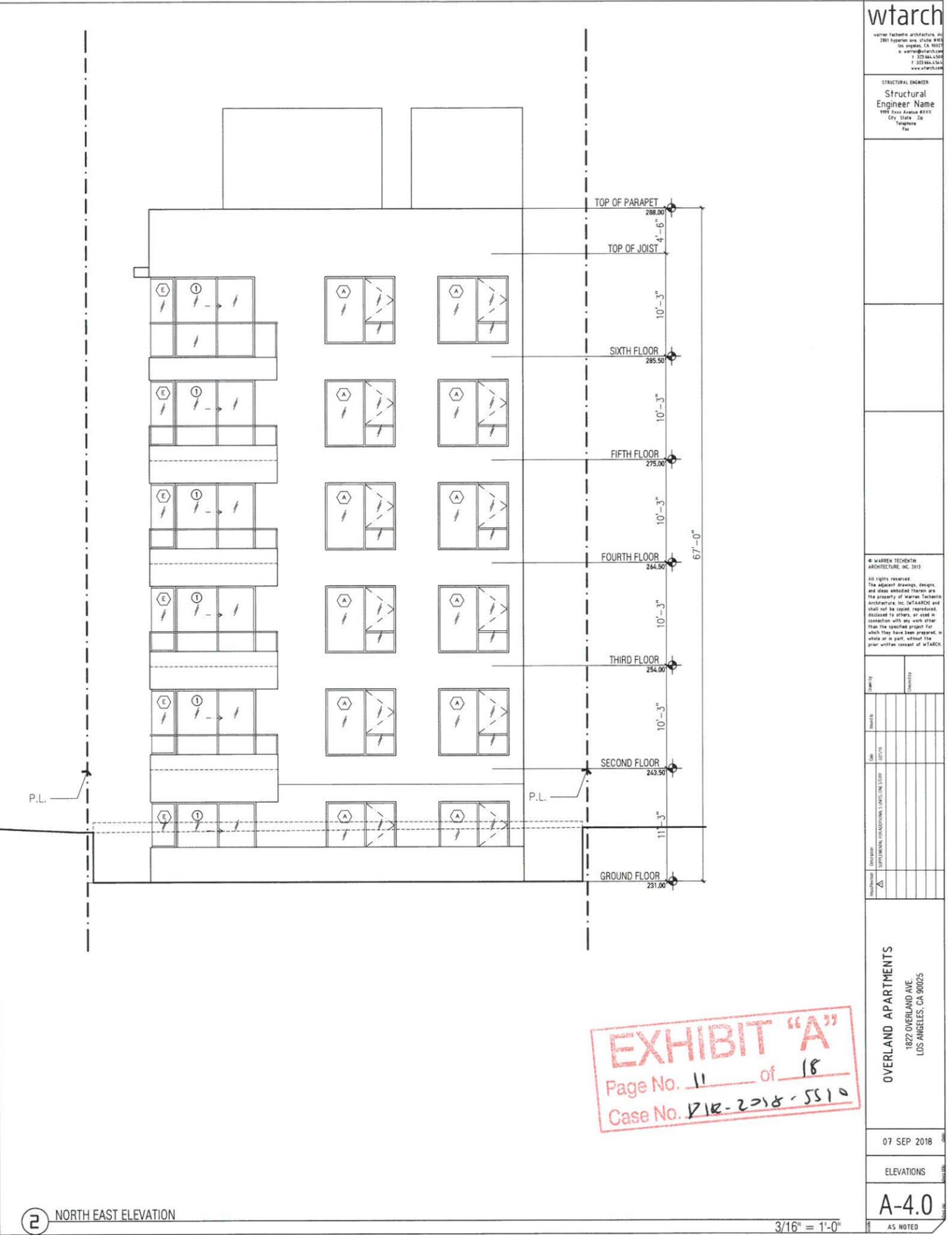
A-4.0

AS NOTED



1 SOUTH WEST ELEVATION

3/16" = 1'-0"



2 NORTH EAST ELEVATION

3/16" = 1'-0"

EXHIBIT "A"
Page No. 11 of 18
Case No. 12-2018-5510

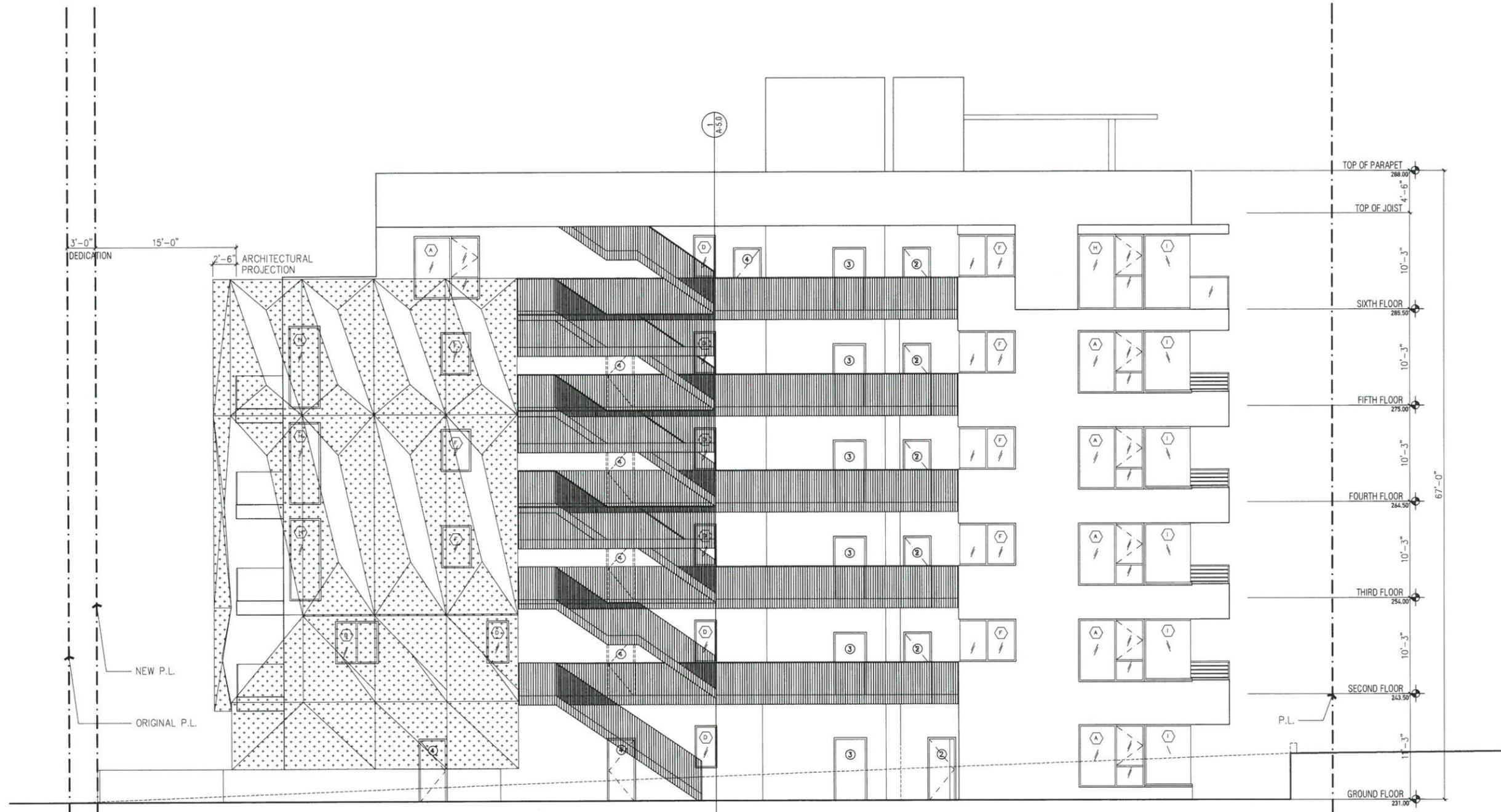
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DATE	REVISION	BY	CHKD

OVERLAND APARTMENTS
 1822 OVERLAND AVE.
 LOS ANGELES, CA 90025

07 SEP 2018
 SOUTH EAST ELEVATIONS

A-4.1
 AS NOTED



1 SOUTH EAST ELEVATION

3/16" = 1'-0"

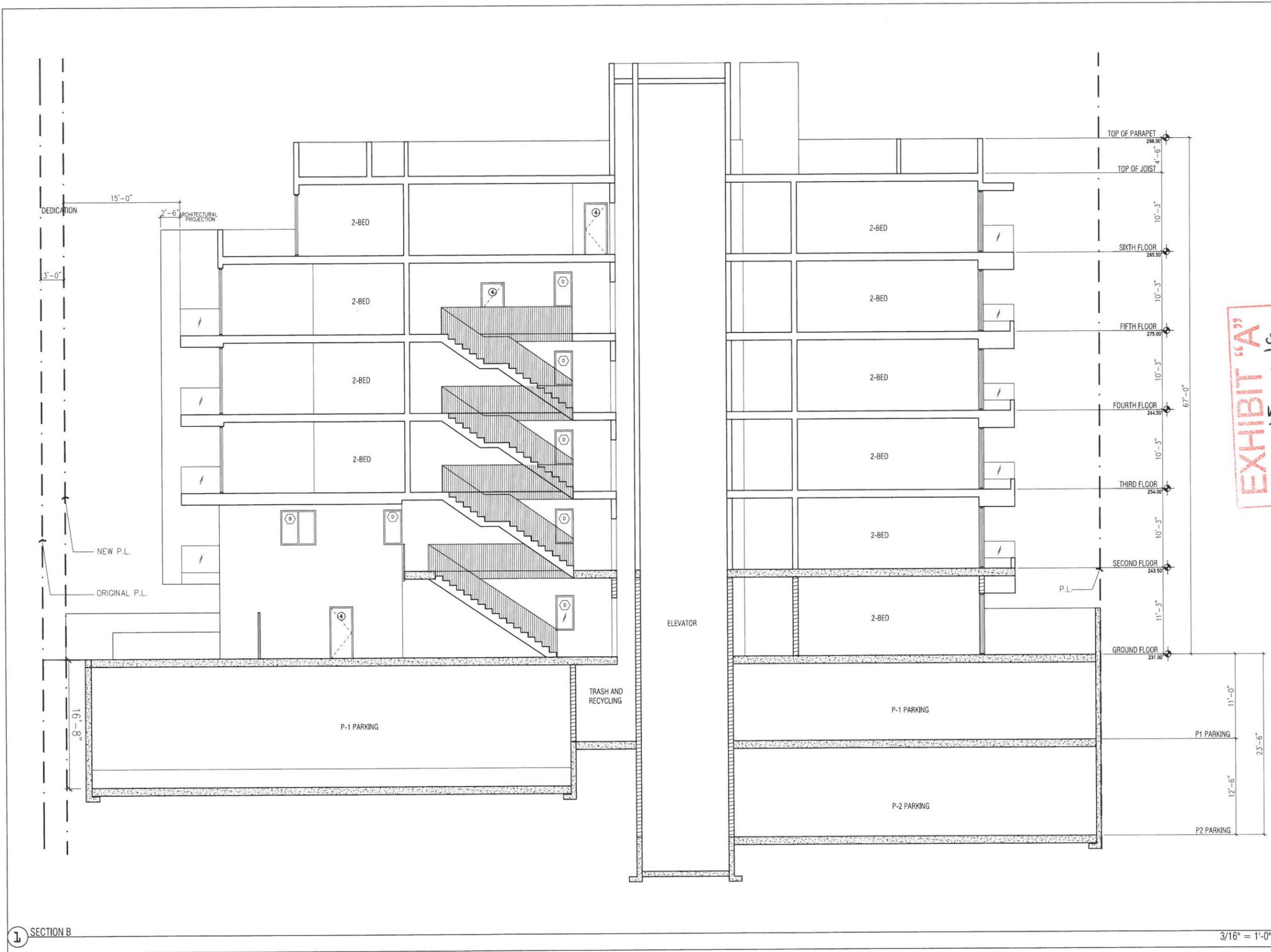
NO.	DATE	DESCRIPTION

OVERLAND APARTMENTS
 1822 OVERLAND AVE.
 LOS ANGELES, CA 90025

10 SEP 2018
 SECTIONS

A-5.1
 AS NOTED

EXHIBIT "A"
 Page No. 15 of 16
 Case No. D12-2014-511



SECTION B

3/16" = 1'-0"



SCALE: 1"=10'

C/L 1ST ALLEY SOUTH OF SANTA MONICA BOULEVARD
N50°31'29"E 330.85'

SURVEYOR'S NOTES:

1. THIS SURVEY IS THE PROPERTY OF CARL BETZ & ASSOCIATES, INC. AND MAY NOT BE COPIED, CHANGED OR REPRODUCED IN ANY MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN CONSENT OF CARL BETZ & ASSOCIATES, INC.
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3. BOUNDARIES AND VERTICAL DATUM: ESTABLISHED FROM LOCAL CITY OR COUNTY ENGINEERING BUREAU'S BOUNDING MONUMENTED CENTERLINE'S OR FROM POINTS OF RECORD AS SHOWN. IF ELEVATIONS ARE SHOWN THEY ARE FOR INFORMATION ONLY AND ARE NOT FOR CERTIFICATION OF GRADE, DRAINAGE OR ANY OTHER ITEM WHICH MAY BE CONNECTED TO VERTICAL DATUM.
4. SUBJECT PROPERTY CONTAINS A COMPUTED AREA BASED UPON THIS SURVEY OF 6,752 SQUARE FEET, 0.155 ACRES.
5. TREES UNDER SIX INCHES NOT LOCATED ON THIS MAP. SYMBOLS OF TREES ON THIS MAP SUGGEST THE CENTER LOCATION OF THE TRUNK BASE ONLY. SYMBOLS OF TREE BASE LOCATIONS ALSO SUGGEST THE TREE BASE IS LARGER THAN 6" IN DIAMETER.

PROPERTY DESCRIPTION:

LOT 9 OF BLOCK 101 OF TRACT 5609, IN THE CITY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 76, PAGES 68 TO 71 INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

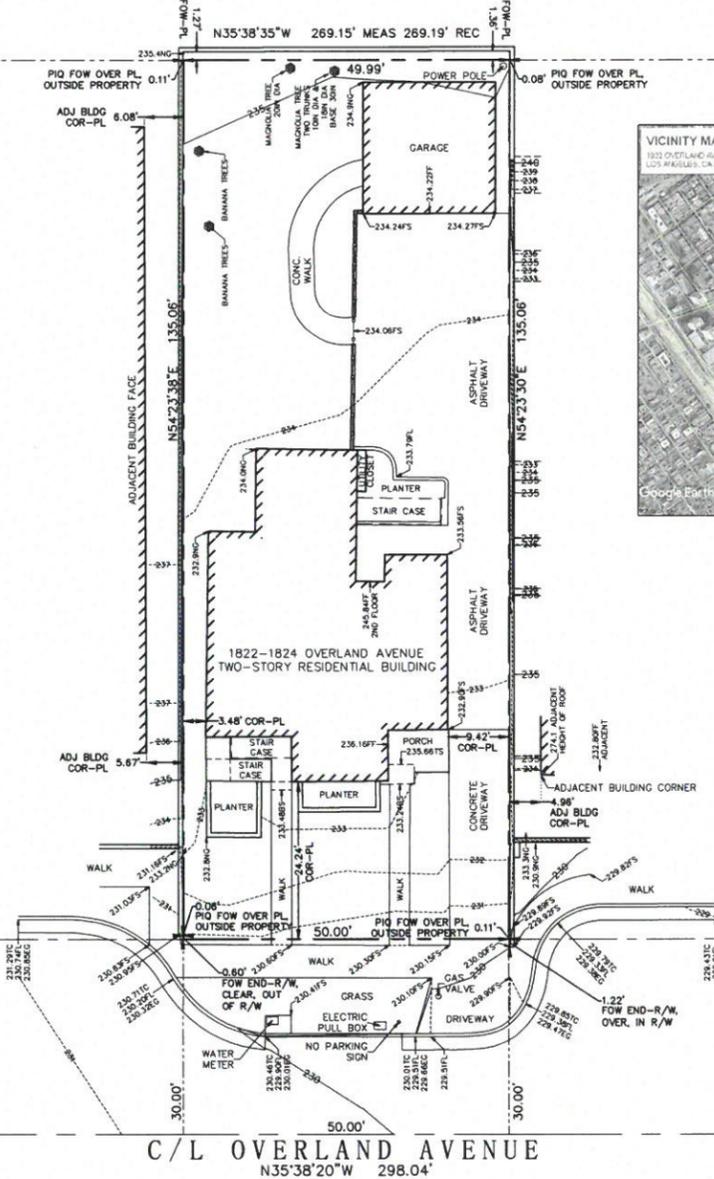
ASSESSORS PARCEL NUMBER 4321-004-026

SURVEY PREPARED FROM TITLE REPORT.

FURNISHED BY : PROVIDENT TITLE COMPANY
 ORDER NUMBER : 12375552
 DATED : MARCH 12, 2018
 TITLE OFFICER : MONCEF SELMI / RALPH KHEUL

BENCH MARK:

DATUM : LOCAL
 ELEVATION : 234.36 (FEET)
 DESCRIPTION : ASSUMED ELEVATION 234.36 (FEET) ON FOUND MAG NAIL AT THE INTERSECTION OF OVERLAND AVENUE AND ALLEY SOUTH OF SANTA MONICA BOULEVARD.



LEGEND

ADJ	ADJACENT
BLDC	BUILDING
BS	BOTTOM OF STEP
C/L	CENTER LINE
COR	CORNER
CONC	CONCRETE
EG	EDGE OF GUTTER
FF	FINISH FLOOR
FL	FLOW LINE
FW	FACE OF WALL
FS	FINISH SURFACE
NG	NATURAL GROUND
PL	PROPERTY LINE
R/W	RIGHT OF WAY
TC	TOP OF CURB
TS	TOP OF STEP
TW	TOP OF WALL
---	ADJACENT CALCULATIONS
---	BOUNDARY
---	CENTER LINE OF STREET
---	RIGHT OF WAY
---	BUILDING FOOTPRINT
---	OVERHANG EDGE
---	SURFACE EDGE
---	SURFACE GRADE BREAK
---	SURFACE STEP
---	CURB
---	TREE BASE CENTER
---	WALL

C/L MISSOURI AVENUE
N54°23'10"E 330.13'

FOUND MAG NAIL, FIT TIES PER CEBF 129-157 PG 184

ESTABLISHED BY TIES PER CEBF 129-157 PG 131

EXHIBIT "A"
 Page No. 18 of 18
 Case No. DIR-2018-5512

TOPOGRAPHIC SURVEY
 1822-1824 OVERLAND AVENUE, LOS ANGELES, CA 90025

Carl Betz & Associates, Inc.
 28030 DOROTHY DRIVE, STE. 203
 AGoura, CALIFORNIA 91301 (918)945-0025
 FAX: (918)945-0025
 CARL BETZ, P.L.S. 5650 - 0415

EXHIBIT B

DIRECTOR'S LETTER OF DETERMINATION

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ
CAROLINE CHOE

RENEE DAKE WILSON
KAREN MACK
MARC MITCHELL
VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

DIRECTOR'S DETERMINATION

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

December 11, 2018

Applicant/Owner

Edward Solis
NELA Homes
5532 N Figueroa Street
Los Angeles, CA 90042

Representative

Warren Techentin
Warren Techentin Architecture
2801 Hyperion Avenue
Los Angeles, CA 90027

Case No. DIR-2018-5510-TOC

CEQA: ENV-2018-5511-CE

Location: 1822 S Overland Avenue

Council District: 5 - Koretz

Community Plan Area: West Los Angeles

Land Use Designation: Medium Residential

Zone: R3-1-O

Legal Description: Lot 9, Block 101, Tract TR 5609

Last Day to File an Appeal: December 27, 2018

DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program

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

DETERMINED, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

APPROVE a **Transit Oriented Communities Compliance Review** for a project totaling 16 dwelling units, reserving two (2) units for Extremely Low Income, with the following requested incentives:

1. **Height.** A 22-foot increase in the building height, allowing 67 feet in lieu of the maximum 45 feet per the R3-1-O Zone;
2. **Yard/Setback.** A 30 percent decrease in the required depth of the side yards, allowing 6'4"-foot side yard setbacks in lieu of 9-foot side yard setbacks; and
3. **Open Space.** A 25 percent decrease from the open space requirement, allowing 1,537.5 square feet in lieu of 2,050 square feet.

The project approval is based upon the attached Findings, and subject to the attached Conditions of Approval:

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, West/South/Coastal 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 16 residential units per Exhibit "A".
3. **Affordable Units.** A minimum of 2 units, that is 10 percent On-Site Restricted Affordable Units, shall be reserved for Extremely Low Income Households as defined in Section 50106 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
4. **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.31 and comply with the Transit Oriented Communities Affordable Housing Incentive Program Guidelines adopted by the City Planning Commission.
5. **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 2 units for Extremely Low Income Households for 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 Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.
6. **Floor Area Ratio (FAR).** The project shall be limited to a floor area ratio of approximately 3.75:1 per Exhibit "A".
7. **Height.** The project shall be limited to six (6) stories and approximately 67 feet in height per Exhibit "A". Height increases over 11 feet shall be stepped back at least 15 feet from the exterior façade of the ground floor of the building located along any street frontage.
8. **Yard/Setback.** The project qualifies for a 30 percent reduction in the required width or depth of two individual yards or setbacks. The northerly and southerly side yard setbacks shall be no less than 6'4" feet per Exhibit "A".

9. **Open Space.** The project qualifies for a 25 percent reduction in the required amount of open space. The project shall provide a minimum of 1,556 square feet of open space per Exhibit "A". The common open space shall meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety.
10. **Automobile Parking.** Based upon the number of dwelling units proposed, a minimum of fifteen (16) automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines, which requires parking for all residential units in an Eligible Housing Development for a Tier 3 project to not exceed one-half space per unit.
11. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
12. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

Administrative Conditions

13. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
14. **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.
15. **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.
16. **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.
17. **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.

18. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

PROJECT BACKGROUND

The project site is located in the West Los Angeles Community Plan Area to the southeast of Santa Monica Boulevard near the northeast corner of Overland Avenue and Missouri Avenue. The Community Plan Map designates the site for Medium Residential use with the corresponding zones of R3-1-O. The property is zoned R3-1-O with Height District No. 1 (allowing 45 foot building height) and is limited to a Floor Area Ratio (FAR) of 3:1. The property is located in the West Los Angeles Transportation Improvement and Mitigation Specific Plan and the City of Los Angeles Transit Priority Area.

The project site consists of one lot totaling approximately 6,755.4 square feet, with approximately 50 feet of frontage along the east side of Overland Avenue. The site is currently developed with one multi-family building built in 1938 and totaling two (2) dwelling units. There are no known designated historic resources or cultural monuments on the subject site.

Surrounding properties are zoned R3-1-O. Properties along the remainder of the block along Overland Avenue are zoned R3-1-O and developed with two-story, three-story, and four-story multi-family buildings.

The proposed project is a 6-story 16-unit residential building with a maximum height of approximately 67 feet and encompasses approximately 13,702 square feet of floor area. The project provides 16 parking spaces (1 EV parking spot) located in 2 subterranean levels, with both pedestrian and vehicular access off of Overland Avenue. The project also provides 16 long-term and 2 short-term bicycle parking spaces. The existing multi-family residential buildings on site are proposed to be demolished.

Transit Oriented Communities Guidelines

The subject site is located within 1,500 feet from the Metro Rapid 704 and Santa Monica R12 bus lines. The subject property is therefore located in Tier 3 of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines).

Tier 3 Incentives would require On-Site Restricted Affordable Units at the rate of 10 percent Extremely Low Income, 14 percent Very Low Income, or 23 percent Lower Income of total units. The project is providing 10 percent Extremely Low Income Units of total units, and is therefore eligible for Base Incentives. Furthermore, up to three (3) additional incentives may be granted for projects that include at least 11 percent of the base units for Extremely Low Income, 15 percent for Very Low Income, and 30 percent for Lower Income. The project is providing 11 percent of the base units as Extremely Low Income Units, and is therefore eligible for three (3) Additional Incentives.

As Base Incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 70%, (2) increase the maximum allowable floor area ratio by 50% or up to 3.75:1, whichever is greater, and (3) provide one-half parking space per unit. The project is in request of three (3) Additional Incentives for (1) a 22-foot increase in the building height to approximately 67 feet in lieu of the otherwise maximum height of 45 feet per the R3-1-O Zone, (2) a 30 percent decrease in the required depth of the side yards, allowing 6'4"-foot side yard setbacks in lieu of 9-foot side yard setbacks, and (3) a 25 percent decrease from the open space requirement, allowing 1,537.5 square feet in lieu of 2,050 square feet.

Housing Replacement

The TOC Guidelines require a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. California Government Code Section 65915(c)(3), as amended by Assembly Bill 2222 and 2556,

requires applicants of Density Bonus projects to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 31, 2018, the proposed project is required to provide (1) Extremely Low Income Unit and (1) Very Low Income Unit. The project satisfies this requirement by providing two (2) units restricted to Extremely Low Income households. This is reflected in the Conditions of Approval.

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

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

- 1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:**
 - a. *The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.***

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

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

Increased Height: The proposed project requests an increase of 22 additional feet to allow for approximately 67 feet in building height, in lieu of the otherwise permitted 45 feet in building height in the R3-1-O Zone. Per the TOC Guidelines, the proposed project qualifies for the 22-foot height increase. The limitation on the height could limit the ability to construct the residential dwelling units permitted by-right and the Restricted Affordable Units which are of a sufficient size. The building as proposed would have a maximum height of approximately 67 feet and would have a total of six stories. In accordance with TOC Guidelines, height increases over 11 feet over a height district limit of 45 feet shall be stepped back at least 15 feet from the exterior façade of the ground floor of the building located along any street frontage. As proposed, the additional height would allow for the construction of the affordable residential units.

Reduced Yard/Setback: The proposed project requests a 30 percent reduction in the northerly and southerly side yard setbacks, allowing 6’4”-foot setbacks in lieu of the 9-foot setbacks required per the R3-1-O Zone. The requested incentives allow the developer to reduce setback requirements so the affordable housing units can be constructed and the overall space dedicated to residential uses is increased.

Reduced Open Space: The proposed project requests at 25 percent reduction in the open space requirements of LAMC Section 12.21 G, allowing 1,537.5 square feet of open space in lieu of 2,050 square feet of open space. Common open space will be provided in the form of an outdoor lounge, courtyard, and rear yard per Exhibit “A”, and is conditioned to meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety. The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses increased.

- b. ***The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible 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.***

There is no evidence in the record that the proposed incentive will 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 finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City’s Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentive.

CEQA FINDINGS

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project is for the construction of a 6-story 16-unit residential building with a maximum height of approximately 67 feet and encompasses approximately 13,997 square feet of floor area. The project provides 16 parking spaces located in 2 subterranean levels, with both pedestrian and vehicular access off of Overland Avenue. The project also provides 16 long-term and 2 short-term bicycle parking spaces, and will involve grading to accommodate the subterranean parking levels. The existing multi-family residential building on site is proposed to be demolished and two (2) significant 8" trunk diameter non-protected trees will be removed. As a multi-family residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

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

The Site consist of a 6,755.4 square foot lot zoned R3-1-O and located within the West LA Community Plan Area, West Los Angeles Transportation Improvement and Mitigation Specific Plan Area, Transit Priority Area, and located in a Tier 3 Transit Orientated Communities (TOC) zone with a Medium Residential land use designation. The project site is not located within a Liquefaction zone, Flood Zone, Landslide Area or Very High Fire Hazard Severity Zone but is located within a Methane Zone and fault zone. The new construction will be consistent with the applicable West Los Angeles Community Plan and West Los Angeles Transportation Improvement and Mitigation Specific Plan land use designation, policies and zoning designations. The maximum residential density per TOC Tier 3 guidelines increase in number of dwelling units by 70% and floor area ratio by 50%. The proposed residential floor area is 13,997 square feet, after consideration of the TOC guidelines per Code Section 12.22 A.31.

- (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 site is wholly within the City of Los Angeles, on a site that is approximately 0.155 acres. The existing site is improved with residential uses and asphalt paving. Lots adjacent to the subject site are developed as multi-family residential.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. There are no protected or non-protected trees on the site.

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

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by the Los

Angeles Department of Transportation (LADOT) for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on California Emissions Estimator Model (CalEEMod) runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

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

The Project Site will be adequately served by all public utilities and services given that the new construction will be proposed on a site that has continuously been occupied with a multi-family dwelling since 1938 and is adjacent to many multi-family dwellings of similar scale and the site can be served by all utilities including water, gas, power, sewer, and phone services. Therefore, it can be found that the Project meets the qualifications of the Class 32 Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

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

The project consists of the Demolition of an existing two unit multi-family dwelling and garage and the construction of a new 16-unit apartment building, 6 stories high apartments over two stories of below grade parking with 16 parking spots (1 EV parking spot included) featuring a total floor area of 13,997 square feet, a haul route for the export of approximately 6,325 cubic yards of earth, and the removal of 2 significant non-protected trees, on a 6,755.4 square foot lot. The proposed residential floor area consists of 13,997 square feet and 16 dwelling units which is the maximum amount after consideration of 70% density bonus per TOC guidelines which includes 2 extremely low-income units.

The proposed project is seeking various incentives as stated under TOC guidelines. Those consist of: a) increasing the allowable number of dwelling units by 70%, b) increasing floor area ratio by 50% that totals 13,997 square feet, c) ensuring parking requirements do not exceed 0.5 stalls per units, d) reducing two individual side yards by 30% from 9 feet to 6'4" feet, e) decreasing 25% of open space that totals to 1,556 square feet, and d) increasing total height by two additional stories.

The proposed project is not unusual for the vicinity of the Subject Site, and is similar in scope to other existing residential uses in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

According to NavigateLA, there is one open haul route for the grading, excavation, and export of approximately 7,200 cubic yards of earth for a project at 1906-1914 South Overland Avenue, for the time period between March 2018 and September 2020.

In addition, the haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. Furthermore, DBS staggers the haul route schedules so as to ensure that all of the haul routes do not occur

simultaneously. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

As mentioned, the project proposes a multi-family residential building in an area zoned and designated for such development. All adjacent lots are developed with multi-family residential, automobile rental, and surface parking, and the subject site is of a similar size and slope to nearby residential properties. The project proposes a Floor Area Ratio (FAR) of 4.5:1 on a site that is permitted to have a maximum FAR of 4.5:1 through the Transit Oriented Communities Guidelines and pursuant to LAMC Section 12.22 A.31. The project size and height is not unusual for the vicinity of the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The Subject Site is approximately 15.4 miles away from the Topanga Canyon State Scenic Highway. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.

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

The Project Site is currently developed with a single-family dwelling that has not been identified as a historic resource by local or state agencies, and has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The proposed project involves the demolition of an existing two unit multi-family dwelling constructed in 1938, but was not identified as a historic structure in Survey LA.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented

Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018 with technical clarifications, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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

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

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

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 online at <http://planning.lacity.org>.

- c. **Open Space.** A 25 percent reduction in required open space, to allow 1,537.5 square feet in lieu of 2,050 square feet.

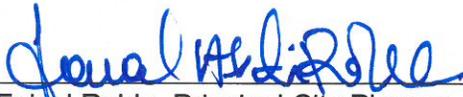
RECOMMENDED ACTIONS:

1. **Deny** the appeal;
2. **Determine**, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Urban In-Fill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statute and Guidelines, Section 15300.2 applies;
3. **Sustain** the Director of Planning’s Determination to conditionally approve the TOC Affordable Housing Incentive Program request to allow a 70-percent increase in density consistent with the provisions of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program for a qualifying Tier 3 project totaling 24 dwelling units, reserving 3 units for Extremely Low Income Household occupancy for a period of 55 years, with the following 3 Additional Incentives:
 - a. Height. A 22-foot increase in the building height, allowing 67 feet in lieu of the maximum 45 feet per the R3-1-O Zone;
 - b. Yard/Setback. A 30 percent decrease in the required depth of the side yards, allowing 6’4”-foot side yard setbacks in lieu of 9-foot side yard setbacks; and
 - c. Open Space. A 25 percent decrease from the open space requirement, allowing 1,537.5 square feet in lieu of 2,050 square feet.
4. **Adopt** the Director of Planning’s Conditions of Approval, Findings, and Exhibit “A,” as modified herein.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:



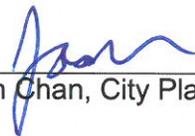
 Faisal Roble, Principal City Planner



 Michelle Singh, Senior City Planner

Reviewed by:

Prepared by:



 Jason Chan, City Planner



 Jeanalee Obergfell, City Planning Associate

EXHIBIT C

APPEAL DOCUMENTS & EMAIL CORRESPONDENCE



APPLICATIONS:

APPEAL APPLICATION

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: DIR-2018-5510-TOC

Project Address: 1822 Overland Ave., #203, Los Angeles, CA 90025

Final Date to Appeal: 12/26/2018

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): David Wang

Company: _____

Mailing Address: 1812 Overland Ave., #203

City: Los Angeles

State: CA

Zip: 90025

Telephone: (714) 654-0589

E-mail: ddproperties@gmail.com

- 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: _____

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: 6,7,9,2

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

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- 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: *David Wang*

Date: 12/20/18

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 ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Sarah Goldman</u>	Date: <u>12/21/18</u>
Receipt No: <u>0302143966</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

David Wang
1812 Overland Avenue, #203
Los Angeles, CA 90025
714-654-0589
Ddproperties2017@gmail.com

12/20/2018

Vincent Bertoni
Director of Planning
Department of City Planning
200 N. Spring Street, Room 525
Los Angeles, CA 90012-4801
Re: 1822 Overland Avenue Project

Dear Mr. Bertoni,

My name is David Wang. I am a condo owner next to the property on 1822 Overland Avenue. I recently received the Letter of Determination regarding the development of the subject site. Upon close review of the letter, I found an error in the Director's Determination. The purpose of this letter is to express my finding and request the applicant to revise the design and resubmit for your review with the appropriate perimeters to address the error in the application.

Based on ZIMAS, the subject site is designated as Tier 3 per Transit Oriented Communities Affordable Housing Incentive Program Guideline. However, it is worth noting on ZIMAS it mentions the Tier designation is for reference only and the applicant shall be responsible for providing documentation showing that the location qualifies as a Major Transit Stop. A Tier 3 designation is defined as a property located less than 1,500 feet from a major transit stop, and the transit stop is defined as the intersection of two Rapid bus lines. When I measured the distance to between the subject site and the intersection of the two Rapid bus lines on Google Map, it was in fact 1,646 feet (Exhibit 1). Because the distance is greater than 1,500 feet, the subject site should be designated as Tier 2 and the applicant shall revise the design based on Tier 2 incentives and bonus incentives, which I have outlined as follows:

Base Incentives:

1. **Dwelling Units.** The increase in unit under Tier 2 is 60%, not 70% under Tier 3.
2. **FAR:** FAR under Tier 2 is 3.25, not 3.75 under Tier 3.

Because the subject property provides two extremely low-income units, it qualifies for additional incentives under Tier 2.

Bonus Incentives:

3. **Height.** A height increased is limited to 11 Feet under Tier 2.
4. **Open Space.** Only 20% decrease is allowed under Tier 2.

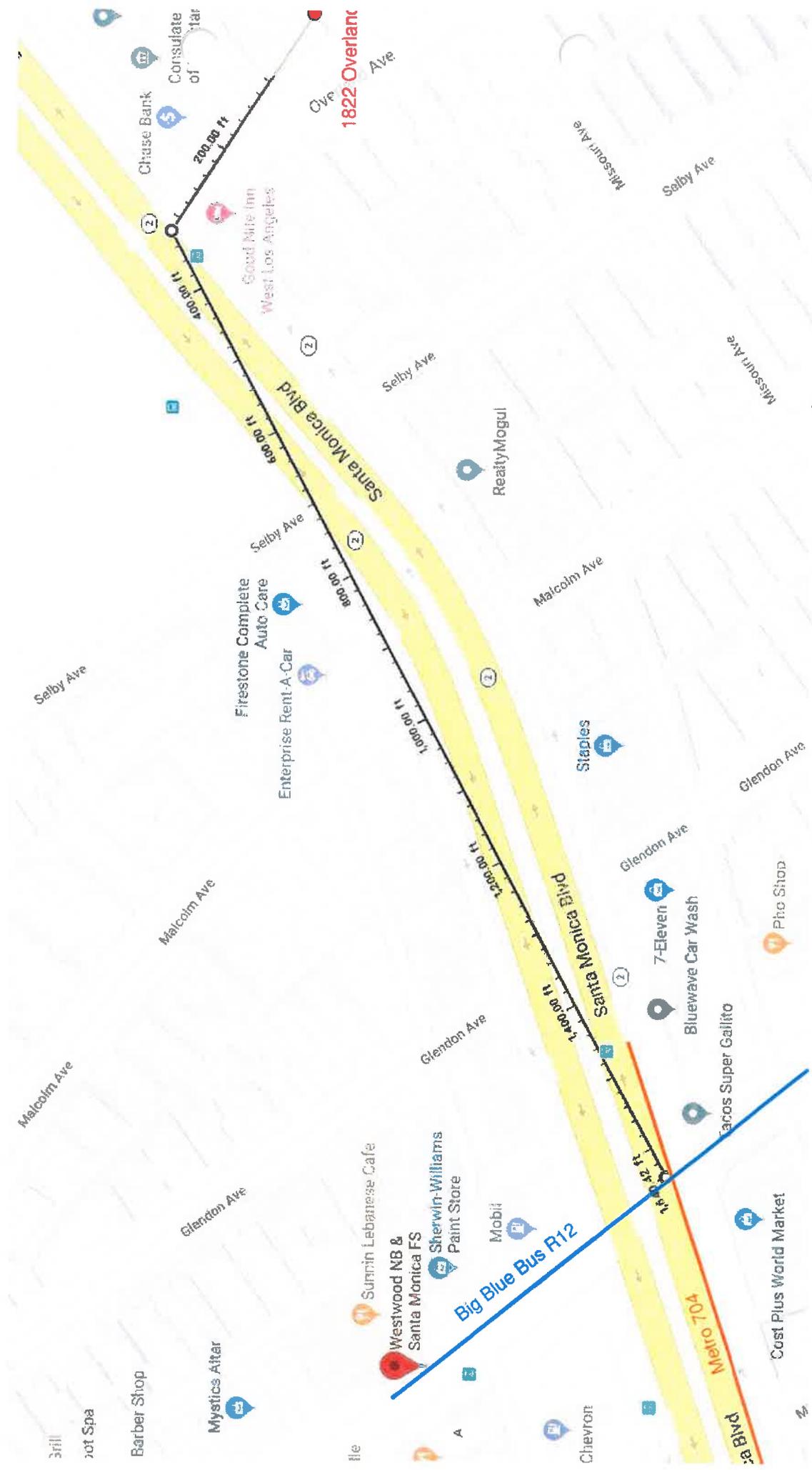
With the correct Tier designation and the appropriate incentive application, the project will meet the requirements laid out in the TOC Guidelines and provide the much-needed housing for our community. Please let me know if you'd like to discuss this further. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "David Wang". The signature is fluid and cursive, with a long horizontal stroke extending to the right. It is positioned above the printed name "David Wang".

David Wang

EXHIBIT 1 - DISTANCE TO A MAJOR TRANSIT STOP





DIRECTOR'S DETERMINATION

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

December 11, 2018

Applicant/Owner

Edward Solis
NELA Homes
5532 N Figueroa Street
Los Angeles, CA 90042

Representative

Warren Techentin
Warren Techentin Architecture
2801 Hyperion Avenue
Los Angeles, CA 90027

Case No.: DIR-2018-5510-TOC
CEQA: ENV-2018-5511-CE
Location: 1822 S Overland Avenue

Council District: 5 - Koretz
Community Plan Area: West Los Angeles
Land Use Designation: Medium Residential
Zone: R3-1-O

Legal Description: Lot 9, Block 101, Tract TR 5609

Last Day to File an Appeal: December 27, 2018

DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program

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

DETERMINED, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

APPROVE a Transit Oriented Communities Compliance Review for a project totaling 16 dwelling units, reserving two (2) units for Extremely Low Income, with the following requested incentives:

1. **Height.** A 22-foot increase in the building height, allowing 67 feet in lieu of the maximum 45 feet per the R3-1-O Zone;
2. **Yard/Setback.** A 30 percent decrease in the required depth of the side yards, allowing 6'4"-foot side yard setbacks in lieu of 9-foot side yard setbacks; and
3. **Open Space.** A 25 percent decrease from the open space requirement, allowing 1,537.5 square feet in lieu of 2,050 square feet.

The project approval is based upon the attached Findings, and subject to the attached Conditions of Approval:

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, West/South/Coastal 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 16 residential units per Exhibit "A".
3. **Affordable Units.** A minimum of 2 units, that is 10 percent On-Site Restricted Affordable Units, shall be reserved for Extremely Low Income Households as defined in Section 50106 of the California Health and Safety Code. The Transit Oriented Communities Affordable Housing Incentive Program Guidelines also requires a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
4. **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.31 and comply with the Transit Oriented Communities Affordable Housing Incentive Program Guidelines adopted by the City Planning Commission.
5. **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 2 units for Extremely Low Income Households for 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 Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination.
6. **Floor Area Ratio (FAR).** The project shall be limited to a floor area ratio of approximately 3.75:1 per Exhibit "A".
7. **Height.** The project shall be limited to six (6) stories and approximately 67 feet in height per Exhibit "A". Height increases over 11 feet shall be stepped back at least 15 feet from the exterior façade of the ground floor of the building located along any street frontage.
8. **Yard/Setback.** The project qualifies for a 30 percent reduction in the required width or depth of two individual yards or setbacks. The northerly and southerly side yard setbacks shall be no less than 6'4" feet per Exhibit "A".

9. **Open Space.** The project qualifies for a 25 percent reduction in the required amount of open space. The project shall provide a minimum of 1,556 square feet of open space per Exhibit "A". The common open space shall meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety.
10. **Automobile Parking.** Based upon the number of dwelling units proposed, a minimum of fifteen (16) automobile parking spaces shall be provided for the project. Automobile parking shall be provided consistent with TOC Guidelines, which requires parking for all residential units in an Eligible Housing Development for a Tier 3 project to not exceed one-half space per unit.
11. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
12. **Landscaping.** The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

Administrative Conditions

13. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
14. **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.
15. **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.
16. **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.
17. **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.

18. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

PROJECT BACKGROUND

The project site is located in the West Los Angeles Community Plan Area to the southeast of Santa Monica Boulevard near the northeast corner of Overland Avenue and Missouri Avenue. The Community Plan Map designates the site for Medium Residential use with the corresponding zones of R3-1-O. The property is zoned R3-1-O with Height District No. 1 (allowing 45 foot building height) and is limited to a Floor Area Ratio (FAR) of 3:1. The property is located in the West Los Angeles Transportation Improvement and Mitigation Specific Plan and the City of Los Angeles Transit Priority Area.

The project site consists of one lot totaling approximately 6,755.4 square feet, with approximately 50 feet of frontage along the east side of Overland Avenue. The site is currently developed with one multi-family building built in 1938 and totaling two (2) dwelling units. There are no known designated historic resources or cultural monuments on the subject site.

Surrounding properties are zoned R3-1-O. Properties along the remainder of the block along Overland Avenue are zoned R3-1-O and developed with two-story, three-story, and four-story multi-family buildings.

The proposed project is a 6-story 16-unit residential building with a maximum height of approximately 67 feet and encompasses approximately 13,702 square feet of floor area. The project provides 16 parking spaces (1 EV parking spot) located in 2 subterranean levels, with both pedestrian and vehicular access off of Overland Avenue. The project also provides 16 long-term and 2 short-term bicycle parking spaces. The existing multi-family residential buildings on site are proposed to be demolished.

Transit Oriented Communities Guidelines

The subject site is located within 1,500 feet from the Metro Rapid 704 and Santa Monica R12 bus lines. The subject property is therefore located in Tier 3 of the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines).

Tier 3 Incentives would require On-Site Restricted Affordable Units at the rate of 10 percent Extremely Low Income, 14 percent Very Low Income, or 23 percent Lower Income of total units. The project is providing 10 percent Extremely Low Income Units of total units, and is therefore eligible for Base Incentives. Furthermore, up to three (3) additional incentives may be granted for projects that include at least 11 percent of the base units for Extremely Low Income, 15 percent for Very Low Income, and 30 percent for Lower Income. The project is providing 11 percent of the base units as Extremely Low Income Units, and is therefore eligible for three (3) Additional Incentives.

As Base Incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 70%, (2) increase the maximum allowable floor area ratio by 50% or up to 3.75:1, whichever is greater, and (3) provide one-half parking space per unit. The project is in request of three (3) Additional Incentives for (1) a 22-foot increase in the building height to approximately 67 feet in lieu of the otherwise maximum height of 45 feet per the R3-1-O Zone, (2) a 30 percent decrease in the required depth of the side yards, allowing 6'4"-foot side yard setbacks in lieu of 9-foot side yard setbacks, and (3) a 25 percent decrease from the open space requirement, allowing 1,537.5 square feet in lieu of 2,050 square feet.

Housing Replacement

The TOC Guidelines require a Housing Development to meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. California Government Code Section 65915(c)(3), as amended by Assembly Bill 2222 and 2556,

requires applicants Density Bonus projects to demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated July 31, 2018, the proposed project is required to provide (1) Extremely Low Income Unit and (1) Very Low Income Unit. The project satisfies this requirement by providing two (2) units restricted to Extremely Low Income households. This is reflected in the Conditions of Approval.

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

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

1. Pursuant to Section 12.22 A.25(g) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:
 - a. *The Incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

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

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

Increased Height: The proposed project requests an increase of 22 additional feet to allow for approximately 67 feet in building height, in lieu of the otherwise permitted 45 feet in building height in the R3-1-O Zone. Per the TOC Guidelines, the proposed project qualifies for the 22-foot height increase. The limitation on the height could limit the ability to construct the residential dwelling units permitted by-right and the Restricted Affordable Units which are of a sufficient size. The building as proposed would have a maximum height of approximately 67 feet and would have a total of six stories. In accordance with TOC Guidelines, height increases over 11 feet over a height district limit of 45 feet shall be stepped back at least 15 feet from the exterior façade of the ground floor of the building located along any street frontage. As proposed, the additional height would allow for the construction of the affordable residential units.

Reduced Yard/Setback: The proposed project requests a 20 percent reduction in the northerly and southerly side yard setbacks, allowing 6'4"-foot setbacks in lieu of the 9-foot setbacks required per the R3-1-O Zone. The requested incentives allow the developer to reduce setback requirements so the affordable housing units can be constructed and the overall space dedicated to residential uses is increased.

Reduced Open Space: The proposed project requests a 25 percent reduction in the open space requirements of LAMC Section 12.21 G, allowing 1,537.5 square feet of open space in lieu of 2,050 square feet of open space. Common open space will be provided in the form of an outdoor lounge, courtyard, and rear yard per Exhibit "A", and is conditioned to meet the requirements of LAMC Section 12.21 G per the satisfaction of the Department of Building and Safety. The requested incentive will allow the developer to reduce open space requirements so the affordable housing units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses increased.

- b. ***The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible 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.***

There is no evidence in the record that the proposed incentive will 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 finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. The findings to deny an incentive under Density Bonus Law are not equivalent to the findings for determining the existence of a significant unavoidable impact under CEQA. However, under a number of CEQA impact thresholds, the City is required to analyze whether any environmental changes caused by the project have the possibility to result in health and safety impacts. For example, CEQA Guidelines Section 15065(a)(4), provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Class 32 of the CEQA Guidelines. The Categorical Exemption (CE) could be adopted, including, on the basis that none of the potential environmental effects of the proposed Project would cause substantial adverse effects on human beings, the physical environment, on public health and safety, or on property listed in the California Register of Historic Resources. Based on all of the above, there is no basis to deny the requested incentive.

CEQA FINDINGS

As the designee of the Director of Planning, I have determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project is for the construction of a 6-story 16-unit residential building with a maximum height of approximately 67 feet and encompasses approximately 13,997 square feet of floor area. The project provides 16 parking spaces located in 2 subterranean levels, with both pedestrian and vehicular access off of Overland Avenue. The project also provides 16 long-term and 2 short-term bicycle parking spaces, and will involve grading to accommodate the subterranean parking levels. The existing multi-family residential building on site is proposed to be demolished and two (2) significant 8" trunk diameter non-protected trees will be removed. As a multi-family residential building, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an Infill site and meets the following criteria:

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

The Site consist of a 6,755.4 square foot lot zoned R3-1-O and located within the West LA Community Plan Area, West Los Angeles Transportation Improvement and Mitigation Specific Plan Area, Transit Priority Area, and located in a Tier 3 Transit Orientated Communities (TOC) zone with a Medium Residential land use designation. The project site is not located within a Liquefaction zone, Flood Zone, Landslide Area or Very High Fire Hazard Severity Zone but is located within a Methane Zone and fault zone. The new construction will be consistent with the applicable West Los Angeles Community Plan and West Los Angeles Transportation Improvement and Mitigation Specific Plan land use designation, policies and zoning designations. The maximum residential density per TOC Tier 3 guidelines increase in number of dwelling units by 70% and floor area ratio by 50%. The proposed residential floor area is 13,997 square feet, after consideration of the TOC guidelines per Code Section 12.22 A.31.

- (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 site is wholly within the City of Los Angeles, on a site that is approximately 0.155 acres. The existing site is improved with residential uses and asphalt paving. Lots adjacent to the subject site are developed as multi-family residential.

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

The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. There are no protected or non-protected trees on the site.

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

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities):** Compliance with provisions of the SCAQMD District Rule 403. The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by the Los

Angeles Department of Transportation (LADOT) for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on California Emissions Estimator Model (CalEEMod) runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

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

The Project Site will be adequately served by all public utilities and services given that the new construction will be proposed on a site that has continuously been occupied with a multi-family dwelling since 1938 and is adjacent to many multi-family dwellings of similar scale and the site can be served by all utilities including water, gas, power, sewer, and phone services. Therefore, it can be found that the Project meets the qualifications of the Class 32 Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

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

The project consists of the Demolition of an existing two unit multi-family dwelling and garage and the construction of a new 16-unit apartment building, 6 stories high apartments over two stories of below grade parking with 16 parking spots (1 EV parking spot included) featuring a total floor area of 13,997 square feet, a haul route for the export of approximately 6,325 cubic yards of earth, and the removal of 2 significant non-protected trees, on a 6,755.4 square foot lot. The proposed residential floor area consists of 13,997 square feet and 16 dwelling units which is the maximum amount after consideration of 70% density bonus per TOC guidelines which includes 2 extremely low-income units.

The proposed project is seeking various incentives as stated under TOC guidelines. Those consist of: a) increasing the allowable number of dwelling units by 70%, b) increasing floor area ratio by 50% that totals 13,997 square feet, c) ensuring parking requirements do not exceed 0.5 stalls per units, d) reducing two individual side yards by 30% from 9 feet to 6'4" feet, e) decreasing 25% of open space that totals to 1,556 square feet, and d) increasing total height by two additional stories.

The proposed project is not unusual for the vicinity of the Subject Site, and is similar in scope to other existing residential uses in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

According to NavigateLA, there is one open haul route for the grading, excavation, and export of approximately 7,200 cubic yards of earth for a project at 1906-1914 South Overland Avenue, for the time period between March 2018 and September 2020.

In addition, the haul route approval will be subject to recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. Furthermore, DBS staggers the haul route schedules so as to ensure that all of the haul routes do not occur

simultaneously. Therefore, in conjunction with citywide RCM and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

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

As mentioned, the project proposes a multi-family residential building in an area zoned and designated for such development. All adjacent lots are developed with multi-family residential, automobile rental, and surface parking, and the subject site is of a similar size and slope to nearby residential properties. The project proposes a Floor Area Ratio (FAR) of 4.5:1 on a site that is permitted to have a maximum FAR of 4.5:1 through the Transit Oriented Communities Guidelines and pursuant to LAMC Section 12.22 A.31. The project size and height is not unusual for the vicinity of the subject site. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (c) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The Subject Site is approximately 15.4 miles away from the Topanga Canyon State Scenic Highway. Therefore, the Project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

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

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.

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

The Project Site is currently developed with a single-family dwelling that has not been identified as a historic resource by local or state agencies, and has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The proposed project involves the demolition of an existing two unit multi-family dwelling constructed in 1938, but was not identified as a historic structure in Survey LA.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented

Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

The TOC Guidelines, adopted September 22, 2017 and amended on February 26, 2018 with technical clarifications, establish a tier-based system with varying development bonuses and incentives based on a project's distance from different types of transit. The largest bonuses are reserved for those areas in the closest proximity to significant rail stops or the intersection of major bus rapid transit lines. Required affordability levels are increased incrementally in each higher tier. The incentives provided in the TOC Guidelines describe the range of bonuses from particular zoning standards that applicants may select.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

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

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

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

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 online at <http://planning.lacity.org>.

Planning Department Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7052

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

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2598

*Please note the cashiers at the public counters close at 3:30 PM.

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.

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 Building 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 through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7052 or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:


Faisal Roble, Principal City Planner

Reviewed by:


Michelle Singh, Senior City Planner

Reviewed by:


Jason Chan, City Planner

Prepared by:


Jeanalee Obergfell, City Planning Associate



Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

ZIMAS

7 messages

Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

Fri, Jan 4, 2019 at 2:42 PM

To: David Wang <ddproperties2017@gmail.com>, Jason Chan <jason.chan@lacity.org>

Hi Mr. Wang,

Thank you for meeting with us today. I have attached a screenshot of the Zimas measurement tool which depicts the shortest distance between the project site to the nearest Major Transit Stop intersection. It is under 1500 square feet.

You can also access ZIMAS [here](#) if you would like to use the tool yourself. Please let us know if you have any additional questions and concerns.

Thank you,

Jeanalee



Jeanalee Obergfell, City Planning Associate
Department of City Planning
 West/South Project Planning Division
 T: (213) 978-0092
 200 N. Spring St., Room [721](#)
 Los Angeles, CA. 90012



1822 Overland TOC measurement.pdf
 464K

David Wang <ddproperties2017@gmail.com>

Sun, Jan 6, 2019 at 4:05 PM

To: Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

Hi Jeanalee,

Thank you for the map. Please send me the day, time, and location of the Planning Commission.

David

[Quoted text hidden]

Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

Mon, Jan 7, 2019 at 2:21 PM

To: David Wang <ddproperties2017@gmail.com>, Jason Chan <jason.chan@lacity.org>

Hi David,

The tentative date for the appeal hearing is 2.14.19. The time and room for the case have not yet been set and the location will be City Hall located at 200 N. Spring Street, LA, CA 90012.

Thanks,

Jeanalee



Jeanalee Obergfell, City Planning Associate
Department of City Planning
 West/South Project Planning Division
 T: (213) 978-0092
 200 N. Spring St., Room [721](#)

Los Angeles, CA. 90012

[Quoted text hidden]

David Wang <ddproperties2017@gmail.com>
To: Jeanalee Obergfell <jeanalee.obergfell@lacity.org>
Cc: Jason Chan <jason.chan@lacity.org>

Wed, Jan 23, 2019 at 7:47 AM

Hi Jason,

Can you send me the floor plans of the 1822 project? Thank you.

David Wang

Jeanalee Obergfell <jeanalee.obergfell@lacity.org>
To: David Wang <ddproperties2017@gmail.com>
Cc: Jason Chan <jason.chan@lacity.org>

Wed, Jan 23, 2019 at 9:15 AM

Hi David,

Here is a pdf copy of the floor plans for the proposed project on 1822 Overland Avenue.

Thanks,

Jeanalee



Jeanalee Obergfell, City Planning Associate
Department of City Planning
West/South Project Planning Division
T: (213) 978-0092
[200 N. Spring St., Room 721](#)
[Los Angeles, CA. 90012](#)

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WTARCH_180918_OVERLAND_TOC.pdf
4434K

David Wang <ddproperties2017@gmail.com>
To: Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

Wed, Jan 23, 2019 at 10:21 AM

Ok thanks

David

[Quoted text hidden]

<WTARCH_180918_OVERLAND_TOC.pdf>

Jeanalee Obergfell <jeanalee.obergfell@lacity.org>
To: David Wang <ddproperties2017@gmail.com>

Mon, Feb 4, 2019 at 11:08 AM

Hi Mr. Wang,

The appeal will be heard on 2.14.19 at City Hall Council Chambers located in the 3rd floor of City Hall. The address to City Hall is 200 N. Spring Street, LA, CA 90012. The visitor's entrance is on 200 N. Main Street. The City Planning Commission meeting will start at 8:30 am and this project is Item 10 on the agenda.

Thanks,

Jeanalee



Jeanalee Obergfell, City Planning Associate
Department of City Planning

West/South Project Planning Division

T: (213) 978-0092

[200 N. Spring St., Room 721](#)

Los Angeles, CA. 90012

[Quoted text hidden]



Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

Appeal to 1822 Overland Avenue Project

6 messages

Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

Wed, Jan 2, 2019 at 11:15 AM

To: ddproperties2017@gmail.com

Cc: Jason Chan <jason.chan@lacity.org>

Hi Mr. Wang,

Happy New Year! I hope you enjoyed the holidays. I wanted to see if you were available to chat on the phone sometime later this week or early next week to discuss your appeal to the 1822 Overland Avenue project and next steps. Please let me know what your availability.

Thanks,

Jeanalee

**Jeanalee Obergfell, City Planning Associate****Department of City Planning**

West/South Project Planning Division

T: (213) 978-0092

[200 N. Spring St., Room 721](#)

Los Angeles, CA. 90012

David Wang <ddproperties2017@gmail.com>

Wed, Jan 2, 2019 at 11:23 AM

To: Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

Hi Jeanalee,

I am available this Friday from 10-12. You may call me at 310-428-6491. Thanks.

David

[Quoted text hidden]

Jeanalee Obergfell <jeanalee.obergfell@lacity.org>

Wed, Jan 2, 2019 at 11:32 AM

To: David Wang <ddproperties2017@gmail.com>

Hi David,

Any chance you are available to chat on Friday afternoon after 1:30 pm as well?

Thanks,

Jeanalee

**Jeanalee Obergfell, City Planning Associate****Department of City Planning**

West/South Project Planning Division

T: (213) 978-0092

[200 N. Spring St., Room 721](#)

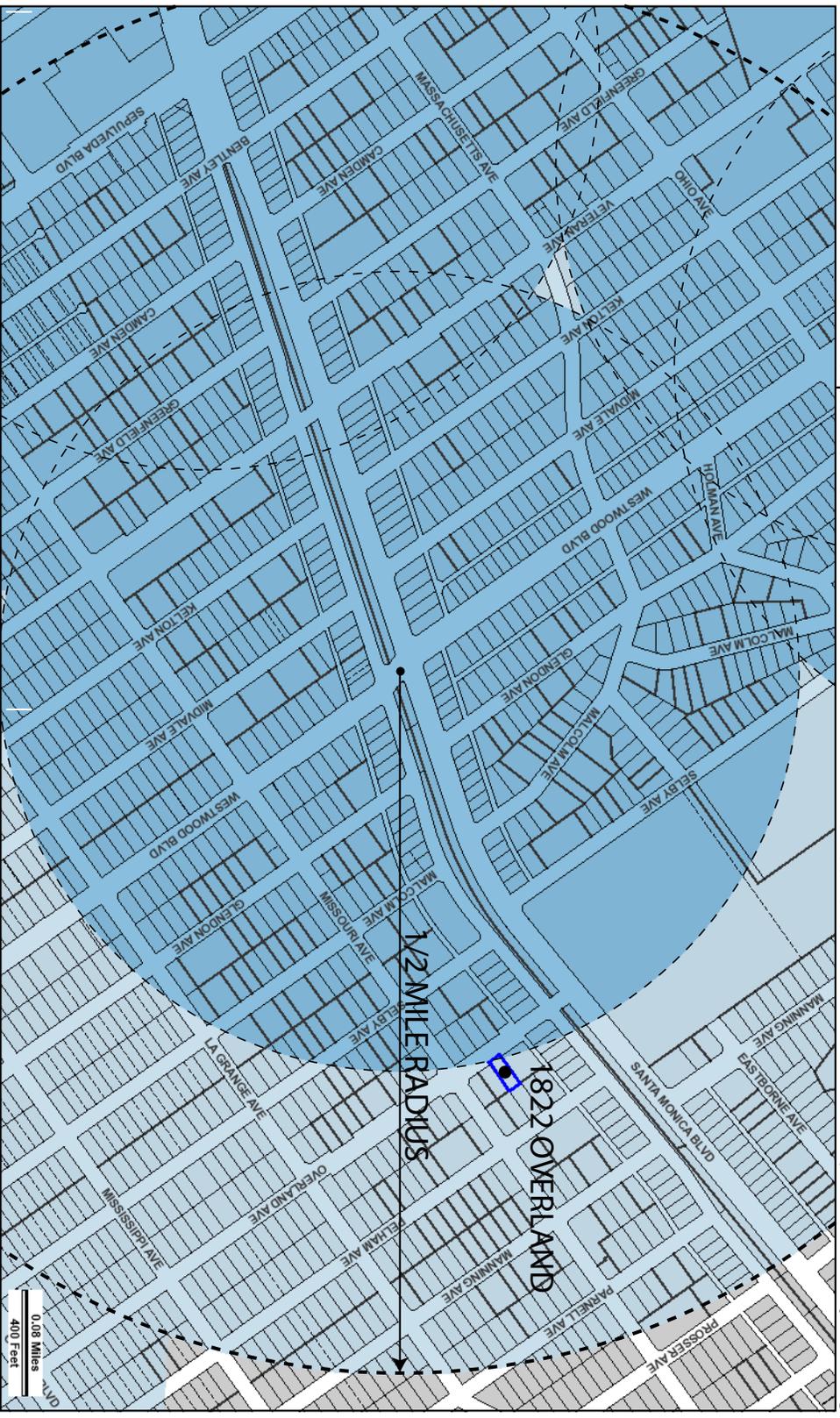
Los Angeles, CA. 90012

[Quoted text hidden]

David Wang <ddproperties2017@gmail.com>

Wed, Jan 2, 2019 at 12:25 PM

EXHIBIT D
TRANSIT, VICINITY, AND ZIMAS MAPS



Address: 1822 S OVERLAND AVE Tract: TR 5609
 APN: 4321004026 Block: 101
 PIN #: 129B157 477 Lot: 9
 Ar'd: None

Zoning: R3-1-O
 General Plan: Medium Residential



Streets Copyright (c) Thomas Brothers Maps, Inc.



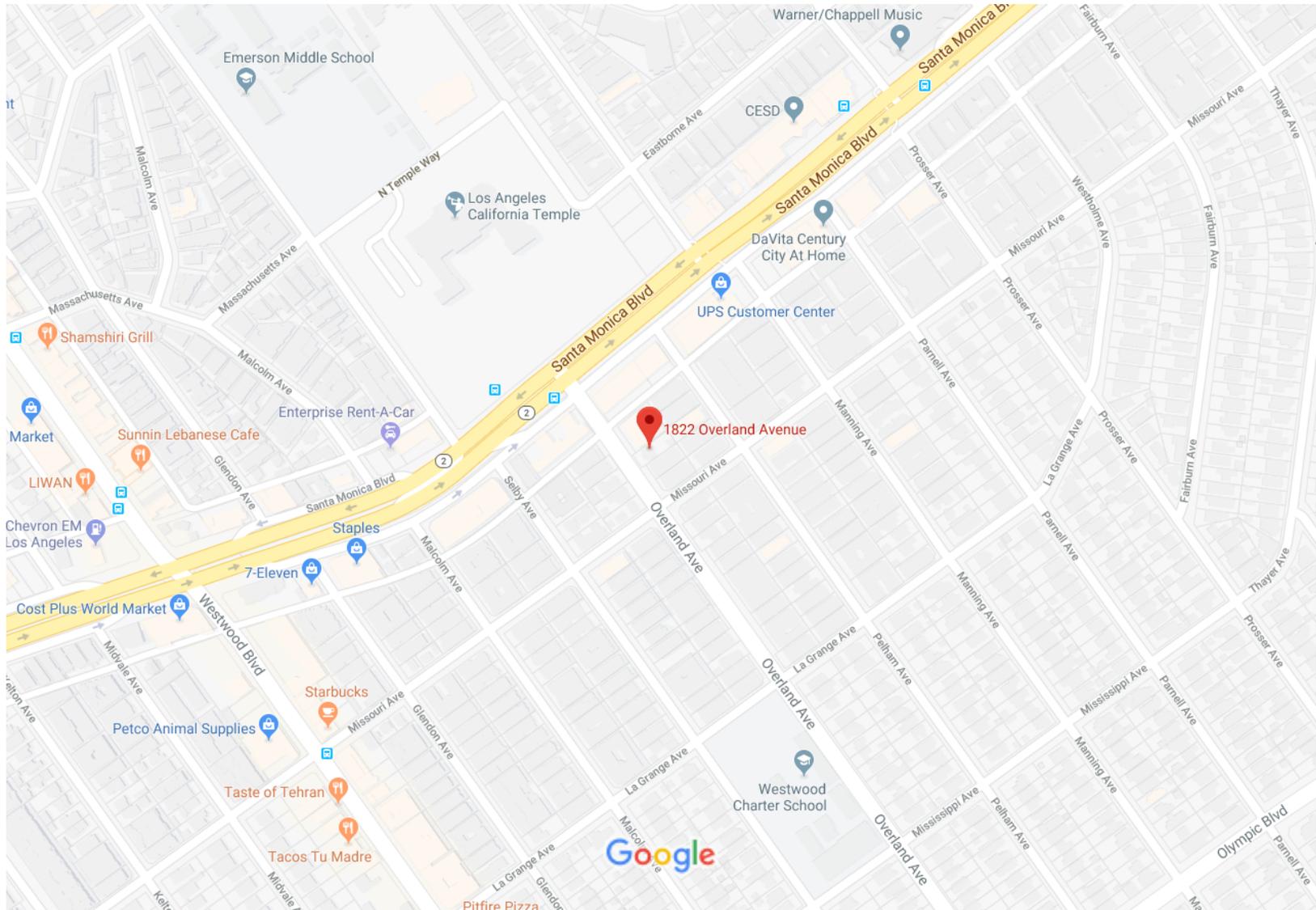
TRANSIT MAP
 SCALE: NTS

wtarcrh

WARREN TECHENTIN ARCHITECTURE, 2801 HYPERION AVE, STUDIO 103, LOS ANGELES, CA 90027
 323. 664. 4500 tel 323. 664. 4544 fax email: techproj@pacbell.net

OVERLAND APARTMENTS
 1822 OVERLAND AVENUE
 LOS ANGELES, CA 90025

07/30/2018



Search

Reports

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News!

Help

Area Planning Commission	West Los Angeles
Neighborhood Council	Westside
Council District	CD 5 - Paul Koretz
Census Tract #	2671.00
LADBS District Office	West Los Angeles
Building Permit Info	View

▼ Planning and Zoning

Special Notes	None
Zoning	R3-1-O
Zoning Information (Z1)	Z1-2192 West Los Angeles Transportation Improvement and Mitigation
Zoning Information (Z1)	Z1-2452 Transit Priority Area in the City of Los Angeles
General Plan Land Use	Medium Residential
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	West Los Angeles Transportation Improvement and Mitigation

Subarea	None
Historic Preservation Review	No
HistoricPlacesLA	View
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CUGU: Clean Up-Green Up	None
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
RFA: Residential Floor Area District	None
SN: Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage	

▼ Background Map Display Layer

- Generalized Zoning
- General Plan Land Use
- 500 Ft School/Park Zone
- LAMC Section 85.02 (Vehicle Dwelling)
- Coastal Zones
- Transit Oriented Communities (TOC)
- Waiver of Dedication or Improvement
- 2001 Digital Ortho Photos
- 2006 Digital Color-Ortho
- 2008 Digital Color-Ortho
- Station Fire Area
- 2011 Digital Color-Ortho
- 2014 Digital Color-Ortho
- 2017 Digital Color-Ortho

▶ Economic Development Areas

▶ Housing



Measure Tool

Length in:
Feet: 1,480.623
Miles: 0.28

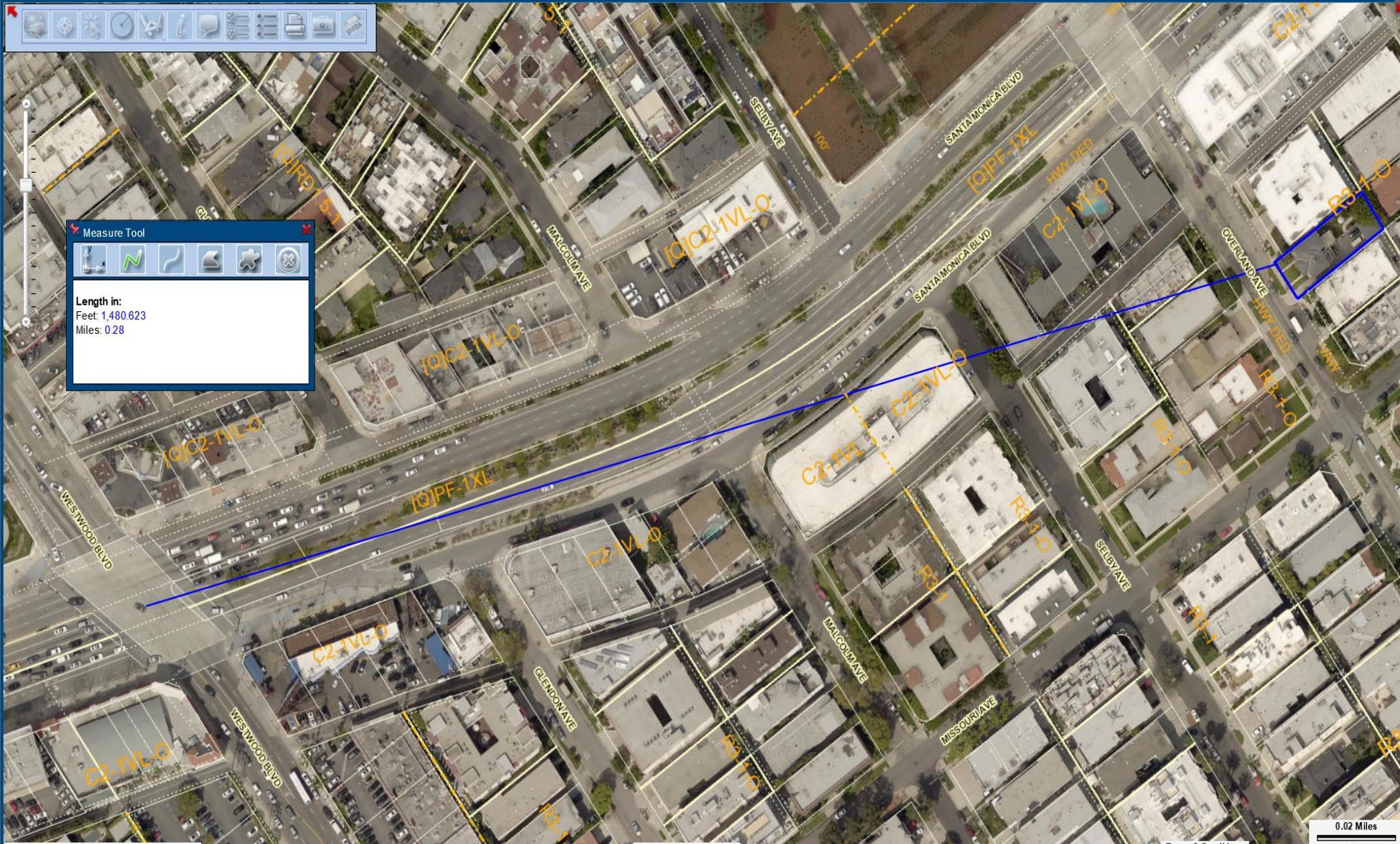


EXHIBIT E

AFFIDAVIT OF MAILING

City of Los Angeles
Department of City Planning

Affidavit of Mailing

Case Number DIR-2018-5510-TOC

This Affidavit concerns (check one of the following):

- Public Hearing
- Staff Report / Appeal Staff Report (Announcement)
- Letter of Decision (LOD)
- Termination Letter
- Hold Letter / Intent to Terminate

I, Marisa Garcia, certify that I am an employee of the City of Los Angeles,
on 12/11/18, mailed, postage prepaid, to the applicant
(Date)

and all parties required by the Municipal Code, as indicated below, on the case
indicated above, a true copy of which is attached:

Public Hearing

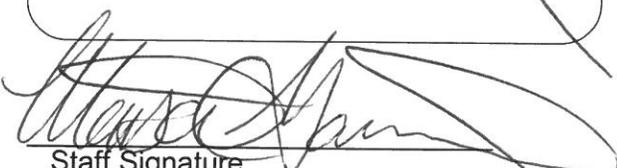
Check Recipients Below:

- Owner, Applicant and Representative
- Abutting Property Owners
- Abutting Property Owners and Tenants
- 100-foot Radius
- 500-foot Radius
- Persons who signed in at the hearing
- Appellant(s)
- Council Office No. _____
- Certified Neighborhood Council
- _____
- 100-foot Coastal Notice
- Group Coastal Notice
- State Coastal Commission
- Adjacent City/ies
- Los Angeles Unified School District
- Caltrans
- Other _____

**Staff Report / Appeal /
Termination / Letter of Decision**

Check Recipients Below:

- Owner, Applicant and Representative
- Abutting Property Owners
- Abutting Property Owners and Tenants
- Persons who signed in at the hearing
- Persons who requested notice in writing
- Council Office No. 5
- Certified Neighborhood Council
- _____
- Department of Building and Safety
- Department of Transportation
- Other _____


Staff Signature

ABUTTING OWNERSHIP LABELS
1822 OVERLAND AVE
LOS ANGELES, CA 90025

1
ESCOLA HOLDINGS LLC
5532 N FIGUEROA ST #200
LOS ANGELES, CA 90042

2
BYUNG L & HAE S CHUNG
2672 CAMINO DEL SOL
FULLERTON, CA 92833

3
MATTHEW S ROSEN
8749 ROSEWOOD AVE
WEST HOLLYWOOD, CA 90048

4
MARINA GROYSMAN
1812 OVERLAND AVE #103
LOS ANGELES, CA 90025

5
GEOFFREY K KIM
5232 CAMINO PLAYA MALAGA
SAN DIEGO, CA 92124

6
AARON SPERLING
11769 CHENAULT ST
LOS ANGELES, CA 90049

7
SANDRA LOLLINO
1812 OVERLAND AVE 201
LOS ANGELES, CA 90025

8
SIROOS J & SIMIN R KHOSHBIN
1812 OVERLAND AVE #202
LOS ANGELES, CA 90025

9
DAVIE K WANG
1812 OVERLAND AVE #203
LOS ANGELES, CA 90025

10
WAYNE & JESSE LIU
1812 OVERLAND AVE #204
LOS ANGELES, CA 90025

11
LOURDES N FANG
406 N 18TH ST
MONTEBELLO, CA 90640

12
ROSA M AMGWERT
21302 OAKRIVER LN
NEWHALL, CA 91321

13
JENNIFER L LIAO
1812 OVERLAND AVE #301
LOS ANGELES, CA 90025

14
ELIZA S SHAFI
1812 OVERLAND AVE #302
LOS ANGELES, CA 90025

15
MICHAEL M & SHAHLA SARSHAD
1812 OVERLAND AVE #303
LOS ANGELES, CA 90025

16
SANAM SHAHROKHINIA
1812 OVERLAND AVE #304
LOS ANGELES, CA 90025

17
XINYIN WEI
1812 OVERLAND AVE #305
LOS ANGELES, CA 90025

18
SHARON L GEE
17276 ESCALON DR
ENCINO, CA 91436

19
MELISSA SCHWARTZ
1809 OVERLAND AVE #1
LOS ANGELES, CA 90025

20
FABRIZIO BLANCO
3343 MOUNTAIN VIEW AVE
LOS ANGELES, CA 90066

21
JANET P KAUFMAN
1809 OVERLAND AVE #3
LOS ANGELES, CA 90025

22
DAVIDE GIAMPA
42 GRAND MASTERS DR
LAS VEGAS, NV 89141

23
DAVID G & TESSANA S DUENAS
1809 OVERLAND AVE #5
LOS ANGELES, CA 90025

24
1817 JCE OVERLAND LLC
1060 HILTS AVE
LOS ANGELES, CA 90024

25
1821 JCE OVERLAND LLC
1060 HILTS AVE
LOS ANGELES, CA 90024

26
PAUL J MCKENNA
4302 OVERLAND AVE #A
CULVER CITY CA 90230

27
JAMES MCKENNA
3825 E TERRACE AVE
FRESNO, CA 93703

28
HOOSHANG DELIJANI
412 N PALM DR #403
BEVERLY HILLS, CA 90210

29
VLADIMIR & ALEXANDRA KITOVER
1825 PELHAM AVE #1
LOS ANGELES, CA 90025

30
HAROON MOOSAI
1825 PELHAM AVE #2
LOS ANGELES, CA 90025

31
ANISH B & PAYAL A DESAI
1825 PELHAM AVE #3
LOS ANGELES, CA 90025

32
WHALEN & MANUNYA ROZELLE
1825 PELHAM AVE #4
LOS ANGELES, CA 90025

33
PELHAM LLC
2052 STRADELLA RD
LOS ANGELES, CA 90077

34
TWINWOOD INC
1700 WARNALL AVE
LOS ANGELES, CA 90024

Edward Solis
NELA Homes
5532 N Figueroa St.
Los Angeles, CA. 90042

OWNER
ESCOLA HOLDINGS LLC
5532 N FIGUEROA ST #200
LOS ANGELES, CA 90042

WARREN TECHENTIN ARCHITECTURE
2801 HYPERION AVE SUITE 103
LOS ANGELES, CA 90027

CENTERPOINT RADIUS MAPS
263 W OLIVE AVE # 193
BURBANK, CA 91502

**City of Los Angeles
Department of City Planning**

Affidavit of Mailing

Case Number DIR-2018-5510-1A

This Affidavit concerns (check one of the following):

- Public Hearing**
- Staff Report / Appeal Staff Report (Announcement)**
- Letter of Decision (LOD)**
- Termination Letter**
- Hold Letter / Intent to Terminate**

I, Marisa Garcia, certify that I am an employee of the City of Los Angeles,
on 01/22/19, mailed, postage prepaid, to the applicant
(Date)

and all parties required by the Municipal Code, as indicated below, on the case indicated above, a true copy of which is attached:

Public Hearing

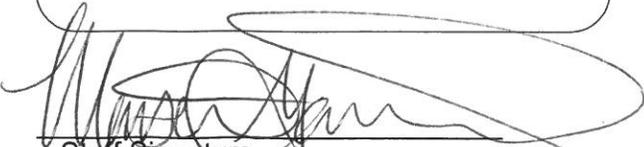
Check Recipients Below:

- Owner, Applicant and Representative
- Abutting Property Owners
- Abutting Property Owners and Tenants
- 100-foot Radius
- 500-foot Radius
- Persons who signed in at the hearing
- Appellant(s)
- Council Office No. 5
- Certified Neighborhood Council
- _____
- 100-foot Coastal Notice
- Group Coastal Notice
- State Coastal Commission
- Adjacent City/ies
- Los Angeles Unified School District
- Caltrans
- Other _____

**Staff Report / Appeal /
Termination / Letter of Decision**

Check Recipients Below:

- Owner, Applicant and Representative
- Abutting Property Owners
- Abutting Property Owners and Tenants
- Persons who signed in at the hearing
- Persons who requested notice in writing
- Council Office No. _____
- Certified Neighborhood Council
- _____
- Department of Building and Safety
- Department of Transportation
- Other _____


Staff Signature



CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
 City Hall 200 North Spring Street Los Angeles CA 90012
NOTICE OF PUBLIC HEARING

- | | |
|--|--|
| To Owners:
<input type="checkbox"/> Within a 100-Foot Radius
<input type="checkbox"/> Within a 500-Foot Radius
<input type="checkbox"/> Abutting a Proposed Development Site | And Occupants:
<input type="checkbox"/> Within a 100-Foot Radius
<input type="checkbox"/> Within a 500-Foot Radius
And: <input checked="" type="checkbox"/> Interested Parties/Others |
|--|--|

This notice is sent to you because you own property or are an occupant residing near a site for which an appeal from a Department action was filed with the Department of City Planning. All interested persons are invited to attend the public hearing where you may listen, ask questions, and/or present testimony regarding the project. The environmental document, if applicable, will be among the matters considered at the hearing. The Commission may consider all the testimony presented at the hearing, written communications received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations. **Please note that your attendance at the hearing is optional.**

Project Site: 1822 South Overland Avenue

Case No.: DIR-2018-5510-1A CEQA No.: ENV-2018-5511-CE Hearing Held By: City Planning Commission Date: February 14, 2019 Time: After 8:30 a.m. Place: Los Angeles City Hall Council Chambers, Room 340 (Entrance is from Main Street) 200 N. Spring Street Los Angeles, CA 90012 Staff Contact: Jeanalee Obergfell, City Planning Associate 200 N. Spring St., Room 721 Los Angeles, CA 90012 Jeanalee.obergfell@lacity.org (213) 978-0092	Council No: 5 - Koretz Related Cases: n/a Plan Area: West Los Angeles Zone: R3-1-O Plan Overlay: N/A Land Use: Medium Residential Applicant: NELA Homes Representative: Warren Techentin Architecture Appellant: David Wang
--	--

PROPOSED PROJECT:

The proposed project includes the demolition of an existing duplex and the construction and maintenance of a new 67-foot tall residential building with 18 residential units. The project sets aside two of the proposed 18 residential units for Extremely Low Income households/individuals.

APPEAL

1. Pursuant to Sections 12.22-A,25(g) and 12.22-A,31 of the Los Angeles Municipal Code, an appeal of Condition Nos. 2, 6, 7, and 9 of the decision by the Director of Planning's Determination approving a Transit Oriented Communities Affordable Housing Incentive Program project allowing a 70% increase in density for a Tier 3 project totaling 18 dwelling units with two units set aside as affordable housing units for Extremely Low Income (ELI) Households for a period of 55 years along with the following three (3) incentives:
 - a. **Height.** A maximum height of 67 feet in lieu of the maximum permitted height of 45 feet; and
 - b. **Setbacks (Sides).** A 30% reduction in required side yards to allow 6-foot 4-inch side yard setbacks in lieu of the required 9-foot side yard setback; and

- c. **Open Space.** A 25 percent reduction in required open space, to allow 1,000.5 square feet in lieu of 2,050 square feet.
2. An appeal of a determination that based on the whole of the administrative record, the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Puede obtener información en Español acerca de esta junta llamando al (213) 978-1300

GENERAL INFORMATION

FILE REVIEW - The complete file is available for public inspection between the hours of 8:30 a.m. to 4:00 p.m., Monday through Friday. Please call or email the staff identified on the front page, at least three (3) days in advance to assure that the files will be available. **Files are not available for review the day of the hearing.**

AGENDAS AND REPORTS- Commission agendas are posted for public review in the Main Street lobby of City Hall East, 200 N. Main Street, Los Angeles, California. Commission Agendas are accessible online at planning.lacity.org, by selecting "Commissions & Hearings", the specific Area or City Planning Commission and "Agendas". Appeal Recommendation Reports are available on-line seven (7) days prior to the Commission meeting and are hyperlinked to the case numbers on the agenda. **Please note that Appeal Recommendation Reports are not prepared for appeals related to Zoning Administrator decisions.**

Be advised that the Commission may RECONSIDER and alter its action taken on items listed on the meeting agenda at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **If a Commission meeting is cancelled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond, as long as the continuance is within the legal time limits of the case or cases.**

TESTIMONY AND CORRESPONDENCE - Your attendance is optional; oral testimony can only be given at the Commission meeting and may be limited due to time constraints. Written testimony or evidentiary documentation may be submitted prior to, or at the meeting in accordance to the Commission's submittal requirements. Commissions function in a quasi-judicial capacity and therefore, cannot be contacted directly. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibits used as part of your testimony.

REQUIREMENTS FOR SUBMISSION OF MATERIALS - Written materials may be submitted prior to or at the meeting in accordance with the submittal requirements below. When required, hard copies must be presented on letter size (8 ½ " x 11") or legal size (8 ½ " x 14") paper. All oversized exhibits must be folded to fit into a legal-sized folder. Plans (i.e. site plans, floor plans, grading plans) must be presented on paper size not smaller than ledger size (11" x 17"). The case number must be written on all communications, plans and exhibits.

- **Regular Submissions** – Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on the front of this page. In addition, an **original plus six (6) copies** must be submitted to the Commission Office directly at **200 North Spring Street, Room 272, Los Angeles, CA 90012** in attention to the Commission Secretariat.
- **Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than **48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting)**. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on the front of this notice.
- **Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation.
- **Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped "*File Copy. Non-complying Submission*". Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at planning.lacity.org by selecting "Commissions & Hearings" and selecting the specific Commission.

EXHAUSTION OF ADMINISTRATIVE REMEDIES AND JUDICIAL REVIEW - 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 agenzized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

ACCOMMODATIONS - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other services, such as translation between English and other languages, may also be provided upon written request submitted a minimum of seven (7) working days in advance to: per.planning@lacity.org. Be sure to identify the language you need English to be translated into, and indicate if the request is for oral or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.

EXHIBIT F

**TRANSIT-ORIENTED COMMUNITIES REFERRAL FORM PAR-
2018-4659-TOC**

PAR-2018-4659-TOC



REFERRAL FORMS:

TRANSIT-ORIENTED COMMUNITIES - REFERRAL FORM
LOS ANGELES CITY PLANNING DEPARTMENT

This form is to serve as a referral to the Department of City Planning Development Services Center for Affordable Housing case filing purposes (in addition to the required Department of City Planning Application and any other necessary documentation) and as a referral to HCIDLA, CRA, Building and Safety, or other City agency for project status and entitlement need purposes. This form shall be completed by the applicant and reviewed and signed by Department of City Planning staff prior to filing an application for a case or building permit. Any modifications to the content(s) of this form after its authorization by the Department of City Planning staff is prohibited. The Department of City Planning reserves the right to require an updated form for the project if more than 180 days have transpired since the approval date, or as necessary, to reflect project modifications, policy changes and/or amendments to the LAMC, local laws, and State laws.

CITY STAFF USE ONLY	
Referral To: <input checked="" type="checkbox"/> Planning DSC - Filing <input type="checkbox"/> HCIDLA <input type="checkbox"/> DBS <input type="checkbox"/> Funding <input type="checkbox"/> SB35 <input type="checkbox"/> Other: _____ NOTES: _____	
Planning Staff Name and Title <u>Natali Martinez, City Planning Associate</u>	Planning Staff Signature <u>[Signature]</u>
Date Approved <u>9/11/18</u>	Expiration Date <u>3/9/19</u>

I. Project Information – To be completed by applicant

1. PROJECT LOCATION/ ZONING

Project Address: 1822 OVERLAND AVE. LOS ANGELES CA 90025

Applicant Name and Phone/Email: WARREN TECHENTIN 323 664 4500 WARREN@WTARCH.COM

Assessor Parcel Number(s): 4321-004-026

Community Plan: WEST LOS ANGELES Number of Lots: 1 Lot Size: 6755.4 s.f.

Existing Zone: R3-1-0 Land Use Designation: MEDIUM RESIDENTIAL

Specific Plan HPOZ DRB Enterprise Zone CRA CPIO
 Q-condition/ D-limitation/ T-classification (please specify): _____
 Other pertinent zoning information (please specify): _____
 Location of Major Transit Stop (please specify the intersection or metro stop)¹: WESTWOOD & SANTA MONICA BUS704, BUS4, BUSR12, BUS8, BUS1

II. Project Eligibility – To be completed by DCP Housing Services Unit Staff

2. TRANSPORTATION QUALIFIERS

Qualifier #1 (rail name & stop, ferry terminal or bus #): Metro Rapid 704 < 1500 ft. from two Rapid Buses

Service Interval # 1: westbound 13.1 [420 min / # of trips]²

Service Interval # 2: Eastbound 13.1 [420 min / # of trips]

Qualifier #2 (rail name & stop, ferry terminal or bus #): Santa Monica R12

Service Interval # 1: Northbound 10.24 [420 min / # of trips]

Service Interval # 2: Southbound 10.50 [420 min / # of trips]

TOC Tier³: Tier 1 Tier 2 Tier 3 Tier 4 Planning Staff Initials: NM

¹ Per AB 744, A Major Transit Stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. It also includes major transit stops that are included in the applicable regional transportation plan.

² This figure (420 minutes) is based on the total number of minutes during the peak hours of 6 am to 9 am as well as 3 pm to 7 pm.

³ If project is 100% affordable, it is eligible for the designated Tier to be increased by one.

III. Project Information (if applicant is requesting additional incentives) – To be completed by applicant

3. DESCRIPTION OF PROPOSED PROJECT

NEW 16 UNIT (DENSITY BONUS) APARTMENT BUILDING, 6 STORIES HIGH WITH 6 LEVELS OF APARTMENT (15) 2 BEDROOM AND (1) 3- BEDROOMOVER 2 STORES OF PARKING BELOW GRADE

4. EXISTING USE

A. Describe Existing Development: TWO STORY DUPLEX BUILDING WITH (2) 2 BEDROOM UNITS

Characteristic of existing use Dwelling Unit (DU), Commercial/ Industrial, or Other	Existing # of Units or Non-Residential SF	Existing # of Units or Non-Residential SF To Be Demolished	Proposed ⁴ # of Units or Non-Residential SF
Guest Rooms			
Studio			
One Bedroom			
Two Bedrooms	2	2	15
Three Bedrooms			1
_____ Bedrooms			
Non-Residential Square Feet			
Other:			

B. Previous Cases Filed

	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
Case Number(s):	_____	_____	_____
Date Filed:	_____	_____	_____
Date Approved:	_____	_____	_____
End of Appeal Period:	_____	_____	_____
Environmental No.	_____	_____	_____

5. TYPE OF APPLICATION

- Transit-Oriented Communities (per TOC Guidelines) with **Base Incentives** filed in conjunction with another discretionary approval.
- Transit-Oriented Communities (per TOC Guidelines) with **Additional Incentives** (please specify, max of three):
 - 1) UP TO 30% DECREASE IN REQUIRED YARD WIDTH OF TWO INDIVIDUAL YARDS (TWO SIDE YARDS)
 - 2) UP TO A 25% DECREASE IN REQUIRED OPEN SPACE
 - 3) TOTAL HEIGHT INCREASE BY TWO ADDITIONAL STORIES UP TO 22 ADDITIONAL FEET
- If applicable, projects adhering to the Labor Standards in LAMC 11.5.11 may be granted two more **Additional Incentives** as listed in the TOC Guidelines (please specify):
 - 4) _____
 - 5) _____
- Site Plan Review per LAMC Sec. 16.05
- Specific Plan Project Permit Compliance per LAMC Sec. 11.5.7.C
- Community Design Overlay per LAMC Sec. 13.08
- Coastal Development Permit per LAMC Sec. 12.20.2 or 12.20.2.1
- Tract or Parcel Map per LAMC Sec. 17.00 or 17.50
- Other entitlements requested (please specify): _____

⁴ Replacement units, per AB 2556, shall be equivalent to the number of units and number of bedrooms of the existing development.

6. ENVIRONMENTAL REVIEW

- Environmental Review Not Required – Project is Ministerial.⁵ Please Explain: _____
- Not filed
- Filed (indicate case number): _____

7. HOUSING DEVELOPMENT PROJECT TYPE (please check all that apply):

- For Sale
- For Rent
- Extremely Low Income
- Very Low Income
- Low Income
- Moderate Income
- Market Rate
- Mixed Use
- Senior
- Chronically Homeless
- Other (please describe): _____

8. DENSITY CALCULATION

A. Base Density: Maximum density allowable per zoning

Lot size 6755.4 s.f. (a)
 Minimum area per dwelling unit 800 s.f. of lot area per unit (b)
 Units allowed by right (per LAMC) 8 units (c) [c = a/b, round down to whole number]
 Base Density 9 units (d) [d = a/b, round up to whole number]

B. Maximum Allowable Density Bonus:

16 units (e)
 [e = d x 1.5 (Tier 1), 1.6 (Tier 2), 1.7 (Tier 3), or 1.8 (Tier 4);
 in RD Zones d x 1.35 (Tiers 1 and 2), 1.4 (Tier 3) or 1.45 (Tier 4);
 round up to whole number]

C. Proposed Project: Please indicate total number of Units requested as well as breakdown by levels of affordability set by each category (HCD or HUD). For information on HCD and HUD levels of affordability please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org.⁶

	<u>Total</u>	<u>HCD (State)</u>	<u>HUD (TCAC)</u>
Market Rate	<u>14</u>	<u>N/A</u>	<u>N/A</u>
Managers Unit(s) - Market Rate		<u>N/A</u>	<u>N/A</u>
Extremely Low Income	<u>2</u>		
Very Low Income			
Low Income			
Moderate Income			
TOTAL # of Units Proposed	<u>16</u> (f)		
TOTAL # of Affordable Housing Units	<u>2</u> (g)		
Number of Density Increase Units	<u>7</u> (h) [If f>c, then h=f-c; if f<c, then h=0]		
Percent Density Increase Requested	<u>78%</u> (i) [i = 100 x (f/d - 1)]		
Percent of Affordable Set Aside	<u>12%</u> (j) [j/g, round down to a whole number]		

Other Notes on Units: Total percent density increase is 78% due to rounding up.
9 base units + 70% = 15.3 (rounded up to 16).

⁵ Ministerial Projects (aka, "By-Right") do not require any discretionary Planning approvals.

⁶ HCD (State) = Published affordability levels per California Department of Housing and Community Development. HUD (TCAC) = Published affordability levels per the United States Department of Housing and Urban Development.

11. COVENANT:

All Transit Oriented Communities projects are required to prepare and record an Affordability Covenant to the satisfaction of the Los Angeles Housing and Community Investment Department's Occupancy Monitoring Unit **before** a building permit can be issued. Please contact the Housing and Community Investment Department of Los Angeles (HCIDLA) at (213) 808-8843 or hcidla.lacity.org

12. REPLACEMENT UNITS:

AB 2222, as amended by AB 2556, requires that density bonus eligible projects replace any pre-existing affordable housing units on the project site. Replacement units include the following: *(Answer the following with "yes" if any of these items apply to what is **currently existing** on the site or "no" if they do not. Write in N/A if the item is not applicable to your project)*

- A. Units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income? NO
- B. Units occupied by lower or very low income households below 80% AMI per California Department of Housing and Community Development Department levels not already listed above? NO
- C. Units subject to the Rent Stabilization Ordinance not already listed above? NO
- D. Units that have been vacated or demolished in the last 5 years? NO
- E. Per AB 2556, are the number of replacement units and number of bedrooms equivalent to that being demolished (as shown on Existing Development Table on page 2 above)? YES

Disclaimer: This review is based on the information and plans provided by the applicant at the time of submittal of this form. Applicants are advised to verify any zoning issues such as height, parking, setback, and any other applicable zoning requirements with Building and Safety.

EXHIBIT G

HCID AB 2556 (TOC) DETERMINATION



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

DATE: July 31, 2018
TO: NELA Overland, LLC, a California limited liability company, Owner
FROM: Robert Manford, Environmental Affairs Officer
Los Angeles Housing and Community Investment Department
SUBJECT: **AB 2556 (TOC) Determination for
1822-1824 S. Overland Ave., Los Angeles, CA 90025**

Based on the Affordable Unit Determination Application submitted by Jonathan Barr on behalf of NELA Overland, LLC, a California limited liability company (Owner), the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that two (2) units are subject to replacement under AB 2556 (formerly AB 2222).

Information about the existing property for the five years prior to the date of the application is required in order to make a determination. HCIDLA received the Affordable Unit Determination on or about July 9, 2018, so HCIDLA must collect data from July 2013 to July 2018.

NELA Overland, LLC, a California limited liability company (Owner) acquired the property commonly known as: 1822-1824 S. Overland Ave. under APN # 4321-004-026, Lot 9 on May 4, 2018 per Grant Deed.

Per Google Earth images, Department of City Planning (ZIMAS), County Assessor Parcel Information (LUPAMS), Real Quest database, Billing Information Management System (BIMS) database, Code, Compliance and Rent Information System (CRIS) database, and Internet Search, the property commonly known as 1822-1824 S. Overland Ave. has a use code of "0200-Double, Duplex". Per the Certificate of Occupancy # WLA80565W/70 issued March 2, 1971, the property had an addition to the previous existing two story, one family dwelling.

The Los Angeles Department of Building and Safety database indicates that the Owner has not applied for either a Building Permit or a Demolition Permit for the project.

Per statement received by HCIDLA on July 9, 2018, the Owner plans to construct a sixteen (16) unit apartment building, pursuant to Transit Oriented Communities (TOC) guidelines.

ADDRESS	BEDROOM TYPE
1822 S. Overland Ave.	2 bdrms
1824 S. Overland Ave.	2 bdrms

Per AB 2556, the number of RSO replacement units must match the percent of renter households currently living at Extremely Low, Very Low, and Low Income levels in Los Angeles per Department of Housing and Urban Development's (HUD) Comprehensive Housing Affordability Strategy (CHAS) database. At present, the CHAS database shows 31% Extremely Low (Below 31% Area Median Income [AMI]), 19% Very Low ([31% to 50% AMI]) and 18% Low ([51% to 80% AMI]) renter households for Los Angeles.

Replacement Units = 2

2 Units x 68%	2 Units
31% Extremely Low	1 Unit
19% Very Low	1 Unit
18% Low	0 Units

As shown above, there existed two (2) RSO units within the past five (5) years with no income documents provided. Consistent with AB 2556, HCIDLA has determined that two (2) units need to be replaced with equivalent type, with one (1) unit restricted to Extremely Low Income households, and one (1) unit restricted to Very Low Income households. **Please note that this AB 2556 determination only applies to TOC rental projects.**

NOTE: This determination is provisional and is subject to verification by HCIDLA's Rent Division.

cc: Los Angeles Housing and Community Investment Department File
NELA Overland, LLC, a California limited liability company, Owner
Ulises Gonzalez, Case Management Section, City Planning Department

RM:MAC:dk

EXHIBIT H

BOE PLANNING CASE REFERRAL FORM

PLANNING CASE REFERRAL FORM (PCRF)

City of Los Angeles, Bureau of Engineering (BOE) / Department of City Planning (DCP)

Reference Number: 201800343

Part I. To be Completed by Applicant

DCP Case Number

Applicant	DANA LYDON	address	2801 HYPERION AVE, STE 103 LOS ANGELES, CA 90027
Phone	323-664-4500	email	DANA@WTARCH.COM
Owner	NELA DEVELOPEMNT	address	5532 N FIGUEROA ST LOS ANGELES, CA 90042
Project Address	1822 S OVERLAND AVE	APN	4321004026
Engineering District	West LA		

Project description (attach ZIMAS map with highlighted parcel(s))
16 UNIT APARTMENT BUILDING, TOC

Is there a tract or parcel map being filed in conjunction with this: [] Yes [**X**] No

If yes, Tract Map No. _____ Parcel Map No. _____

Has the Tract/Parcel report been prepared and submitted to DCP by BOE [] Yes [**X**] No

If yes, please refer to the Tract or Parcel map conditions, if not, then

Is any part of this project on a corner lot? [] Yes [**X**] No

Part II. To be Completed by BOE Staff

What is/are the street classification(s) for the adjacent streets (list all)?

Overland Avenue: Collector Street

Does the project front an intersection of two major or secondary highways? Yes No

If yes, additional dedication may be required for dual left-turn pockets. If no, how far is the project from the nearest major/secondary intersection? Additional dedication may be required if within the standard flare section. Dedication and improvements are to be consistent with Standard Street Dimensions. See [Standard Plan S-470-1](#).

Apparent width of existing half right of way (street centerline to property line): Overland Ave: 30 ft

Standard dimension for half right of way (from S-470-1), (street centerline to property line): Overland Ave: 33 ft

Apparent width of existing half roadway (street centerline to curb face): Overland Ave: 15 ft

Standard street dimension for half roadway (street centerline to curb face): Overland Ave: 20 ft

Is the lot connected to the sewer? Yes No

Distance from subject lot to nearest main line sewer _____ ft

Is the subject lot(s) within the hillside ordinance boundary? Yes No

Preliminary Required Improvements:

Planning Case Referral Form Recommendation:

Dedication Required: Yes No

Street Widening Required: Yes No

Other Improvements Required: Yes No

If yes, please list preliminary required improvements:

Overland Ave: Dedicate 3-ft along the property street frontage to complete the 33-ft half width right-of-way. Widen and improve the existing 15-ft half roadway to 20-ft along property frontage with construction of new asphalt pavement, new integral concrete curb and 2-ft gutter, and full width concrete sidewalk to abut the new property line. Repair and/or replace any broken or off-grade asphalt, sidewalk or curb and gutter. Close all unused driveways (with full width sidewalk, new integral concrete curb and 2-ft gutter). All non-standard improvements and encroachments located in the public right-of-way must be removed or permitted under a Revocable

permit. Install street trees to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. Install street lights as required by the Bureau of Street Lighting. All improvements shall be to the satisfaction of the City Engineer.

NOTE: The information on this PCRf is only a "preliminary recommendation" by BOE, which provides the applicant with a general understanding of what **may** be required by BOE. If the PCRf Recommendations for Dedication or Street Widening is marked "Yes", a formal investigation and engineering report will be required. The engineering report will be provided after submittal of all documentation and payment of fees. Measurements and statements contained herein may be adjusted in the engineering report.

Street Trees: If the PCRf Recommendation for Street Widening is marked "Yes", Street tree removals may be required. All street tree removals must be approved by the Board of Public Works. Applicant shall contact the Urban Forestry Division at (213) 847-3077 before proceeding with the Master Land Use Application.

In all cases, the Applicant will be required to close any unused driveways; remove and reconstruct broken, off-grade, or bad order concrete curb, gutter, driveways or sidewalk,; and install/replace public improvements, such as driveway aprons and access ramps, to meet ADA requirements.

Applicants with PCRf Recommendation of "Yes" for Dedication or Street Widening are advised to submit the following documents and pay the BOE investigation fee.

1. BOE investigation fee.
2. Two (2) copies of the Planning Master Land Use Application.
3. Two (2) copies of the project site plan.
4. Two (2) copies of the radius map.
5. Picture of the existing building, sidewalk, curb, and gutter.

Due to the possible implications that dedications and improvements may have on the development of a project, applicants that do not pay the BOE investigation fee for the preparation of a detailed engineering report may have their application placed on hold until such information is provided. Questions and concerns regarding the engineering report may be presented at the hearing.

Prepared by: Kristen Ly

Date: 07/20/2018

EXHIBIT I
DBS BUILDING PERMIT

2

CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
BUILDING DIVISION

Application for the Erection of a Building
OF
CLASS "D"

To the Board of Building and Safety Commissioners of the City of Los Angeles:
Application is hereby made to the Board of Building and Safety Commissioners of the City of Los Angeles, through the office of the Superintendent of Building, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:
First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley or other public place or portion thereof.
Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Los Angeles.
Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Lot No. 9: 344. 101

Tract 5609

Location of Building 1822-24 Overland Drive Ave
(House Number and Street)

Between what cross streets Santa Monica & Missouri

Approved by City Engineer
Deputy

USE INK OR INDELIBLE PENCIL

1. Purpose of building Duplex Dwelling Families 2 Rooms 10

2. OWNER (Print Name) DAVE GARBER Phone 921 1277

3. Owner's address 817 1/2 W. 64th St.

4. Certificated Architect [Signature] State License No. Phone.

5. Licensed Engineer [Signature] State License No. Phone.

6. Contractor Samuel Gardner State License No. 45062 Phone Th. 1775

7. Contractor's address 817 1/2 W. 64th St. L.A. RA 06

8. VALUATION OF PROPOSED WORK \$ 6300-06
Including all labor and material and all permanent lighting, heating, ventilating, water supply, plumbing, fire sprinkler, electrical wiring and/or elevator equipment therein or thereon.

9. State how many buildings NOW on lot and give use of each. (Store, Residence, Apartment House, Hotel, or any other purpose)

10. Size of new building 36'0" x 36'6" No. Stories 2 Height to highest point 26'0" Size lot 50 x 135

11. Type of soil Hardpan Foundation (Material) Concrete Depth in ground 12"

12. Width of footing 16" Width of foundation wall 8" Size of redwood sill 2" x 6"

13. Material exterior wall Stone Size of studs: (Exterior) 7" x 4" (Interior bearing) 2" x 4"

14. Joist: First floor 2" x 6" Second floor 2" x 10" Rafters 2" x 6" Material of roof Shingles

15. Chimney (Material) Brick Size Flue 8" x 8" No. inlets each flue 1 Depth footing in ground 12"

I have carefully examined and read the above completed Application and know the same is true and correct, and hereby certify and agree that if a permit is issued all the provisions of the Building Ordinance and State Laws will be complied with whether herein specified or not; I also certify that plans and specifications filed will conform to all the Building Ordinances and State Laws.

Plans, Specifications and other data must be filed if required. 7-26-38

Sign here Samuel Gardner (Owner or Authorized Agent)
By [Signature]

PERMIT NO. 25005
FOR DEPARTMENT USE ONLY
Plans and Specifications checked
Zone R4 Fire District No. 100
Corrections verified None
Bldg. Line No. Ft. Street Widening No. Ft.
Application checked and approved 8/8/38
Inspector
Required Valuation Included Specified Yes-No

FOR DEPARTMENT USE ONLY

Application <i>M...</i>	Fire District.....	Bldg. Line.....	Forced Draft Ventil.....
Construction.....	Zoning.....	Street Widening.....	

(1) **REINFORCED CONCRETE**

Barrels of Cement.....

Tons of Reinforcing Steel.....

(2) The building referred to in this Application will be more than 100 feet from

.....Street

Sign Here.....
(Owner or Authorized Agent)

(3) This building will be not less than 10 feet from any other building used for residential purposes on this lot.

Sign here.....
(Owner or Authorized Agent)

(4) There will be an unobstructed passageway at least ten (10) feet wide, extending from any dwelling on lot to a Public Street or Public Alley at least 10 feet in width.

Sign Here.....
(Owner or Authorized Agent)

REMARKS: *ACF OK'd 1/1/24*

PLAN CHECKING

RECEIPT NO 22004

VALUATION \$ 6300

FEE PAID \$ 15