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

March 2, 2018

Applicant/Owner

Sawtelle Landmark LLC
California Landmark Group
10600 Santa Monica Boulevard
Los Angeles, CA 90025

Representative

Eric Lieberman
QES, Inc.
14549 Archwood Street, Unit 308
Van Nuys, CA 91405

Case No. DIR-2017-5278-TOC-SPR
CEQA: ENV-2014-2868-MND-REC1
Location: 1947 South Sawtelle
Boulevard

Council District: 11 - Bonin
Neighborhood Council: West Los Angeles
Community Plan Area: West Los Angeles
Land Use Designations: Neighborhood Commercial
and Low Medium I
Residential

Zones: C2-1VL and R2-1
Legal Description: Lot FR D, Tract P M 2012-
2709

Last Day to File an Appeal: March 19, 2018

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

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

1. **FIND**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2014-2868-MND adopted on February 3, 2016; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the addendum dated February 22, 2018, no substantial revisions are required to the Mitigated Declaration; and no subsequent EIR or negative declaration is required for approval of the project;

Transit Oriented Communities Affordable Housing Incentive Program

2. **Approve with Conditions** a sixty (60) percent increase in density consistent

with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program along with a forty-five (45) percent increase in FAR and with the following three (3) incentives for a qualifying Tier 2 project totaling 88 dwelling units with eight (8) units (nine percent of the total residential density allowed and eleven percent of the base density allowed) reserved for Extremely Low Income Household occupancy for a period of 55 years:

- a. **Averaging.** Allow the averaging of floor area, density, open space, and parking over the project site and permit vehicular access from a less restrictive zone to a more restrictive zone;
 - b. **Height.** A maximum height of 56 feet in lieu of the maximum permitted height of 45 feet in the C2 Zone and 44 feet in lieu of the maximum permitted height of 33 feet in the R2 Zone;
 - c. **Open Space.** A 20 percent reduction in required open space; and
3. **Adopt** the attached Findings.

Site Plan Review

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

1. **Conditionally Approve** a Site Plan Review for the construction, use and maintenance of a new, four-story, mixed-use building with 88 dwelling units and 7,700 square-feet of commercial space in the C2-1VL and R2-1 Zones; and
2. **Adopt** the attached Findings.

CONDITIONS OF APPROVAL

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22-A,31 and 16.05, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing.
2. **Residential Density.** The project shall be limited to a maximum density of 88 residential units, including on-site Restricted Affordable Units.
3. **On-site Restricted Affordable Units.** Eight (8) dwelling units, or equal to nine percent of the project's total proposed density, shall be reserved for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
4. **Changes in On-site Restricted Units.** Deviations that increase the number of On-site Restricted Units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A.31.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the HCIDLA to make eight (8) units available to Extremely Low Income Households or equal to nine percent of the project's total proposed residential density allowed, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event, the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,31, to the satisfaction of HCIDLA, and in consideration of the project's AB 2222 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Base Incentives.**
 - a. **Floor Area Ratio.** The project is permitted to have a forty-five (45) percent increase in FAR.
 - b. **Parking.**
 - i. **Automotive Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22-A.31, which permits a maximum of one (1) parking space per residential unit or 0.5 parking space per bedroom for a Tier 2 Project. A twenty (20) percent reduction shall be allowed for the non-residential parking requirement.

- ii. **Bicycle Parking.** The project shall provide a minimum of 92 long-term bicycle parking spaces and 13 short-term bicycle parking spaces. In the event that the number of On-Site Restricted Affordable Units should increase or the composition of such units should change, then no modification of this determination shall be necessary and the number of bicycle parking spaces shall be re-calculated consistent with LAMC Section 12.21-A.16.

7. **Additional Incentives.**

- a. **Averaging.** The project is permitted to average floor area, density, open space, and parking over the project site and permitted vehicular access from a less restrictive zone to a more restrictive zone.
 - b. **Height.** The project may have a maximum height of 56 feet in lieu of 45 feet in the C2 Zone and a maximum height of 44 feet in lieu of 33 feet in the R2 Zone.
 - c. **Open Space.** The project may provide a minimum of 7,160 square feet of open space in lieu of 8,950 square feet required.
8. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The landscape plan shall indicate landscape points for the project equivalent to 25% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.
9. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.
10. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
11. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.

Administrative Conditions

12. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
13. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

14. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
15. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
16. **Department of Building & 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 & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
17. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
18. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
19. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
20. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
21. **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, in whole or in part, of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

PROJECT BACKGROUND

The subject property is comprised of two (2) rectangular-shaped, level lots measuring approximately 28,047 square-feet (0.64 acres) with a 134-foot frontage along Sawtelle Boulevard, a 210-foot frontage along La Grange Avenue. The subject property is zoned C2-1VL and R2-1 within the West Los Angeles Community Plan Area with a Neighborhood Commercial and Low Medium I Residential land use designation and limited to Height Districts 1VL and 1.

The property was previously developed with a single-story commercial building occupied by the Young Mens Christian Association (YMCA). On October 2, 2015, the Los Angeles Department of City Planning issued a Director's approval of a Density Bonus and Site Plan Review (Case No. DIR-2014-2867-SB-SPR) for a 72-unit mixed-use development with 7,700 square feet of ground-floor commercial. An appeal was subsequently filed by an adjacent property owner on October 19, 2015. On February 3, 2016, the Los Angeles City Planning Commission denied the appeal in part and approved the appeal in part of the Director's Determination approving a Density Bonus and Site Plan Review project totaling 72 dwelling units, reserving a minimum of 8 dwelling units of the base density for Very Low Income Housing.

On September 22, 2017, the Transit Oriented Communities (TOC) Guidelines became effective. The TOC Guidelines established Tiers of Housing Incentive qualifications. The subject property is located within 2,640 feet from the intersection of two (2) Rapid Bus Lines (704 and 6) allowing Tier 2 Incentives to be applicable to the subject site. On January 10, 2018, DIR-2017-5278-TOC-SPR was filed for a Transit Oriented Guidelines Project in order to accommodate an increase in density from 72 units to 88 units and the relevant change in unit mix. By providing at least nine percent of the maximum residential density allowed (88 units) for Extremely Low Income Households, the project qualifies for the TOC base incentives. By providing at least eleven percent of the base density allowed (55 units) for Extremely Low Income, the project qualifies for up to three (3) additional incentives.

The following is the proposed project as it has been filed under the TOC Guidelines:

The project proposes the construction, use, and maintenance of a 64,566 square-foot mixed use building with 88 dwelling units over 7,700 square feet of commercial space. The building will range in height from 33 feet to 56 feet. The building will be constructed with a maximum of two (2) levels of subterranean parking containing 120 automobile parking spaces and 92 long-term and 13 short-term bicycle parking spaces. The property is currently under construction. The subject property is zoned C2-1VL and R2-1 which allows for the following base density of 55 units:

Zone	Lot Size	Minimum Area per Dwelling Unit	Base Density Allowed (Lot Size/Minimum Area per Dwelling Unit)
C2-1VL	19,424 square feet	400 square feet	49 units
R2-1	8,731 square feet	1,500 square feet (pursuant to LAMC Section 12.09-C.4.)	6 units
Total Base Density:			55 units

By setting aside 9% of the project's total density allowed for Extremely Low Income Households, the project is eligible for a 60% density increase for a maximum of 88 total units. The following table shows the computation:

Total Base Density	Density Increase	Total Density Allowed (Total Base Density x Density Increase)
55 units	60 % (1.6)	88 units

Table 1 - The total (maximum) density allowed for the proposed project is 88 units.

The project will set aside eight units as Restricted Affordable in accordance with TOC regulation of LAMC Section 12.22-A.31, which is nine percent (9%) of the total density of the project for Extremely Low Income Households. In exchange for setting aside 9% of the total density (88 units x 0.09 = 8 units) for Extremely Low Income Households, the project is entitled to the Base Incentives including density, floor area ratio, and parking. Additionally, the project also qualifies for up to three (3) additional incentives for setting aside at least eleven percent (11%) of the base density (55 units x 0.11 = 6 units) for Extremely Low Income Households.

Total Density Allowed	Qualification for Tier 2 Base Incentives (set aside 9% of Total Density Allowed for Extremely Low Income Households)	Qualification for Three (3) Additional Incentives (set aside 11% of Base Density Allowed for Extremely Low Income Households)
88 units	88 x 0.09 = 8 units	55 x 0.11 = 6 units

Table 2 - In order to qualify for Tier 2 base incentives, the project must set aside 9% of the total density allowed for Extremely Low Income Households. Additionally, in order to qualify for up to three (3) additional incentives, the proposed project must set aside 11% of the base density for Extremely Low Income Households.

Tier 2 Eligibility:

The subject property is located within 2,640 feet from the intersection of two (2) Rapid Bus Lines (704 and 6). The west bound and east bound Rapid Line 704 runs along Santa Monica Boulevard and intersects with Culver City Rapid Bus 6 running along Sepulveda Boulevard. The subject property is therefore located in Tier 2 of the Transit Oriented Communities Affordable Housing Incentive Program. Accordingly, the project is eligible for Tier 2 incentives. Since the project sets aside 8 units for Extremely Low Income, the qualifying threshold is met and pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the project is eligible for Base Incentives and three (3) additional incentives.

Tier 2 Base Incentives:

As base incentives, the project is eligible to (1) increase the maximum allowable number of dwelling units permitted by 60%, (2) increase the maximum allowable floor area ratio by 45%, and (3) provide one (1) automobile parking space per residential unit and up to a 20% reduction in the nonresidential parking requirement.

Tier 2 Additional Incentives:

The following additional three (3) incentives are requested: (1) the averaging of floor area, density, open space, and parking over the project site and permit vehicular access from a less restrictive zone to a more restrictive zone, (2) a maximum height of 56 feet in lieu of the maximum permitted height of 45 feet in the C2 Zone and 44 feet in lieu of the maximum permitted height of 33 feet in the R2 Zone, and (3) a 20 percent reduction to permit approximately 7,160 square feet of open

space in lieu of the required 8,950 square-feet. Pursuant to Section VII of the TOC Guidelines, the Total Height and Transitional Height standards count as one (1) Incentive. The project proposes various heights with a maximum of 56-feet.

HOUSING REPLACEMENT

With Assembly Bill 2222 (AB 2222), applicants of Density Bonus projects filed as of January 1, 2015 must 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 Housing and Community Investment Department (HCIDLA) dated November 30, 2017, the proposed project will not be required to provide any replacement affordable units.

TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM ELIGIBILITY REQUIREMENTS

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

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

The project site is located within a Tier 2 Transit Oriented Communities Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve a total of eight (8) on-site dwelling units for Extremely Low Income Households, which equates to 9 percent of the 88 total dwelling units proposed as part of the Housing Development. As such, the project meets the eligibility requirement for On-Site Restricted Affordable Units.

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

The subject property is located within 2,640 feet from the intersection of two (2) Rapid Bus Lines (704 and 6). The west bound and east bound Rapid Line 704 runs along Santa Monica Boulevard and intersects with Culver City Rapid Bus 6 running along Sepulveda

Boulevard. As such, the project meets the eligibility requirement for proximity to a Major Transit Stop.

3. **Housing Replacement.** *A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the 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.*

Pursuant to the Determination made by the Housing and Community Investment Department (HCIDLA) dated November 30, 2017, the proposed project will not be required to provide any replacement affordable units. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

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

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

5. **Base Incentives and Additional Incentives.** *All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI of the TOC Guidelines. Up to three Additional Incentives listed in Section VII of the TOC Guidelines may be granted based upon the affordability requirements described below. For the purposes of this section below "base units" refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Section IV.1 above (except Moderate Income units).*

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

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

The project is seeking three Additional Incentives for averaging, height increase, and open space reduction in exchange for reserving at least 11 percent of the base units for Extremely Low Income Households. The project is setting aside eight (8) units for Extremely Low Income Households, which equates to approximately 11 percent of the 55 base units permitted through the underlying zoning of the site. As such, the project meets the eligibility requirement for Base and Additional Incentives.

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

The project is not seeking two additional incentives beyond the three permitted in exchange for reserving at least 11 percent of the base units for Extremely Low Income Households. The project is setting aside eight (8) units for Extremely Low Income Households, which equates to approximately 14 percent of the 55 base units permitted through the underlying zoning of the site. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11; this eligibility requirement does not apply.

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

The proposed building crosses two lots; however, both lots are located within a Tier 2 Transit Oriented Communities Affordable Housing Incentive Area. As such, this eligibility requirement does not apply.

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

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

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

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

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).

- 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, moderate, and extreme income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of base incentives in the Transit Oriented Communities Guidelines were pre-evaluated at the time the Transit Oriented Communities Affordable Housing Incentive Program Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. The on-menu incentives are required to provide for affordable housing costs because the incentives by their nature may result in increasing the scale of the project. The additional incentives requested for averaging, height increase, and open space reduction, would result in building design or construction efficiencies that provide for affordable housing costs. As a result of the prescribed incentives, it is likely that the Director will always conclude that the incentives are required for such projects to provide for affordable housing units as identified by the TOC Guidelines.

Averaging. Since the property is bisected by a zone line the applicant is utilizing the affordable housing incentives to allow averaging of floor area ratio, density, parking and open space and permitting vehicular access from a less restrictive to a more restrictive zone.

The municipal code sets forth restrictions for allowing vehicular access from a less restrictive zone to a more restrictive zone in order to prevent the intrusion of more intense uses onto less intense uses. The subject property is split by two zones; C2-1VL and R2-1. The incentive allowing Averaging of Floor Area Ratio, Density, Parking, or Open Space and Permitting Vehicular Access is necessary in order to create a unified development over the entire site that would otherwise be forced to separate the development into two separate projects and result in added costs to the development.

Height. The requested increase in height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs.

The height incentive allows an additional 11 feet in height and one additional story

thereby creating a building envelope with the area necessary to accommodate the proposed density, including the low income units. The C2-1VL zone allows a building height of 45 feet and is limited to three stories. The R2-1 zone allows a building height of 33 feet. The requested incentives in combination with the requested floor area of 64,568 square feet results in a building envelope over the entire site with a building height of 44 feet in the R2 portion and 56 feet in the C2 portion with a total of 4 stories.

The requested height incentive will allow the developer to increase the amount of units in the building so eight (8) units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to reserve eight (8) units as affordable housing units reserved for Extremely Low Income Households.

Open Space. The requested open space incentive, allowing a twenty percent reduction of the open space requirements, are expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that facilitate affordable housing costs. Per LAMC, the proposed project is required a minimum of 8,950 square feet for open space, however, the project will be utilizing the open space incentive to reduce the minimum open space requirement to 7,160 square feet. The reduction in open space by 20 percent allows the inclusion of affordable housing while still providing usable open space as intended by the code. The requested incentive allows 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 is increased. These incentives support the applicant's decision to reserve eight (8) units as affordable housing units reserved for Extremely Low Income Households.

- 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 that the proposed 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. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The project does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. According to ZIMAS, the project is not located on a substandard street in a Hillside area or a Very High Fire Hazard Severity Zone. Finally, the project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project determined that due to minor changes, an addendum to the Mitigated Negative Declaration (ENV-2014-2868-MND) adopted on February 3, 2016 was necessary.

The Department of City Planning has determined that the TOC request does not require additional mitigation measures, nor does it create any new potentially significant impacts or constitute significant new information, would not substantially increase the severity of previously anticipated significant impacts, and would not otherwise require recirculation of the MND. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety.

SITE PLAN REVIEW FINDINGS

I have reviewed the subject development project and hereby find the following findings based on the information contained in the application, the report of the Site Plan Review staff, reports received from other departments, supplemental written documents submitted and review of environmental impacts associated with the project pursuant to Section 16.05-C of the Municipal Code:

- 1. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. There are twelve elements of the General Plan. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlement requested herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the West Los Angeles Community Plan, which designates the site Neighborhood Commercial and Low Medium I Residential land uses corresponding Zones of C1, C1.5, C2, C4, RAS3, RAS4, P and R2, RD3, RD4, RZ3, RZ4, RU, RW1, respectively. The site is zoned C2-1VL- and R2-1. The proposed project is consistent with the following goals, objectives and policies of the West Los Angeles Community Plan:

- | | |
|----------------------|--|
| <i>Goal 1</i> | <i>A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the community.</i> |
| <i>Objective 1-1</i> | <i>To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area.</i> |
| <i>Policy 1-1.3</i> | <i>Provide for adequate multi-family residential development.</i> |
| <i>Objective 1-3</i> | <i>To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.</i> |
| <i>Objective 1-4</i> | <i>To promote adequate and affordable housing and increase its accessibility to more segments of the population, especially students and senior citizens.</i> |

The implementation of the proposed housing development will contribute for the provision of the housing required to satisfy the varying needs and desires of all persons who choose to reside in the West Los Angeles community, maximizing the opportunity for individual choices.

Objectives of the Housing Plan as an Element of the General Plan.

The proposed housing development, as previously described, conforms with the stated objectives of the Housing Plan as an Element of the General Plan as (1) it encourages the provision of adequate housing in the City, with a particular emphasis on rental units, especially for those of low and moderate income and households having special needs, including the homeless, (2) encourages design in housing that will minimize adverse environmental effects, enhance public safety, encourage energy conservation, and the use of alternative energy sources, including solar power, and optimize accessibility for the handicapped and the elderly, (3) promotes equal opportunity for all persons regardless of race, ethnic background, religion, handicap, income, age, sex and family composition, to purchase, rent, rehabilitate, or build housing throughout the City, and (4) assures the development of new housing units to meet the City's housing needs, consistent with good planning practice.

The proposed project will result in a 88-unit residential building restricted to individuals who are at least 55 years of age, including eight (8) units set aside for Extremely Low Income Households, which will contribute to the development of new housing on a vacant lot under construction without displacing any existing housing. The project includes a variety of unit types, including 43 studio units, 39 one-bedroom units, and six (6) two-bedroom units. The project places housing along Sawtelle Boulevard which is designated as a Collector Street.

The subject property is located within 2,640 feet from the intersection of two (2) Rapid Bus Lines (704 and 6). The west bound and east bound Rapid Line 704 runs along Santa Monica Boulevard and intersects with Culver City Rapid Bus 6 running along Sepulveda Boulevard. Thereby, reducing vehicular trips to and from the project site and congestion around the site.

The proposed project design complies with all applicable zoning regulations and standards of the code including but not limited to height, setbacks, floor area ratio, open space, landscaping, etc. Except for any allowances that may be permitted under the granting of the requested entitlements, all aspects of the project comply with code requirements. The subject site is not located in a Specific Plan.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the West Los Angeles Community Plan and does not conflict with any applicable regulations or standards.

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

The subject property is comprised of two (2) rectangular-shaped level lots measuring approximately 28,047 square-feet (0.64 acres) with a 134-foot frontage along Sawtelle Boulevard and a 210-foot frontage along La Grange Avenue. The subject property is zoned C2-1VL and R2-1 within the West Los Angeles Community Plan Area with a Neighborhood Commercial and Low Medium I Residential land use designation and limited to Height Districts 1VL and 1. The subject property is under construction.

The project proposes the construction, use, and maintenance of a 64,566 square-foot mixed use building with 88 dwelling units over 7,700 square feet of commercial space. The building

will range in height from 33 feet to 56 feet. The building will be constructed with a maximum of two (2) levels of subterranean parking containing 120 automobile parking spaces and 92 long-term and 13 short-term bicycle parking spaces. The property is currently under construction. The subject property is zoned C2-1VL and R2-1 which allows for 55 units by-right.

The subject property is zoned C2-1VL and R2-1 which allows a residential density of one (1) dwelling unit per 400 square feet and 1,500 square feet of lot area, respectively. At 19,424 square feet in size for the C2 Zone and 8,731 square feet in size for the R2 Zone, the property is permitted an average of up to 55 units by-right.

Zone	Lot Size	Minimum Area per Dwelling Unit	Base Density Allowed (Lot Size/Minimum Area per Dwelling Unit)
C2-1VL	19,424 square feet	400 square feet	49 units
R2-1	8,731 square feet	1,500 square feet (pursuant to LAMC Section 12.09-C.4.)	6 units
Total Base Density:			55 units

Pursuant to the TOC Guidelines, projects which are eligible for the Base Incentives may round up the number of units permitted, therefore, as the project is eligible for a 60% density increase from the base density (55 units) the project is permitted a maximum of 88 total units.

In addition, as the project is located in Tier 2, the project is eligible for the Base Incentives to allow an increase in the FAR and reduction in parking.

The three (3) Additional Incentives requested are found on the Menu of Incentives and include: (1) the averaging of floor area, density, open space, and parking over the project site and permit vehicular access from a less restrictive zone to a more restrictive zone, (2) a maximum height of 56 feet in lieu of the maximum permitted height of 45 feet in the C2 Zone and 44 feet in lieu of the maximum permitted height of 33 feet in the R2 Zone, and (3) a 20 percent reduction to permit approximately 7,160 square feet of open space in lieu of the required 8,950 square-feet. These incentives result in building design and construction efficiencies that provide for affordable housing costs.

Height

The requested increase in height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines which permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs.

The height incentive allows an additional 11 feet in height and one additional story thereby creating a building envelope with the area necessary to accommodate the proposed density, including the low income units. The C2-1VL zone allows a building height of 45 feet and is limited to three stories. The R2-1 zone allows a building height of 33 feet. The requested incentives in combination with the requested floor area of 64,568 square feet results in a building envelope over the entire site with a building height of 44 feet in the R2 portion and 56 feet in the C2 portion with a total of 4 stories.

The requested height incentive will allow the developer to increase the amount of units in the building so eight (8) units reserved for Extremely Low Income Households can be constructed and the overall space dedicated to residential uses is increased. This incentive supports the applicant's decision to reserve eight (8) units as affordable housing units reserved for Extremely Low Income Households.

The height, bulk, and setbacks of subject project are consistent with existing development in the immediate surrounding area and with the underlying CM zone. Therefore, the project will be compatible with the existing and future developments in the neighborhood.

Parking

The project will provide 81 residential automobile parking spaces and 39 commercial parking spaces within two levels of subterranean parking. A total of 105 bicycle parking spaces will be provided on the ground floor level.

Due to the building and subterranean design of the parking facilities, such parking facilities will not be visible from the public right-of-way. Additionally, all ingress for the parking will be located on West La Grange Avenue, a designated Collector. Pedestrian access to the commercial area will be accessible via the street frontage along Sawtelle Boulevard. Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhood.

Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate the building, entrances, walkways and parking areas. The project is required to provide outdoor lighting with shielding, so that the light source cannot be seen from adjacent residential properties. This condition has also been included in the subject approval. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide a minimum of 7,160 square feet of open space including 1,050 square feet of private open space, and 6,744 square feet of common open space.

The project has been conditioned so that all open areas not used for buildings, driveways, parking areas, recreational facilities or walks will be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect. The planting of street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Division's requirements. Therefore, the on-site landscaping will be compatible with the existing the future developments in the neighborhood.

Trash Area

The project site proposes waiting areas and drop off areas on La Grange Avenue. The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the L.A.M.C. Compliance with these regulations will allow the project to be compatible with existing and future development. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring

properties.

- 3. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

The project proposes various unit types, including 43 studio units, 39 one-bedroom units, and six (6) two-bedroom units located on floors one through four.

The project will provide a minimum of 7,160 square feet of open space including 1,050 square feet of private open space, and 6,744 square feet of common open space. The project includes, but is not limited to, a residential lobby on the ground floor and outdoor common areas such as a podium level courtyard with seating and landscaping and a rooftop deck with BBQ area, seating, pool and landscaping, all of which will enhance habitability for the residents.

The project will provide 105 vehicle parking spaces, of which 81 spaces are reserved for residents, and a minimum of 92 long-term bicycle parking spaces and 13 short-term bicycle parking spaces. The commercial spaces will be located along Sawtelle Boulevard and will provide neighborhood-serving uses for the neighborhood at large but also which will serve the residential tenants of the proposed project as well as.

Therefore, as proposed, the project is compatible with existing and future development on neighboring properties. Moreover, the project provides recreational and service amenities that will improve habitability for the residents and minimize any impact on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

- 4.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, which is categorized as an area outside of a flood zone.

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.

TIME LIMIT – OBSERVANCE OF CONDITIONS

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

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

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

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction. Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

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

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective after March 19, 2018 unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

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

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

West Los Angeles Development
Services Center
1828 Sawtelle Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2901

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

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

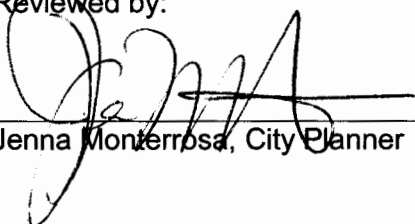
Vincent P. Bertoni, AICP
Director of Planning

Approved by:



Nicholas Hendricks, Senior City Planner

Reviewed by:



Jenna Monterrosa, City Planner

Prepared by:



Lilian Rubio, City Planning Associate

Attachments:
Exhibit A: Architectural Plans