DEPARTMENT OF CITY PLANNING

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## CITY OF LOS ANGELES

CALIFORNIA



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#### **DIRECTOR'S DETERMINATION** TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM

August 26, 2021

Applicant/Owner

Aym Investment, LLC

6404 Wilshire Boulevard, Unit 999

Los Angeles, CA 90048

Representative

Andy Simhaee

Simha Engineering, Inc.

1332 South St. Joseph Place

Los Angeles, CA 90025

Case No. DIR-2018-6634-TOC

CEQA: ENV-2018-6635-CE

Location: 1251-1259 West Sunset

Boulevard

Council District: 1 - Cedillo

Neighborhood Council: Echo Park

Community Plan Area: Silver Lake - Echo Park -

Elysian Valley

Land Use Designation: General Commercial

Zone: C2-1VL

Legal Description: Lots 25-26, Block 31,

Angeleno Heights Tract

Last Day to File an Appeal: September 10, 2021

#### DETERMINATION - Transit Oriented Communities Affordable Housing Incentive Program

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 City Planning, I hereby:

- 1. Determine based on the whole of the administrative record, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Article 19 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
- 2. Approve with Conditions a 50% increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program along with the following three (3) incentives for a Tier 1 project totaling 70 dwelling units, reserving six (6) units for Extremely Low Income (ELI) Household occupancy for a period of 55 years:
  - Side Yards. A 25% reduction in the required side yards;

- b. Rear Yard. A 25% reduction in the required rear yard;
- Height. A height increase of one (1) additional story up to 11 additional feet; and
- 3. Adopt the attached Findings and Conditions of Approval.

#### CONDITIONS OF APPROVAL

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

1. Site Development. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning, Expedited Processing Section, and written approval by the Director of City Planning. Each change shall be identified and justified in writing.

#### 2. Base Incentives.

- Residential Density. The project shall be limited to a maximum density of 70 residential dwelling units, including On-site Restricted Affordable Units.
- b. Floor Area Ratio (FAR). The project is permitted to have a maximum FAR of 2.75 to 1 in the C2-1VL Zone.
- c. Parking.
  - Automotive Parking. Automobile parking shall be provided consistent with the LAMC Section 12.22-A,31, which permits 0.5 parking space per bedroom for a Tier 1 Project.
  - Bicycle Parking. Bicycle parking shall be provided consistent with LAMC 12.21-A.16.
  - iii. Adjustment of Parking. In the event that the number of Restricted Affordable Units should increase or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
  - iv. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.

#### 3. Additional Incentives.

- a. Rear Yard. The project shall be permitted a 25% reduction in the required side yards.
- b. Side Yards. The project shall be permitted a 25% reduction in the required rear yard.
- c. Height. The project shall be permitted a height increase of one (1) additional story up to 11 additional feet.
- 4. On-site Restricted Affordable Units. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of HCIDLA to designate eight (8) percent of the total number of dwelling units 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) for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22-A,31, to the satisfaction of HCIDLA, and in consideration of the project's AB2556 Determination. 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.

Housing replacement units required pursuant to AB2556 may be used to satisfy the On-site Restricted Affordable Units provided such units meet the income levels, to the satisfaction of HCIDLA.

- On-site Restricted Affordable Units. Eight (8) percent of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
- Changes in On-site Restricted Units. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with the Transit Oriented Communities Guidelines.
- 7. 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 eight (8) percent of the total number of dwelling units available to Extremely Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with the Transit Oriented Communities Guidelines, to the satisfaction of HCIDLA, and in consideration of the project's AB 2556 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.
- Housing Replacement. Prior to issuance of a building permit, the owner shall execute a
  covenant to the satisfaction of HCIDLA to replace a total of seven (7) dwelling units including:
  four (4) units restricted to Extremely Low Income Households; two (2) units restricted for Very

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Income Households, and one (1) unit restricted to Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with 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.

On-site Restricted Affordable Units may be used to satisfy the housing replacement units required pursuant to AB 2556 provided such units meet the income levels, to the satisfaction of HCIDLA.

#### 9. Design Conformance.

- Entrance. Submit enlarged Site and Landscape Plans showing an enhanced building entrance including, but not limited to, a canopy, paving and/or landscape features.
- b. Parking Garage. Exterior screening shall be installed to minimize the spill light from lights within the parking garage. The screening shall also be installed so as to minimize the views and potential glare of headlights of motor vehicles within the garage from the public right-of-way. Screening measures may include, but are not limited to, shielding attached to the luminaire, building, or site structures.

#### c. Landscaping.

- i. Submit a Landscape Plan showing landscaping, such as climbing vines, which will cover the entire First and Second Floor Plans parking garage walls.
- Submit Landscape Plans showing all fevels where landscaping is proposed and required.
- iii. 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.
- All planters containing trees shall have a minimum depth of 48 inches (48"), including those located on the rooftop.
- d. 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.
- Lighting. Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above skies.
- f. Maintenance. The subject property (including all trash storage areas, associated parking facilities, walkways, common open space, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

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#### **Administrative Conditions**

- 10. 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.
- 11. 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.
- 12. 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.
- 13. **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.
- 14. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 15. Department of Building & Safety. The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the LAMC, Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
- 16. 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.
- Enforcement. Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

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- 18. 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.
- Expedited Processing Section Fee. <u>Prior to the clearance of any conditions</u>, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
- 20. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including <u>but not limited to</u>, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. 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.
- c. 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).
- d. 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).
- e. 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.

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

For purposes of this condition, the following definitions apply:

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

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

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 a sloping, rectangular, 20,000 square-foot (0.46 acre) lot comprised of two (2) lots with a 100 frontage along the eastern side of Sunset Boulevard and a depth of 200 feet. The subject property is zoned C2-1VL within the Silver Lake – Echo Park – Elysian Valley Community Plan Area with a General Commercial land use designation. The project site is located within a Hillside Area, a Transit Priority Area, and a State Enterprise Zone. The project site is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The property is currently improved with 10 residential units totaling 5,280 square feet. The proposed project includes the demolition of the existing 10 residential structures and the construction, use, and maintenance of a new, seven-story, 70-unit residential development with six (6) units (8% of the total number of dwelling units) set aside for Extremely Low Income Households. The proposed development consists of two (2) buildings (Building A and Building B). In total, the proposed development will encompass a total of 55,000 square feet of floor area resulting in a Floor Area Ratio (FAR) of 2.75 to 1. The project proposes a total of 38 parking spaces, 70 long-term bicycle spaces and seven (7) short-term bicycle spaces. The unit mix will be comprised of 27 studios and 43 one-bedroom units. A total of 7,025 square feet of open space will be provided throughout the proposed project. The project will maintain a 0-foot front yard, a 10-foot northern side yard, a 7-foot 6-inch southern side yard, and a 15-foot rear yard.

Building A is located on the eastern portion of the lot with a frontage along Sunset Boulevard. and consists of five (5) residential levels over two (2) levels of at grade parking with a maximum height of 68 feet. Building B will be constructed with six (6) residential levels over one (1) level of at-grade parking with a maximum height of 68. The project also includes the export of approximately 18,200 cubic yards of earth.

#### SURROUNDING PROPERTIES

Surrounding properties are generally developed with single-family and multi-family residential developments and commercial uses. Properties to the north abutting the subject property are zoned C2-1VL and are improved with a single-story restaurant and associate parking. Properties to the east abutting the subject property are zoned [Q]R3-1VL and are improved with a single-family home and an apartment building. Properties to the south abutting the subject property are zoned C2-1VL and are improved with a boarding house and vacant one-story commercial buildings. Properties to the west, across Sunset Boulevard, are zoned C2-1VL and are improved with a one-story commercial building and a Taoist temple.

#### STREETS

<u>Sunset Boulevard</u>, adjoining the subject property to the west, is an Avenue II dedicated to a width of 100 feet and improved with concrete curb, gutter, and sidewalk.

#### TRANSIT ORIENTED COMMUNITIES

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 requires 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 (or 2,640-foot) radius of a Major Transit Stop. These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22-A,31.

A qualifying TOC Project shall be granted Base Incentives with regard to increased residential density, increased floor area ratio, and reduced automobile parking requirements. In addition to these Base Incentives, an eligible project may be granted Additional Incentives with regard to yards and setbacks, open space, lot coverage, lot width, averaging, density calculation, height, and developments in public facilities zones. Up to three (3) Additional Incentives may be granted in exchange for providing the requisite set aside of affordable housing as enumerated in the TOC Guidelines.

The proposed project, which sets aside 8% of the total number of units for Extremely Low Income Households, meets all eligibility requirements for the TOC Affordable Housing Incentive Program and is entitled to the Base Incentives. In addition, the subject property is located within a Tier 1 TOC Affordable Housing Incentive Area as the property is located within 2,640 feet from an intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods (intersection of Temple Street and Edgeware Road where the DASH – Pico Union & Echo Park and Local Bus 10 intersect).

Given the above, the proposed project includes the following Base and Additional Incentives for a qualifying Tier 1 Project:

#### Tier 1 Base Incentives:

a. Density: The subject property is zoned C2-1VL and limited to a maximum density of one (1) dwelling unit per 400 square feet of lot area. With a lot area totaling 20,000 square feet, the project is permitted to construct up to 50 dwelling units by-right. As an eligible Housing Development, the project is entitled for a 50 percent density increase for a maximum of 75 total units. In this case, the project seeks a 40 percent density increase to permit a total of 70 units.

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- b. Floor Area Ratio (FAR): The subject property is zoned C2-1VL and limited to an FAR of 1.5 to 1. With a lot area of 20,000 square feet and a FAR limitation of 1.5 to 1, the property has a maximum permitted floor area 30,000 square feet by-right. As an eligible Housing Development, the project is permitted a FAR of 2.75 to 1 in a commercial zone. The property is eligible for a FAR of 2.75 to 1 allowing up to 55,000 square feet of floor area for the property zoned C2-1VL. With the FAR Base Incentive, the project will construct a 53,049 square-foot building at a FAR of 2.54 to 1 (C2-1VL).
- c. Parking: Pursuant to LAMC Section 12.21-A,4, the proposed 70-unit residential building would be required to provide a total of 90 residential parking spaces. However an Eligible Housing Development pursuant to the TOC Guidelines requires residential parking at a ratio of 0.5 spaces per bedroom. With the utilization of the parking reduction, the project will provide a total of 38 residential parking spaces.

#### Tier 1 Additional Incentives:

Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the Tier 1 Project is eligible for and has been granted three (3) Additional Incentives in order to construct the proposed project:

- a. Rear Yard. A 25% reduction in the required rear yard to allow 15 feet in lieu of the minimum 19 feet required for a seven-story housing development in the C2-1VL Zone.
- b. Side Yard. A 25% reduction in the required southern side yard to allow seven (7) feet and six (6) inches in lieu of the minimum 10 feet required for a seven-story housing development in the C2-1VL Zone.
- c. Height. The TOC height incentive allows for an additional 11 feet in height thereby creating a building envelope with the area necessary to accommodate the affordable housing units. The project is 68 feet in height, 11 feet above the allowable 57 feet maximum height.

#### HOUSING REPLACEMENT

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

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

On September 28, 2016, Governor Brown signed Assembly Bill 2556 (AB 2556) which further amended the State Density Bonus Law. The amendments took effect on January 1, 2017. AB 2556 clarifies the implementation of the required replacement of affordable units in Density Bonus projects, first introduced by AB 2222. AB 2556 further defines "equivalent size" to mean that as a

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whole, the new units must contain at least the same total number of bedrooms as the units being replaced.

Pursuant to the Determination made by HCIDLA dated October 25, 2018 and attached to the subject case file, HCIDLA has determined that there existed 10 Rent Stabilization Ordinance (RSO) units within the past five (5) years with no income documents provided. HCIDLA has determined that seven (7) units need to be replaced with equivalent type, with four (4) units restricted to Extremely Low Income Households, two (2) units restricted to Very Low Income Households, and one (1) unit restricted to Low Income Households. Refer to the Transit Oriented Communities Affordable Housing Incentive Program Background section of this determination for additional information.

# 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:

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

The project site is located within a Tier 1 TOC Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve eight (8) percent of the total number of on-site dwelling units for Extremely Low Income Households. The project will reserve a total of six (6) on-site dwelling units for Extremely Low Income Households, which equates to approximately 8.5 percent of the 70 total dwelling units proposed as part of the Housing Development, and thus meets the eligibility requirement for On-Site Restricted Affordable Units.

 Major Transit Stop. A Housing Development shall be located on a lot, any portion of which must be located within 1,500 feet of a Major Transit Stop consisting of two (2) rapid bus routes, as defined in Section II and according to the procedures in Section III.2 of the TOC Guidelines.

As defined in the TOC Guidelines, a Major Transit Stop means a site with an existing rail transit station or the intersection of two or more major bus routes with a frequency of

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service interval of 15 minutes or less during the morning and afternoon peak commute periods. The subject property is located within a Tier 1 TOC Affordable Housing Incentive Area, qualified by its proximity to the intersection of a Major Transit Stop. The subject property is located within a Tier 1 TOC Affordable Housing Incentive Area as the property is located within 2,640 feet from a Major Transit Stop (intersection of Temple Street and Edgeware Road where Local Bus 10 and DASH – Pico Union & Echo Park intersect).

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 HCIDLA dated October 25, 2018 and attached to the subject case file, HCIDLA has determined that there existed 10 Rent Stabilization Ordinance (RSO) units within the past five (5) years with no income documents provided. HCIDLA has determined that seven (7) units need to be replaced with equivalent type, with four (4) units restricted to Extremely Low Income Households, two (2) units restricted to Very Low Income Households, and one (1) unit restricted to Low Income Households. As such, the project meets the eligibility requirement for providing replacement housing consistent with California Government Code Section 65915(c)(3).

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

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

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

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- Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.
- b. Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.
- c. Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.

As an eligible housing development, the project is eligible to receive the Base Incentives listed in the TOC Guidelines. The project is also seeking three (3) Additional Incentives for increased height and reduced setbacks. The project may be granted three (3) Additional Incentives for reserving at least 12 percent of the base units for Extremely Low Income Households. The project is setting aside six (6) units for Extremely Low Income Households, which equates to approximately 12 percent of the 50 base units permitted through the underlying zoning of the site. As such, the project meets the eligibility requirements for both on-site restricted affordable units and Base and Additional Incentives.

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

The project is not seeking any Additional Incentives beyond the three (3) permitted in exchange for reserving at least 11% percent of the base units for Extremely Low Income Households. The project is setting aside six (6) units for Extremely Low Income Households, which equates to approximately 12 percent of the 50 base units permitted through the underlying zoning of the site. As such, the project need not adhere to the labor standards required in LAMC Section 11.5.11, and this eligibility requirement does not apply.

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

The proposed building crosses two (2) lots; however, both lots are located within a Tier 1 TOC Affordable Housing Incentive Area. As such, this eligibility requirement does not apply.

 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.

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

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

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

The project seeks three (3) Additional Incentives and therefore has been conditioned to conform to the Silver Lake – Echo Park - Elysian Community Plan Urban Design Chapter and Citywide Design Guidelines, including, but not limited to creating a prominent ground residential entry with a highly visible lobby, screening the parking garage from view from the public right-of-way to provide visual interest.

## 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).

- 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 do not require in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 5005.2 or Section 50053 for rents for the affordable units.

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 percent gross income based on area median income thresholds dependent on affordability levels. There were no 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 list of base incentives in the Transit Oriented Communities Guidelines were preevaluated at the time the Transit Oriented Communities Affordable Housing Incentive
Program Ordinance was adopted to include various types of relief that minimize
restrictions on the size of the project. The base 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 to utilize up to a 25 percent
reduction in the side and rear yard requirements and increase in height 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.

Rear Yard. Eligible Housing Developments in Tier 1 may reduce the required width or depth of the rear yard or setback by up to 25%. In this case, the project would be required a 19 rear yard. The project seeks to utilize the permitted reduction thereby establishing a minimum 15-foot rear yard requirement. This requested incentive will allow the developer to reduce setback requirements so the units reserved for affordable housing 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 for affordable housing.

**Side Yards.** Eligible Housing Developments in Tier 1 in residential zones may reduce the required width or depth of two (2) individual yards or setbacks by up to 25%. In this case, the project would be required nine-foot side yards. The project seeks to utilize the permitted reduction thereby establishing a minimum seven-foot, six-inch (7'-6") side yard requirement for both side yards. This requested incentive will result in a building design that facilitates affordable housing costs and supports the applicant's decision to reserve six (6) units for Extremely Low Income Households.

Height. Eligible Housing Developments in Tier 1 may increase the maximum permitted building height by one (1) additional story up to 11 additional feet. The C2-1VL allows for a maximum height of 45 feet. Pursuant to LAMC Section 12.21.1-B,2, whenever the highest point of elevation of the adjoining sidewalk or ground surface within a five-foot horizontal distance measured from the exterior wall of a building exceeds grade level by more than 20 feet, a building or structure may exceed the height by not more than 12 feet. Therefore, the maximum height allowed on the site is 57 feet. With the utilization of the incentive, the project would be allowed a maximum height of 68 feet above the otherwise permitted 57 feet. This requested incentive will result in a building design that facilitates affordable housing costs and supports the applicant's decision to reserve six (6) units 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 methods 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 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. Additionally, on March 2, 2021 the City Council disapproved the Cultural Heritage Commission's recommendation to include the

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Stires Staircase Bungalow Court located at the project site as a Historic Cultural Monument, therefore, there is no substantial evidence that the proposed project, and thus the requested incentive, will have a specific adverse impact on the physical environment, on public health and safety or the physical environment, or on any Historical Resource.

#### ADDITIONAL MANDATORY FINDINGS

2. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C2-1VL, which is categorized as areas of 0.2% annual chance flood.

## TRANSIT ORIENTED COMMUNITIES AFFORDABLE HOUSING INCENTIVE PROGRAM BACKGROUND

Measure JJJ was adopted by the Los Angeles City Council on December 13, 2016. Section 6 of the Measure instructed the Department of City Planning to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program, a transit-based affordable housing incentive program. The measure required that the Department adopt a set of TOC Guidelines, which establish incentives for residential or mixed-use projects located within ½ mile of a major transit stop. Major transit stops are defined under existing State law.

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

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or through the Department of City Planning website at <a href="http://cityplanning.lacity.org">http://cityplanning.lacity.org</a>. 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 September 10, 2021 unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <a href="https://www.cityplanning.lacity.org">www.cityplanning.lacity.org</a>.

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, 2<sup>nd</sup> 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.

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

Vincent P. Bertoni, AICP Director of Planning

Reviewed and Approved by:

Heather Bleemers, Senior City Planner

Prepared by:

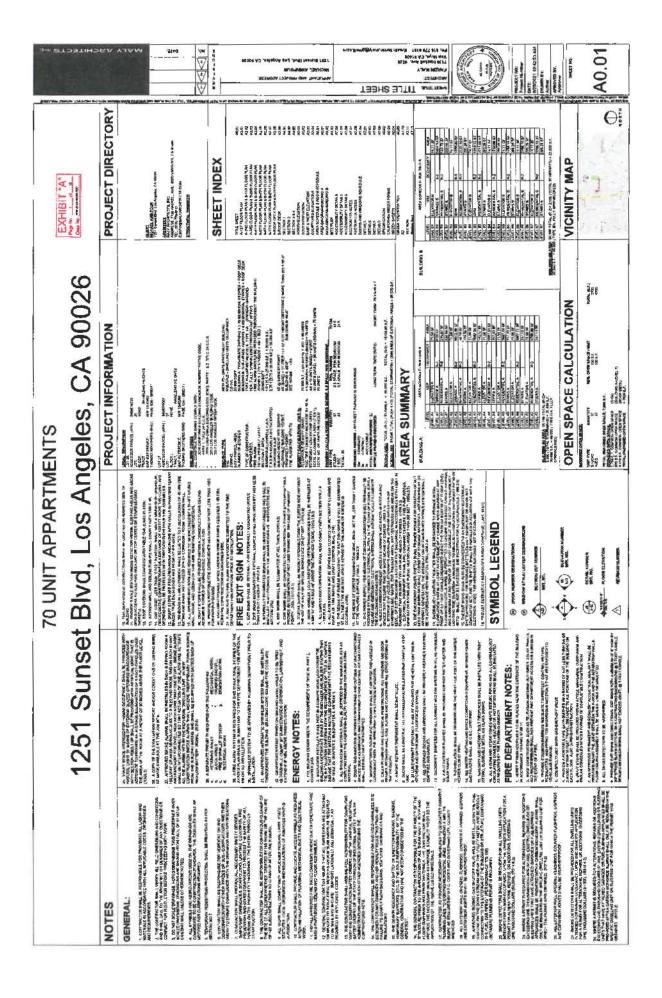
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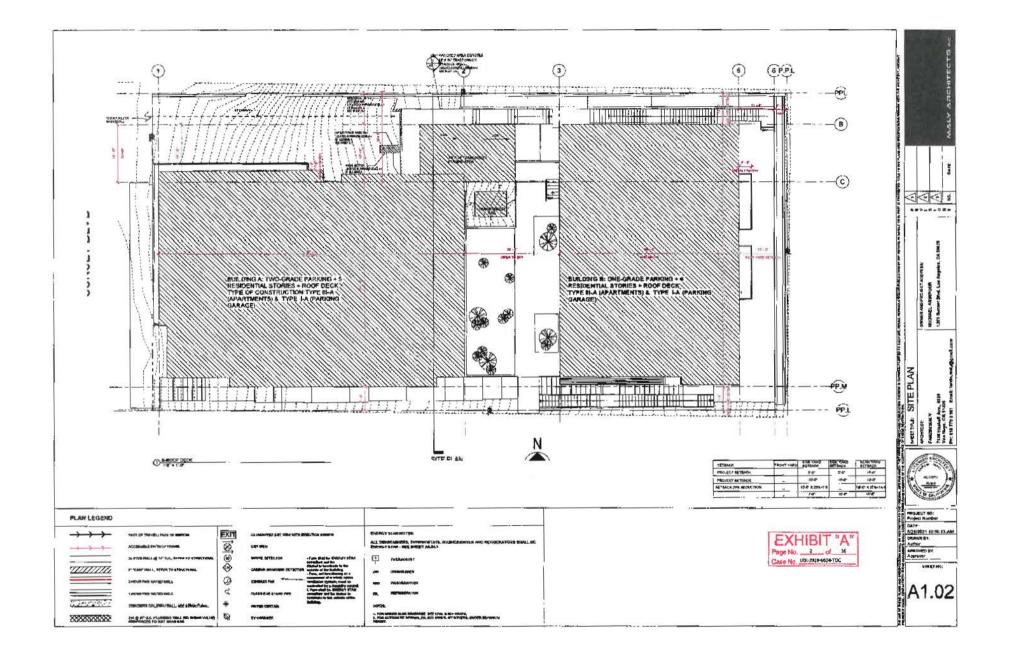
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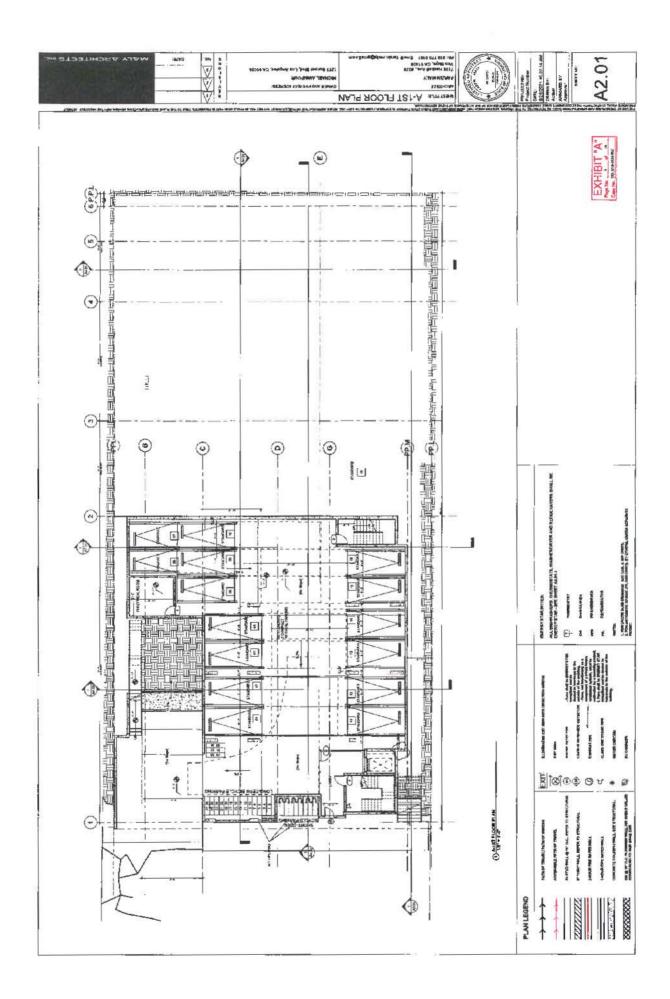
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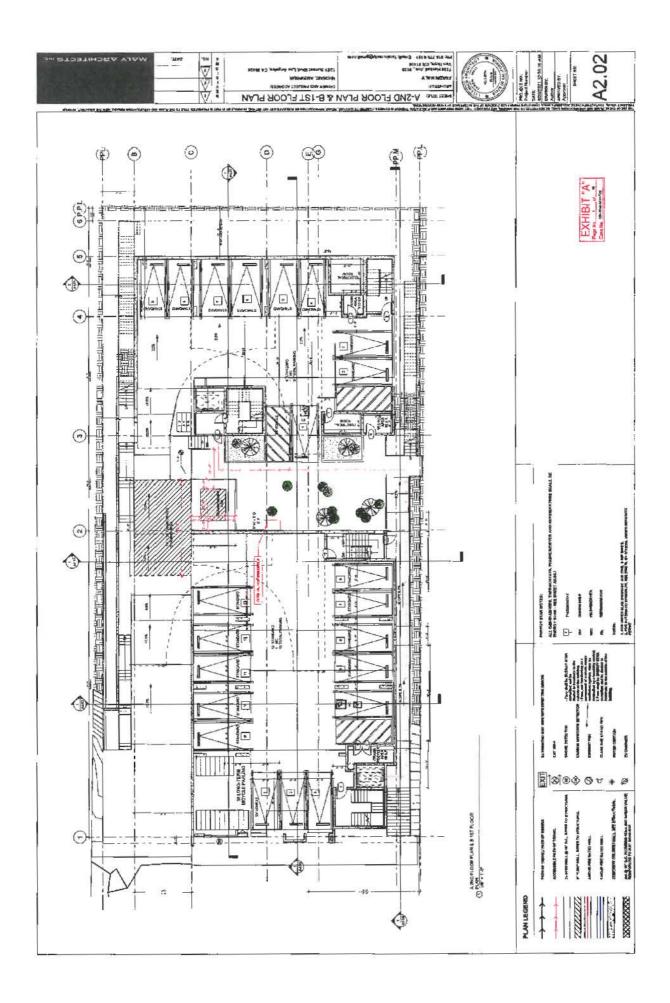
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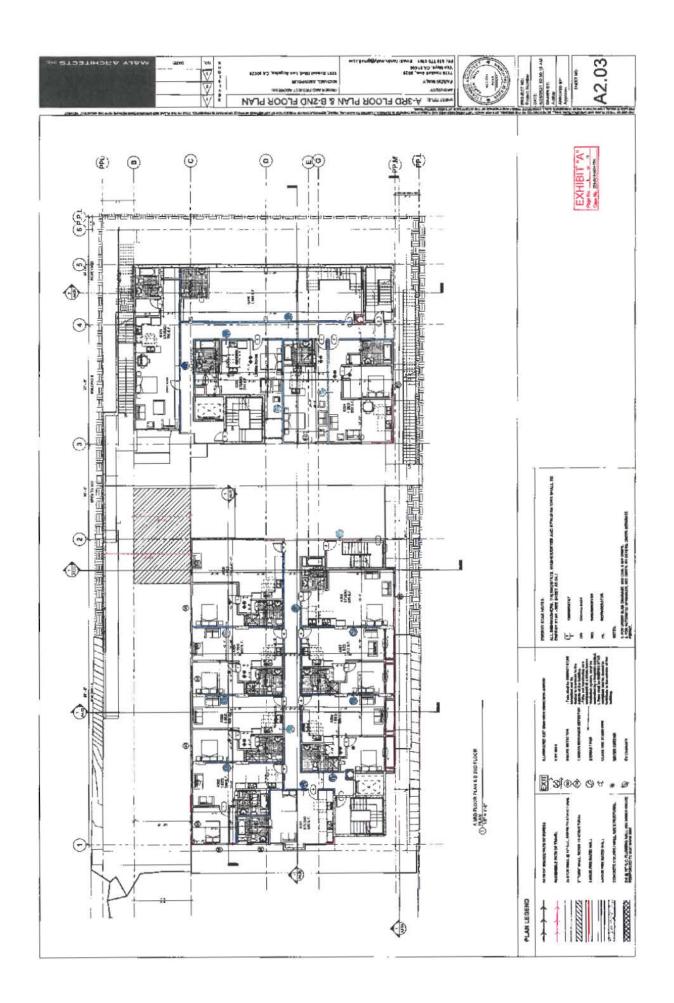
Exhibit A: Architectural Plans

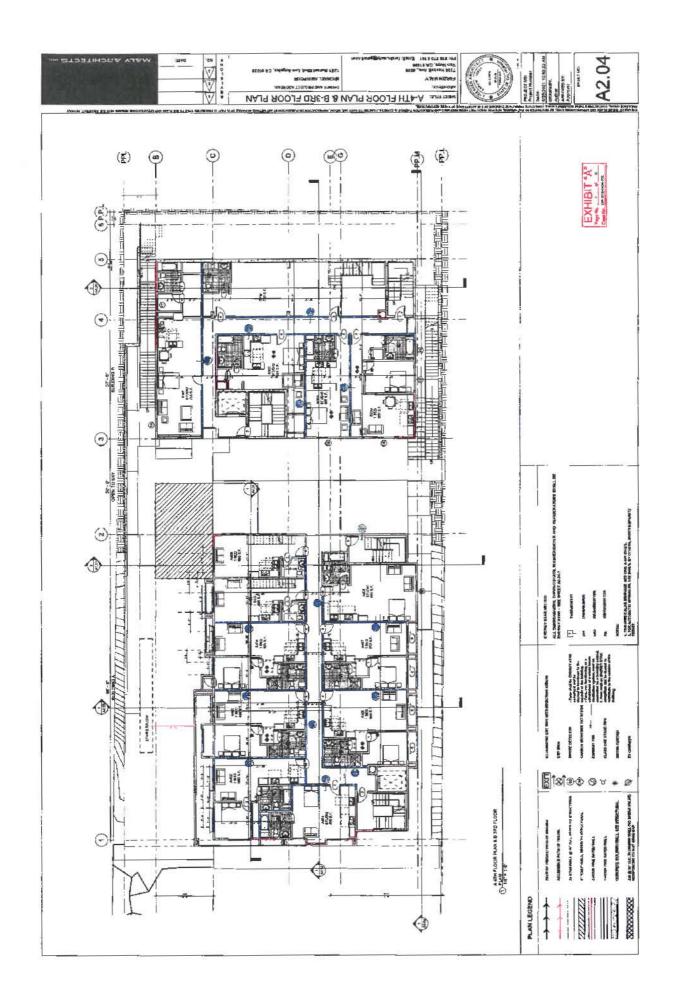


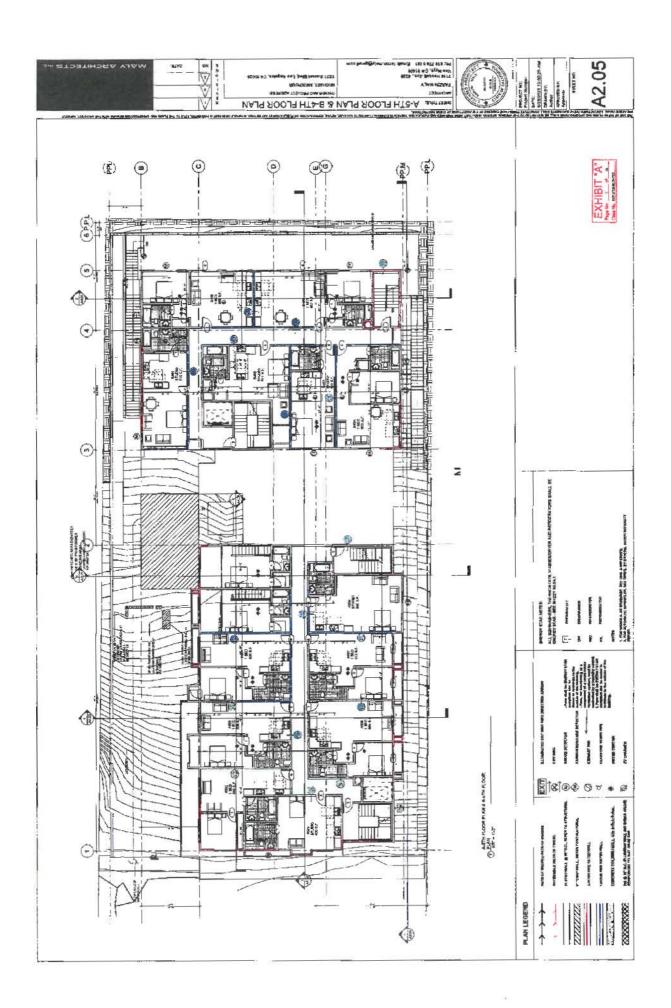


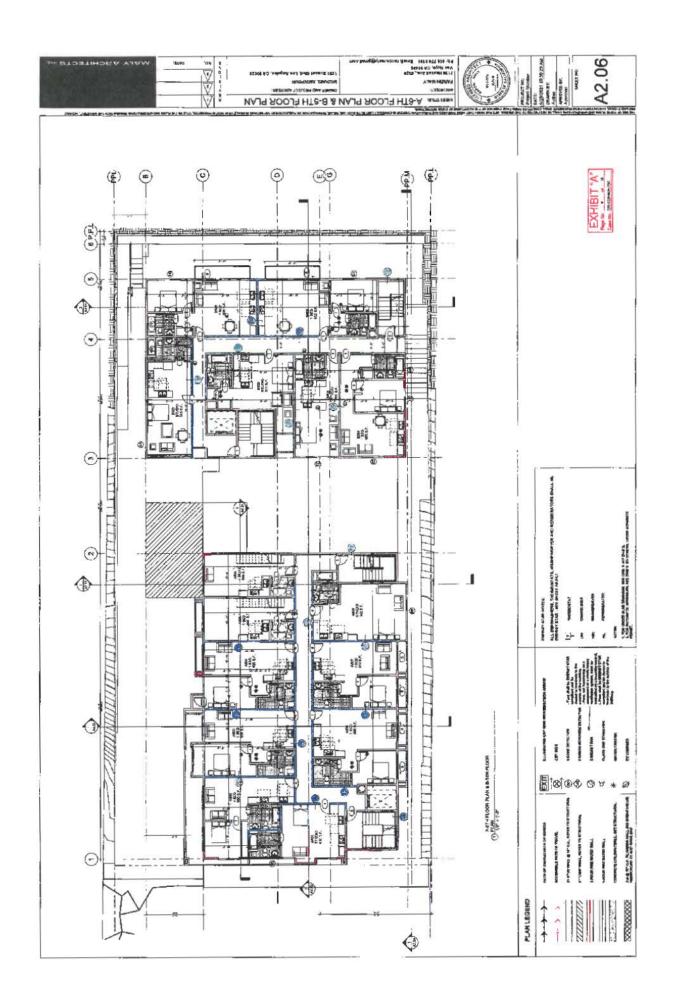


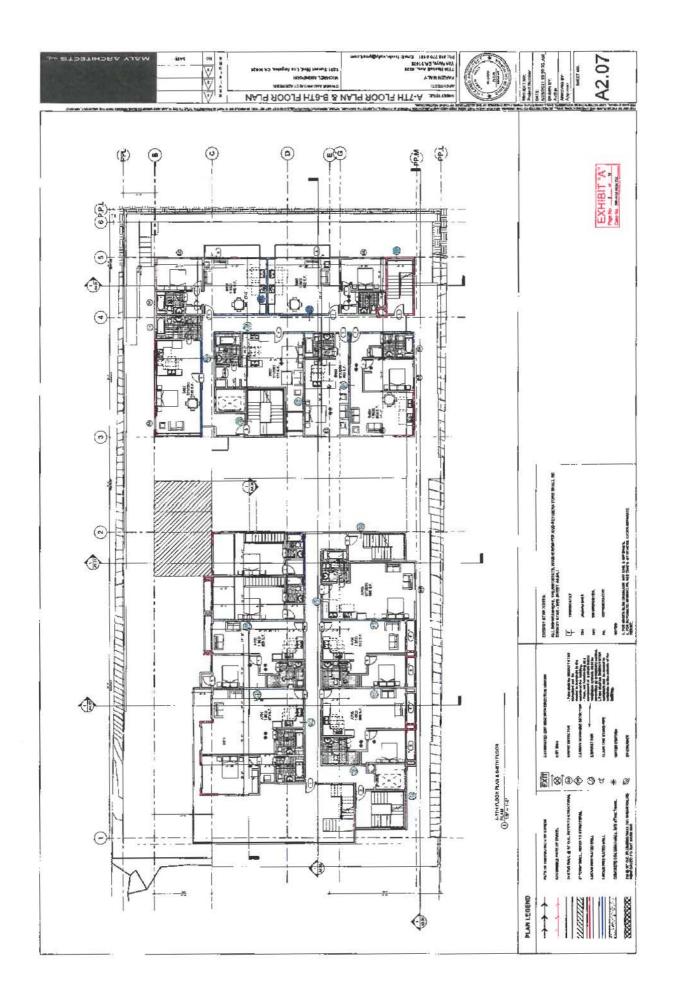


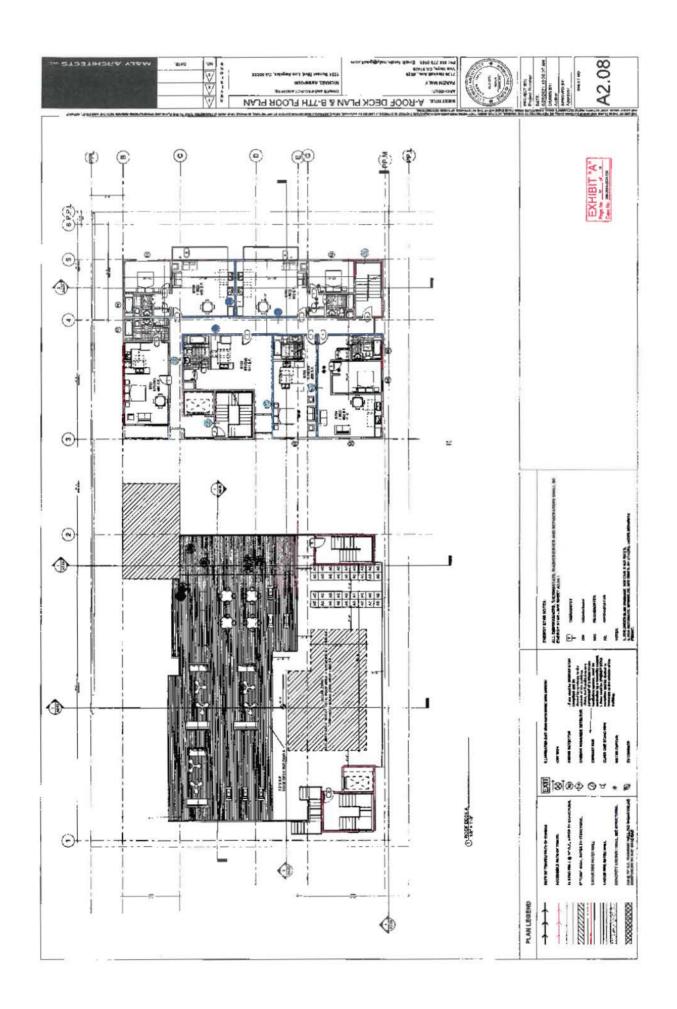


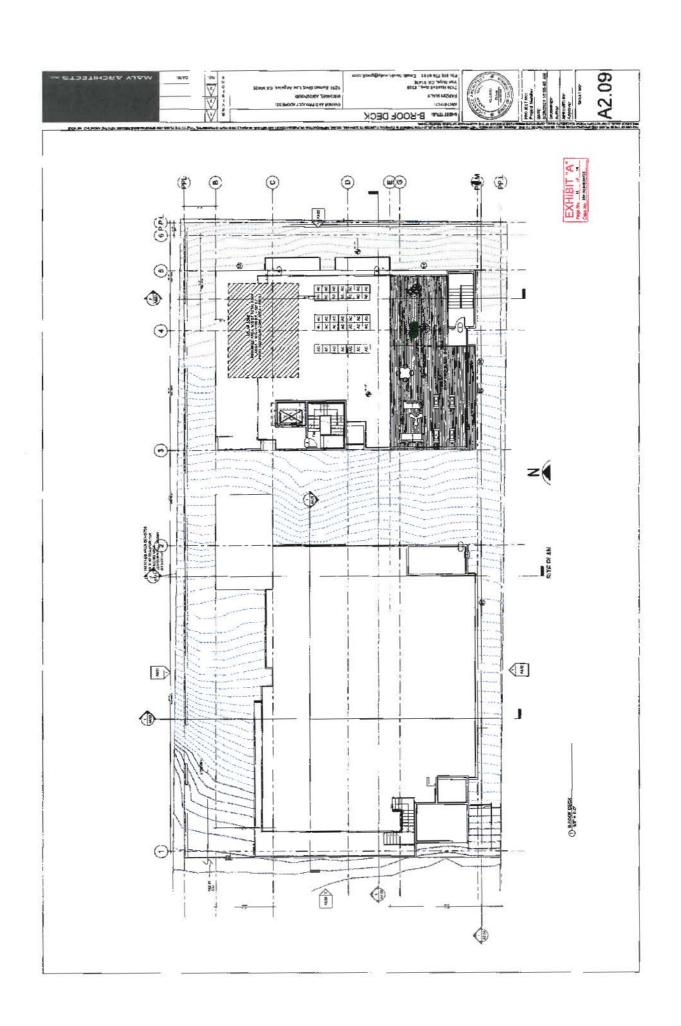


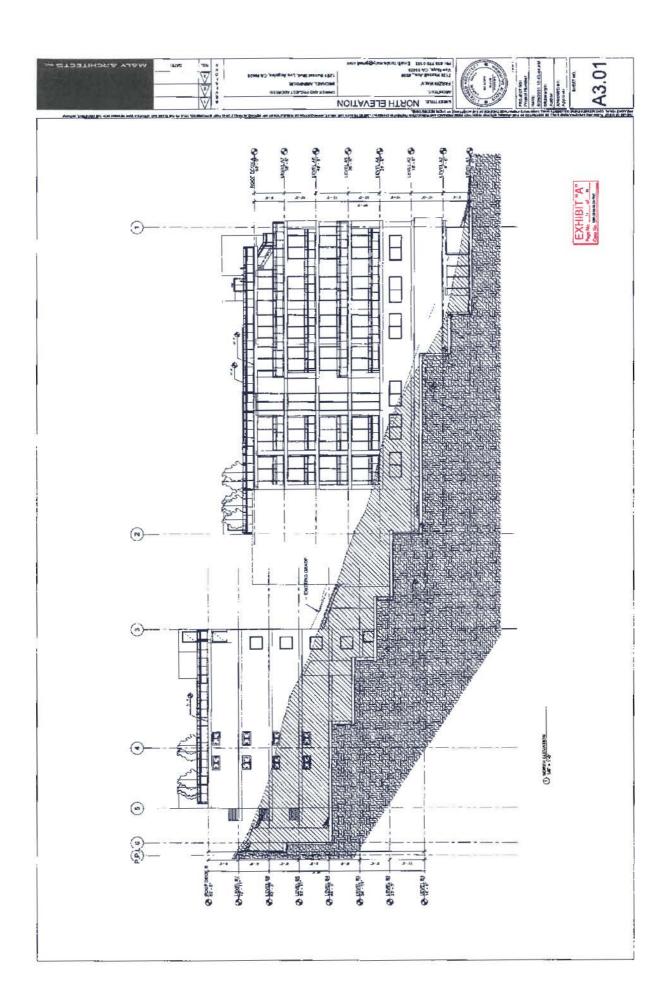


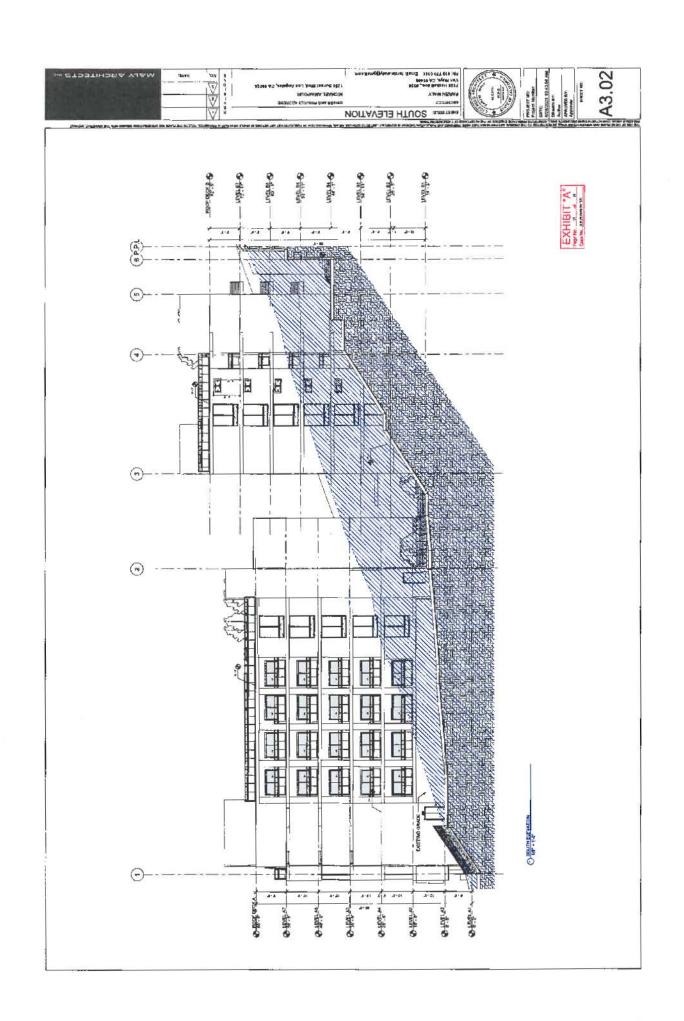


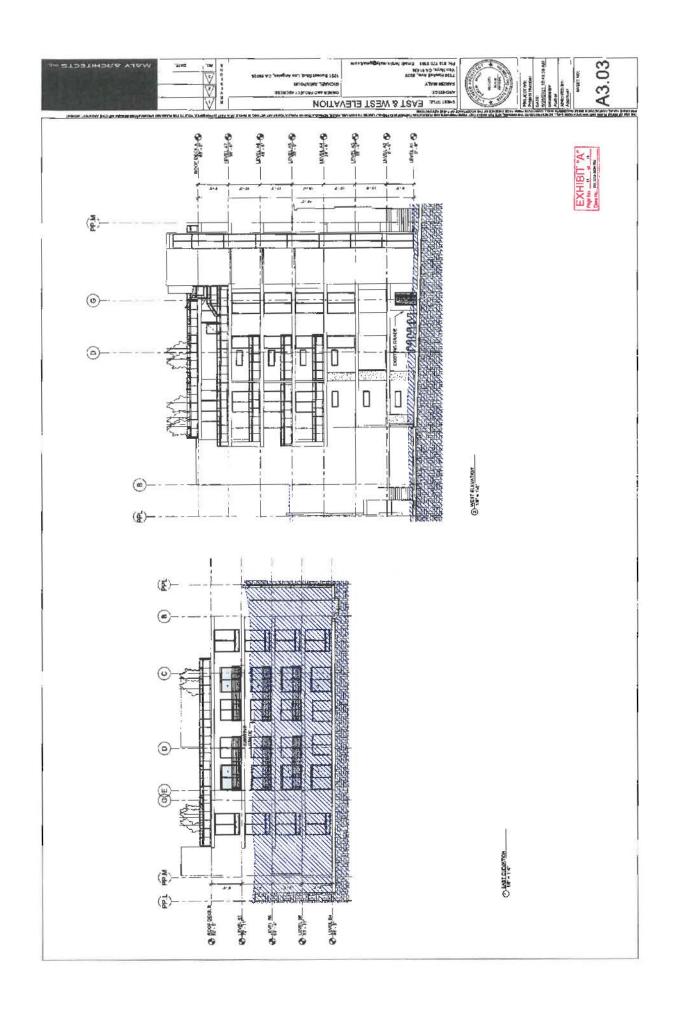


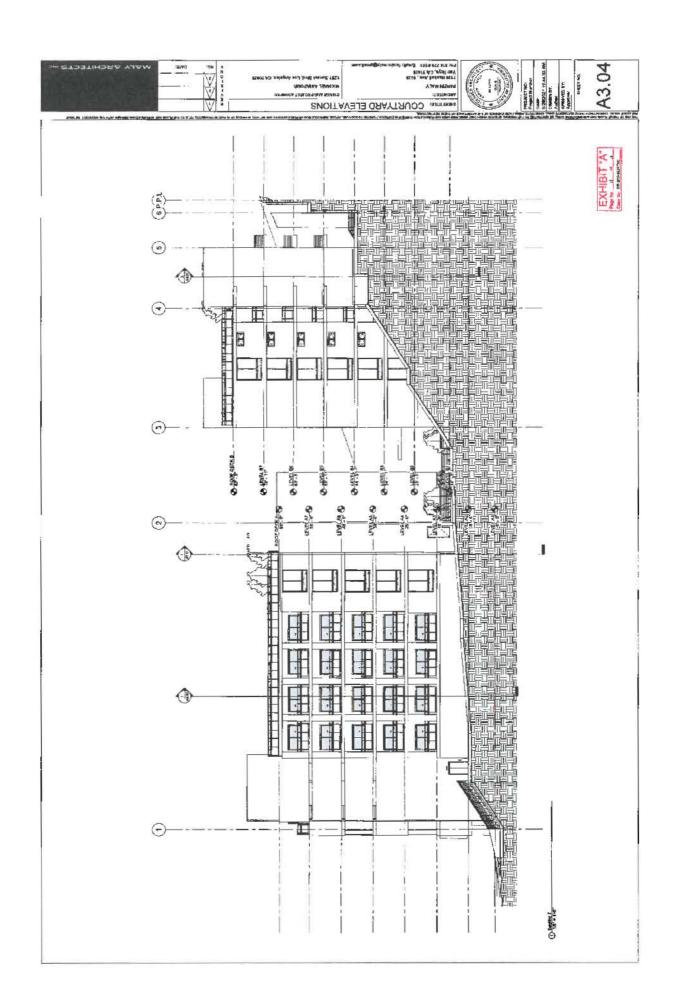












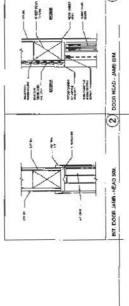
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# COVID-19 UPDATE Interim Appeal Filing Procedures



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

### **OPTION 1: Online Appeal Portal**

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

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

### OPTION 2: Drop off at DSC

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

Metro DSC

(213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 Van Nuys DSC

(818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 West Los Angeles DSC

(310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025

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

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