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

September 15, 2022

**Applicant**

Michael Naim  
347 South Robertson Boulevard  
Beverly Hills, CA 90211

**Owner**

FDZ Partners, LLC  
5553-B Bandini Boulevard; Unit B  
Bell, CA 90201

**Representative**

Harvey Goodman C.E.  
834 17<sup>th</sup> Street #5  
Santa Monica, CA 90403

**Case No.** DIR-2018-4190-TOC-SPR

**Related Case:** VTT-74933-CN

**CEQA:** ENV-2018-4189-CE

**Location:** 3800-3830 North Pasadena  
Avenue, 3832-3836 North  
Figueroa Street, and 110 East  
Avenue 39

**Council District:** 1 - Gilbert Cedillo

**Neighborhood Council:** Arroyo Seco

**Community Plan Area:** Northeast Los Angeles

**Land Use Designation:** Community Commercial

**Zone:** [T][Q]RAS3-1VL

**Legal Description:** Lots 1 -4 & Lots 10 -12; Block 12;  
G.W. Morgans Sycamore Grove  
Tract

**Last Day to File an Appeal: September 30, 2022**

**DETERMINATION – Transit Oriented Communities Affordable Housing Incentive Program and  
Site Plan Review**

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** that based on the whole of the administrative record that the project is exempt from California Environmental Quality Act (CEQA) pursuant to Article 19, Class 32 of the CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approve** a 70% increase in density consistent with the provisions of the Transit Oriented Communities Affordable Housing Incentive Program along with the following one (1) Additional Incentive for a Tier 3 project with a total 100 dwelling units and 13 commercial condominium units, including 10 units reserved for Extremely Low Income (ELI) Household occupancy for a period of 55 years;

- a. **Height.** To permit a maximum of two (2) additional stories up to an additional 22 feet,
- 3. **Conditionally Approve** a Site Plan Review for the construction, use and maintenance of a new, seven-story, 150,501 square foot mixed-use building with 100 dwelling units, and 14,734 square feet of commercial space within 13 commercial condominium units in the [T][Q]RAS3-1VL Zone; and
- 4. **Adopt** the attached Findings.

## CONDITIONS OF APPROVAL

Pursuant to LAMC Sections 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. No change to the plans will 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. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Base Incentives.**
  - a. **Residential Density.** The project shall be limited to a maximum density of 100 residential units, including On-site Restricted Affordable Units.
  - b. **Floor Area Ratio (FAR).** The project is permitted a maximum FAR of 4 to 1.
  - c. **Parking.**
    - i. **Automobile Parking.** The project shall provide a maximum 0.5 automobile parking space per unit, and a 30 percent reduction in the nonresidential parking requirement, consistent with LAMC Section 12.22-A.31.
    - ii. **Bicycle Parking.** Bicycle parking shall be provided in compliance with LAMC Section 12.21-A.16 and to the satisfaction of the Department of Building and Safety. No variance from the bicycle parking requirements has been requested or granted herein.
    - 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 the Los Angeles Housing Department (LAHD).
3. **Additional Incentive.**
  - a. **Height.** The project shall be permitted an increase in height of two (2) additional stories and up to an additional 22 feet. The exceptions for roof structures and equipment in LAMC Section 12.21.1-B,3 shall be permitted.
4. **On-site Restricted Affordable Units.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 10% of the total number of dwelling units, shall be designated for Extremely Low Income Households, as defined by the Los

Angeles Housing Department (LAHD) and California Government Code Section 65915(c)(2) for sale or rental as determined to be affordable to such households by LAHD 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 LAHD, and in consideration of the project's AB 2556 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 LAHD. Refer to the Density Bonus Legislation Background section of this determination.

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

5. **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.
6. **Housing Replacement Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to replace one (1) unit for Extremely Low Income Households and make one (1) unit for Very Low Income Households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. 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 LAHD. 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 LAHD.

## **Site Plan Review**

### **7. Residential Units.**

- a. The project shall provide a minimum of three (3) two-story dwelling units at the ground floor along Avenue 39. These units shall abut each other, shall provide direct access onto Avenue 39, and shall not be separated by a driveway.
- b. No residential dwelling units shall be permitted on the ground floor along Pasadena Avenue, except that any unit fronting Pasadena Avenue and containing a dwelling unit shall include a commercial use at the ground floor and a residential use, consistent with LAMC Section 13.09-B,3 - Definitions of Mixed-Use Project. Joint living and work quarters, as defined in LAMC Section 12.03, shall not be permitted.

### **8. Site Plan.**

- a. The building shall be constructed and maintained in substantial conformance with Exhibit "A", as modified herein.

- b. The commercial tenant spaces shall have a minimum 25-foot depth.
- c. The ceiling height of the colonnade along Pasadena Avenue shall not exceed 14 feet.
- d. The 4,767 square feet of open space located at the northern portion of the site shall be open to the public between the hours of 6:00 a.m. and 9:00 p.m. daily.

**9. Vesting Tentative Tract Map No. VTT-74933-CN.**

- a. Prior to issuance of any permit, a copy of the approval for Case No. VTT-74933-CN shall be submitted to the satisfaction of the Department of Planning. In the event that Case No. VTT-74933-CN is not approved, the subject grant shall be null and void.
- b. Prior to issuance of any permit, the applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, the Case No. VTT-74933-CN shall be recorded as a Final Map,

**10. Landscaping and Street Trees.**

- a. The four (4) protected trees (three [3] coast live oak [*Quercus agrifolia*] and one [1] Western sycamore [*Platanus racemosa*]) located at the northern portion of the site shall be retained.
- b. The project shall provide a minimum of 64 trees.
- c. All planters containing trees shall have a minimum depth of 48 inches (48"), including those located on the rooftop area or above a parking garage.
- d. 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.
- e. Street trees shall be removed and planted as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. The actual number and location of new trees shall be determined at the time of tree planting.

**11. 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. All rooftop mechanical equipment screening shall be permitted to exceed the maximum building height as necessary to screen the mechanical equipment, and consistent with the provisions of LAMC Section 12.21.1 B.3.

**12. 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.

**13. Trash Containers.** Trash storage bins shall be located within the building or a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and

screened with landscaping, so as not to be viewed from public right-of way or adjacent residences.

14. **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.
15. **Solar.** The project shall comply with LAMC Sections 99.04.211 and 99.05.211, to the satisfaction of the Department of Building and Safety.
16. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in LAMC Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
17. **Transportation Demand Management.** Residential parking shall be provided at a cost of \$150 a month for each residential parking spaces, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by the Los Angeles Housing Department (LAHD).
18. The project shall comply with all provision of Ordinance No. 179,280, except as otherwise permitted herein.

#### **Administrative Conditions**

19. **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.
20. **Covenant.** Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
21. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
22. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
23. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.

24. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the 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.
25. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
26. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
27. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
28. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
29. **Indemnification and Reimbursement of Litigation Costs.**
- Applicant shall do all of the following:
- 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.
  - Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, 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.
  - 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 (b).

- 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 (b).
- 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.

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 currently comprised of seven (7) lots measuring approximately 37,520 square feet (46,688 square feet including the 9,633 square foot of right-of-way along the Pasadena Ave frontage to be merged into the project site) with a frontage of 360 feet along Pasadena Avenue, a frontage of 188 feet along Avenue 39, and a frontage of 87 feet along Avenue 38. The subject property is bounded by Figueroa Street to the northwest, Avenue 39 to the northeast, Avenue 38 to the southwest, and Pasadena Avenue to the west. The project site is currently improved with one (1) duplex and a recycling center.

The subject property is within the Northeast Los Angeles Community Plan with a Community Commercial land use designation, corresponding to the CR, C2, C4, P, PB, and RAS3 zones. The property is zoned [T][Q]RAS3-1VL. The project site is located within Transit Oriented Communities (TOC), Tier 3. The site is located within 500 feet of Greayor's Oak Mini Park and is 2.22 kilometers from the Upper Elysian Park Fault. The property is subject to Ordinance No. 179,280 and is within Subarea 1.

The proposed project is the construction, use, and maintenance of a new, seven-story (with one [1] basement level), mixed-use building with 100 dwelling units, including 10 dwelling units set aside for Extremely Low Income Households (or 10% of the total number of units) and 14,734 square feet of ground floor commercial space. The project includes commercial, residential and parking on the ground floor. The 2<sup>nd</sup> floor primarily includes parking with some residential uses. The 3<sup>rd</sup> through 7<sup>th</sup> floors includes dwelling units and amenities for residents.

The project includes 11 five-bedroom units, 20 four-bedroom units, 18 three-bedroom units, 32 two-bedroom units, three (3) studio units, 13 one-bedroom units, and three (3) two-story units, and a total of 19,523 square feet of open space for residents. Additionally, the intersection of Pasadena Avenue and Figueroa Street will open onto an approximately 4,767 square-foot public plaza designed to preserve existing protected trees on-site and will provide a public community gathering space.

The project will provide a total of 114 automobile parking spaces, 16 short-term and 210 long-term bicycle parking spaces. Vehicular access to the site is provided via a two-way driveway that is accessible from Avenue 39. A driveway is will also proposed along Avenue 38 to accommodate trash pickups. Pedestrian access is located on Pasadena Avenue, Avenue 38, and Avenue 39.

The project is located in Tier 3 of the Transit Oriented Communities Incentive Areas and therefore, pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), by setting aside 10% of the total number of dwelling units for Extremely Low Income Households, the project is eligible for the Base Incentives (Residential Density, Floor Area Ratio (FAR) and Automobile Parking) and the two (2) Additional Incentives requested.

The subject property is zoned [T][Q]RAS3-1VL which allows a residential density of one (1) dwelling unit per 800 square feet of lot area. At 46,688 square feet including the 9,633 square foot of right-of-way along the Pasadena Ave frontage to be merged into the project site, the property has a base density of 59 units (46,688 square feet of lot area divided by 800 square feet equals 58.36 - rounded up to 59). Pursuant to the TOC Guidelines, projects within Tier 3 which are eligible for the Base Incentives are eligible for a 70% density increase from the base density. Therefore, the project is permitted a maximum of 101 total units. The project proposes a total of 100 residential units.

The applicant requested two (2) Additional Incentives: 1) an increase in height of two (2) additional stories up to 22 additional feet, and 2) to allow the area of any land required to be dedicated for street or alley purposes to be included as the lot area for purposes of calculating the maximum density permitted. In this case, the applicant has requested, and the Advisory Agency approved under Case No. VTT-74933-CN, a merger of the public right-of-way along Pasadena Avenue, resulting in a larger lot area upon recordation of the tract map, and therefore the requested incentive is not necessary.

## **SURROUNDING PROPERTIES**

Surrounding uses are within residential and commercial zones and are generally developed with a combination of commercial and residential single-family and multi-family structures. The properties to the north are zoned R3-1, PF-1, and [Q]C2-1VL and are improved with commercial, multi-family uses and the Metro L (Gold) Line. The properties to the east are zoned RD2-1HPOZ, and [Q]C2-1VL-HPOZ and are improved with an Auto Repair Shop and single and multi-family residential uses. The properties to west, across Pasadena Avenue and Figueroa Street are zoned PF-1 and [T][Q]RAS3-1VL and are improved with the Metro L (Gold) Line and residential uses. The properties to the south across Avenue 38 are zoned [T][Q]RAS3-1XL-HPOZ and are developed with residential uses.

## **STREETS**

Figueroa Street, abutting the property to the northwest, is designated as an Avenue I dedicated to a varying road width and is improved with asphalt roadway, curb, gutter, and concrete sidewalks.

Pasadena Avenue, abutting the property to the east, is designated as an Avenue II dedicated to a varying road width of 80 to 86 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks.

Avenue 39, abutting the property to the north, is a Local Street – Standard with a road width of 60 to 62 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks.

Avenue 38, abutting the property to the south, is a Local Street – Standard with a road width of 60 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks.

## **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 ½-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 is located less than 2,640 feet from a Major Transit Stop, the Heritage Square Metro L (Gold) Line Rail Station. Furthermore, as the project will set aside 10% of the total number of units for Extremely Low Income and meets all other eligibility requirements of the TOC Affordable Housing Incentive Program, the project is entitled to the Base Incentives.

In addition, the Heritage Square Metro L (Gold) Line Rail Station is approximately 1,018 feet from the subject property, and therefore the project is located within Tier 3 of the TOC Guidelines. As the project will set aside more than 7% of the base number of units for Extremely Low Income Households, the project is entitled to two (2) Additional Incentives. The applicant requested two (2) Additional Incentives.

Given the above, the proposed project includes the following Base and Additional Incentives for a qualifying Tier 3 Project:

**Tier 3 Base Incentives:**

- a. **Density:** The subject property is zoned [T][Q]RAS3-1VL and limited to a maximum density of one (1) dwelling unit per 800 square feet of lot area. With a lot area totaling 46,688 square feet including the 9,633 square foot of right-of-way along the Pasadena Avenue frontage to be merged into the project site, the property has a base density of 59 units (46,688 square feet of lot area divided by 800 square feet equals 58.36 - rounded up to 59). As an eligible Housing Development, the project is entitled for a 70 percent density increase for a maximum of 101 total units; 100 units are proposed.
- b. **Floor Area Ratio (FAR):** The subject property is zoned [T][Q]RAS3-1VL and limited to an FAR of 3 to 1. As an eligible Housing Development, the project is entitled to a 50 percent FAR increase, or 4.5 to 1. As proposed, the project has a maximum FAR of 4 to 1.
- c. **Parking:** Pursuant to LAMC Section 12.21-A,4, the proposed 100-unit project would be required to provide a total of 191 residential and 30 commercial automobile parking spaces, for a total of 221 spaces. As an Eligible Housing Development, the project is entitled to provide ½ parking space per unit (or 50 parking spaces) and a 30 percent reduction in the required commercial parking spaces (or 23 parking spaces), for a total of 73 spaces. As proposed, the project is providing 114 parking spaces.

**Tier 3 Additional Incentive:**

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

- a. **Height.** The subject property is zoned [T][Q]RAS3-1VL and limited to a height of 50 feet. As an Eligible Housing Development, the project is entitled to a height increase of the building by 22 feet. As proposed, the project has a maximum height of 72 feet.

Note: The applicant requested an Additional Incentive to allow the area of any land required to be dedicated for street or alley purposes to be included as the lot area for purposes of calculating the maximum density permitted. In this case, the applicant has requested, and the Advisory Agency approved under Case No. VTT-74933-CN, a

merger of the public right-of-way along Pasadena Avenue, resulting in a larger lot area upon recordation of the tract map, and therefore the requested incentive is not necessary.

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

In addition, as this application was filed on July 18, 2018, and deemed complete on August 17, 2018 pursuant to California Government Code (GC) Section 65943, subsequent amendments to the GC regarding housing replacement, including SB 330 and SB 8, do not apply.

The subject property is currently developed with a recycling center and residential structures containing a total of two (2) residential units. Pursuant to the Determination made by the Los Angeles Housing Department (LAHD) dated October 3, 2018, the proposed project is required to provide two (2) replacement units; one (1) unit restricted to Extremely Low Income Households and one (1) unit restricted to Very Low Income Households. The project will provide 10 units restricted to Extremely Low Income Households are proposed through the Transit Oriented Communities Affordable Housing Incentive Program project.

## 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 3 TOC Affordable Housing Incentive Area. As part of the proposed development, the project is required to reserve 10% of the total number of dwelling units for Extremely Low Income Households. The project will reserve 10 dwelling units for Extremely Low Income Households which is 10% of the 100 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.*

As defined in the TOC Guidelines, a Major Transit Stop is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). The subject property is located less than 2,640 feet from a Major Transit Stop, the Heritage Square Metro L (Gold) Line Rail Station. Therefore, 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 Los Angeles Housing Department (LAHD) 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 Los Angeles Housing Department (LAHD) dated October 3, 2018, the proposed project is required to provide two (2) replacement units; one (1) unit restricted to Extremely Low Income Households and one (1) unit restricted to Very Low Income Households. 10 units restricted to Extremely Low Income Households are proposed through the Transit Oriented Communities Affordable Housing Incentive Program project. Therefore, 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.*

There are no additional requests for 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. Therefore, 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. *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.*

As an Eligible Housing Development, the project is eligible to receive the Base Incentives listed in the TOC Guidelines. The project may be granted two (2) Additional Incentives for reserving at least 7% of the base units for Extremely Low Income Households. (Base units are the maximum allowable density allowed by the zone, prior to any requests for increase in density provided by the Guidelines.) The project requested two (2) Additional Incentives: 1) utilizing density calculation pursuant to LAMC Section 12.22.A25(f)(7), and 2) an increase of two (2) stories or up to an additional 22 feet in height. With regard to utilizing density calculation pursuant to LAMC Section 12.22-A,25(f)(7), the applicant has requested, and the Advisory Agency approved under Case No. VTT-74933-CN, a merger of the public right-of-way along Pasadena Avenue, resulting in a larger lot area upon recordation of the tract map, and therefore the requested incentive is not necessary. Nevertheless, the subject site has a base density of 59 units. The project is setting aside 10 units for Extremely Low Income Households which equates to more than 7% of the 59 base units permitted through the underlying zoning of the site. Therefore, the project meets the eligibility requirement for Base and Additional Incentives because the project will reserve at least 7% of the base units for Extremely Low Income Households.

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 additional incentives beyond the two (2) that have been requested. The project seeks two (2) additional incentives reserving 7% of the base units for Extremely Low Income Households. Therefore, the project is not required to 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 seven (7) lots that are located within Tier 3 of the Transit Oriented Communities Affordable Housing Incentive Area. Therefore, 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. Therefore, 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 LAMC Section 12.22-A,31(e), the Director of Planning shall review a Transit Oriented Communities Affordable Housing Incentive Program project application in accordance with the procedures outlined in LAMC Section 12.22-A,25(g).

1. **Pursuant to Section 12.22 A.25(g)(2)(i)(c) of the LAMC and Section 65915(3) of the California Government Code, the Director shall approve a density bonus and requested incentive(s) unless the director finds that.**
  - a. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The 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 was no substantial evidence in the record 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 pre-evaluated 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 density calculation pursuant to LAMC Section 12.22.A25(f)(7), and an increase 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.

**Height.** The requested use of up to two (2) additional stories and a 22-foot increase height is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments located in a Tier 3 TOC area may utilize up to two (2) additional stories and a 22-foot increase in height. In this case, the project would be limited to a height of 50 feet, but with the allowable increase in height, the project will provide seven (7) stories and a height of 72-feet in lieu of the required 50-feet.

Note: **Density Calculation.** The requested use of density calculation pursuant to LAMC Section 12.22-A,25(f)(8) is expressed in the Menu of Incentives in the Transit Oriented Communities Guidelines. Eligible Housing Developments may utilize density calculation per LAMC 12.22-A,25(f)(8). In this case, the project would be required to calculate the density for the project site prior to the proposed merger of 9,633 square feet strip of land adjacent to Pasadena Avenue. For purposes of calculating the maximum density permitted, this would result in a reduced lot area totaling 37,055 square feet. The project as proposed, will provide density calculations based on 46,688 square feet inclusive of the 9,633 square feet strip of land adjacent to the subject site.

- 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 has been no evidence provided that indicated that the proposed incentives 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. The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the project was determined to be exempt from CEQA pursuant to Article 19, Class 32 of the CEQA Guidelines.

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, or on property listed in the California Register of Historic Resources.

- c. *The incentives/waivers are contrary to state or federal law.*



There is no substantial evidence in the record that the proposed incentives/waivers are contrary to state or federal law.

## **SITE PLAN REVIEW FINDINGS**

### **2. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The Los Angeles General Plan sets forth goals, objectives, and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, but not limited to, Land Use, Housing, Transportation/Mobility, Noise, and Safety. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City. While the General Plan sets out a long-range vision and guide to future development, the 35 Community Plans provide the specific, neighborhood-level detail, relevant policies, and implementation strategies necessary to achieve the General Plan objectives. The project site is located in the Northeast Los Angeles Community Plan area and is not subjected to any applicable specific plans.

#### **Northeast Los Angeles Community Plan**

The subject property is located within the Northeast Los Angeles Community Plan which was updated by the City Council on June 15, 1999. The Northeast Los Angeles Community Plan designates the subject property for Community Commercial land use, corresponding to the CR, C2, C4, P, PB and RAS3 Zones. The subject property is zoned [T][Q]RAS3-1VL. The proposed project advances the following goals, objectives, and policies of the Community Plan:

Goal 1: A safe, secure, and attractive residential environment for all economic, age, and ethnic segments of the community.

Objective 1-1: To preserve and enhance existing residential neighborhoods.

Policies 1-1.1: Protect existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential and other uses that are incompatible as to scale and character or would otherwise diminish the quality of life.

Objective 1-2: To allocate land for new housing to accommodate a growth of population that is consistent with and promotes the health, safety, welfare, convenience, and pleasant environment of those who live and work in the community based on adequate infrastructure and government services, especially schools.

Policies 1-2.1: Designate specific areas to provide for adequate residential development to accommodate anticipated increases in population while maintaining a balance between single-family and multiple family uses.

Policies 1-2.2: Locate higher residential densities near commercial and institutional centers, light rail transit stations, and major bus routes to encourage pedestrian activity and use of public transportation, providing that infrastructure, public service facilities, utilities, and topography will fully accommodate this development.

Policies 1-2.3: Encourage mixed-use development in selected commercially-zoned areas.

Objective 1-3: To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.

Policies 1-3.1: Protect the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design.

Objective 1-6: To promote and ensure the provision of fair and equal housing opportunities for all persons regardless of income and age groups or ethnic, religious, or racial background.

Policies 1-6.1: Promote individual choice in type, quality, price, and location of housing.

The proposed 100-unit project promotes fair and equal housing opportunities through its diversity of unit types, including three (3) studio units, 13 one-bedroom units, 32 two-bedroom units, 18 three-bedroom units, 20 four-bedroom units, 11 five-bedroom units, and, as conditioned, three (3) mixed-use units, and the allocation of 10 units set aside for Extremely Low Income Households. The mixed-use development, which is located on property designated as Community Commercial land uses, will encourage pedestrian activity and the use of public transportation due to its proximity (approximately 1,000 feet) from the Heritage Square Metro L (Gold) Line Rail Station and thereby reducing vehicular trips to and from the project site and congestion around the site. Additionally, the project minimizes the number of curb cuts and driveways.

The project promotes the health, safety, welfare, and a pleasant environment and will enhance the adjacent residential neighborhood by removing a recycling collection center (a use prohibited in the RAS3 Zone). Additionally, the elimination of the recycling collection center enables the property to be developed as the RAS3 Zone permits, a mixed-use, multi-family development which supports the community plan's housing needs while protecting existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential. furthers the development of Northeast Los Angeles and contributes to the preservation and enhancement of the positive characteristics of the neighborhood while providing a variety of compatible new housing opportunities by allowing for the development of a mixed-use building with 100 dwelling units, including 10 units reserved for Extremely Low Income Households, and 14,734 square feet of ground floor commercial space. Surrounding uses are within residential and commercial zones and are generally developed with single- and multi-family residential structures and commercial uses.

Lastly, the project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the adjacent residential neighborhood. These units would be oriented to Avenue 39, including a front door and stoop abutting the sidewalk.

Goal 2: Strong and competitive commercial areas that suitably serve the needs of the community and attracts customers from outside the plan area by satisfying market demand and maximizing convenience and accessibility while preserving unique historic and cultural identities of each commercial area.

Objective 2-1: To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

Policies 2-1.2: Protect commercially planned/zoned areas, from residential-only development.

Objective 2-2: To enhance the identity and appearance of commercial districts.

Policy 2-2.2: Require that projects in commercial areas be designed and developed to achieve a high level of quality, distinctive character, and compatibility with appropriate existing uses and development.

Objective 2-3: To minimize conflicts between auto-related and pedestrian-oriented activities and encourage use of public transportation in commercial areas.

Policies 2-3.2: Encourage the formation of pedestrian-friendly shopping environments.

The subject property is zoned [T][Q]RAS3-1VL (Residential/Accessory Services Zone). The property is currently improved with a recycling collection center, the elimination of the which enables the property to be developed as the RAS3 Zone permits, a mixed-use, multi-family development. The proposed 100-unit mixed-use project includes 14,734 square feet of ground commercial floor area, establishing a pedestrian-friendly shopping environment along Pasadena Avenue. The 14,734 square feet of commercial floor area is proposed as neighborhood-serving commercial retail uses within up to 10 spaces that will serve the needs of the community and help stimulate and revitalize development within the area.

The project has been well-designed, prioritizing the pedestrian experience, minimizing the number of driveways needed to access the site, including prohibiting any driveway along Pasadena Avenue, and providing a consistent and unified architectural design throughout the entire development. The project also provides 4,767 square feet of publicly accessible open space, which the general public will be able to access at the intersection of Figueroa Street, Pasadena Avenue and Avenue 39.

Lastly, the project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the adjacent residential neighborhood. These units would be oriented to Avenue 39, including a front door and stoop abutting the sidewalk.

Therefore, the project is consistent with the Goals, Objectives and Policies of the Northeast Los Angeles Community Plan.

The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the instant request:

**Goal 3A:** A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

**Objective 3.1:** Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

**Policy 3.1.4:** Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

**Objective 3.2:** Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

**Policy 3.2.1:** Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

**Policy 3.2.2:** Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

**Objective 3.4:** Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The proposed project will result in the development of a mixed-use building that will provide 100 dwelling units, including 10 units reserved for Extremely Low Income Households, and 13 commercial condominium units located within 14,734 square feet of commercial space thereby contributing toward and facilitating the City's long-term economic viability and vision for a more liveable city.

The project is proper in relation to the project's location within the Community Commercial land use designation, and its proximity to bus transit stations and corridors (within ½ mile of the Heritage Square Metro L (Gold) Line Rail Station). The approval of the requested TOC allows for more intense use of the subject property, while reducing vehicular trips to and from the project, vehicle miles traveled, and air pollution.

The project site is currently developed with two (2) separate single-story commercial structures totaling 4,054 square feet, one duplex residential building and a garage structure. The development of the site will enable the City to conserve nearby existing stable residential neighborhoods and encourage the majority of new commercial and mixed-use. The project has been conditioned to provide three (3) residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the residential neighborhood to the north.

Therefore, the proposed 100-unit mixed use building with 14,734 square feet of ground floor commercial space is consistent with the Distribution of Land Use goals, objectives, and policies of the General Plan Framework Element.

The **Housing Element** is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, establishes goals, objectives, and policies to guide future housing decisions, and provides an array of programs to meet Citywide Housing Priorities, including addressing the housing shortage, advancing racial equity and access to opportunity, preventing displacement and promoting sustainability and resilience. The Housing Element includes the following objectives and policies relevant to the instant request:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.1: Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

Policy 1.1.2: Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and

size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.1: Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

Objective 1.3: Promote a more equitable distribution of affordable housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities.

Policy 1.3.1: Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs, and in Higher Opportunity Areas.

Policy 1.3.2: Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable units.

Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.

Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.

Objective 3.2: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.

Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.

The proposed project implements the Housing Element by increasing the housing supply consistent with the Community Commercial land use designation. The site is currently developed with two one-story commercial structures, one duplex residential structure with an associated garage. The approval of the request would permit 100 dwelling units through the TOC process with 10 units set aside for Extremely Low Income Households. The project would achieve the production of new housing opportunities, meeting the needs of the city, while facilitating the construction of a range of different housing types (studios, one- two- three -four and five-bedroom units for sale) that address the needs of the city's diverse households.

Therefore, the project is consistent with the Housing Element goals, objectives and policies of the General Plan.

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Figueroa Street, abutting the property to the northwest, is designated as an Avenue I dedicated to a varying road width and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Pasadena Avenue, abutting the property to the east, is designated as an Avenue II dedicated to a varying road width of 80 to 86 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Avenue 39, abutting the property to the north, is a Local Street – Standard with a road width of 60 to 62 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks. Avenue 38, abutting the property to the south, is a Local Street – Standard with a road width of 60 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks.

The project as designed will support the development of these Networks and meets the following goals and objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Vehicular access to the project site will be provided via a two-way driveway off Avenue 39. All private residential parking spaces and the commercial parking spaces would be accessed via this driveway. The existing driveways will be removed. Pedestrian access will be off Pasadena Avenue, Avenue 38, and Avenue 39.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

Policy 3.8: Provide bicyclists with convenient, secure, and well-maintained bicycle parking facilities.

The project's proximity to existing regional transit services (within ½ mile of the Heritage Square Metro L (Gold) Line Rail Station) will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. The adjacency of the regional transit services along with the creation of 100 dwelling units, ties the proposed project into a regional network of transit and housing.

In addition, the project will provide a total of 226 bicycle parking spaces (16 short-term and 210 long-term bicycle parking spaces) in storage rooms located within the parking garages to provide bicyclists with convenient, secure, and well-maintained bicycle parking facilities.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, automobile parking spaces provided shall be capable of supporting future electric vehicle supply equipment (EVSE) in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.

Therefore, the project is consistent with Mobility Plan 2035 goals, objectives, and policies of the General Plan.

The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project shall comply with Sections 99.04.211.1 and 99.05.211.1 of the LAMC. Therefore, the project is in conformance with the goals and policies of the Air Quality Element.

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

- 3. 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 adjacent properties and neighboring properties.**

The subject property is 46,688 square-foot lot comprised of seven (7) contiguous parcels and 9,633 square feet of right-of-way along the Pasadena Avenue to be merged into the project site with frontages along Avenue 38, Avenue 39 and Pasadena Avenue. The subject property is currently developed with residential and commercial uses.

The land use and zoning within close proximity of the subject site are within commercial, residential, and public facilities zones and are generally developed with single-and multi-family residential structures and commercial buildings. Surrounding uses are within residential and commercial zones and are generally developed with a combination of commercial and residential single-family and multi-family structures. The properties to the north are zoned R3-1, PF-1, and [Q]C2-1VL and are improved with commercial, multi-family uses and the Metro L (Gold) Line. The properties to the east are zoned RD2-1HPOZ, and [Q]C2-1VL-HPOZ and are improved with an Auto Repair Shop and single and multi-family residential uses. The properties to west, across Pasadena Avenue and Figueroa Street are zoned PF-1 and [T][Q]RAS3-1VL and are improved with the Metro L (Gold) Line and residential uses. The



properties to the south across Avenue 38 are zoned [T][Q]RAS3-1XL-HPOZ and are developed with residential uses.

The proposed project is the construction, use, and maintenance of a new, seven-story, 150,501 square-foot mixed use building with 100 dwelling units, including 10 dwelling units set aside for Extremely Low Income Households and two (2) levels of ground and second floor parking. The proposed 150,501 square foot (3.75:1 FAR), seven-story mixed-use building located on a 46,688 square foot lot is compatible with the existing and future surrounding developments.

The project includes commercial uses on the ground floor, primarily parking uses on the second floor and residential and amenities for residents on the third through seventh floors. The project includes 11 five-bedroom units, 20 four-bedroom units, 18 three-bedroom units, 32 two-bedroom units, three (3) studio units, 13 one-bedroom units, and three (3) townhome style units, and a total of 19,450 square feet of open space for residents. Therefore, pursuant to LAMC Section 12.21-G, the project as proposed is required to provide 14,475 square feet of open space. The project provides approximately 19,450 square feet total of open space, which includes a total of 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project.

The project will provide 91 residential automobile parking spaces located within two (2) levels of parking. Twenty-three off-street parking spaces will be provided for the commercial space which will be located within the ground floor parking level. Vehicular access to the proposed project will be provided via a driveway off Avenue 39. All private residential parking spaces and the commercial parking spaces would be accessed via this driveway and will not be visible from the street.

The project has been conditioned to provide three (3), two-story residential units along the Avenue 39 frontage in order to screen the second level parking as well as to establish a scale and character that is more compatible with the residential neighborhood to the north.

#### Height, Bulk, and Setbacks

The project is zoned [T][Q]RAS3-1VL and proposes a maximum height of 72 feet. The [T][Q]RAS3-1VL zone has a maximum height limit of 50 feet for mixed-use developments. The approval of the associated additional incentive would allow a 22 feet increase in height.

The project has a maximum FAR of 3.22:1. The [T][Q]RAS3-1VL zone has a maximum permitted FAR of 3:1; the TOC base incentive allows for a 4.5:1 FAR. The FAR of 3.75:1 has been granted in conjunction with the TOC request with the provision of providing 10% of the total number of units or 10 units for Extremely Low Income Households.

The height, bulk, and setbacks of the subject project are consistent with the existing development in the immediate surrounding area and with the underlying [T][Q]RAS3-1VL Zone. Therefore, in conjunction with the TOC base incentives, and consideration of other development in the area, the project is consistent with the surrounding.

### Parking

The project will provide a total of 114 parking spaces and 210 long-term bicycle parking spaces. Sixteen short-term bicycle parking stalls will be located within the building within close proximity to the commercial spaces and will be accessible from Pasadena Avenue and Avenue 39.

The proposed parking is located within the building and therefore will not be visible from the public right-of-way. Pedestrian access will be located from Pasadena Avenue, Avenue 38, and Avenue 39. Vehicular ingress and egress for the parking will be located on Avenue 39 which is a Local Street – Standard. Therefore, the parking facilities will be compatible with the existing and future developments in the neighborhoods.

### Lighting

Lighting is required to be provided per LAMC requirements. The project proposes security lighting will be provided to illuminate 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. There, the lighting will be compatible with the existing and future developments in the neighborhood.

### On-Site Landscaping

The project will provide approximately 19,450 square feet total of open space, which includes 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project. 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 any required trees and street trees will be selected and installed per the Bureau of Street Services, Urban Forestry Divisions' requirements. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

### Loading/Trash Area

The development is not required to provide a loading area pursuant to LAMC Section 12.21-C.6. Waiting areas and drop areas will be on the ground level. Tenants moving in or out of the building will be able to park moving trucks on the street level adjacent to the parking entrance and the lobby.

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. The service area for trash and recycling collection will be conditioned to be located at grade level and accessible from the parking area along Avenue 38. Additionally, service area for trash collection is to be located on all upper floors. Therefore, as proposed, and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above and as depicted within the plans and elevations submitted with the instant application, the project consists of a seven-story, mixed-use building, with parking on-site for residents and commercial parking spaces, lighting, landscaping, trash collection, and other pertinent improvements, that is compatible with existing and future development in the surrounding area.

**4. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The project proposes provide a variety of unit types which includes: 11 five-bedroom units, 20 four-bedroom units, 18 three-bedroom units, 32 two-bedroom units, three (3) studio units, 13 one-bedroom units, and three (3) townhome style units. Pursuant to LAMC section 12.21-G, the project would be required to provide 14,475 square feet of open space. As approved, the project will provide 19,450 square feet of open space. The project will provide approximately 19,450 square feet total of open space, which includes 3,227 square feet of amenity rooms on the first, second, third, and seventh floors, three (3) courtyards on the third floor totaling 7,208 square feet including a proposed pool area, a 2,625 square foot seventh floor recreation deck and a 4,767 square foot community parklet on the ground floor. Additionally, the project includes 6,292 square feet of landscaped area distributed throughout the project.

**ADDITIONAL MANDATORY FINDINGS**

- 5.** 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 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, 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 September 30, 2022**, 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](http://www.cityplanning.lacity.org).

Planning Department public offices are located at:

**Figueroa Plaza**  
201 North Figueroa Street,  
4<sup>th</sup> 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: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, **and the possibility of a CEQA appeal**, being extended to 180 days.

Vincent P. Bertoni, AICP  
Director of Planning

Approved by:



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Heather Bleemers, Senior City Planner

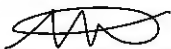
Reviewed by:



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Oliver Netburn, City Planner

Prepared by:



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